

of eminent domain, authorized to be exercised by the said city by this act, or by reason of the construction or maintenance or operation of said dam, shall not be a lien on any of the property of said city, but shall be collected as other judgments against cities are collected.

Fishway. SECTION 6. Said dam shall be provided with a sufficient fishway or fishways, to be approved by the board of commissioners of fisheries, and such fishway or fishways shall at all times be kept and maintained in good repair and open for the free passage of fish up and down said river.

Amendment and repeal reserved. SECTION 7. The right of the legislature to amend or repeal this act at any time, is hereby reserved.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved July 12, 1907.

No. 492. S.]

[Published July 15, 1907.

CHAPTER 591.

AN ACT to authorize Franklin J. Wood, his heirs, associates and assigns, to build and maintain a dam across the Chippewa river on section thirty-six, township thirty-seven north, of range seven west in Sawyer county, Wisconsin.

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

Location of dam; height; land flowage and condemnation. SECTION 1. Franklin J. Wood, his heirs, associates and assigns are hereby authorized to build and maintain a dam across the Chippewa river in Sawyer county, Wisconsin, at such place as they may elect, on section thirty-six, township thirty-seven north, of range seven west, for the purpose of utilizing the water power created thereby, and for the purpose of improving the navigation of said river; provided that said dam shall not

exceed twenty-six feet in height above low water and shall be so constructed and maintained as not to obstruct the running of lumber, timber or logs down said river and over such dam. And for the purpose aforesaid the said Franklin J. Wood, his heirs, associates and assigns, are hereby authorized to overflow and set the water back upon and hold it upon all such lands as shall be necessary for keeping up and maintaining such dam and to acquire title to such lands for such purposes by purchase, lease, or condemnation; and in case said Franklin J. Wood, his heirs, associates and assigns, are unable to agree with the owners of such lands so necessary for said purposes, for purchase, lease or use thereof, and the right of flowage thereof, or as to compensation to be made for taking or flooding any such lands, then they, the said Franklin J. Wood, his heirs, associates or assigns, may acquire the same by proceedings of condemnation, in the manner provided and set forth in sections 1777 to 1777d inclusive of the statutes of 1898, and acts amendatory thereof and supplementary thereto, the provisions of which said sections are hereby made applicable for the purpose of acquiring any such lands, for the purpose aforesaid under this act.

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

Express conditions: SECTION 3. This act is passed in consideration of and upon the following expressed conditions:

Time of beginning. 1. The construction of the dam herein authorized shall be commenced within two 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 any 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 or rent, or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owner 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 together shall constitute the 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 4. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by said arbitrators as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted; and the failure of the lessees of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration as herein provided, or, after submission, to pay the price determined by said arbitrators, shall work a forfeiture of his lease, if any he had, of such power or accumulation of water.

No corporate powers. SECTION 5. No corporate powers are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant such powers.

Amendment and repeal reserved. SECTION 6. The power to alter, amend or repeal this act is reserved.

Conditioned on acceptance. SECTION 7. 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 to whom the franchise is granted, of a written acceptance of the conditions herein contained.

Approved July 12, 1907.

No. 480, S.]

[Published July 15, 1907.

CHAPTER 592.

AN ACT to create sections 1494—101 to 1494—111, inclusive, of the statutes, providing for the exemption from taxation of certain lands planted to forest trees.

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

SECTION 1. There are added to the statutes eleven new sections to read:

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Approved July 12, 1907.

(In effect from and after date of publication.)

No. 460, S.]

[Published July 15, 1907.

CHAPTER 593.

AN ACT to amend sections 4031, 4033 and 4034 of the statutes relating to appeals from a county court to the circuit court.

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

SECTION 1. Section 4031 of the statutes is amended to read:

* * * * *

SECTION 2. Section 4033 of the statutes is hereby amended to read:

* * * * *

SECTION 3. Section 4034 of the statutes is amended to read:

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Approved July 12, 1907.

(In effect from and after date of publication.)
