

and unobstructed through said dam, during the months aforesaid.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 531, A.]

[Published May 2, 1893.

CHAPTER 265.

AN ACT to authorize Jacob Searls, A. E. Bennett, and James Gaynor, their associates and assigns, to connect by a canal, Hemlock creek with Cranberry creek, in Wood county.

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

Jacob Searls et al. authorized to build canal.

SECTION 1. Jacob Searls, A. E. Bennett, and James Gaynor, and their associates and assigns, are hereby authorized and empowered to build, construct and maintain a canal for the purposes of transportation, irrigation and drainage, connecting the waters of Hemlock creek, in Wood county, with Cranberry creek, in said county.

Location.

SECTION 2. The head of said canal shall be located on Hemlock creek at some convenient point on section thirty-three, in township twenty-three north, of range four east, and shall extend thence southerly over the most feasible route to a point on section ten, in township twenty-two north, of range four east, where Cranberry creek crosses the right of way of the Chicago, Milwaukee and Saint Paul railway.

Width and depth.

SECTION 3. From the point where said canal shall cross the right of way of the Green Bay, Winona and Saint Paul Railway to the terminus on the right of way of the Chicago, Milwaukee and Saint Paul Railway, above described, said canal shall be maintained of sufficient width and depth to float small boats, drawing not to exceed twelve inches of water, and having a width of not exceeding four feet.

SECTION 4. For the purposes of supplying this canal with water, the said Jacob Searls, A. E. Bennett, and James Gaynor, their associates and assigns, are hereby authorized to build, construct and maintain a dam in Hemlock creek, and to draw water therefrom to supply said canal at the head of said canal; but they shall draw from said Hemlock creek at no time a quantity of water exceeding one-half the amount flowing therein.

May build dam.

SECTION 5. Said canal shall be open to all persons for purposes of transportation of freight, from May 1st to October 20th, of each year, and the rates that may be charged for the use of said canal for the purposes of transportation of freight thereon, shall not exceed one cent per hundred for each mile of transportation.

When canal to be opened; rates.

SECTION 6. All persons owning lands along the line of said canal, that are used for the cultivation of cranberries, may, at any time prior to the construction of said canal, acquire an interest therein. But the interest and control that may be acquired by any one in said canal shall be to the whole interest, as the number of acres of cranberry vines that he has under cultivation is to the whole number of acres owned by all the parties interested therein; and when not needed for navigation, he may draw from said canal, of the surplus water therein, in proportion to his interest, under such rules and regulations as may be agreed on by the parties interested.

Owners of adjacent cranberry lands may acquire interest.

May draw surplus water.

SECTION 7. The persons above named, their associates, heirs and assigns, for the purpose of constructing and maintaining said canal, may acquire by purchase or by condemnation proceedings, in accordance with the provisions of section 1379a, of the Annotated Statutes of Wisconsin, a strip of land two rods wide on each side of the center line of said canal.

Lands for canal, how acquired

SECTION 8. This act shall take effect and be in force from and after its passage and publication.
Approved April 18, 1893.