

Water rates, city departments, schools and parks when exempt from. SECTION 2. Whenever the surplus water fund of any such city is sufficient or shall exceed the sum required to pay two years installment on principal and interest of its bonded indebtedness then and in that case the common council in any such city may by resolution or ordinance exempt the various city departments, public schools, parks and fountains of such city from paying water rates.

Conflicting provisions repealed. SECTION 3. The provisions of any such city charter and all laws special or general inconsistent or in conflict herewith are hereby modified, amended or repealed to the extent necessary to give effect to the intent and purposes of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 197, A.]

[Published June 26, 1905.

CHAPTER 470.

AN ACT to authorize the city of Greenwood to build and maintain a dam across the Black river in Clark county.

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

Location of dam. SECTION 1. The city of Greenwood is hereby authorized and empowered to build, construct and maintain a dam across Black river on section thirty-four (34) in township twenty-seven (27), range two (2) west, in Clark county, state of Wisconsin, at such height as such common council may determine, not exceeding sixteen (16) feet above low water mark; said dam to be so constructed and maintained for the purpose of lighting, heating, pumping and other purposes. Provided that said dam shall be so constructed and maintained as not to obstruct or impede the running of logs or timber down said river, and that a suitable log slide, sufficient

in width, shall be maintained at the expense of the owner of said dam, together with such piers and guide booms as shall be necessary so as to pass all logs and timber down and over said log slide without hindrance or waste, and provided further that the dam erected under the provisions of this act shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, which 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 2. The said city of Greenwood, for the purpose of acquiring any flowage rights that it may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by sections 1777a to 1777d inclusive, of the statutes of 1898.

Legislative powers reserved. SECTION 3. The right to repeal or amend this act is hereby reserved.

Conditions of grant. SECTION 4. 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 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 for any lawful private purpose, it 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 engi-

neers 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 5. The refusal of the 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 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 hereby granted, and the failure of the lessee or lessees 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 or leases, if any he or they had, of such power or accumulation of water.

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 city to whom the franchise is hereby given, of a written acceptance of the conditions herein contained, by the common council of said city.

Approved June 20, 1905.