

to towns or town officers; and he shall in no case be allowed to retain such fees for his own use.

SECTION 3. If any treasurer or clerk as aforesaid, shall violate any of the provisions of this act, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, and shall be liable to the county in an action of debt for double the amount of fees unlawfully retained by him. Penalty.

SECTION 4. This act shall take effect when published.

Approved April 10, 1865.

CHAPTER 533.

[Published June 6, 1865.]

AN ACT to accept the grant of lands made to the state of Wisconsin, by act of congress approved June 25th, 1864, to aid in the construction of a military road from Wausau, Marathon county, to Lake Superior.

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

SECTION 1. The grant of lands accruing to the state of Wisconsin, under and by virtue of an act of congress granting lands to the state of Wisconsin, approved June 25th, 1864, to aid in the construction of a military wagon road from Wausau, in the county of Marathon, following the Wisconsin river as far as Skouowany, and from thence on the most feasible and direct route to a point on the state line between the states of Wisconsin and Michigan, in a direction leading to Ontonagon, on Lake Superior, (*be and the same*) is hereby accepted, in accordance with the conditions and provisions of said act. Grant accepted.

SECTION 2. The governor of the state of Wisconsin is hereby authorized and required to appoint three agents or commissioners to survey, locate and construct said road, as is provided in section four of said act. Commissioners to lay out road.

SECTION 3. The said agents or commissioners so appointed by the governor, shall cause the proposed Survey of road, Ac.

line of said road to be surveyed, located, and proper grades therefor established, and plans and specifications for the necessary bridges and for the contract for construction, to be made. The said road, when it passes through timbered lands, shall be chopped out of a uniform width of at least six rods in width, and in all respects built in the manner specified in section four of said act of congress.

Report—certified copy to be sent to secretary of interior.

SECTION 4. The said commissioners shall make a report, signed by them, or a majority of them, of such survey, plans and specifications, and send it, with a map of the line or route of said road, to the governor of the state, who shall cause a certified copy thereof to be sent to the secretary of the interior of the United States, with the request that the unsold lands within three sections in width on each side of said surveyed line, be reserved from sale, and that the necessary amount of said lands in lieu of those sold, or on which pre-emptions have attached, be set apart as contemplated by section one of said act of congress.

Letting of contracts for construction of road

SECTION 5. When the survey, plans and specifications shall be complete, and the report thereof properly made, it shall be the duty of the said commissioners to advertise for the letting of a contract or contracts for the construction of such road, or any section thereof, as they may deem expedient, according to the surveys and specifications adopted, and to take charge of the construction of said road, and see that such contracts are properly performed. Such contracts shall be signed by said commissioners, or a majority of them, but shall not be valid until a duplicate thereof shall be filed with the commissioner of the land office.

Contracts payable only in lands.

SECTION 6. All contracts made by virtue of this act, shall be payable only in the lands granted to the state by virtue of the act of congress aforesaid, and no land shall be conveyed to any contractor until he has completed at least ten consecutive miles of road, according to his contract, to the satisfaction of the commissioners, and to be certified by them to the governor, upon which certificate the proper patents, in the usual form, shall be issued to such contractor or his assignee, for the amount of land awarded under his contract.

Notice of the letting of contracts to be published.

SECTION 7. Notice of the letting of such contracts shall be published by such commissioners, fixing a time and place for each letting, and stating how payment

will be made, and a convenient place for maps, surveys, specifications or copies thereof may be seen by parties intending to bid, in one newspaper printed in the county of Marathon, and in one newspaper printed in the city of Stevens' Point, for at least forty days prior to the letting of such contracts.

SECTION 8. Each of the commissioners appointed by the governor by virtue of this act, shall hold his office for five years, unless sooner removed by the governor, or by death or resignation. The governor shall have power to remove, at any time, either of the commissioners appointed, for misconduct or neglect of duty, and to fill vacancies.

Terms of office of commissioners.

May be removed.

SECTION 9. Each of said commissioners shall be entitled to receive for his services and personal expenses, three dollars and fifty cents for each day actually employed in the business of said road. They shall have power to appoint such number of assistants and procure such aid as shall be necessary, and to fix the pay and compensation therefor.

Per diem of commissioners.

SECTION 10. When the line of said proposed road shall be surveyed and located, and the maps thereof shall be filed with the secretary of the interior, and the lands granted to this state for the said road shall be set apart, as contemplated in said act of congress, the governor may authorize and direct the commissioners of school and university lands to sell such part of the first thirty sections of land as may be necessary to reimburse the state for expenses of such survey and compensation of the commissioners authorized by this act, and to pay the damages hereafter mentioned, to be offered and sold in such manner as they shall deem for the public interest, except that they shall be sold for cash, and at not less than one dollar and twenty-five cents per acre.

Sale of school and university lands to pay expenses of survey, &c.

SECTION 11. Before any contract entered into by virtue of this act shall be valid, the contractor shall execute a bond, with sufficient sureties, to the people of this state, in such penalty as the commissioners shall direct, with a condition for the faithful performance of his contract, according to the specifications of the same, which bond shall be approved by the governor and filed with the secretary of state.

Contractors to give bonds, &c.

SECTION 12. The said commissioners and their employees and assistants, in the locating, laying out and

Powers of commissioners in laying out road.

Damages.

constructing of said road, shall have power to lay out and establish said road over any lands belonging to this state, as also over any state, county or town roads or highways lawfully established by the county or town authority, and any bridge on such highway not a toll bridge; but when it shall be necessary in opening and constructing said road, to take the land of any private person or owner, the said commissioners so appointed by the governor, shall proceed to view the land so to be taken, and shall give the owners or their agents, if they are to be found on such land, such notice as they may deem reasonable, to be present at such view, and make such showing as they may desire, touching the amount of damages to be sustained by such taking; and upon taking such view and hearing the showing of such owner or occupant, if he shall be present in person or by an agent, the commissioners shall estimate the amount of such damage, and make and sign a certificate of their finding, describing the lands claimed to be damaged, and file the same in the office of the secretary of state; and if the same shall be approved by the governor, such damages shall be paid by the state treasurer on the warrant of the secretary of state, out of the military road fund created by this act, if there be any money belonging to the same.

Maps of road to be recorded.

SECTION 13. The commissioners shall cause a map or plan of said road as surveyed and established through any county, to be recorded in the office of the register of deeds of such county.

To be public highway.

SECTION 14. Such road when laid out and opened, and to such extent as work upon the road has been accepted as completed, is declared to be a public highway, and shall be, with the bridges thereof, kept in repair by the counties through which the same shall pass.

Expenses to be audited by governor.

SECTION 15. No part of the fees, per diem or expenses of said commissioners shall be paid by the state, but the accounts of said commissioners shall be audited by the governor, upon the certificate of said commissioners, and the first proceeds of the sale of said lands shall be applied to the payment of said commissioners' accounts and expenses.

Copy to be sent to secretary of interior.

SECTION 16. The secretary of state shall, on this act being filed in his office, cause a certified copy thereof to be transmitted to the secretary of the interior.

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 534.

[Published May 17, 1865.]

AN ACT to grant to Calumet and Manitowoc counties certain swamp lands for drainage and other purposes, and to repeal chapter 439 of the general laws of 1864.

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

SECTION 1. All of the swamp and overflowed lands belonging to the state, and constituting a portion of the swamp land fund, situated in towns eighteen north, range twenty east, nineteen north, range twenty east, twenty north, range nineteen east, and twenty north, range twenty east, of the county of Calumet, and towns eighteen north, range twenty-one east, eighteen north, range twenty-two east, nineteen north, range twenty-one east, nineteen north, range twenty-two east, and twenty north, range twenty-one east, of the county of Manitowoc, are hereby granted to the said counties, to have and to hold the same in fee simple, in trust for the purposes and under the conditions hereinafter provided.

Certain swamp and overflowed lands granted to Calumet and Manitowoc counties.

SECTION 2. The supervisors of the said counties of Manitowoc and Calumet, are hereby authorized and empowered to act for and on behalf of the said counties in the execution of the trust by this act granted, and for that purpose they are appointed and constituted a board of commissioners, to be known and recognized in law by the name of "the joint board of swamp land commissioners for the counties of Manitowoc and Calumet," and by that name shall be capable in law of taking, holding, leasing, mortgaging and conveying the real estate hereinbefore in the first section of this act described, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in that name may contract and be con-

Joint board of commissioners—their powers.