

- by such order, then the complainant may enter an order with the clerk that the bill of the complainant may be taken as confessed against the defendant in such order named: *Provided*, however, that the court or judge, in vacation, may, upon good cause shown by the affidavit of the defendant or his solicitor, enlarge the time for answering to a period not exceeding in the whole ninety days from the entry of the original order.
- Taken as confessed.** § 3. In all cases of absent, non-resident, or concealed defendants, the judge at chambers shall have the same powers that are now vested in the court by the forty-fifth section of the act to which this is amendatory.
- May enlarge the time.** § 4. When a bill shall be taken as confessed, the complainant may enter an order with the clerk referring the same to a master to take proofs.
- Non-resident defendants.** § 5. When an answer shall be filed and the time for excepting thereto shall have expired, either party may enter an order with the clerk, referring the bill and answer to a master to take proofs as to the matters therein contained; and the master to whom such reference shall be made, shall give reasonable notice to the parties or their solicitors of the time and place of taking the same.
- Taken as confessed.** APPROVED, January 6, 1844.
- Order may be entered to refer to master.**

AN ACT to authorize the construction of certain dams therein mentioned.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, as follows, to wit:

- Dam, who may build and maintain.** § 1. That David Jones and Erastus Bailey and their associates, be, and they are hereby authorized and empowered to build and maintain a dam, or to maintain such dam as they have already built, on lots number three and number seven in section nineteen in township thirty north, range twenty-three east, of the fourth principal meridian, on lands owned by them and their associates, sufficient to create a head of eight feet high from the bottom of said river, for hydraulic purposes.
- On what lands.** § 2. That the general law approved January thirteenth, eighteen hundred and forty "relating to Mills and Mill-Dams, shall be, and is hereby declared to be applicable
- Head of water.**
- What law applicable.**

to said dam now built, or which may be constructed by virtue of this act.

§ 3. That this act shall be subject to amendment or alteration, whenever the said river shall be so improved above said dam, as to admit of the passage of boats and barges, by any future Legislature of the Territory of Wisconsin, or the future state; and the said Jones and Bailey, their associates and their successors shall construct and keep in good repair a sufficient slide, not less than forty feet wide, and so constructed as not to cause a fall of more than one foot to every ten feet of smooth surface, and to admit of the passage of all rafts of lumber &c. down said stream. May be re-
pealed.

Keep a slide.

§ 4. That Calvin M. Bonton and Joseph Bonton and their associates, successors and assigns, be, and hereby are authorized to maintain the dam across Rock River constructed by them, on land owned by them on the west half of section No. 3, in township No. 8, of range No. 15, in the county of Jefferson: *Provided*, that said dam shall not exceed in height eight and half feet from the bottom of said river. Dam.

Where.

Height.

§ 5. The said Calvin M. Bonton and Joseph Bonton, their successors and assigns, shall be subject to, and comply with all the provisions and restrictions contained in an act entitled "an act to authorize the construction of a dam across Rock River," approved February 4, 1842. Shall comply
with act.

§ 6. That James H. Rogers and his associates, successors and assigns, be, and they are hereby authorized to build and maintain a dam across the Milwaukee river, upon the south-west fractional quarter of section number four, in township number seven north of range number twenty-two east, in the county of Milwaukee, to erect Mills or other machinery, or in any other manner to make use of the water for hydraulic purposes, that may be deemed necessary for the facilities of business: *Provided*, that the lands upon which said dam and its appurtenances are constructed, shall be owned by the said James H. Rogers or his associates. Dam on Mil-
waukee river.

On what lands

Proviso.

§ 7. That the said James H. Rogers, his associates, successors and assigns, shall construct and maintain in said dam a convenient chute or slide, for the free passage of rafts and timber down said river, and keep the same in good repair, said slide not to be less than thirty feet wide, and so constructed as not to cause a fall of Slide to be
kept in repair.

more than three feet to every twelve feet of smooth surface.

§ 8. That the said James H. Rogers, his associates, successors and assigns, shall (whenever it shall be needed for the passage of boats and vessels navigating said river,) construct and maintain in said dam a convenient lock or locks, each eighty feet long between the gates, and twenty feet wide in the clear, for the free passage of all boats and other water craft.

§ 9. The said dam shall be subject to all the provisions of an act entitled "an act in relation to Mill-Dams," approved, 13th January 1840.

§ 10. That John P. Arndt and his associates, be, and they are hereby authorized and empowered, to build and maintain a dam on the Oconto river, on the south-east quarter of section thirty, in township twenty-eight north of range twenty-one east of the fourth principal meridian, on land owned by him or them, sufficient to create a head of seven feet above high water mark, and to make use of the water power created thereby, for hydraulic purposes: *Provided*, that nothing in this section shall in any manner authorize an interference with the privilege heretofore granted to George Lenwick and his associates, to build a dam on said stream below the place mentioned in this act.

§ 11. That the general law approved January 13th, 1840, "relating to Mills and Mill-Dams," shall be, and hereby is declared to be applicable to said dam to be built by John P. Arndt and his associates.

§ 12. This act shall be subject to amendment, alteration, and repeal, whenever the Territory or future state, may deem it expedient to remove obstructions to the free navigation of said Oconto River, and the said Arndt and his associates, and successors, or assigns shall construct and keep in good repair, a sufficient slide not less than forty feet wide, and so constructed as not to cause a fall of more than one foot to every three feet of smooth surface, and to admit the passage of rafts of lumber, or timber down said stream, without injury or unnecessary delay to the owner thereof.

§ 13. This act may at any time be altered, amended or repealed by the Legislature.

APPROVED, January 27, 1844.