

No. 234, A.]

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CHAPTER 156.

AN ACT to authorize C. J. Winton, his heirs, associates and assigns, to build and maintain a dam across the Wisconsin river in sections thirty-two (32), and thirty-three (33), in township twenty-six (26) north, range seven (7) east, in Marathon county for the purpose of improving the navigation of said river and of creating hydraulic and electric power and transmitting and using the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

Location of dam. SECTION 1. C. J. Winton, his heirs, associates and assigns, is hereby authorized to build and maintain a dam across the Wisconsin river on any lands that he may now or hereafter own, possess or control in sections thirty-two (32), and thirty-three (33), in township twenty-six (26) north, range seven (7) east, in Marathon county, Wisconsin.

Purpose. SECTION 2. He may use such dam for the purpose of driving, booming or storing logs and timber and improving the navigation of said river. If any water power shall be created by said dam not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of the navigation of said river, the said C. J. Winton, his heirs and assigns, shall have the right to use, lease and dispose of such surplus water power in conducting and carrying on any manufacturing business and electric lighting business, or in operating any street railway, and for that purpose may build race-ways and flumes and all other equipment to develop and use said surplus power for such purposes.

Powers conferred. SECTION 3. In order to build and maintain said dam and use the same for the purpose herein specified, the said C. J. Winton, his heirs, associates and assigns, shall have the right to take and overflow and use any lands not owned or controlled by him, or any riparian rights, and may acquire title to any such lands and riparian rights and the right to acquire and use the same for said purposes, by and through proceedings of condemnation under the power of eminent domain,

as provided in sections 1777a, 1777b, 1777c, 1777d and 1777e of the statutes of 1898 and said statutes and any acts amendatory thereof are hereby made applicable to said dam and to the acquisition of the title, or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam for the purposes hereinbefore specified.

Slides and chutes. SECTION 4. The owners of said dam shall build, maintain and keep in repair suitable slides and chutes in said dam for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river and shall maintain a sufficient unobstructed channel for the free passage of logs and timber products through the pond created by said dam, and all logs and other timber products, whether rafter or not rafted, destined to points below said dam, shall be taken by the owners of said dam when they reach the flowage thereof or reach any jam that may be caused by the stopping of logs by the slack water of said pond and flowage created by said dam and shall be driven by such owners free of charge and with reasonable dispatch through such flowage over said dam and deliver all rafts in as good condition as they were when they reached the head of the pond. Provided, that the provisions of section 1601 of the statutes of 1898 shall not apply to the dam erected under this act.

Fishway. SECTION 5. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and said fishways shall at all times be kept in good repair and open for the free and easy passage of fish up and down said stream. In case the owner, or owners, of said dam shall neglect or refuse to keep in repair or to keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars. The dam so erected shall be provided with such piers and guide booms as may be necessary for the free and safe passage of logs at the expense of the owners of said dam.

SECTION 6. The right is reserved to the legislature to repeal or modify this act at any time.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1903.