

AN ACT to authorize Asa Clark to build and maintain a dam at the outlet of Pewaukee lake.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

Dam where built.

How high.

Not to effect decree in chancery.

Obstructing shall be fined.

Overflow or injury—Liable.

§ 1. That Asa Clark be and hereby is authorized and empowered to build and maintain a dam across the outlet of Pewaukee or Snail lake, on the southwest quarter of section nine, in township seven north, of range nineteen east, of the fourth principal meridian, sufficient to raise the waters of said lake two feet above their present level, and to make use of the waters of said lake for hydraulic purposes: *Provided, however,* that such dam shall be so built and the waters of said lake shall be so raised thereby as to cause no unnecessary damage to the owners of mills or mill sites below on said outlet, or on the Fox or Pishtaka river, by the interruption of the regular and constant flow of the waters of said lake: *And provided further,* that this act shall not be so construed or understood as in way to effect the decree of the court of chancery for the county of Milwaukee, concerning said dam, made in the case of William Payne and others against Asa Clark: *And provided further,* that if any person or persons shall by means of said dam wilfully obstruct or prevent the regular and constant flow of water from said Pewaukee lake, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not exceeding fifty dollars, and imprisoned not exceeding three months, in the discretion of the court before which the person or persons so offending may be tried.

§ 2. That the general law, approved January 13th, 1840, relating to mills and mill dams, shall be and hereby is declared to be applicable to any dam which may be constructed by virtue of this act; and that all owners of lands which shall be overflowed or injured by reason of such dam, as well as owners of lands, mill sites and water powers, situated below such dam, on said outlet of Pewaukee lake, or on the Pishtaka or Fox river, which

shall be injuriously affected by such dam, by reason of the interruption or obstruction thereby, of the regular and natural flow of the waters of said lake, shall and may have the same remedy for such injury, and shall and may have the same proceedings to obtain compensation in damages, or other relief, as are afforded to the owners of overflowed lands by the said act, approved January 13th, 1840. Remedy for damages.

APPROVED, January 29, 1842.

AN ACT to authorize the construction of a dam across Rock River.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin:

§ 1. That D. G. Kendall and Gilmore Kendall, and their associates, successors and assigns, be and they are hereby authorized to erect and maintain a dam across Rock river, in the county of Jefferson, on land which they own or may own, at any point they may deem most suitable, having in view the improvement of the navigation of said river, on section two or eleven, in township number six, of range numbered fourteen east, and to make use of the water for hydraulic purposes. Who may build and maintain a dam.

§ 2. Said dam shall not exceed four feet in height above high water mark of said river, and shall contain a convenient lock, not less than ninety feet long between the gates, and twenty feet wide in the clear of the chamber, for passage of boats, barges and other water crafts; said lock to be constructed at the time of the erection of said dam. And the said Kendalls, their successors and assigns, shall maintain said lock, and shall attend the passage of all such boats and water craft through said lock free of all charge to the owners of such boats or water craft. Dam how high.
Lock.
Boats to pass free.

§ 3. The said Kendalls, their associates or successors, shall, whenever they erect such dam, build, or cause to be constructed, a slide or chute, in such manner as to allow the passage of rafts over said dam, as well as to permit the ascent and descent of fish in said stream. Slide for rafts.