

No. 977, A.]

[Published June 26, 1907.]

## CHAPTER 381.

AN ACT to authorize Wells M. Ruggles, James W. Good and Robert Johnson, of Ashland county, Wisconsin, their heirs, associates and assigns to build and maintain a dam across the Bad river in the county of Ashland, Wisconsin, for the purpose of milling, manufacturing, generating electricity, supplying municipalities and their inhabitants with light, heat and power, and for any lawful purpose whatever.

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

**Location of dam; height; purposes.** SECTION 1. Wells M. Ruggles, James W. Good and Robert Johnson, of Ashland county, Wisconsin, their heirs, associates and assigns, are hereby authorized to build and maintain a dam across Bad river, in Ashland county, Wisconsin, at any point they may select on land owned by them on section thirty (30), in township forty-five (45) north of range (2) west, of the height of not more than eighty feet above low water mark; and such dam to be constructed and maintained for the purpose of milling, manufacturing, generating electricity, supplying municipalities and their inhabitants with light, heat and power, and for any lawful purpose whatever.

**Fishway.** SECTION 2. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and the fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down the river.

**Land flowage proceedings.** SECTION 3. Said Wells M. Ruggles, James W. Good and Robert Johnson, their heirs, associates and assigns for the purpose of acquiring any flowage rights which may be necessary in carrying out the provisions of this act, may exercise the powers granted to corporations by sections 1777a, 1777b, 1777c and 1777d of the statutes and the several acts amendatory thereof enacted or to be enacted.

**No corporate powers.** SECTION 4. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant any such powers or privileges.

**Express conditions:** SECTION 5. This act is passed in consideration of and upon the following expressed conditions:

**Construction time.** 1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

**Operation.** 2. If so built and constructed, it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

**Law observance.** 3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding expressed or implied in violation of any law of this state or of the United States.

**Rentals.** 4. In case the owners thereof desire to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or for any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

**Arbitration of rentals, pain of forfeiture.** SECTION 6. The refusal of the owners to submit to arbitration, as herein provided, the question of the price at which hydraulic power or ac-

cumulation of water shall be rented, as herein provided, or their failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or their failure to comply with all the conditions of this act, shall terminate or forfeit the franchise hereby granted, and the failure of the lessee or lessees of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease or leases, if any he or they had of such power or accumulation of water.

**Amendment and repeal reserved.** SECTION 7. The right to alter, amend, or repeal this act is reserved.

**Conditioned on filing acceptance.** SECTION 8. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state by the person or persons to whom the franchise is hereby given of a written acceptance of the conditions herein contained.

Approved June 25, 1907.

No. 857, A.]

[Published June 26, 1907.

## CHAPTER 382.

AN ACT to create section 4560a—5, statutes of 1898, relating to the weight limit of certain fish.

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

SECTION 1. There is added to the statutes of 1898, a new section to read:

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Approved June 25, 1907.

(In effect July 1, 1907.)