

less than thirty days nor more than ninety days or by both such fine and imprisonment in the discretion of the court.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 530, S.]

[Published June 21, 1905.

## CHAPTER 407.

AN ACT to authorize D. E. Dawson, J. A. Barrett and their associates and assigns to build and maintain a dam and other structures in and across the Wisconsin river in Lincoln county.

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

**Location of dam.** SECTION 1. D. E. Dawson, J. A. Barrett and their associates and assigns are hereby authorized to construct and maintain a dam not to exceed 13 feet in height in the Wisconsin river in Lincoln county, Wisconsin, the same to extend from lot five (5) in section nineteen (19) across said river to lot three (3) in section twenty (20) in township thirty-one (31) north of range seven (7) east, such dam to be constructed and maintained for the purpose of improving the navigation of the river and creating power and for milling, manufacturing and general hydraulic purposes; also to erect and maintain on and in said river on said lands mills, machinery, piers and all other structures, appendages and improvements necessary and proper to enable them to use the water of said river for said purposes.

**How constructed.** SECTION 2. Said dam shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of the Wisconsin river. The said grantees shall build, maintain, and keep in repair suitable slides and chutes in said dam for the running of logs and other timber products over the same, sufficient in capacity to accommodate

all such logs and products as may be floated down said river, and shall maintain a sufficient unobstructed channel for the passage of all logs and other floatables through the pond created by said dam, and all logs and other floatables destined to points below the said dam shall be taken by the owners of said dam when they reach the flowage of the pond created thereby, or reach any jam that may be caused by the stopping of logs or other floatables by the works or pond of such owners and be driven free of charge, and with reasonable dispatch, through said flowage and pond and over said dam. The provisions of section 1601 of the Wisconsin statutes shall not apply to said dam.

**Powers conferred.** SECTION 3. Said D. E. Dawson, J. A. Barrett, their associates 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 all powers granted to corporations by sections 1777 to 1777d of the Wisconsin statutes of 1898 as amended.

**Fishway.** SECTION 4. The dam erected under the authority hereby granted 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 owners of said dam shall neglect or refuse to construct or keep in repair or maintain such fishway as required by this act, they shall, upon conviction thereof, be fined not less than twenty-five (25) dollars, nor more than one hundred (100) dollars.

**Legislative power reserved.** SECTION 5. The right is hereby reserved to the legislature to repeal or amend this act at any time.

**Conditions of grant.** SECTION 6. This act is passed in consideration of, and upon the following expressed 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, expressed 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 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 owners 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 owners 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.

**Franchise, when forfeit.** SECTION 7. 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 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 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 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 granted, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.