

and the said commissioner, in his notice of letting contracts for excavation on the said canal, shall specify the breadth and depth of the excavation, which specification shall be embraced in the contracts; and all the timber, grubs and earth taken off or out of the said canal, shall be removed to the eastern or lower side of the canal, to the distance of at least twenty feet clear from the line of the canal.

APPROVED January 31, 1846.

## AN ACT to authorize certain counties to levy a special tax.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

Special tax to be levied.

SECTION 1. That the board of supervisors of the county of Calumet, Fond du Lac, and Winnebago, and the board of county commissioners of the county of Marquette, shall have power, and they are hereby required to levy a tax not exceeding one per cent. per annum, annually, for the purpose of constructing a Mc-Adam, plank, rail or turnpike road from the foot of Grand Kakalin to Winnebago Lake, as may be deemed most expedient.

SEC. 2. The said tax shall be levied and collected at the same time and in the same manner that taxes are by law required to be levied for the support of county government in said counties respectively, [respectively] and said tax shall be a lien on real estate on which the same is or may be assessed, until paid.

How appropriated.

SEC. 3. The said board of supervisors and board of county commissioners respectively are hereby authorized and required to appropriate all the money raised in pursuance of this act, to the purposes herein expressed, and no other.

SEC. 4. The chairman of the board of supervisors or of the board of county commissioners, as the case may be, of said coun-

ties; together with the chairman of the board of supervisors of the county of Brown, shall constitute a board for the purpose of designating the route of said road, and the manner in which the money raised in pursuance of this act shall be expended, and also for the purpose of appointing a superintendent over said road: *Who to constitute board.* *Provided,* That all of said counties shall raise said tax, but in case any of said counties shall fail to raise said tax in any year, the chairman of the board of said county shall not be one of the board for expending said money during such year; but said last mentioned board shall each year be constituted exclusively of the chairmen of the county boards of those counties which shall levy such a tax for such year. *Provido.*

SEC. 5. The majority of the said board for expending the money then raised, shall constitute a quorum for the transaction of all business. And in pursuance of this act, and the more effectually to carry the same into effect, the chairman of the board of county commissioners or the board of supervisors, as the case may be, of those counties adopting the same, shall and are hereby required to meet at the house of D. W. Halsted, on the first Monday of May next, for the purpose of choosing one of their number chairman or president of said board, and otherwise fully organizing the same; and which board thereafter shall have the power of appointing their own place of meeting. *Majority to make quorum.*

SEC. 6. The superintendent appointed by said board, shall have power to make contracts for the construction of said road and shall have the general supervision of said road, subject to the control of said board, and may on his order draw the money raised for the construction of said road from the treasuries of the said counties respectively. *Power of superintendent.*

SEC. 7. This act shall be submitted to the legal voters of said counties respectively, at the election to be held in April in each year, and if a majority of all the votes cast at such election in any county upon this question shall be in favor of raising said tax, then the county board of such county are required to carry this act into effect. But if a majority of all the votes cast upon this question, in any county, shall be against raising said tax, then the said tax shall not be levied in such county during the year such vote was given. *To be submitted.*

APPROVED February 2nd, 1846.