

No. 1009, A.]

[Published July 12, 1907.]

**CHAPTER 513.**

AN ACT to appropriate certain money to A. C. Chase in payment of fees for the publication of chapter 9 of laws of 1905.

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

**Appropriation.** SECTION 1. There is appropriated to A. C. Chase out of any money in the state treasury, not otherwise appropriated, the sum of nineteen dollars and eighty cents, being the fees for the publication in The Colfax Messenger, a newspaper published in said Dunn county, of chapter 9, of laws of 1905, relating to a second municipal court for Dunn county.  
Approved July 9, 1907.

(In effect from and after date of publication.)

No. 985, A.]

[Published July 12, 1907.]

**CHAPTER 514.**

AN ACT to authorize C. F. Stout and R. W. Robinson, their successors and assigns, to build and maintain a dam across Silver creek, in section twelve, township thirty-three, north of range one, east, in the county of Taylor, Wisconsin, for the purpose of improving the navigation of said creek 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; purpose.** SECTION 1. C. F. Stout and R. W. Robinson of Taylor county, Wisconsin, their successors and assigns, are authorized to build and maintain a dam across Silver creek on any lands they may own or may hereafter own, possess or control in section twelve, township

thirty-three, north of range one, east. in Taylor county, Wisconsin, for the purpose of improving the navigation of said Silver creek and are authorized to make use in any lawful manner of any hydraulic power furnished by said dam.

**Surplus water power.** SECTION 2. Said C. F. Stout and R. W. Robinson, their successors and assigns, shall have the right to use, lease and dispose of any surplus water power in conducting and carrying on any lawful business and for that purpose may build raceways, flumes and other equipment necessary to develop and use such surplus water power for any such purpose.

**Height.** SECTION 3. Said dam shall not be of greater height than sufficient to furnish twenty-five feet head.

**Condemnation proceedings.** SECTION 4. In order to build and maintain said dam and use the same for the purpose herein, specified, the said C. F. Stout and R. W. Robinson, their successors and assigns, shall have the right to take and overflow and use any lands or riparian rights not owned or controlled by them and may acquire title to any such lands or riparian rights and the right to control and use the same for said purposes by and through proceedings of condemnation under the power of eminent domain as provided in sections 1777a, 1777b, 1777c, 1777d and 1777e, statutes of 1898, and laws amendatory thereof are hereby made applicable to said dam and the acquisition of the title or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam for the purpose hereinbefore specified.

**Free navigation and log passage.** SECTION 5. Said dam shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of said Silver creek. And said C. F. Stout and R. W. Robinson, their successors 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 Silver creek, 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 6. 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 Silver creek 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 Silver creek, and shall be liable in damages to any person or corporation injured by failure to comply with this section.

**Fishway.** SECTION 7. 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 and amendment reserved.** SECTION 8. The right is hereby reserved to the legislature to repeal or modify this act at any time.

**Express conditions.** SECTION 9. This act is passed in consideration of, and upon the following expressed conditions:

**Time for construction.** 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 understand-

ing, 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 to be paid for the use of the 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 an other 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 10. 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 hereby provided, or after submission, to pay the price determined by said arbitrators shall work a forfeiture of his lease, if any he had, of power or accumulation of water.

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

Approved July 9, 1907.