

No. 297, S.]

[Published April 26, 1907.

**CHAPTER 57.**

AN ACT to amend section 4608a, statutes, as amended providing for the transportation of the dead.

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

**SECTION 1.** Section 4608a of the statutes, as amended by chapter 401 laws of 1901 is amended to read:

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**SECTION 2.** This act shall take effect and be in force from and after its passage and publication.

Approved April 25, 1907.

No. 489, S.]

[Published April 26, 1907.

**CHAPTER 58.**

AN ACT to authorize the city of Ashland to construct and maintain a dam across the White river in the county of Ashland for public uses and purposes.

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

**Description and purposes.** **SECTION 1.** The city of Ashland is hereby authorized to construct and maintain a dam not exceeding thirty feet in height across the White river at such place on the west one-half of the north east one-quarter of section 34 in township 47 north of range four west as the common council of said city shall, by resolution, hereafter determine, for the following purposes:

(a) To obtain hydraulic power for generating electricity for lighting the streets, bridges and public buildings of the city of Ashland, and furnishing electric light to the inhabitants thereof.

(b) To obtain hydraulic power to be used for any other lawful municipal purpose

**Lease of surplus power.** SECTION 2. In case the dam so constructed and maintained shall make available for use any surplus power which shall not be continuously needed and used for the purposes aforementioned, the said city is hereby authorized and empowered to let, lease or rent the same for use for any lawful private purpose, such lease, however, not to be for a longer term than ten years.

**Navigation and logging.** SECTION 3. Said dam shall be so built and maintained as not to materially obstruct or impede the navigation of said river or the running of logs or forest products down said river.

**City authorized to take lands.** SECTION 4. For the purpose of erecting said dam and maintaining and operating the same at such height authorized by this act, the said city is hereby authorized to take, over-flow and use any land or lands which will at any time be over-flowed by reason of the construction and operation of said dam and maintaining the same and to take and use all other property necessary for such purposes, or for any of the public uses and purposes for which authority is by this act granted to erect such dam and maintain the same.

For the purpose of acquiring title to such lands and other property, the said city is hereby authorized to exercise the right of eminent domain under and in pursuance with sections 1777a, 1777b, 1777c and 1777d of the statutes of 1898 and laws amendatory thereof and supplemental thereto.

This act shall be deemed to authorize the taking and acquisition of title to any lands or other property already devoted to public uses to such extent as may be necessary for effectuating the purposes of this act by the exercise of the right of eminent domain under and in pursuance with said sections 1777a, 1777b, 1777c and 177d of the statutes of 1898 and laws amendatory thereof and supplemental thereto, as fully as if such lands or other property were devoted to private uses.

**Damages collected in same manner as other judgments.** SECTION 5. Any damage for which said city may be liable by reason of the exercise of the powers of eminent domain, authorized to be exercised by the said city by this act, or by reason of the construction or maintenance or operation of said dam, shall not be a lien on any of the property of said city, but shall be collected as other judgments against cities are collected.

**Fishway.** SECTION 6. Said dam shall be provided with a sufficient fishway or fishways, to be approved by the board of commissioners of fisheries, and such fishway or fishways shall at all times be kept and maintained in good repair and open for the free passage of fish up and down said river.

**Amendment and repeal reserved.** SECTION 7. The right of the legislature to amend or repeal this act any time, is hereby reserved.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 25, 1907.

No. 260, A.]

[Published April 30, 1907.

## CHAPTER 59.

AN ACT to amend section 959—76 and 959—77. statutes of 1898, relating to the construction of breakwaters by counties, towns, villages and cities.

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

SECTION 1. Section 959—76, statutes of 1898, as created by section 6, chapter 293, laws of 1905, is amended to read:

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SECTION 2. Section 959—77, statutes of 1898, as created by section 7, chapter 293, laws of 1905, is amended to read:

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Approved April 29, 1907.

(In effect July 1, 1907.)