

CHAPTER 231.

[Published March 28, 1876.]

AN ACT to amend, and re-enact as amended, chapter 333, of the laws of 1875, entitled, "An act to amend chapter 16, of the private and local laws of 1872, entitled, 'an act to incorporate the city of Eau Claire,' " so as to authorize the construction of water-works by and for said city.

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

Amended.

Authority to
construct
water-works
and to build
dam.

SECTION 1. Chapter 333, of the laws of 1875, is hereby amended so as to read as follows: Section 1. The city of Eau Claire is hereby authorized and empowered to construct water-works for the purpose of supplying said city and the inhabitants thereof with water, and for that purpose is authorized to construct and maintain a dam not to exceed sixteen feet in height above low water mark, across the Chippewa river, at such place within the limits of said city as the common council thereof may determine, and may open and construct drains, sewers, aqueducts, mains, and may construct or purchase water-wheels, pumps and machinery for elevating and forcing water through mains and pipes, and all other works and appendages necessary or proper to the successful construction and operation of water-works to supply said city and the inhabitants thereof with water, and to establish water-rates and provide for the collection thereof; and the common council of said city, in addition to the powers herein specifically granted to them, shall have power to pass and adopt all such ordinances, resolutions and orders as may be necessary or proper to construct, maintain, operate and regulate such water-works, and it shall be the duty of said city to complete said water-works within a reasonable time after such works shall have been begun, and for the purpose of operating the same, to apply such portion of the water-power created by said dam as may be necessary for the successful and efficient operation thereof.

Additional
powers of coun-
cil.

Authority to
construct piers,
booms, etc.

SECTION 2. The common council of said city is hereby authorized and required to erect, construct and maintain in said river, above and below the dam authorized to be constructed in this act, such piers, booms, and other structures, as shall be sufficient for protecting and preserving the navigability of said

river, so far as the same may be rendered necessary by reason of the construction and maintenance of the dam and works herein authorized to be constructed.

SECTION 3. In case the dam hereby authorized to be erected across said river shall create any water-power, flowage, slack-water or accumulation of water not immediately or continuously needed to propel the machinery, and maintain and supply the mains connected with said water-works or to protect or preserve the navigability of said river, the common council of said city is hereby authorized and empowered to let, lease and rent such surplus water-power, flowage, slack-water or accumulation of water or any part or portion thereof, for manufacturing or other purposes, which may not be needed to operate and supply such water-works, and protect and preserve the navigability of said river, and may also let, lease and rent any of the piers, booms or other structures which may be constructed or erected under the provisions of this act, for any use or purpose which shall not materially obstruct the navigability of said river, or interfere with the successful operation and maintenance of the dam and works herein authorized to be constructed; and may fix the rents for water-power, and the use of such flowage, slack-water or accumulation of water and the rates of boomage or storage of saw-logs, timber, fence posts and railroad ties, not, however, exceeding fifty cents per one thousand feet, board measure, for saw-logs and timber, and not exceeding one dollar per hundred for fence posts and railroad ties.

Surplus water-power may be leased.

Piers, booms, etc. may be leased.

Rates of boomage.

SECTION 4. The dam authorized to be built by this act shall be constructed so as not to materially obstruct the navigation of said river, and shall contain a lock of sufficient capacity to safely and expeditiously pass steamboats and rafts of lumber two cribs wide and seven cribs long; said lock shall not be less than forty feet wide and two hundred and seventy feet long, and shall be maintained and operated free from all tolls and expense to the owners or those in charge of such steamboats and rafts; and there shall also be constructed and maintained in said dam, separate and sufficient chutes and slides for the safe and convenient passage of logs, timber, fence posts and railroad ties; and a chute may be constructed in said dam for the safe and expeditious passage of rafts of lumber.

Dam not to obstruct navigation.

Dimensions of lock.

Chutes and slides.

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

Construction of piers booms.

lumber, saw-logs, timber, fence posts or 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 expeditiously separated from those designed to be stored in any of the booms authorized to be constructed by this act.

Channel of river to be unobstructed.

SECTION 6. The works herein authorized to be constructed, shall be so constructed, maintained 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, designed for points below said dam.

No tolls to be collected on passing craft or timber.

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 tolls or compensation whatever, for passing boats or rafts through the locks, or for assorting or passing of any saw-logs, timber, fence posts, or railroad ties by the boom or over the dam herein authorized to be constructed, except upon logs, timber, fence posts and railroad ties, stored in the booms so constructed, at the request of the owners or claimants thereof.

City liable for damages.

SECTION 8. The city of Eau Claire shall be liable to any party injured for all damages sustained by said party, by reason of the insufficiency of any of the works authorized to be constructed by this act, or by reason of any unreasonable delays or detentions suffered by such party in operating the same, 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 to issue bonds.

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, not exceeding one hundred thousand dollars in amount, at such times as it may determine. But no bonds shall be issued until the question of constructing such works and issuing such bonds shall have first been fairly submitted to a vote of the legal voters of said city, in such manner as the common council may by ordinance determine and provide, 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, not exceeding ten per cent. per annum, and

Question of constructing works to be submitted to voters.

when issued shall be signed by the mayor and countersigned by the clerk of said city.

SECTION 10. All moneys which shall be received for the lease of water-power flowage, slack-water, accumulation of water, water-rents, piers and booms, and any other source or sources arising from any of the works 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.

How money received for leases to be applied.

When tax to be levied.

SECTION 11. Said chapter 333, of the laws of 1875, as hereinbefore amended, is hereby re-enacted, to take effect from and after the passage and publication of this act.

Re-enacted.

Approved March 10, 1876.

CHAPTER 232.

[Published March 18, 1876.]

AN ACT to appropriate a sum of money therein named, to pay for additional copies of the legislative manual for 1876.

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

SECTION 1. There is hereby appropriated out of any money in the treasury belonging to the general fund, a sum sufficient to carry out the purposes of joint resolutions numbers eleven (11) and seventeen (17), for the purchase of additional copies of the legislative manual for 1876.

Appropriation.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 9, 1876.