

next state tax in the amount of three hundred and seventy-seven dollars and fifty-five cents, erroneously paid for the care and maintenance of one W. S. Spicer, an inmate of the Wisconsin state hospital for the insane, and whereas said amount was not so credited, but the full amount of state tax was collected from said county of Portage, and by the secretary of state placed to the credit of the Wisconsin state hospital for the insane on his books, and whereas this money does not appear on the books of the said hospital, it being money not belonging to it, therefore,

SECTION 2. It is hereby made the duty of the secretary of state to draw his warrant upon the state treasurer for the said sum of three hundred and seventy-seven dollars and fifty-five cents, in favor of said county of Portage, and thereby reimburse said county of Portage for the tax erroneously collected from it, and to charge the same upon his books to the account of the Wisconsin state hospital for the insane.

Secretary of state to draw warrant in favor of Portage county for amount of same.

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

Approved April 6, 1891.

No. 119, S.]

[Published April 13, 1891.

CHAPTER 170.

AN ACT to authorize Joseph Lindenmann, his associates, heirs and assigns, to construct and maintain a dam across "Oak Creek," in the county of Milwaukee.

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

SECTION 1. Joseph Lindenmann, his associates, heirs, and assigns are hereby authorized to erect and maintain a dam across "Oak Creek," in the county of Milwaukee, on a tract of land owned by him in the northwest corner of the southeast quarter and in the northeast corner of the southwest quarter; all in section No. two,

Joseph Lindenmann, et al., authorized to build dam across Oak Creek, Milwaukee county.

town five north, of range number twenty-two, east of the fourth principal meridian, and to erect and maintain all necessary appendages, to enable him to use said water for the purpose of making a small artificial lake on his said land; provided, however, that said dam shall not be erected over four feet in height above high water mark.

To pay damage caused by flowage.

SECTION 2. In the event that such a dam shall cause the water to flow back on any lands not owned by said Joseph Lindenmann, or others authorized to build and maintain said dam, then he or they shall pay to the owner or owners of such land, such sums of money as such land so overflowed by reason of the keeping up and maintaining said dam, may be reasonably worth, irrespective of any enhancement of the value thereof, on account of the erection of said dam, and such value if not agreed upon between said Joseph Lindenmann, his associates, successors and assigns, and the owners of said lands, to be ascertained by the verdict of a jury, in an action of trespass, and by no other mode, to be by such owners brought in any court of record within said county of Milwaukee.

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

Approved April 6, 1891.

No. 160, S.]

[Published April 11, 1891.

CHAPTER 171.

AN ACT authorizing the county judge of Winnebago county to employ a phonographic reporter, in probate cases.

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

Phonographic reporter, Winnebago county court.

SECTION 1. The county judge of Winnebago county may, in his discretion, employ the phonographic reporter appointed for the county court of Winnebago county, to take testimony in probate matters in said court, and said reporter