

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.

SECTION 9. 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 17, 1905.

No. 750, A.]

[Published June 20, 1905.

CHAPTER 398.

AN ACT to authorize W. E. Brown, J. O. Moen, Matt Stapleton and John Barnes, their heirs, associates and assigns, to build and maintain a dam across the Pelican river, in Oneida county, Wisconsin, for the purpose of improving the navigation of said river and the lakes above the site of the proposed dam.

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

Location of dam. SECTION 1. W. E. Brown, J. O. Moen, Matt Stapleton and John Barnes, their heirs, associates and assigns, are hereby authorized and empowered to build and maintain a dam, not exceeding six (6) feet in height, across the Pelican river, on any lands owned by them or either of them, in the south half of the southeast quarter of section number four (4) or the north half of the northeast quarter of section number nine (9), in township number thirty-six (36) north of range number ten (10) east, in Oneida county, Wisconsin,

for the purpose of improving the navigation of said Pelican river and of the lakes drained by said river, situated above the site of said proposed dam.

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 such fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said river. In case the owners of said dam shall neglect or refuse to construct or keep in repair and maintain such fishway as required by this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25) or more than one hundred dollars (\$100).

How constructed. SECTION 2½. Said W. E. Brown, J. O. Moen, Matt Stapleton and John Barnes, their heirs, associates and assigns, shall build and maintain and keep in repair suitable slides and chutes in said dam for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient unobstructed channel for the free passage of logs and timber products destined to other points below said dam, shall be taken by the owners of said dam when they reach the flowage thereof or reach any jam that may be caused by the stoppage of logs by the works or pond of the owners of said dam and shall be driven by such owners free of charge and with reasonable dispatch through such flowage and pond and over said dam.

Powers and privileges defined. SECTION 3. 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.

Powers conferred. SECTION 3½. The said W. E. Brown, J. O. Moen, Matt Stapleton and John Barnes, their heirs and assigns, for the purpose of acquiring any flowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all the powers granted to corporations by sections 1777a to 1777d inclusive, of the statutes of 1898, including any amendments that may have been or may hereafter be affixed to the same.

Conditions of grant. SECTION 4. This act is passed in consideration of and upon the following express conditions:

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

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.

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 owner thereof desires 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, he 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 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, when forfeit. SECTION 5. 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 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 his failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted, and the failure of the lessee 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, if any he had, of such power or accumulation of water.

SECTION 6. 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 17, 1905.

No. 233, A.]

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CHAPTER 399.

AN ACT to authorize Stephen Steensen, his heirs and assigns, to build and maintain a dam across the La Crosse River, La Crosse county, Wisconsin.

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

Location of dam. SECTION 1. Stephan Steensen, his heirs and assigns, is hereby authorized to construct and maintain a dam across the La Crosse River, in La Crosse county, Wisconsin, on the southwest quarter of section thirty-three (33), in township seventeen (17), north of range six (6) west, in said county and state. The height of such dam not to exceed twelve (12) feet from low water mark; such dam to be constructed and maintained for milling, manufacturing, generating electricity, supplying municipalities and their inhabitants with light, heat and power, and for any lawful purpose whatsoever.

Fishway. SECTION 2. The dam erected under this act 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 up and down said river through the same.

Conditions of grant. SECTION 3. This act is passed in consideration of and upon the following express conditions:

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