

No. 255, A.]

[Published April 15, 1893.]

CHAPTER 143.

AN ACT to amend chapter 253, of the laws of Wisconsin for the year 1887, entitled "An act to amend chapter 247, of the laws of 1882, entitled 'An act to authorize Edward D. Brown, Theodore W. Anderson, Anderson W. Brown, and Webster E. Brown, their heirs and assigns, to build and maintain a dam, piers and booms in and across Wisconsin river, in Lincoln county.' "

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

Amends ch.
253, laws of
1887, dam on
Wisconsin
river, Lincoln
county.

SECTION 1. Chapter 253, of the laws of 1887, is hereby amended so as to read as follows: Section 1. Section 1, of chapter 247, of the laws of 1882, is hereby amended so as to read as follows: Section 1. Edward D. Brown, Thomas W. Anderson, Anderson W. Brown, and Webster E. Brown, their heirs and assigns, are hereby authorized and empowered to build, erect, keep up and maintain a dam not less than twelve feet in height, to be used for manufacturing, booming and flooding purposes, across the Wisconsin river, in section six, township thirty-six north, of range nine east, in Oneida county, and shall have the power to overflow all such lands as may be necessary for such purposes, and the said parties, their heirs and assigns, shall have power to acquire title to all such lands, by proceedings for condemnation, in the same manner as provided and set forth in section 1777, of the Revised Statutes, as amended by chapter 318, of the laws of 1882, which provisions are hereby made applicable for the purpose of acquiring said lands. Said dam shall be furnished with suitable slides or chutes, which shall be placed in the main channel of the river, and shall be so located and constructed as to allow logs passing over the same to freely pass down the river, away from said slides and chutes, and the same shall be kept open at all times when there are logs or timber to run over said dam.

SECTION 2. Section 2, of chapter 247, of the laws of 1882, is amended so as to read as follows: Section 2. Said parties, their heirs and assigns, are hereby authorized to build, erect, keep up and maintain, in connection with said dam, a system of piers and booms, in, along and across said river, in section six, and from the present dam, to the north line of township thirty-seven north, of range eight east, in and opposite lands owned or acquired by them, for the purpose of assorting, dividing, booming, holding and handling and delivering logs, timber and lumber, passing into said pond, hereby authorized to be created; provided, said piers and booms shall be so constructed and maintained as to leave a sufficient channel for the free passage of logs, timber and lumber through said pond. And all logs and timber destined to points on said river below said dam, shall be taken by the owner or owners of said dam, when they reach the flowage thereof, or the rear of any log jam which may be caused by the stopping of logs at the upper dividing works of said booms, but not further up said river than the north line of township thirty-seven north of range eight east, and shall be driven by said owners free of charge, and with reasonable despatch, through the pond and the flowage created by said dam, and over the same; suitable gates of the same height as the dam above low water mark, shall be placed in said dam, for the purpose of flooding said river below, the same to facilitate the running of logs down said river, and said gates shall be opened whenever necessary for that purpose; but the height of the water in the pond created by said dam shall not for that purpose be reduced more than two feet, below the top of said dam. On or before the first day of March in each year, and in the year 1887, within ten days after the taking effect of this act, the owners of said dam shall select one person, and the governor of the state of Wisconsin shall select another, and the two so selected shall, within ten days after receiving notice of such selection, select a third, or in case of any failure to so select as aforesaid, the governor on application of any person or corporation interested, and upon previous notice in writing of ten days, to said owners, may fill the places of the

Amends sec. 2, ch. 247, laws of 1882.

May build piers, booms, etc.

Logs to be driven through flowage without charge.

persons not yet selected, by the appointment of disinterested persons for that purpose, and the three so selected or appointed, or a majority of them in case of any dispute or disagreement as to the time or times of opening or closing said gates, shall decide and determine when and how long said gates shall be opened or closed for flooding purposes, and for that purpose may take and shall have full control of said dam: provided, said gates shall not be opened, or remain open for flooding purposes, when the height of the water in said pond shall be at or below a point two feet below the top of said dam. The persons so selected or appointed shall continue to act as such umpires for one year from the first of March of the year in which they are appointed. The owner of said dam shall not be entitled to compensation for the use of said dam, or the waters of such pond for flooding purposes, in the manner above provided. The provisions of this bill relating to driving of logs and timber through the flowage of and over the dam hereby authorized, and to the use of the water and dam for flooding purposes, shall be applicable to and govern the owners of the dam now being kept and maintained on said section six, and said dam shall hereafter be kept up and maintained only under the provisions and restrictions of this act. The legislature may at any time amend, alter or repeal this act.

SECTION 3. Any and all acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.