

ply 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 arbitration, as herein provided, or after submission, to pay the price determined by said arbitrators shall work a forfeiture of his lease, if any be had, of such power or accumulation of water.

SECTION 12. 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 granted, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 725, A.]

[Published June 21, 1905.

## CHAPTER 401.

AN ACT to authorize P. M. Parker and Sewell A. Peterson, of the city of Rice Lake, Barron county, Wisconsin, their heirs and assigns to build and maintain a dam across the Red Cedar river, in Barron county, Wisconsin, for the purpose of improving the navigation of said river and creating hydraulic power for the operation of machinery and for other lawful purposes.

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

**Location of dam.** SECTION 1. For the purpose of improving the navigation of said river, and for the creation of water power for milling, manufacturing and hydraulic purposes, P. M. Parker and Sewell A. Peterson, their heirs and assigns, are hereby authorized to build and maintain a dam across Red Cedar river upon land owned by them, namely, the east half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section 32, of township 35, north of range 11 west, in Barron county, Wisconsin, of the height of not more than fifteen feet above low water mark.

**Powers conferred.** SECTION 2. The said P. M. Parker and Sewell A. Peterson, 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 1895, including any amendments that may have been or may hereafter be made to the same.

**Fishway.** SECTION 3. 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 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 dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars.

**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 such power or privileges.

**Conditions of grant.** SECTION 5. 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 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 6. 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.

**Legislative power reserved.** SECTION 7. The power to alter, amend or repeal this act is hereby reserved.

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 17, 1905.