

[No. 258, S.]

[Published March 25, 1887.]

## CHAPTER 134.

AN ACT to vacate a certain alley in the city of Milwaukee.

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

Vacating alley in Milwaukee.

SECTION 1. The alley extending north and south, in block number sixty-nine, in the fourth ward of the city of Milwaukee, from Grand avenue to the intersection of the alley in said block, running east and west, is hereby declared to be vacated, and the owners of the lots or land adjoining said alley running east and west, in said block number sixty-nine, are hereby authorized and empowered to arch or bridge the same at a height of fourteen feet, leaving said alley not less than ten feet in width.

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

Approved March 25, 1887.

[No. 382, A.]

[Published April 15, 1887.]

## CHAPTER 135.

AN ACT authorizing S. W. Campbell and his associates to maintain a dam on Apple river, in St. Croix county.

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

S. W. Campbell, et. al., authorized to construct dam on Apple river.

SECTION 1. S. W. Campbell, his associates and assigns, are hereby authorized to construct and maintain a dam across Apple river, upon lands owned by him on the northwest quarter of the northeast quarter of section eleven, township thirty-one north, of range eighteen west, of the fourth

principal meridian, in the county of St. Croix, said dam to be constructed for the purpose of the manufacture of flour, feed and other milling products, and lumber, lath, shingles and other manufactures; provided, that the said dam shall not raise the water to exceed fifteen feet.

SECTION 2. The aforesaid person, his associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same.

Slides to be built.

SECTION 3. In the event that such dam, when built and erected as aforesaid, shall cause the water to overflow or set back on any lands not owned by said Campbell, his associates and assigns, or either of them, it shall or may be lawful for said Campbell, his associates and assigns, to apply to the county judge of St. Croix county, to appoint three disinterested persons, as commissioners, to assess the damages as herein provided, and upon such application the said county judge shall appoint three disinterested persons, of the same county, to act as commissioners, whose duty it shall be to make an examination of all the lands overflowed, or liable to be overflowed, or lands upon which the water shall set back or liable to be set back by reason of the erecting and maintaining said mill-dam, and make an award in writing, in which they shall award to the owner or owners of any such overflowed land or lands upon which the water shall be set back, or liable to be overflowed or set back, the amount of damages to which such owner or owners of said land or lands shall be entitled by reason of the keeping up and maintaining said mill-dam aforesaid. Said commissioners shall meet within sixty days from the time of their appointment (unless such time shall be extended by an order of the said county judge, for cause shown), to make their examination and award by virtue of this act, and the owner or owners of said lands shall be notified to appear before them, at the time and place of such meeting, and shall be entitled to be heard before said commissioners in regard to the amount of damages by them sustained in consequence of the erecting and maintaining of said mill-dam; such notice shall, at least six days before such meeting, be served personally, or by leaving a copy thereof at the residence of the owner or

Damage for overflow of lands, how determined.

owners of said lands aforesaid; in case the owner or owners of said overflowed land or lands injured by the erecting and maintaining said dam, shall be non-residents of the said county of St. Croix, or in case the residence of any or either of them shall be unknown to the said Campbell, his associates or assigns, then and in that case the said commissioners shall cause a notice to be published in one of the public newspapers of said county, for four successive weeks previous to such meeting, which notice shall specify the time, place and object of such meeting.

Award to be final.

SECTION 4. The decision and award of said commissioners mentioned in the third section of this act, shall be final unless appealed from, as provided for in this act, and the said award, together with due proof of service of the notice or notices, upon the owner or owners of said lands shall be filed in the office of the clerk of the circuit court for said St. Croix county, and shall be prima facie evidence of the regularity of said proceedings, and the said award shall be and remain a lien upon all the right, title and interest said Campbell, his associates and assigns, had in and to the said mill and mill-dam, with their appurtenances, and the land under and adjoining the same, and used therewith at the time of the erecting of said mill-dam, until the term of the circuit court of said county of St. Croix, held next after making such report of damages, when upon motion made by any party interested therein, a judgment may be entered up and execution issued to the same effect and in the same manner as judgments are entered, and executions issued upon suits of civil nature, commenced and tried in the said circuit court.

May appeal from award.

SECTION 5. Any person or persons, considering himself or themselves aggrieved by the award of said commissioners may appeal therefrom within ten days from the time of filing such award, to the circuit court of the county of St. Croix, in the same manner as is provided by law for appeals from the decisions of the estate of deceased persons.

Suit, how brought.

SECTION 6. No suit or proceeding at law or in equity shall be hereafter brought, prosecuted or further maintained, except as is provided for in this act against the said S. W. Campbell, his asso-

ciates or assigns, for any injury or damages arising from the overflowing or setting back of water, upon any lands, by reason of the erecting and maintaining of said mill-dam after the said Campbell, his heirs, associates and assigns, shall have applied to have commissioners appointed to assess damages according to the provisions of this act.

SECTION 7. Any person or persons claiming to have been injured by the erecting and maintaining said mill-dam, and whose damages shall not have been appraised in the manner herein provided for, may apply to the said county judge for the appointment of commissioners to appraise and assess his or their damages, in the same manner and with like effect as the said Campbell, his associates and assigns, are herein authorized to do; provided, the said Campbell, his associates and assigns, shall have neglected or refused to have the damages of said person or persons appraised in the manner herein provided, for the space of six months next after the sustaining of such damages. This act may be repealed, altered or amended by the legislature of this state.

Persons aggrieved may apply for appointment of appraisers to assess damages.

SECTION 3. This act shall be deemed a public act, and shall take effect immediately upon its passage and publication.

Approved March 25, 1887.

[No. 416, A.]

[Published March 28, 1887.]

## CHAPTER 136.

AN ACT to provide for the punishment of persons issuing bank checks, without having money on deposit to meet the payment thereof, and fixing a penalty for its violation.

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

SECTION 1. Any person who shall make, sign, utter and deliver an instrument in writing, commonly known as a bank check, with intent to defraud, without having money on deposit where

Penalty for issuing bank checks with fraudulent intent.