

all dockets, books, and records in his possession, connected with his said office; and the district justices and constables are hereby declared to be the successors of justices and constables in said ward now in office.

Justices to
give bonds.

SECTION 6. The justices of the peace and constables elected under the provisions of this act, shall give bonds and take the oath of office, as now required by law.

Repeal of con-
flicting acts.

SECTION 7. All acts and parts of acts which contravene the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 333.

[Published March 22, 1875.]

AN ACT to amend chapter 16, of the private and local laws of 1872, entitled "an act to incorporate the city of Eau Claire."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Authority to
maintain dams,
water-works,
etc.

SECTION 1. The common council of the city of Eau-Claire are hereby authorized and empowered to build, construct and maintain a dam, not exceeding sixteen feet in height, across the Chippewa river, at such place within the limits of said city as it may determine; to construct water works, open and construct drains, sewers and mains for the same; to establish water-rents and provide for the collection thereof.

Construction
of piers and
booms.

SECTION 2. The common council of said city are hereby authorized, required and empowered to erect, construct and maintain in slack water created by the dam authorized in this act to be constructed, such piers and such store, assorting, shear, side and glancing booms as it may deem sufficient for protecting the navigability of said river for steamboats, logs, timber, lumber, fence posts and railroad ties, and properly assorting and safely storing of saw-logs, timber, fence posts and railroad ties.

Authority of
city to lease
water power
and boomage.

SECTION 3. The common council of said city are hereby authorized and empowered to let, lease and rent the water power, or any part or portion of the same, which may be created under the provisions of

this act for manufacturing purposes, except so much thereof as may be needed by said city for hydraulic purposes, and may also let, lease and rent the boomage, piers and booms which may be created and erected under the provisions hereof, and may fix the rate of boomage and storage of saw-logs, timber, fence posts and railroad ties, at such price as it may determine, not exceeding fifty cents per one thousand feet, board measure, for saw-logs and timber, not exceeding one dollar per one hundred for fence posts or railroad ties.

SECTION 4. The dam authorized by this act to be constructed with a sufficient lock for the safe passage of steamboats used or to be used in navigating said river, and with sufficient and separate chutes for the safe and expeditious passage of saw-logs, timber, fence posts, railroad ties and rafts of lumber over the same, and shall be constructed so as not to materially obstruct the navigation of said river, and the chute for the passage of lumber shall be constructed so as to pass over the same rafts of lumber two strings in width and [seven] cribs of thirty-two (32) feet in length.

How dam to be constructed.

Not to obstruct navigation.

SECTION 5. The piers and booms authorized by this act to be constructed, shall be so constructed as not to materially obstruct the navigation of said river for saw logs, lumber, timber, fence posts and railroad ties; and shall be so constructed and operated that saw logs, timber, fence posts and railroad ties, designed for points below said dam, can be separated from those designed to be stored in said store boom with all possible despatch.

How piers and booms to be constructed.

SECTION 6. The works herein authorized shall be so constructed and operated that there shall be at all times a clear, unobstructed channel for the free passage of all lumber, logs, timber, fence posts and railroad ties, designated for points below said dam.

Channel to remain unobstructed.

SECTION 7. Nothing contained in this act shall be construed as authorizing the common council of said city to fix any rate or toll, or any lessee to charge or receive any toll or compensation whatever for passing boats through the lock, or for the assorting and passing of any saw logs, timber, lumber, fence posts or railroad ties, by the booms or over the dams herein authorized to be constructed, except upon logs, timber, fence posts, and railroad ties to be stored in the store booms at the request of the owners or claimants thereof.

Taking of compensation prohibited except for storage

City liable for damages.

SECTION 8. The city of Eau Claire shall be liable to the party injured for all damages sustained by unreasonable delays or insufficiency of any of the works authorized by this act, and for all damages suffered by reason of the carelessness or neglect of the agent or agents, employe or employes of said city in operating the same.

Authority of city to issue bonds for constructing works

SECTION 9. The common council of said city may issue the bonds of said city for the purpose of constructing the works authorized by this act, at such times as it may determine, after the question of constructing such works, and issuing of such bonds shall have first been submitted to a vote of the legal voters of said city, and decided in favor of such works, and of issuing such bonds, by a majority of the votes cast at such election. Such bonds shall be of such denominations and draw such rate of interest as the common council may determine, and when issued shall be signed by the mayor and countersigned by the clerk of said city.

Denomination and interest of bonds.

How moneys received for water-rents, etc to be applied.

SECTION 10. All moneys which shall be received for the lease of water-power, water-rents, and any other source or sources, arising from any or either of the improvements authorized by this act, shall be applied to the purpose of keeping said works in repair, payment of the interest upon the bonds issued for the construction thereof, and for creating a sinking fund for the ultimate redemption thereof. And in case the said city shall not receive from such sources a sufficient sum to pay the interest upon such bonds, the common council shall levy a tax for such amount annually, as, together with such receipts, will pay the interest upon such bonds, which tax shall be levied and collected with, and in the same manner, as other city taxes; and all coupons of such bonds, when due, shall be received for city taxes.

In case of deficiency, tax to be levied.

Coupons to be received for taxes.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.