

No. 174, S.]

[Published July 10, 1907.

CHAPTER 489.

AN ACT to authorize R. C. Schulz, his heirs and assigns, to construct and maintain a dam across Trout creek, Vilas county.

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

Location of dam; purposes. SECTION 1. R. C. Schulz, his heirs and assigns, are authorized and empowered to build and maintain a dam across Trout creek, Vilas county, Wisconsin, upon the southwest quarter of the southwest quarter of section fourteen, township forty-one north, range six east, for the purpose of improving the navigation of said stream; and the said R. C. Schulz, his heirs and assigns, are authorized to use the power created by said dam for the transmission of electric power, manufacturing or any other lawful purposes.

Free log passage. SECTION 2. There shall be maintained in said dam suitable gates and slides to admit of the free passage of logs over the same. Said dam, slides and gates shall be under the control of the aforesaid person, his heirs and assigns.

Fishways. SECTION 3. The dam 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 Trout creek.

Condemnation proceedings. SECTION 4. Said R. C. Schultz, his 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, and such amendment thereto as may have been or may be made.

Express conditions: SECTION 5. 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 four 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 one 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 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 and forfeiture. 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 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 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 he had, of such power or accumulation of water.

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

No corporate powers. SECTION 8. 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.

Conditioned on acceptance. 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 July 9, 1907.

No. 269, S.]

[Published July 10, 1907.

CHAPTER 490.

AN ACT to amend section 1548b of the statutes, relating to exercise.

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

SECTION 1. Section 1548b of the statutes is amended to read:

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SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved July 9, 1907.