any stock, franchises, rights or property thereof which owns or controls a parallel and competing line, to be determined by a jury.

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

Approved March 29, 1882.

[No. 270, A.]   [Published April 11, 1882.]

CHAPTER 269.

AN ACT to provide for the construction of a dam across Babb's creek, in the county of Sauk.

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

Maintain a dam.   SECTION 1.   Alexander P. Ellinwood, his associates heirs and assigns are hereby authorized and empowered to erect, keep up and maintain a dam across Babb's creek on the northeast quarter of section nine (9), township twelve (12) north, of range four (4) east, in the town of Reedsburg, county of Sauk, and to erect and maintain mills, machinery and necessary appendages to enable him or them to use the water of said creek for milling and manufacturing purposes.

Head of water.   SECTION 2.   Said dam may be of sufficient height to give 12 feet head of water at the point where it is located.

Damages.   SECTION 3.   Nothing in this act shall be so construed as to authorize Alexander P. Ellinwood or his successors to flow the lands of any individual to the injury of the owner thereof without full and just compensation therefor, in accordance with the law governing in such cases, but the said A. P. Ellinwood or his successors shall pay in full all damages accruing from such flowage when they shall be determined either by the agreement of the parties or by due process of law.

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

NOTE BY THE SECRETARY OF STATE.— The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

March 30, 1882.

ERNST G. TIMME.
Secretary of State.