

## CHAPTER 174.

[Published April 8, 1861.]

AN ACT to provide for the disposal and expenditure of the Drainage Fund Moneys in Brown county.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That portion of the interest of the drainage fund moneys which is due to the county of Brown for the year 1861, shall be paid over to the county treasurer of said county at the same time with the money due to said county from the school fund for that year, and shall be paid out by said county treasurer only on the order of commissioners hereinafter mentioned for said county, and as hereinafter directed. When fund to be paid.

SECTION 2. The moneys mentioned in the preceding section shall be expended on such roads as are now laid out in said county, or which may be hereafter laid out therein, as the commissioners hereinafter named shall deem advisable, and all of the money received by said county shall be so expended during the year 1861, for the purposes aforesaid. How expended.

SECTION 3. Charles D. Robinson, Xavier Martin, John Platten, Allen Buckman and Nathan B. Chase, are hereby appointed commissioners for Brown county aforesaid, and shall have the superintendence of all work done under the provisions of this act on said roads. Commissioners.

SECTION 4. The said commissioners shall not receive or be paid any compensation for their services, but shall be paid and receive compensation only for their actual reasonable expenses, in performing the duties imposed upon them by this act. Expenses to be paid.

SECTION 5. The said commissioners shall have entire control and superintendence of the expenditure of the moneys aforesaid, paid to the county aforesaid, and they shall draw orders on the county treasurer aforesaid therefor, payable from the drainage fund. They may employ such overseers, laborers or engineers, or let such contract as they may deem necessary; keep a record of their doings, vouchers for all the moneys drawn out by them, and shall make a full report of Duties of commissioners.

their doings and expenditures to the county board of supervisors, at the annual session thereof for 1861.

Repeal.

SECTION 6. All acts or parts of acts, so far as the same contravene this act, are hereby repealed.

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

Approved April 6, 1861.

---

## CHAPTER 175.

[Published April 12, 1861.]

AN ACT to amend Chapter 79 of the Revised Statutes, entitled "Of Railroads."

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

How railroads may acquire right of way in certain cases.

SECTION 1. In any case where a railroad or railway company shall not have acquired a title to any land upon which they have constructed their track or tracks, or when the title to any such lands has been, or shall hereafter be rendered invalid by reason of any mortgage, judgment or other lien affecting the same, then such company, in either case, is authorized to obtain and acquire title to the said land by purchase of the persons, bodies corporate or politic, owning the same or having an interest therein, if such purchase can be effected by agreement between the owners thereof and such company; but if not, such company shall have power to cause compensation to be made therefor in the manner provided by law or the charter of said company, for the appropriation of lands for right of way, and in the same manner as if the said road had not been constructed upon said lands.

Appointment of commissioners to award damages.

SECTION 2. Any person owning or interested in any land upon which the track of any railroad shall have been constructed, or which shall have been appropriated by any railroad or railway company without compensation having first been made therefor, shall have the right to have commissioners appointed at the expense of said company, or to call out the commissioners authorized by the charter of such company in the