

[No. 326, A.]

[Published April 5, 1889.]

CHAPTER 252.

AN ACT to authorize David M. Benjamin, William S. Stanley and Henry C. Payne, their associates, heirs and assigns, to erect and maintain a dam across the Tomahawk river, in Oneida county.

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

SECTION 1. David M. Benjamin, William S. Stanley and Henry C. Payne, their associates, heirs and assigns, are hereby authorized and empowered to erect, keep up and maintain a dam across the Tomahawk river, not less than six nor more than eight feet in height above low water mark, on sections ten and fifteen, in township thirty-nine north, and range six east, in Oneida county, in the state of Wisconsin, for the purpose of improving the navigation of said Tomahawk river and of the Tomahawk lakes, and the streams connecting said lakes in said Oneida county, and are also authorized and empowered to overflow all such lands as shall be necessary for keeping up and maintaining such dam for the purpose aforesaid, and to acquire title to such lands for such purpose by purchase or lease; but in case the said David M. Benjamin, William S. Stanley and Henry C. Payne, their associates, heirs or assigns, cannot agree with the owners of any such lands required by them for the purchase, lease or use thereof, or of the right of flowage thereof, or as to the compensation to be made for taking or flowing any such lands for such purpose as aforesaid, then they, the said Benjamin and his associates, heirs and assigns may acquire the same by proceedings for condemnation, in the manner provided and set forth in section 1777, of the revised statutes of Wisconsin, as amended by chapter 318, of the laws of 1882, the provisions of which section as so amended are hereby made applicable for the purpose of acquiring such lands and rights of flowage.

Authorizing David M. Benjamin et al., to erect dam across Tomahawk river, Oneida county,

May exercise rights under section 1777, revised statutes.

SECTION 2. Said dam shall be furnished with a

Slides and
chutes in dam.

suitable slide and chute therein, not less than fifteen feet in width, so constructed and located as to allow logs passing over it to freely pass over said dam and down the river away from said slide. Such slide and chute shall be kept open at all times when there are logs or timber to run over said dam; and no charge shall be made for the use of said slide and chute for passing logs over said dam.

Gates in dam
for flooding
purposes, when
opened, dis-
putes regard-
ing time, how
submitted and
settled.

SECTION 3. Suitable gates, not less than six feet in depth, from the top of said dam, and in the aggregate as wide as the river at that point, shall be placed in said dam for the purpose of flooding the river below the same to facilitate the running of logs down said river, and said gates shall be open whenever necessary for that purpose; but the height of the water in the pond and lakes above said dam shall not, for that purpose, be reduced below four feet above low water mark. On or before the first day of March in each year, the owner 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 select as aforesaid, the governor of the state on application of any person or corporation interested, and upon previous notice of ten days, in writing, to the said owners, may fill the places of the persons not yet selected, by the appointment of disinterested persons for that purpose, and the three persons 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; provided, that said gates shall not be opened or remain open for flooding purposes when the height of water in said pond shall not exceed four feet above low water mark. The persons so selected or appointed shall continue to act as such umpire for one year from the first day of March of the year in which they are appointed. The owners of such 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.

SECTION 4. The legislature hereby reserves the right to alter, amend or repeal the franchise granted in this act whenever in the judgment of the legislature it is necessary or proper to do so. Rights reserved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.
Approved April 4, 1889.

[No. 4, A.]

[Published April 5, 1889.]

CHAPTER 253.

AN ACT to amend section 1934, chapter 89, of the revised statutes of Wisconsin for 1878, as amended by section 3, chapter 146, laws of 1882, relating to insurance corporations.

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

SECTION 1. Section 1934, of chapter 89, of the revised statutes, as amended by section 3, chapter 146, laws of 1882, relating to town insurance companies, is hereby amended so as to read as follows: Section 1934. Every member of such corporation, who may sustain loss or damage by fire or lightning, shall immediately notify the president of such corporation, or in his absence, the secretary thereof, who shall forthwith convene the directors of said corporation, whose duty it shall be, when so convened, to appoint a committee of not less than three nor more than five members of such corporation, except in case the loss is supposed to be less than three hundred dollars, when the president and secretary shall have power to appoint such committee, to ascertain the amount of such loss or damage. Provided, that when any such loss or damage does not exceed in amount one hundred dollars, the president and secretary may, in their discretion, adjust such loss without the appointment of any such committee; and provided, further, that the board of directors may appoint a committee of not less than three mem-

Amending section 1934, R. S., town insurance companies, losses, committee of reference, duties, fees, etc.