

appeal, subject at all times to the order of the appellate court. In all cases where the appellant shall not have made and filed the undertaking prescribed in the preceding section, the appellant may stay the execution as to damages and costs, by giving the undertaking required in section three thousand seven hundred and fifty-six, at any time within five days after the expiration of the time for taking the appeal.

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

Approved March 11, 1881.

[No. 126, A.]

[Published March 14, 1881.]

CHAPTER 67.

AN ACT to authorize A. C. Cushman, his associates and assigns, to construct and maintain a dam across the Kickapoo river, on lands owned by him.

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

Location of
dam.

SECTION 1. A. C. Cushman, his associates and assigns, are hereby authorized to construct and maintain a dam across the Kickapoo river, on lands owned by him, upon the northeast quarter of the southeast quarter of section twenty-four (24), township twelve (12), range three (3) west, in the county of Vernon. Said dam to be constructed for hydraulic and manufacture purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid person, his successors and assigns, shall build a suitable slide or chute in said dam, of the width of twenty feet, for running logs, timber or lumber over the same, and shall keep the same in repair. Said dam shall not be over five feet in height, in low water.

Chutes.

Penalty for
malicious des-
truction.

SECTION 2. Any person or persons, who shall willfully break or destroy said dam, or shall open the same, shall be liable to the proprietors thereof, in an action, to the amount of damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1881.