

state by the person or persons to whom the franchise is hereby granted, of a written acceptance of the condition herein contained.

Approved June 20, 1907.

(In effect July 1, 1907.)

No. 45, A.]

[Published June 22, 1907.

CHAPTER 286.

AN ACT to authorize Jacob Svetlik, Wenceslaus Svetlik and Albert Blisek, their heirs, associates and assigns to build and maintain a dam across the Yellow river in Chippewa county, for 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:

Height and location of dam. SECTION 1. Jacob Svetlik, Wenceslaus Svetlik and Albert Blisek, their heirs, associates and assigns, are hereby authorized to build and maintain a dam not exceeding ten feet in height across the Yellow river on any lands that they might own, possess or control on the southeast quarter of the northeast quarter of section thirty-one, township twenty-nine, range six west, in Chippewa county, Wisconsin.

Water power. SECTION 2. If any water power shall be created by said dam, the said Jacob Svetlik, Wenceslaus Svetlik and Albert Blisek, their heirs, associates and assigns, shall have the right to use, lease and dispose of such water power in conducting and carrying on any manufacturing and any other lawful business and for that purpose may build raceways and flumes and all other equipment necessary to develop and use such power for such purpose.

Free navigation and timber passage. SECTION 3. Said dam shall be so constructed and maintained as not to hinder,

impede or obstruct the free navigation of the Yellow river; and said Jacob Svetlik, Wenceslaus Svetlik and Albert Blisek, their 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 all logs and timber products destined to points below said dam shall be taken by the owners of said dam when they reach the flowage thereof, or reach any jam that may be caused by the stopping of logs by the works or pond of the owners of said dam, and shall be driven by such owners free of charge and with reasonable dispatch through said flowage and pond and over said dam.

Free flood passage. 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 or 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 owners 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, copartnership or corporation injured by failure to comply with this section.

Fishway. SECTION 5. 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 stream.

Repeal reserved. SECTION 6. The right is hereby reserved to the legislature to repeal or modify this act at any time.

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

Beginning. 1. The construction of the dam herein authorized shall be commenced within two 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 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 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 paid for the use of same, they shall submit the matter to arbitration and for this purpose the owners 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, pain of forfeiture. SECTION 8. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which such 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 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 arbitration as hereby provided, or after submission, to pay the price determined by said arbitrators, shall work a forfeit of his lease, if any he had, of such power or accumulation of water.

Condition: filing of written acceptance. SECTION 9. 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 granted, of a written acceptance of the conditions herein contained.

Approved June 20, 1907.

No. 533, S.]

[Published June 22, 1907.

CHAPTER 287.

AN ACT to create section 4560a—11, of the statutes and repeal section 22, chapter 437, laws of 1903, relating to sale of confiscated game.

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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Repeal. SECTION 2. Section 22, of chapter 437, laws of 1903, is hereby repealed.

Approved June 20, 1907.

(In effect July 1, 1907.)