

provided by law in relation to other warrants of the county treasurer for the collection of unpaid personal property taxes.

SECTION 3. This act shall take effect from and after its passage.

Approved April 12, 1866.

CHAPTER 94.

[Published April 24, 1866.]

AN ACT to authorize the use of the moneys arising from the sale of certain swamp and overflowed lands in the county of Outagamie, for drainage and other purposes, and to amend chapter 537 of the general laws of 1865, relating thereto.

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

SECTION 1. All the swamp and overflowed lands in the county of Outagamie, selected for said county by the commissioners of school and university lands, under and in pursuance of the provisions of chapter 537 of the general laws of 1865, are hereby reserved from sale by the said commissioners, as directed in said act, and the said lands shall be held subject to be disposed of in the manner provided by this act, anything in said chapter 537 to the contrary notwithstanding.

Certain lands reserved from sale under chapter 537, laws of 1865, and granted to Outagamie county.

SECTION 2. James Gilmore, Byron Douglas and Joseph H. Marston, of said county of Outagamie, are hereby appointed commissioners, to be known as "the Outagamie county swamp land commissioners," and as such they are hereby authorized and empowered to act for and on behalf of said county in the execution of the trust created by this act; and by their said name shall be capable in law of taking, holding, leasing and contracting for selling and conveying the lands, or any portion thereof, described in the first section of this act, and appropriating the moneys arising from the sale thereof, so far as may be necessary for the purposes mentioned in this act, and no further; and in that name may contract and be contracted with, sue and be sued, may have a common seal, and alter and renew the same

Commissioners to hold or convey said lands.

at pleasure, and may have and exercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are herein set forth.

Meetings, and officers of board.

SECTION 3. The said commissioners, or a majority of them, shall be competent to hold meetings and transact the business of said board of commissioners; and at the first meeting they shall elect one of their number president, and one treasurer, and shall appoint a secretary, to serve for the term of one year, and until their successors shall be duly elected, appointed and qualified; and such first meeting shall be held at such time and place as they, or a majority of them, may in writing designate, of which the other commissioner shall have written notice of at least ten days; and all subsequent meetings of said board of commissioners shall be held at such times and places as said board may by resolution passed designate.

Where meetings to be held.

Duties of president.

SECTION 4. The president shall preside at all meetings of the board, and perform all such duties as may be imposed upon him by resolution, or rules and regulations adopted by the board, and in case of his absence or inability to discharge such duties, the board may appoint a president *pro tem*. The treasurer shall keep and disburse all moneys which may come into his hands upon orders signed by the president and countersigned by the secretary, and issued under direction of said board; and he shall enter into bond in such penalty and with such surety as the majority of the county board of supervisors of Outagamie county shall direct and approve, to the said board, conditioned for the faithful discharge of the duties of his office, as defined by this act, and by resolutions and rules and regulations of said board. The secretary shall keep a full and correct record of all the proceedings of said board, and of all documents and papers signed by the president and countersigned or signed by himself, under the direction of the board, which record shall at all times during business hours be open to the inspection of any citizen of said county, and he shall do and perform all other acts which may be lawfully required of him by said board; and the officers shall receive such compensation for their services as shall be determined upon by said board, not to exceed the rate of three dollars per day each, while actually employed in per-

Duties of treasurer.

Duties of secretary.

Compensation of officers.

forming such service, and the members of said board shall receive each two dollars per day while attending meetings of the board, and no more.

SECTION 5. The said board of commissioners are authorized and empowered to build and construct a road, with all such ditches, sluiceways, embankments and bridges as they shall deem necessary to drain and protect the land, and afford facilities for travel, through towns twenty-three and twenty-four, in range seventeen east, in said county of Outagamie, upon the most feasible and direct route north and south, from the south line of town twenty-three aforesaid; and for said purposes said commissioners, by themselves, their agents or contractors, shall have full power and authority to enter upon any adjoining lands to make ditches, sluiceways and do other work necessary for the drainage of the lands in said towns: *provided, always*, that not more than five thousand acres of the drainage lands of said towns twenty-three and twenty-four, of range seventeen east, shall be appropriated to the purposes aforesaid, and the avails of the balance of said lands shall be expended under the direction of the supervisors of said towns, as required by chapter 537 of the general laws of 1865, in proportion to the quantity of drainage lands situate in each of said towns.

SECTION 6. By and under the direction of said Outagamie county swamp land commissioners, N. S. Conklin, P. M. Brooks and James Simpson are hereby in like manner authorized to build and construct a road, with all such ditches, sluiceways, embankments and bridges as they shall deem necessary to drain and protect the lands, and afford facilities for travel, through towns twenty-three and twenty-four, of range eighteen east, in said county of Outagamie, upon the most direct and feasible route, to be selected by them, running as near as may be in a northerly direction from the south line of town twenty-three aforesaid; and to aid in the construction thereof, "the Outagamie swamp land commissioners" shall set apart the avails of one thousand acres of land situate in said towns, and direct and regulate the expenditure thereof by said Conklin, Brooks and Simpson hereinbefore mentioned, for the objects stated in this section.

SECTION 7. It shall be the duty of said Outagamie swamp land commissioners, before commencing the

Road through T.'s 23 and 24, R. 17.

Powers of commissioners.

Limit to land appropriated therefor.

Road through T.'s 23 and 24, R. 18.

1000 acres appropriated therefor.

Engineer—plans and estimates of work.

work authorized in this act, to appoint a competent civil engineer, who shall make the necessary surveys of the routes for said roads, and of the contiguous streams and swamps, and submit to said board plans and specifications and estimates of the cost of all the work deemed necessary to be done to accomplish the object contemplated by the provisions of sections five and six of this act; and after such surveys, plans, specifications and estimates shall have been so made and submitted, the said board shall meet and determine upon the plans by which the various portions and kinds of such work shall be prosecuted and completed, and shall advertise for proposals for contracts for so much of said work as is deemed necessary in towns twenty-three and twenty-four, of range seventeen east, by giving at least thirty days' notice thereof, by publishing the same in each of the newspapers published in said county, of the time and place of the letting of contracts, and where such plans and specifications can be seen; and said board shall let such contracts to the lowest responsible bidders: *provided*, that no such contract shall be let unless the performance thereof shall be guaranteed by one or more responsible sureties, to be approved by said board; *and provided*, that no member of said board shall be or become interested either directly or indirectly in any such contracts. When the Outagamie swamp land commissioners shall have decided upon the plans for the work contemplated in section six of this act, the persons therein named shall in like manner advertise and let said work under like restrictions, in all respects, as hereinbefore provided for.

SECTION 8. The said "Outagamie swamp land commissioners" may contract for the sale of any portion of said lands, at such price as they shall be reasonably worth, but not less than one dollar per acre, as shall become necessary to meet, from time to time, the payment of any sum which [may] become due on any contract for work, materials or services done, furnished and performed under such contract, and may contract for the conveyance by the state of the title of such lands to contractors, on the performance of their contracts made with said board, according to the terms and conditions thereof; and may direct the president and secretary of their board to issue, from time to time, orders on the treasurer for moneys, as the same shall become

Advertising for proposals, and letting of contracts for the work.

Contractors to give security.

Commissioners not to be interested in contracts.

Sale and conveyance of lands.

Orders on treasurer.

due on any such contracts, payable out of any moneys in or which may come into the hands of the treasurer, and not otherwise appropriated: *provided*, that neither the said county nor the said swamp land commissioners shall be made liable to pay any such orders, or for any sum due or to become due on any such contract or contracts, out of any fund except the fund created under and in pursuance of the provisions of this act.

Extent of liability of county.

SECTION 9. The said Outagamie swamp land commissioners shall be entitled to draw their orders upon and to have and receive from the treasurer of the said county all the moneys due and to become due on certificates of sales of lands in said county, by the commissioners of the school and university lands, under the provisions of said chapter 537 of the laws of 1865, and also to have and receive from the county treasurer of said county the moneys received by the state on the sales of said lands, as hereinafter provided, and such other and further sums of money as the supervisors of said county may authorize to be paid over to said commissioners; and such portions arising from lands situate in the towns mentioned in sections five and six of this act, as shall be necessary, shall be expended under the direction of said commissioners, as hereinbefore provided for, to carry into effect the purposes of this act, and no more, and for no other purpose whatever.

Money for which orders may be drawn on county treasurer.

How part of it to be expended.

SECTION 10. The said commissioners shall have authority to keep said work at all times in repair; to bring and maintain actions in courts of competent jurisdiction for the recovery of damages against parties or individuals for violations of any contract made with said commissioners, or pursuant to this act, or for trespass committed upon said lands, or any portion thereof; for keeping or placing any obstruction or obstructions in said roads, ditch, sluiceway, or for the removal of any embankment, road or other work, or in any way causing the overflow of or damage to said roads or lands, or any portion thereof, and to bring and maintain actions for the removal of any obstructions so placed on said roads, or in the ditches or sluiceways, in the same manner and with like effect as parties are now or may hereafter be authorized by law to do in like or similar cases.

Prosecutions for violations of contracts, for trespasses, &c.

SECTION 11. The said commissioners may appoint one of their number, or some suitable person, whose duty it shall be to superintend and direct all the work

Superintendent—his compensation.

done under contracts made with said board, and shall allow him such compensation for his services as the same shall be reasonably worth, not to exceed, however, the sum of three dollars per day while actually employed in such service.

Part of lands may be sold by state, and proceeds paid to county.

SECTION 12. Whenever the work hereinbefore authorized shall have been completed, the said commissioners shall cause the remainder of the lands belonging to the drainage fund of Outagamie county to be appraised at their actual money value; and certificates of such appraisal, signed by the president and countersigned by the secretary, and under the seal of said commissioners, shall be filed with the secretary of state; and the said lands shall then become subject to sale; and may be sold by the state at a price not below such appraised value by the said "Outagamie swamp land commissioners," and the proceeds of such sale or sales shall, from time to time as received, be paid over to said lands county in the manner hereinafter provided; but all which may have been contracted by the said commissioners to be sold as herein authorized, shall, on the order or orders of said commissioners, signed by their president and countersigned by their secretary, be conveyed by the state to the person or persons named in such order or orders as being entitled to receive the conveyance thereof; and it shall be the duty of the treasurer of Outagamie county to pay out said moneys on the orders of the said board.

How proceeds to be paid.

SECTION 13. All the moneys which shall be received by the state on sales of any of said lands, shall, on the order or orders of said Outagamie swamp land commissioners, signed, countersigned and sealed as aforesaid, be paid over to Outagamie county; and the said commissioners shall provide that the said county shall be first paid from any surplus moneys remaining unappropriated, the sums which shall have been advanced by it to said commissioners; and whenever the said commissioners shall have completed the valuation of the remaining lands as herein directed, they may apportion the same among the several towns in said county, according to the quantity of lands in each town, and certify the same to the secretary of state, and order the moneys received by the state on sales of the lands so apportioned, to be paid over to said county, to be dis-

posed of according to the provisions of chapter 537 of the general laws of 1865.

SECTION 14. It is hereby made the duty of the commissioners of school and university lands to reserve from present sale the lands described in the first section of this act, and hold and dispose of the same, and the proceeds thereof, in the manner and for the purpose in this act authorized and directed: *provided*, that if the supervisors of the said county of Outagamie, or a majority of them, shall not within six months after the publication of this act, accept the same by resolution of their board duly passed, and file within the office of the secretary of state a certificate of such acceptance, then all the lands mentioned in section one (1) of this act shall be restored to market, and the provisions of said chapter 537 of the general laws of 1865, shall be in full force in regard to the disposition of the same.

Duty of school land commissioners.

If this grant is not accepted, chapter 537, laws of 1865, to be in full force.

SECTION 15. It shall be the duty of the supervisors of Outagamie county to meet at such time and place as may be required by said commissioners, by notice of not less than three days, to be served on each of said supervisors; and when so met, the said supervisors, or a majority of them, shall determine by resolution to accept or reject, on behalf of said county, the conditions of this act; and if they shall resolve to accept the conditions of this act, then, and not before, the said commissioners shall organize their board, and prosecute the work of draining said lands according to the provisions of this act, and the said supervisors shall carry the same into effect by payment of the orders of said board: *provided*, that if the said supervisors shall fail to meet or act at the time first notified by said commissioners, they shall meet at such other time and place as notified by said commissioners; such notice to be given at least ten days before the time of holding such meeting.

County board to accept or reject the conditions of this grant.

When board of commissioners to organize, &c.

SECTION 16. Any vacancy occurring among said commissioners from death, resignation or otherwise, shall be filled by the remaining commissioners; and if any commissioner shall willfully, or knowingly violate any of the provisions of this act, or if any officer or agent of said board shall willfully or knowingly violate any of the orders, directions or rules of or duties imposed upon him by said commissioners under the provisions of this act, he shall on conviction thereof be

Vacancies.

Penalty.

fined in the sum of not exceeding five hundred nor less than fifty dollars, or by imprisonment, or both, in the discretion of the court having jurisdiction, such fine when collected, to be paid into the fund created by this act; and any commissioner being so convicted, shall be removed from said board by resolution of a majority of the supervisors of said county.

Expenditure of
avails of other
drainage lands.

SECTION 17. The avails of all other drainage lands in said county, not specified in sections five and six of this act, shall be expended by and under the direction of the Outagamie swamp land commissioners, upon the conditions, restrictions and penalties imposed by this act, in the opening of roads, clearing out of streams, ditching swamps and reclaiming lands, as shall be specially selected by the supervisors of the town in which such improvement is proposed to be made.

SECTION 18. This act shall take effect from and after its passage.

Approved April 12, 1866.

CHAPTER 95.

[Published April 23, 1866.]

AN ACT to amend section 33 of chapter 13 of the revised statutes, entitled "of counties and county officers."

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

Division of towns. SECTION 1. Section thirty-three (33) of chapter thirteen (13) of the revised statutes, is hereby amended, by adding at the end thereof as follows: "and no town shall be divided leaving a less number than thirty-six sections, unless the valuation of the same amounts to thirty thousand dollars (\$30,000) or more, and it has twenty-five (25) qualified voters therein."

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

Approved April 12, 1866.