

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 17, 1905.

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No. 233, A.]

[Published June 20, 1905.

## CHAPTER 399.

AN ACT to authorize Stephen Steensen, his heirs and assigns, to build and maintain a dam across the La Crosse River, La Crosse county, Wisconsin.

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

**Location of dam.** SECTION 1. Stephan Steensen, his heirs and assigns, is hereby authorized to construct and maintain a dam across the La Crosse River, in La Crosse county, Wisconsin, on the southwest quarter of section thirty-three (33), in township seventeen (17), north of range six (6) west, in said county and state. The height of such dam not to exceed twelve (12) feet from low water mark; such dam to be constructed and maintained for milling, manufacturing, generating electricity, supplying municipalities and their inhabitants with light, heat and power, and for any lawful purpose whatsoever.

**Fishway.** SECTION 2. The dam erected under this act 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 river through the same.

**Conditions of grant.** SECTION 3. This act is passed in consideration of and upon the following express 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 any 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, express or implied, in violation of any law of this state or of the United States.

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 which 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 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 rendered 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.

**Legislative rights reserved.** SECTION 5. The right of the legislature to repeal or amend this act is hereby reserved.

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 17, 1905.

No. 192, A.]

[Published June 21, 1905.

## CHAPTER 400.

AN ACT to authorize Charles A. Gesell, his associates, successors, heirs and assigns to build and maintain a dam across the Flambeau river, Iron county.

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

**Location of dam.** SECTION 1. Charles A. Gesell, his associates, successors, heirs and assigns are hereby authorized and empowered to build, construct and maintain a dam across the Flambeau river on the west half of section four (4) in township forty-one (41) north in range two (2) east, Iron county, state of Wisconsin, for the purpose of improving the navigation of said Flambeau river above said dam and to use and appropriate the hydraulic power created thereby for the transmitting of electricity and for manufacturing and such other purposes as the same may be adapted.

**Powers conferred.** SECTION 2. Said Charles Gesell, his associates, successors, heirs and assigns, for the purpose of acquiring any flowage rights which may be necessary in carrying out the provisions of this act may exercise the powers granted to corporations by sections 1777a, 1777b, 1777c, 1777d of the statutes of 1898, and the several acts amendatory thereto or thereof enacted or to be enacted.

**How constructed.** SECTION 3. Said dam shall be constructed of either concrete or common rock laid in Portland cement with the object in view that any freshet or flood from