

the same time; provided, that both shall not try cases by jury at the same time.

**SECTION 3.** It shall be the duty of any circuit judge, upon an order and request made pursuant to section 1, of this act, to attend and aid in the transaction of business at such terms so far as in his judgment the proper discharge of his duties in his own circuit will permit him to do so.

**SECTION 4.** Whenever a circuit judge shall be required, pursuant to any law, to hold court in any county outside of his circuit, his expenses while in the discharge of such duties shall be paid by the county treasurer of the county in which the court is held, upon the certificate of the clerk of the circuit court in which such judge presides.

Expenses to be paid by the county where court is held.

**SECTION 5.** This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1895.

No. 560, A.]

[Published May 4, 1895.

## CHAPTER 341.

AN ACT to authorize the Butternut Water Power Company, a Wisconsin corporation, and its assigns, to build, maintain and operate dams and other improvements across Butternut creek in the county of Ashland, and collect toll for the use of the water stored by said dams for the use thereof.

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

**SECTION 1.** The Butternut Water Power Company, a Wisconsin corporation, and its assigns, the hereby authorized to build, maintain and operate a dam or dams across Butternut

Butternut Water Power Co. authorized to build dam across Butternut creek. Ashland county.

creek, at any point deemed necessary or convenient between the north line of section ten, township forty-one, range one west, in Ashland county, Wisconsin, and a point where said Butternut creek flows into Butternut lake on section thirty-two, of township forty-one, range one west, for the purpose of equalizing the flow of water in Butternut creek, in aid of driving logs, ties, timber, telegraph poles and posts down the same, to be stored in the boom on said creek at a point where the Wisconsin Central railway crosses said creek or at the mouth of said creek in Butternut lake.

How constructed.

SECTION 2. Said dam or dams shall be constructed and maintained with suitable sluices for the passage over the same of all logs, ties, timber, telegraph poles and posts destined for points below said dam or dams.

How operated—tolls.

SECTION 3. Said Butternut Water Power Company, and its assigns, may maintain and operate said dam or dams, so as to regulate the flow of water in said Butternut creek in such a manner as in its best judgment will best subserve the purpose specified in section 1, of this act, and shall to that end have the right to store all of the natural flow of the water in said Butternut creek and to take possession of the said Butternut creek between the points mentioned in section 1, of this act, for the purpose of improving the same, and the said Butternut Water Power Company, and its assigns, are hereby authorized and empowered to clear the river between said points of all obstructions, and straighten the channels, close sloughs and bayous, and otherwise improve said creek between said points; provided, however, that the said Butternut Water Power Company, and its assigns, shall at all times operate said dam or dams so that any person or corporation owning logs, ties, timber, telegraph poles or posts on said creek and desiring to drive the same, shall have the benefit of the water stored by said dam or dams upon the payment to the said Butternut Water Power Company, and its assigns, the sum of twenty cents per thousand

feet, for all logs and timber driven past said dam or dams, and twenty cents per hundred, for all ties, telegraph poles and posts driven over said dam or dams or driven to the point where the Wisconsin Central railway crosses said creek or to said Butternut lake, by aid of said dam or dams or by the water accumulated thereby.

SECTION 4. Said Butternut Water Power Company, and its assigns, for the purpose of acquiring any flowage rights that it may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by section 1777, of the revised statutes for 1878, and all acts amendatory thereof.

May exercise rights under section 1777, revised statutes.

SECTION 5. Said charges for the driving of logs, ties, timber, telegraph poles or posts, or the use of the water stored by said dam or dams, shall be a lien at the said prices above stated upon such logs, ties, timber, telegraph poles and posts driven down said stream, whether the same be driven from a point above said dam or dams, or a point below said dam or dams, to the point where the Wisconsin Central railway crosses said creek or to said Butternut lake. Said Butternut Water Power Company, and its assigns, for the purpose of collecting such charges, shall have a lien upon said logs, ties, timber, telegraph poles and posts, the same to be filed and enforced in such manner as liens for labor upon logs and timber, as provided by sections 3329 and 3331, revised statutes, and acts amendatory thereof.

Toll to be a lien.

SECTION 6. Said Butternut Water Power Company, and its assigns, may also build and maintain a boom or booms on said creek and at a point where the Wisconsin Central railway crosses said creek and in said Butternut lake, for the purpose of stopping, holding, securing, sorting and rafting all logs, ties, timber, telegraph poles and posts that may be driven down said stream, and for the purpose of constructing said boom or booms, said Butternut Water Power Company, and its assigns, shall

May build booms

have authority to clear the mouth of said creek of all obstructions of whatever nature.

Rights reserved

SECTION 7. The right to amend or repeal this act is hereby reserved.

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

Approved April 19, 1895.

No. 664, A.]

[Published May 3, 1895.

## CHAPTER 342.

AN ACT relating to grand jurors.

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

Grand jurors to be summoned only on order of judge.

SECTION 1. No grand jurors shall be summoned to attend any term of the circuit court unless the judge thereof shall make and file with the clerk at least fifteen days before the sitting of the said court, an order in writing directing such jury to be summoned.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

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

Approved April 19, 1895.