

hereby appropriated for building said levee including the expenses paid to the commissioners and engineer, shall be created or incurred.

SECTION 4. The commissioners and constituted authorities of the town of Lewiston, provided for by this act, are hereby authorized to enter upon and pass over any inclosure or lands, together with all needful aid, for the purpose of locating, constructing, repairing and maintaining said levee. Shall have free access.

SECTION 5. For the purpose of acquiring title to any real estate that may be necessary for the construction of the levee hereby provided for, the provisions of chapter 87 of the revised statutes of Wisconsin, relating to acquiring land by right of eminent domain, are hereby declared applicable to and a part of this act. Eminent domain.

SECTION 6. The commissioners appointed under this act shall not be entitled to more than five dollars per day while discharging any duty under this act, nor pay for more than twelve days each while so engaged : provided, however, that they may appoint one of their number superintendent of construction, who shall be entitled to such compensation as the other commissioners may determine to be reasonable and just, and shall be approved by the governor. Compensation.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 110, S.]

[Published March 28, 1882.]

### CHAPTER 139.

AN ACT to amend section 635 of the revised statutes, entitled "of the militia."

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

SECTION 1. Section 635 of the revised statutes of the year 1878, is hereby amended by adding thereto at the end thereof the following : Provided, whenever it shall appear to the satisfaction of the governor that any of the payments or allowances authorized by this chapter for armory rent and expenses, clothing fund or subsistence allowances, shall have been withheld from any company by reason of any failure in compliance with any of the requirements of this chapter, not arising from any defect in the organization, discipline or instruction of such company ; nor for any reason affecting In regard to the militia.

the efficiency of such company as a part of the national guard; then and in such case the accounts of such company, with the certificate of the governor thereto annexed, stating that such payment and allowance has not been withheld for any of the causes hereinbefore mentioned, may be audited by the secretary of state, and when so audited shall be paid out of the state treasury to the commanding officer of such company, on such vouchers and receipts as the governor may direct; provided further, that the allowance of any such account shall not cause any greater expenditure on account of the national guard than is allowed by the provisions of this chapter in case all of its technical requirements are fully met; provided further, that application for such compensation and proof of facts upon which it is based be filed with the governor within thirty days from the date of the passage of this act.

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

Approved March 17, 1882.

[No. 148, S.]

[Published March 21, 1882.]

### CHAPTER 140.

AN ACT to repeal section 5 of chapter 37 of the laws of Wisconsin for the year A. D. 1881, entitled an act to change the third and fourth judicial circuits and to create the thirteenth judicial circuit, and to amend section 2424 of chapter 113 of the revised statutes of Wisconsin.

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

When court shall be held.

SECTION 1. So much of section 2424 of chapter 113 of the revised statutes of Wisconsin as relates to the third circuit of the circuit courts of the state of Wisconsin is hereby amended to be and read as follows: Third circuit. In the county of Calumet, on the first Monday in January and the third Monday in May. In the county of Green Lake, on the third Monday in January and the first Monday in June. In the county of Winnebago, on the Monday next after the first Tuesday in April and the second Monday in November.

SECTION 2. Section 5 of chapter 37 of the laws of Wisconsin for 1881, entitled an act to change the third and fourth judicial circuits and to create the thirteenth judicial circuit is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.