

a second or subsequent violation of the provisions of section 1636—49 or section 1636—50 of the statutes, in any one year, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment, in the discretion of the court. Any person operating an automobile, motor cycle or other similar motor vehicle, who shall injure any person therewith and fail to stop and give assistance, his name and address, and the name and address of the owner of the automobile, motor cycle or other similar motor vehicle so operated, to the person so injured, or to any bystander who shall request such information on behalf of the injured person, shall be guilty of a felony, punishable by a fine of not more than one thousand dollars, or by imprisonment for a period of not less than three months, nor more than two years. Any person, who shall operate, ride or drive any automobile, motor cycle or other similar motor vehicle upon or along any public highway of this state, while intoxicated, shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not less than five days nor more than three months, or by both such fine and imprisonment.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 8, 1915.

No. 43, S.]

[Published July 10, 1915.

## CHAPTER 380.

AN ACT to repeal sections 1596—50 to 1596—77, inclusive; to amend subsection 3 of section 1596 and to create sections 1596—1 to 1596—26, inclusive, of the statutes, relating to the construction, operation and maintenance of dams in navigable waters, and providing a penalty.

*The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:*

SECTION 1. Sections 1596—50 to 1596—77, inclusive, of the statutes are repealed.

SECTION 2. Subsection 3 of section 1596 of the statutes is amended to read: (Section 1596) 3. Any person, firm, association of individuals, or corporation violating any of the provisions of this section after January 1, A. D., 1913, shall forfeit for each such offense, and for each day that any such dam, bridge or other obstruction is maintained or remains in or over,

any such waters, \* \* \* *not more than* fifty dollars, the same to be collected in an appropriate action to be brought and prosecuted by the attorney-general or by some other duly authorized person in behalf of the state. Any forfeitures incurred prior to January 1, A. D., 1913, are hereby expressly remitted.

SECTION 3. There are added to the statutes twenty-six new sections to read: Section 1596—1. Terms used in sections 1596—1 to 1596—26, inclusive, of the statutes, are defined as follows:

(1) "Commission" shall mean the railroad commission of Wisconsin or any other body or officer hereafter authorized to exercise the powers conferred or perform the duties imposed by section 1596—1 to 1596—26, inclusive, of the statutes.

(2) "Navigable waters" shall mean all waters navigable under the provisions of section 1596 of the statutes.

(3) "Permit" shall mean legislative permission granted under section 1596—7 of the statutes to construct, operate and maintain a dam in or across navigable waters, or under section 1596—9 of the statutes to operate and maintain a dam constructed in or across navigable waters without legislative permission prior to the passage and publication of this act.

(4) "Grantee" shall mean the person, firm, corporation or municipality to whom a permit is granted, their, his, or its heirs, executors, administrators, lessees, receivers, trustees, successors or assigns.

(5) "Corporation" shall mean a corporation organized under the laws of this state, but shall not include a "municipality," which latter term shall mean any town, village, city or county in the state.

Section 1596—2. 1. The commission, in the interest of public rights in navigable waters or to promote safety and protect life, health and property is empowered to regulate and control the level and flow of water in all navigable waters and may erect, or may order and require bench marks to be erected, upon which shall be designated the maximum level of water that may be impounded and the lowest level of water that may be maintained by any dam heretofore or hereafter constructed and maintained in navigable waters; and shall establish and maintain gauging stations upon the various navigable waters of the state and shall take other steps necessary to determine and record the characteristics of such waters.

2. The commission is vested with authority and power to investigate and determine all reasonable methods of construction, operation, maintenance, and equipment for any dam so as to con-

serve and protect all public rights in navigable waters and so as to protect life, health and property; and the construction, operation, maintenance and equipment, or any or all thereof, of dams in navigable waters shall be subject to the supervision of the commission and to the orders and regulations of the commission made or promulgated under the provisions of sections 1596—1 to 1596—26, inclusive, of the statutes.

3. The commission or any member or any agent or employe thereof shall at all times be accorded free access to any and all parts of any dam and appurtenances constructed or maintained in navigable waters.

4. The commission may order and require any dam heretofore or hereafter constructed to be equipped and operated, in whole or part, as follows:

(1) With slides and chutes for the passage of logs and timber products.

(2) With a lock, boat hoist, marine railway or other device of a size and construction sufficient to accommodate navigation.

(3) With good and sufficient fishway or fishways.

(4) With spillways or floodgates capable of permitting the passage through or over the same of freshets and floods during all seasons of the year.

(5) With booms, piers or other protection works ample to safeguard floodgates from trash or other floating material.

Section 1596—3. In the exercise of powers conferred and duties imposed by sections 1596—1 to 1596—26, inclusive, of the statutes, the commission shall enjoy all the powers conferred upon it by sections 1797m—1 to 1797m—109, inclusive, of the statutes, which are applicable, and the provisions of said sections, insofar as applicable, shall apply to all proceedings under said sections 1596—1 to 1596—26, inclusive, of the statutes.

Section 1596—4. Permits may be granted under the provisions of sections 1596—1 to 1596—26, inclusive, of the statutes, for any lawful private purpose, or for the purpose of developing hydraulic power and generating hydroelectric energy for sale or service to the public.

Section 1596—5. Any municipality, in order to create power to be used for lighting, heating, pumping and other purposes, may apply for and obtain a permit under the provisions of sections 1596—1 to 1596—26, inclusive, of the statutes, to construct and maintain or to maintain a dam within or without the corporate limits or boundaries thereof in this state; and in the acquisition of a permit and in the exercise and enjoyment of rights thereunder and for the purpose for which the permit was

granted, shall have and may enjoy all the powers conferred upon municipalities by the statutes.

Section 1596—6. Any person, firm, corporation or municipality desiring a permit to construct, operate and maintain a dam shall file with the commission a written application therefor, setting forth:

(1) The name of the navigable waters in or across which a dam is proposed to be constructed and a specific description of the site for the proposed dam.

(2) The purpose or purposes for which the proposed dam is to be constructed, operated and maintained.

(3) In case the application is for a permit to construct, operate and maintain a dam for a private purpose or purposes, evidence that the described dam site is owned by the applicant.

(4) A general description of the proposed dam, of the material to be used in the construction thereof, and a general description of all booms, piers, and other protection works to be constructed in connection therewith.

(5) The approximate amount of hydraulic power that will be developed by the proposed dam.

(6) The location of the nearest city or village and of the nearest existing dam above and below the site of the proposed dam.

(7) A map on the scale of not less than four inches to the mile showing the lands that may be affected by the construction, operation or maintenance of the proposed dam, or by any flowage that may be caused thereby and approximately the outline of such flowage, which map shall indicate the ownership of each tract of land within the flowage.

(8) Such additional information of any nature that may be required by the commission.

Section 1596—7. 1. Upon receipt of such application for a permit the commission shall set a time for a public hearing thereon at the city of Madison or at some other place, if in the judgment of the commission more convenient, which time shall not be more than eight weeks from the date of the filing of the application. Notice of the time and place set for the hearing shall be given to the applicant who shall cause the same to be published once each week for three successive weeks preceding such hearing in at least one newspaper, to be designated by the commission, in each county in which riparian lands will be affected by the proposed dam.

2. In addition to such publication the applicant, not less than twenty days prior to such hearing, shall mail to every per-

son interested in any lands that will be affected by the proposed dam and whose post-office address can by due diligence be ascertained, notice of the time and place set for such hearing. This notice shall be accompanied by a general statement of the nature of the application and shall be forwarded to such persons by registered mail in a sealed and postpaid envelope properly addressed. Proof of such publication and notice shall be filed with the commission.

3. At such hearing or any adjournment thereof the commission shall consider the application, and shall take evidence offered by the applicant and other persons in support thereof or in opposition thereto, may require the amendment of the application, and if it shall appear that the construction, operation or maintenance of the proposed dam will not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property, the commission shall so find and a permit is hereby granted to the applicant.

Section 1596—8. Any person, firm, corporation or municipality desiring a permit to operate and maintain a dam constructed in or across navigable waters without legislative permission prior to the passage and publication of this act, shall file with the commission a written application therefor setting forth:

(1) The name of the navigable waters in or across which such dam was constructed and a specific description of the dam site.

(2) The year in which the construction of the dam was completed, and a detailed description of the dam and equipment, including the maximum height or head of water that may be maintained thereby and the kind and character of material of which the dam is constructed.

(3) The purpose for which the dam was theretofore operated and is operated at the time application hereunder is made, and the purpose for which it is proposed to operate and maintain the dam.

(4) The approximate amount of hydraulic power developed thereby.

(5) The location of the nearest city or village and of the nearest existing dam above and below the dam site.

(6) Such additional information of any nature whatsoever as may be required by the commission.

Section 1596—9. 1. Upon receipt of an application under section 1596—8, procedure shall be had as provided in subsections 1 and 2 of section 1596—7.

2. At the hearing or hearings, or adjournments thereof, on such application, the commission shall consider the application and shall take evidence offered by the applicant and other persons in support thereof or in opposition thereto, may require the amendment of the application, and if it shall appear that the operation and maintenance of such dam does not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property, the commission shall so find and a permit is hereby granted to the applicant.

Section 1596—9m. 1. In addition to the requirements of section 1596—6 or 1596—8, as the case may be, each applicant shall file with his application for a permit the following proposals:

(1) That the commission prior to the time the permit is granted shall value the dam site and all flowage rights and other property necessary for the purposes set forth in the application for the permit, whether such dam site, flowage rights and other property are owned by the applicant or not.

(2) To authorize and empower the commission to audit all outlays for property and all outlays for the construction of the dam, buildings, and other structures and works constructed, maintained, and operated and used and useful under the permit.

(3) That the state of Wisconsin, if it shall have the constitutional power or any municipality, on not less than one year's notice, at any time after the expiration of thirty years after the permit becomes effective, may acquire all of the property of the grantee, used and useful under the permit, by paying therefor, as provided in subdivision 4 of this section, and that the applicant waives all rights to compensation other than as provided in said subdivision.

(4) That the permit will be accepted subject to the express condition that the state, if it shall have constitutional power, or any municipality, upon at least one year's notice, may acquire all of the property of the grantee acquired, constructed, or maintained, and used and useful in carrying out the purposes for which such permit was granted, upon paying therefor the cost of reproduction in their then existing condition of all dams, works, buildings, or other structures or equipment, used and useful under the permit, as determined by the commission, and by paying in addition thereto the value of the dam site and all flowage rights and other property as determined by the commission prior to the time the permit was granted, and as provided in subdivision (1) plus the amounts paid out for additional flowage rights, if any, acquired after the valuation

made by the commission as provided in subdivision (1) of this section.

Section 1596—10. 1. The commission shall issue to the grantee of a permit under section 1596—7 or section 1596—9, a certificate evidencing the authority thereby conferred. A permit to construct a dam shall be null and void unless the dam thereby authorized to be constructed be completed within five years from the time when the permit was granted, but the commission, for good cause, may extend such time for not to exceed two years.

2. Each and every permit granted under the provisions of sections 1596—1 to 1596—26, inclusive, of the statutes, is granted subject to the express condition, and shall be conclusively deemed to be accepted subject to the condition, that no element of value whatever shall ever attach to or be allowed for any such permit in and of itself in the sale or acquisition of the property used and useful under such permit, or otherwise.

Section 1596—11. 1. The grantee of a permit under section 1596—7, to construct, maintain and operate a dam, before commencing any work of construction authorized by the permit, shall submit to the commission a complete map and profile on the scale of not less than one inch per thousand feet showing the land that may be affected by the construction and maintenance of the dam, or by any flowage that may be caused thereby, and the outline of the flowage, and such other hydrographic and topographic data as the commission may prescribe, and shall also file complete detailed plans and specifications for the proposed dam, including all booms, piers, or other protection works.

2. The commission shall examine the map, profile, plans and specifications; shall hear the grantee thereon and may reject the same or any part thereof, if unsatisfactory or incomplete, or may suggest and require modifications thereof. If the map, profile and plans and specifications are satisfactory and complete, or, if the same shall be modified as suggested and required, the commission shall so find and approve the same, and thereupon the grantee shall have authority to construct the proposed dam in accordance therewith, but the commission may, at any time during the construction of any dam and in the interest of the public safety, or of any public rights in navigable waters, authorize, order or require such changes in the plans and specifications and the construction of the dam as shall be necessary.

3. If the commission, in the case of an application for a permit to construct a dam with a capacity of less than two hundred fifty hydraulic horsepower at ordinary stage of water, shall find

that the information and data furnished in the original or amended application is sufficient, the applicant shall not be required to furnish the additional or more detailed information or data specified in subsections 1 and 2 of this section. The commission may, however, at any time during the construction of any such dam authorize, order or require changes in the construction or the method or plan of construction thereof, as provided in subsection 2 of this section.

4. Within ten days after the completion of any dam the grantee shall file with the commission a verified statement that the same was constructed in accordance with the plans and specifications approved by the commission; or in case no plans and specifications were required to be filed, then that the dam was constructed in accordance with the description contained in the application.

Section 1596—12. 1. If the owner of any existing dam wishes to raise or enlarge the same, he may apply to the commission for permission so to do, but the permission granted under this section shall be in amendment of any existing franchise, license, or permit previously granted authorizing the construction or maintenance of such dam only to the extent of giving the right so to raise or enlarge such dam, and shall in no way enlarge, alter, abridge or nullify property rights, privileges or obligations as to such dam, or the maintenance or operation thereof theretofore acquired or incurred. In addition to the requirements of subdivisions (1), (6) and (7) of section 1596—6, his application shall state:

- (1) The year in which his dam was completed.
- (2) If constructed by legislative permission, a statement of the act of the legislature authorizing the same.
- (3) A detailed description of the dam, including the maximum height or head of water that may be maintained thereby and the kind and character of material of which the same is constructed.
- (4) The purpose for which such dam has been and is now used and the purpose for which it is proposed to use the same.
- (5) The approximate amount of hydraulic power developed thereby.
- (6) Such additional information of any nature whatsoever as the commission may require.

2. Upon receipt of an application under this section procedure shall be had as provided in subsections 1 and 2 of section 1596—7.

3. At the hearing or hearings, or adjournments thereof, on



such application, the commission shall consider the application and shall take evidence offered by the applicant and other persons in support thereof or in opposition thereto, may require the amendment of the application, and if it shall appear that the dam raised or enlarged in accordance with the application will not materially obstruct existing navigation or violate other public rights, and will not endanger life, health or property, the commission shall so find, and permission is hereby granted to raise or enlarge the same in accordance with the application.

Section 1596—13. Any grantee of a permit to construct a dam to develop hydraulic power and generate hydroelectric energy for sale to the public, as a public utility, under the provisions of sections 1797m—1 to 1797m—109, inclusive, of the statutes, or for the purpose of operating a street or interurban electric railway, may take or flow any lands or property, and for such purpose said grantee shall be subject to all the provisions, remedies and liabilities, and shall be entitled to all the benefits, privileges, remedies and provisions of sections 1777a to 1777e, inclusive, of the statutes, and of sections 1845 to 1851, inclusive, of the statutes.

Section 1596—14. 1. Any corporation organized under the laws of this state and engaged in the business of producing, transmitting, delivering or furnishing heat, light, water, power or street or interurban electric railway service to or for the public, may, for the purpose of developing power and generating energy for public use in connection with such business and in the manner and under the conditions hereinafter prescribed, purchase or acquire, by condemnation proceedings any dam maintained in or across any navigable waters of this state, and all flowage and other rights and property necessary for the maintenance thereof, or any undeveloped water power and dam site upon any such waters within this state; provided, that the right conferred by this chapter shall not extend to the acquisition of any such property owned by the state or by any municipality, or owned and operated by any corporation engaged in any business mentioned in this section.

2. For the purpose of acquiring such property by condemnation proceedings, any such corporation may enjoy all the rights conferred upon grantees of a permit under sections 1596—1 to 1596—26, inclusive, by section 1596—13, but no award in any such condemnation proceedings shall be effective, and no corporation shall purchase or otherwise acquire any such property until it shall have obtained from the commission a certificate that public convenience and necessity require the acquisition

of the same, at the amount fixed by such award or agreed upon with the owner thereof.

Section 1596—15. 1. Any such corporation desiring to purchase or acquire any property pursuant to section 1596—14 shall apply to the commission for a certificate of public convenience and necessity. Such application shall state the name of the owner or owners of the property sought to be acquired; the business in connection with which it is desired to utilize said property; the specific public purpose or purposes for which it is proposed to use the same; the compensation or price to be paid therefor, and such other information as the commission may require; and further a statement signed and sealed, in which the said corporation agrees to cancel such contracts for the sale of hydroelectrical power outside this state, which upon a certificate of convenience and necessity before the railroad commission shall be found to interfere with adequate service and reasonable rates to the people of this state.

2. Upon receipt of such application the commission shall set a time for public hearing thereon at the city of Madison, or at such other place as the commission shall determine, which time shall not be more than eight weeks from the date of filing such application. Notice of the time and place set for such hearing shall be given to the applicant, who shall cause the same to be published at least once each week for three successive weeks preceding such hearing in a newspaper to be designated by the commission, and the applicant shall also, not less than twenty days prior to the date set for such hearing, serve notice thereof upon the owners of such property personally, or by registered mail, if the post-office address of such owners, can by due diligence be ascertained. Proof of such publication and service of such notice shall be filed with the commission.

Section 1596—16. 1. At such hearing or any adjournment thereof, the commission shall consider such application and shall receive the evidence offered by the applicant and others, in person or by agent, in support thereof and in opposition thereto.

2. If the commission shall find that the acquisition and use of such property in connection with the business of the applicant for the purpose or purposes and at the price or compensation set forth in the application would be a public convenience; that the applicant possesses the financial ability to utilize the property for such purpose or purposes, and that a public necessity requires such acquisition and use, the commission shall grant and issue a certificate that public convenience and necessity require the utilization of such property as proposed by the applicant.

3. The provisions of sections 1596—14, subdivisions 1 and 2, shall not apply to the acquisition of flowage rights necessary for the improvement or development of dams or dam sites previously acquired.

Section 1596—17. 1. The grantee of any permit and the owner of any dam heretofore constructed shall maintain and operate all dams, piers, booms, weirs, tunnels, races, flumes, sluices, pits, fishways, locks, boat hoists, marine railways and all other equipment required by the commission for the protection of public rights in such waters, and for the preservation of life, health and property, in good repair and condition, and shall not wilfully, or otherwise, injure, remove or destroy the same, or any part thereof, unless first approved in writing by the commission.

2. Except when emergency shall require the same for the protection of life, health or property, no substantial alteration or addition shall be made to any dam heretofore or hereafter constructed without obtaining an order therefor from the commission, which order may be issued only after an investigation and upon a finding that the proposed alterations or additions will not impair the sufficiency of such dam or any existing public rights in such waters.

Section 1596—18. Upon complaint in writing from the mayor of any city, supervisor of any town, or the president or trustee of any village, that any dam maintained or operated in or across navigable waters of this state, or any reservoir is in an unsafe condition, or from any person that his property or any property under his control is endangered by the dam or reservoir, the commission shall investigate or cause an investigation to be made of such complaint, or the commission may upon its own motion examine any dam or reservoir, and if it shall find that any dam is not sufficiently strong, or is unsafe, and dangerous to life or property, it shall determine what alterations, additions or repairs are necessary to be made and shall order the owner, or person having control of such dam or reservoir to cause such alterations or repairs to be made within a time to be limited by the order; and the commission may cause to be drawn off, in whole or in part, the water in said reservoir or impounded by said dam, when it shall determine that such action is necessary to prevent impending danger to persons or property.

Section 1596—19. The owner of a dam, excepting when such owner is a municipality, heretofore or hereafter constructed in or across navigable waters, for the purpose of defraying the actual expenses of the commission incurred in inspecting and su-

pervising the construction or maintenance, or both, of such dam and equipment, shall annually, on or before the first day of February, pay to the commission an inspection fee of not to exceed ten cents per theoretical horse power capacity of such dam at ordinary stage of water. The amount of such fee to be paid by the owner of each dam, within the restrictions above mentioned, shall be determined annually by the commission and notice of the amount due shall be forwarded by mail to each such owner or the agent thereof not later than December first of each year. Inspection fees received by the commission shall be paid into the state treasury and are hereby appropriated to the commission for the purposes specified in this section.

Section 1596—20. 1. No transfer or assignment of any permit granted under sections 1596—7 or 1596—9 of the statutes shall be valid or of any effect whatsoever unless the same shall be in writing and a certified copy thereof shall, within ten days after the execution thereof, be filed with the commission and unless such transfer or assignment is approved in writing by the commission; and no such transfer or assignment shall be approved by the commission except after an investigation and a finding that the transfer or assignment is not made or intended to be made for a purpose or to create a condition prohibited by section 1596—21 of the statutes. No permit shall be transferred or assigned to a foreign corporation, nor shall any permit granted to a municipality be assigned or transferred to any person, firm, or corporation, otherwise than as security for a loan made in good faith and concurrently with and as consideration for such transfer or assignment, and no foreign corporation shall have power to acquire title to any such permit, nor shall any person, firm or corporation have power to acquire title to a permit granted to or acquired by a municipality, otherwise than in the enforcement of such security, and in no case shall any such foreign corporation hold title to or operate under any such permit for a period longer than three years.

2. No municipality shall make or execute any lease or other contract with any person, firm, or corporation for the sale or use of hydraulic or hydroelectric power developed or generated by such municipality under a permit granted under section 1596—7 or section 1596—9 of the statutes for a period longer than ten years, unless the same shall be first approved by the commission, after investigation and upon a finding that such lease or contract will not impair or interfere with the purpose or uses for which such dam was acquired or constructed by the municipality.

Section 1596—21. If any dam maintained under a permit granted pursuant to the provisions of sections 1596—1 to 1596—26, inclusive, of the statutes shall be owned, leased, trusted, possessed or controlled by any device permanently, temporarily, directly, indirectly, tacitly or in any manner whatsoever so that the same forms part of or in any way affects a combination, or shall be in any wise controlled by any combination in the form of an unlawful trust, or forms the subject of any contract or conspiracy to limit the output of any hydraulic or hydroelectric power derived therefrom or in any manner or degree in restraint of trade in the generation, sale or distribution of hydraulic or hydroelectric power derived therefrom, the state may take possession thereof by proceedings instituted by the commission, as in cases of receivership, and in such proceedings the members of the commission shall be appointed to act as receivers during such period as the court may determine.

Section 1596—22. 1. Any person, firm, or corporation violating any of the terms, conditions, or provisions of section 1596—1 to 1596—26, inclusive, of the statutes, or violating any order of the commission made pursuant to any provisions of said sections, shall forfeit for each such violation not more than one thousand dollars.

2. The forfeitures provided for in this section shall be payable into the state treasury and shall be recoverable in a civil suit in the name of the state brought by the attorney-general or any district attorney, in the county wherein the defendant resides, or if the defendant is a corporation, in the county wherein its principal place of business is located.

Section 1596—23. Nothing in sections 1596—1 to 1596—26, inclusive, of the statutes, shall be so construed as to exempt or release any person, firm, municipality or corporation owning or operating any dam and appurtenant works under the provisions thereof from any common law or statutory liability for damages resulting from or growing out of the construction, maintenance, or operation of such dam, or as in any manner affecting such liability of any person, firm, municipality or corporation, or as in any manner creating any liability on the part of the state for damages resulting from or growing out of the construction, maintenance, or operation of any dam not owned by the state.

Section 1596—24. The commission, upon a complaint by any party affected, setting forth that any grantee of a permit under sections 1596—1 to 1596—26, inclusive, of the statutes, for the construction or maintenance or operation of a dam for the pur-

pose of developing hydraulic power and generating hydroelectric energy for sale or service to the public is not furnishing the citizens of this state with adequate service at a reasonable rate, shall have power under chapter 87 of the statutes, to declare any or all contracts entered into by said grantee for the sale of hydroelectric power outside this state null and void insofar as such contracts interfere with such service or rate and upon a hearing and investigation and finding that convenience and necessity require the sale of any or all such power within this state.

Section 1596—25. The state or any party to a proceeding before the commission hereunder shall be entitled to review in the circuit court for Dane county, any order, finding or determination of the commission under sections 1596—1 to 1596—26, inclusive, of the statutes, and all of the provisions of sections 1797m—1 to 1797m—109, inclusive, of the statutes, relating to the review of orders or findings made by the commission so far as applicable, shall apply to the review herein provided for, including the right of appeal to the supreme court; provided, that, upon a hearing on such appeal, the findings and determination of the commission shall be received as prima facie evidence of the facts therein found.

Section 1596—26. The provisions of this act are not intended to and shall not affect in any manner any pending litigation or any of the issues thereof involving or relating to any dam owned by any municipality in this state by virtue of a franchise heretofore granted to such municipality therefor by this state, or the rights of the respective parties to such litigation in and to said dam or any interest thereof therein.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 8, 1915.

No. 77, S.]

[Published July 12, 1915.

## CHAPTER 381.

AN ACT to create a new chapter of the statutes containing a revision and amendments of all statutes relating to the nomination of candidates for public office.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All of the sections of the statutes renumbered or newly created by the following sections 5.01 to and including section 5.35 are placed in a new chapter to be numbered and designated as follows: