

superintendent by the school board before the first day of September preceding the school year for which said special state aid is requested.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 701, A.]

[Published June 3, 1905.

CHAPTER 290.

AN ACT to amend chapter 353 of the laws of 1903 relating to increasing the height of a dam on Black River.

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

Location and height of dam; purpose; how rights forfeited.

SECTION 1. Chapter 353, laws of Wisconsin for the year 1903 is hereby amended to read as follows:* Section 1. Erwin G. Boynton, Orlando Holway, their heirs, successors or assigns are hereby authorized to build and maintain *upon lands owned by them*, a dam across Black River in Jackson county, Wisconsin, on the south half of section number three (3) in township number twenty-two (22) north of range three (3) west in said county and state, of the height of *fifty-five* feet above low water mark, for the purpose of improving the navigation of said river, for the manufacture of flour, feed and other milling products, and the generation and transmission of electric and hydraulic power and to furnish power for other manufacturing purposes or other lawful purposes, *provided that in the event that the dam herein authorized shall be built, the failure at any time thereafter to maintain and operate said dam for a period of two years, shall terminate and forfeit all rights herein granted, and that if at any time the water power acquired under and by virtue of this act shall be operated or its operation suspended pursuant to any contract, agreement or understanding express or implied, in vio-*

*Sections 2, 3, 4, 5, 6 and 7, of ch. 353, laws of 1903, are omitted.

lation of any law of this state or of the United States, such operation or suspension of operation of such water power shall terminate and forfeit all rights under this act.

Charges for power to be reasonable; disagreements to be submitted to arbitration. SECTION 2. *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 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, how forfeited. SECTION 3. *The refusal of the 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 4. *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 1, 1905.