

No. 830, A.]

[Published June 26, 1907.

CHAPTER 404.

AN ACT to authorize Edward P. Sherry, his heirs, executors, administrators and assigns, to build and maintain a dam across the Wolf river in township thirty-one north of range fourteen east; and to build and maintain a dam in township thirty-one north of range fifteen east, in the county of Langlade, state of Wisconsin.

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

Location of dams; purpose. SECTION 1. Edward P. Sherry, his heirs, executors, administrators and assigns are hereby authorized to build and maintain a dam across the Wolf river on the south half of the south half of section twenty-five, township thirty-one north of range fourteen east of the fourth principal meridian; and also to build and maintain a dam across the Wolf river on the north half of section thirty-one, township thirty-one north, range fifteen east of the fourth principal meridian, for the purpose of creating hydraulic power and to make use of such hydraulic power furnished by each of said dams for any lawful public purpose.

Height. SECTION 2. Neither of said dams shall exceed thirty-five feet in height above low water mark.

Free passage of logs, etc. SECTION 3. Said dams shall be so constructed, maintained and operated as not to obstruct or impede the running of logs, lumber, timber and other floatage down said river, and each of same shall be provided with a suitable slide therein for the passage of logs, lumber, timber and other floatage past same.

Fishway. SECTION 4. Each of said dams shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishways shall at all times be kept in good repair and open for the free and easy passage of fish.

Land flowage damages. SECTION 5. In case it shall be necessary to take, flow or injure any lands and property, or

either thereof, for the purpose or purposes of the construction or use of either or both of the dams hereby authorized, Edward P. Sherry, his heirs, executors, administrators and assigns, shall be subject to all of the provisions, remedies and liabilities in that behalf, and entitled to all of the benefits, privileges, remedies and provisions of chapter 146 of the statutes of 1898, entitled "Of Mills and Mill Dams," as applicable and not inconsistent with this act; but nothing contained in this section shall be taken to preclude said grantee, his heirs, executors, administrators and assigns from acquiring title to, or the right to use any and all such lands and property or of either thereof or any part thereof, by purchase, lease, license or any usual method or means of acquisition of title by act of parties.

Land flowage and acquisition. SECTION 6. Also for the purpose of acquiring the necessary lands or rights, easements or privileges in lands necessary for flowage so that the complete construction of said dams may be successfully carried out, said party, his heirs, executors, administrators and assigns, may enjoy the rights granted to and conferred upon corporations by sections 1777 to 1777e, both inclusive, of the statutes of 1898, and such amendment or amendments thereto as may have been or may be made, and also enjoy the rights granted to and conferred upon corporations by sections 1850 to 1857, both inclusive, of the statutes of 1898, and such amendment or amendments as may have been or may be made thereto.

Express conditions. SECTION 7. This act is passed in consideration of and upon the following expressed conditions:

Construction time. 1. The construction of the dams herein authorized shall be commenced within four years from the date of the passage of this act.

Operation. 2. If so built and constructed the dams must be maintained and operated continuously, and the maintenance and operation of either 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 of 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 either of such dams 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. SECTION 8. 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.

No corporate powers. SECTION 9. No corporate powers are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant such powers.

Amendment and repeal reserved. SECTION 10. The power to alter, amend or repeal this act is reserved.

Conditioned on acceptance. SECTION 11. 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 to whom the franchise is granted of a written acceptance of the conditions herein contained.

Approved June 25, 1907.

No. 661 A.]

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CHAPTER 405.

AN ACT to authorize the Crivitz pulp and paper company, a corporation, its successors and assigns, to build and maintain a dam across the Peshtigo river, on section twenty-four, in township thirty-two, north of range nineteen east, in Marinette county, Wisconsin, for the purpose of improving the navigation of said river and of creating hydraulic power and using the same.

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

Location of dam. SECTION 1. The Crivitz pulp and paper company, a corporation, its successors and assigns, are hereby authorized to build and maintain a dam, not exceeding forty-six feet in height, across the Peshtigo river, on any lands they may own or may hereafter own, possess or control in section twenty-four, in township thirty-two, north of range nineteen east, in Marinette county, Wisconsin.

Surplus water power. SECTION 2. They may use such dam for the purpose of driving, booming and storing of logs and timber and improving the navigation of said river. If any water power shall be created by said dam, not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of the navigation of said river, the said Crivitz pulp and paper company, its successors and assigns, shall have the right to use, lease and dispose of such surplus water power in conducting and carrying on any manufacturing business, and for that purpose may build raceways and flumes and all other equipment necessary to develop and use such surplus power for such purposes.