

No. 773, A.]

[Published June 27, 1905.]

CHAPTER 485.

AN ACT to authorize William C. Zachow, his heirs, associates and assigns to build and maintain a dam across the Oconto river in Oconto county, Wisconsin.

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

Location of dam. SECTION 1. William C. Zachow, his heirs, associates and assigns are hereby authorized to build and maintain a dam across the Oconto river on any lands that he owns, possesses or controls in government lots numbered one and eight, in section thirty-three (33) in township twenty-eight (28) north of range eighteen (18) east, in Oconto county, Wisconsin, for the purpose of improving the navigation of said river and of creating hydraulic power and using the same for any lawful purposes. Said dam shall be built not to exceed thirty feet in height from the bed of the stream.

Purpose. SECTION 2. The said William C. Zachow, his heirs, associates and assigns 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 William C. Zachow, his heirs, associates and assigns, shall have the right to use such surplus water power in conducting and carrying on any manufacturing business, and for that purpose may build race-ways and flumes and other equipment necessary to develop and use such surplus power for such purposes.

How constructed. SECTION 3. Said dam shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of the Oconto river. And the said William C. Zachow, his heirs, associates and assigns, shall build, maintain and keep in repair suitable slides and chutes in said dam for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient

unobstructed channel for the free passage of logs and timber products through the pond created by said dam; and the dam so erected shall be provided with such piers and guide booms as may be necessary for the free and safe passage of logs at the expense of the owner of said dam.

Discharge of floods. SECTION 4. Said dam shall be so constructed and maintained as to be capable of permitting the free and uninterrupted passage through or over the same of any and all floods discharged by any flooding dam further up said river for the purpose of assisting in and facilitating the driving of logs and other timber products below said dam authorized by this act, and the owner of said dam shall so maintain and operate it as to permit the free passage of all such floods without substantial impairment of their effectiveness, in assisting in the driving of logs and timber products down said river and shall be liable in damages to any person or corporation injured by failure to comply with this section.

Legislative rights reserved. SECTION 5. The right is reserved to the legislature to repeal or modify this act at any time.

Fishway. SECTION 6. 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 such 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.

Powers conferred. SECTION 7. Said William C. Zachow, 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, including amendments that may have been or may hereafter be made to the same.

No corporate powers. SECTION 8. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant any such powers or privileges.

Conditions of grant. SECTION 9. 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 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.

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 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, when forfeit. SECTION 10. The refusal of the owners to submit to arbitrators, 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 granted, and the failure of the lessee or lessees to 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.

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 or persons to whom the franchise is hereby given, of a written acceptance of the conditions herein contained.

Approved June 20, 1905.

No. 740, A.]

[Published June 27, 1905.

CHAPTER 486.

AN ACT to prohibit public officers from asking, accepting or using a free pass, frank or privilege withheld from any other person for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication, and amendatory of chapter 357 of the laws of 1899.

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

Free pass; public officers not to ask or accept; penalty. SECTION 1. Chapter 357 of the laws of 1899 is hereby made a section of the statutes of 1898 and amended so as to read as follows: Section 4552a. No person, association, co-partnership, or corporation, shall offer, or give, for any purpose, to any political committee, or any member or employee thereof, to any candidate for, or incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, or to any person at the request or for the advantage of all or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. No political committee, and no member or employee thereof, no candidate for and no incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, shall ask for, or accept, from any person, association, co-partnership, or corporation, or use in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. Any violation of any of the above provi-