

No. 496, A.]

[Published June 13, 1905.]

**CHAPTER 350.**

AN ACT to authorize W. H. Dick, his associates, successors, heirs and assigns to maintain two dams across the Embarrass river, Shawano county, Wisconsin.

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

**Construction of dams authorized; location.** SECTION 1. W. H. Dick, his associates, successors, heirs and assigns are hereby authorized and empowered to build and maintain two dams across the Embarrass river, Shawano county, Wisconsin, one upon the east one-half (E.  $\frac{1}{2}$ ) of the southeast quarter (S. E.  $\frac{1}{4}$ ) section thirty-two (32), township twenty-eight (28) north, range thirteen (13) east, the other upon the southeast quarter (S. E.  $\frac{1}{4}$ ) of the northwest quarter (N. W.  $\frac{1}{4}$ ), section fifteen (15), township twenty-seven (27) north, range thirteen (13) east, for the purpose of improving the navigation of said stream; and the said W. H. Dick, his associates, successors, heirs and assigns are hereby authorized to use the surplus hydraulic power created by said dams for the transmission of electric power, manufacturing or any other lawful purposes.

**Gates and slides.** SECTION 2. There shall be maintained in said dams suitable gates and slides to admit of the free passage of logs over the same. Said dams, slides and gates shall be under the control of the aforesaid person, heirs or assigns.

**Fishways.** SECTION 3. The dams so erected shall be provided with good and sufficient fishways, to be approved by the state board of commissioners of fisheries, and such fishways shall at all times be kept in good repair and open for the free and easy passage of fish up and down said river.

**Flowage rights.** SECTION 4. Said W. H. Dick, his associates, successors, heirs and assigns, for the purpose of acquiring any flowage rights, which they may deem 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 of 1898 and such amendment thereto as may have been or may be made.

**Improvement of river.** SECTION 5. The aforesaid person, heirs, or assigns is hereby authorized to improve the said river above or below said dams by removing rocks and other obstructions for the purpose of facilitating the driving of logs.

**Powers reserved.** SECTION 6. The power to alter, amend or repeal this act is hereby reserved.

**No corporate powers granted.** SECTION 7. 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.

**Conditions.** SECTION 8. This act is passed in consideration of and upon the following express conditions:

1. The dams herein authorized shall be constructed within four years from the date of the passage of this act.

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

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 express or implied in violation of any law of this state or of the United States.

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 dams 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.

**Franchise, how forfeited.** SECTION 9. The refusal of the owner or owners 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 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 and 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.

**When act to take effect.** SECTION 10. 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 12, 1905.

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No. 569, A.]

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## CHAPTER 351.

AN ACT defining the powers of electors of town free high school districts in the matter of providing and equipping school buildings and providing for locations thereof.

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

**Question to be submitted to vote.** SECTION 1. Upon the filing with the town clerk or clerks of each town included in any town free high school district and with the village clerk of any village included therein, a petition in writing signed by at least ten per cent of the qualified electors of such town high school district as determined by the last preceding gubernatorial election asking to have submitted to a vote of the electors of said district the question of erecting a new school building therein or building an addition to a school house or furnishing such