

No. 962, A.]

[Published June 26, 1907.]

CHAPTER 385.

AN ACT to authorize Israel Shroudy, his heirs and assigns, to build and maintain a dam across the north fork of the Eau Claire river in Eau Claire county, Wisconsin.

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

Location of dam; purposes; sale or lease. SECTION 1. Israel Shoudy, his heirs and assigns, are hereby authorized to construct and maintain a dam cross the north fork of the Eau Claire river upon lands owned by him in Eau Claire county, Wisconsin, in section ten, town twenty-six north of range 5 west, such dam to be constructed and maintained for milling, manufacturing, generating electricity, supplying municipalities and their inhabitants with light, heat and power, and any lawful purpose whatsoever, and said Israel Shoudy, his heirs, associates and assigns may sell or lease the right to use the water power created by said dam to any person or persons whatsoever.

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 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.

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

Construction time. 1. The dam herein authorized shall be constructed 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 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 express or implied in violation of any law of this state or of the United States.

Rentals. 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.

Arbitration of rentals, pain of forfeiture. SECTION 4. 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.

Repeal and amendment reserved. SECTION 5. The power to alter, amend or repeal this act is hereby reserved.

Conditioned on accepting. 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 24, 1907.

No. 348, A.]

[Published June 26, 1907.

CHAPTER 386.

AN ACT to create section 1410—1 of the statutes relating to the appointment of additional employes by the dairy and food commissioner, prescribing their qualifications and duties and providing their compensation.

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

SECTION 1. There is added to the statutes a new section 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 June 25, 1907.

No. 300, S.]

[Published June 26, 1907.

CHAPTER 387.

AN ACT to appropriate certain sums of money to the several charitable, reformatory and penal institutions of the state herein named for the purposes herein specified.

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

Appropriations for specific purposes. SECTION 1. There is hereby appropriated out of any moneys in the state treasury