

the courts of exclusive civil jurisdiction within the purview of said act.

The first jury list.

SECTION 3. The first jury list under the provisions of this act shall be made up and furnished by the commissioners in said act mentioned, on or before ten days after the passage and publication of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.
Approved April 10, 1891.

No. 188, S.]

[Published April 13, 1891.

CHAPTER 202.

AN ACT granting to James Reynolds, his heirs and assigns, the right to complete the draining of certain swamp, wet and overflowed lands in the counties of Waukesha and Racine, and to confirm his title thereto.

Recital of facts.

WHEREAS, By a certain act of the legislature of the state of Wisconsin, passed, enacted and approved March 3, 1868, and known as chapter 198 of the private and local laws of the state of Wisconsin, of the year of 1868, there was granted to James Reynolds and other persons in said act named, the right, among other things, to construct and maintain a canal for the purpose of draining the waters of Muskego lake in the county of Waukesha, and also to construct and maintain such other canals in the towns of Muskego and Norway, as might be necessary to connect the waters of the said lakes in said towns with the waters of said Muskego lake, and to drain the same, and all right, title and interest of the state in and to all the lands submerged by the waters of said lakes, together with the marsh and swamp lands, surrounding said lakes in the said towns of Muskego and Norway which might be redeemed by the draining thereof, was thereby relinquished to said James Reynolds and the other persons in said act named; provided, however, that they, the grantees in said act named, should

commence said canal within two years and complete it within four years from the time of the passage of said act; and

WHEREAS, In pursuance of said act the said James Reynolds within one year from and after the passage of said act proceeded to, and did expend and lay out large sums of money in the prosecution of said work; and

WHEREAS, Before said period of two years had expired, and during the four years in said act named, and while said work was being prosecuted, said act was repealed, and the corporation created by said act was dissolved; and

WHEREAS, The said James Reynolds is now the owner, by purchase, grant and conveyances, of all the rights, titles and interests of each and all of the persons named in said act, and of their respective heirs and assigns, in and to said real estate, the title whereof was by said act released and relinquished, so that the said James Reynolds is now the sole equitable owner of all the lands and real estate by said act released and relinquished; and

WHEREAS, In pursuance of the provisions of chapter 169, of the laws of Wisconsin of the year 1887, proceedings were had in the circuit courts for the counties of Waukesha and Racine, for the drainage and reclamation of the wet and overflowed lands adjacent to said Muskego and Wind lakes, in which proceedings commissioners were duly appointed, and a ditch was constructed from the southerly end of Muskego lake in the county of Waukesha, to Wind lake, in the county of Racine, and thence in a southwesterly direction to the Fox river in the town of Rochester, in said county of Racine; and

WHEREAS, The preservation of the public health, and the well being of the communities adjacent to said lakes, imperatively require that said system of drainage should be extended, enlarged and completed, so as to effectually drain such wet and overflowed lands; and

WHEREAS, In order to enable said James Reynolds to complete said work and drain the waters from said lands, it is expedient that further rights be granted, now therefore,

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

James Reynolds may deepen, widen, etc., certain drains and ditches.

SECTION 1. That the said James Reynolds, his heirs and assigns, be and he is hereby authorized and empowered to proceed with said work, and to lengthen, deepen, widen, straighten and strengthen the ditches above referred to and to forever maintain the same, and all lateral trenches, sewers, ditches and drains connected therewith and necessary to the carrying out of said work and to properly drain the lands adjacent to said lakes; provided, that nothing herein contained shall be construed to require the maintenance of any such trenches, sewers, ditches or drains outside of the lands hereby granted, excepting the main drain from Muskego lake to Fox river, as aforesaid.

Right of state to lands relinquished to Reynolds.

SECTION 2. All the right, title and interest of the state of Wisconsin in and to all lands lying within the limits or boundaries of Muskego lake in the county of Waukesha, and Wind lake, in the county of Racine, as such limits or boundaries were shown by the low water mark lines as they existed prior to January 1, 1888, and all lands adjacent to said lakes to which the state has title and which shall be redeemed or reclaimed by the drainage herein provided for, is hereby granted, conveyed, assigned and relinquished to the said James Reynolds, his heirs, and assigns, forever; provided, however, that this grant is upon this express condition, that he, the said grantee, his heirs or assigns, shall commence the work hereinafter provided for, within one year, and complete the same within four years from and after the passage of this act and subject further to the conditions hereinafter set forth.

Time and manner of performing work.

SECTION 3. The said James Reynolds, his heirs and assigns, shall within one year from and after the passage of this act, begin the construction of a ditch or drain at the lowest practicable point in the Lake Muskego, and shall connect the same with the ditch heretofore constructed between said lake and Wind lake, in the county of Racine, and shall, within the time fixed by this act, proceed to deepen, widen and strengthen the ditch constructed by the commissioners as aforesaid, in such manner as may be

necessary so as to lower the present mean level of the waters in Muskego and Wind lakes, aforesaid, four and one-half feet, and shall cause, at his or their own cost and expense, so much of that certain dam erected and maintained in and across the Fox river, in the village of Rochester, in the county of Racine and below the present outlet of said canal, to be removed as will give to said canal a free and unobstructed current for its entire depth, and shall, within ninety days from and after the passage of this act and before entering upon the lands granted for any purpose, make, execute and deliver a bond in the penal sum of ten thousand dollars, with two good and sufficient sureties who shall each justify, in the amount of such bond to the county clerk of each county wherein any portion of such drainage system may be, running to said clerk as obligee, and to his successors in office for the benefit of all persons interested in such drainage system; said bond to be approved by the county judge, and to be conditioned that the said James Reynolds, his heirs and assigns, as the case may be, shall forever keep and maintain all portions of said main ditch or drain, and of the lateral drains required to be constructed under this act, unobstructed and in a suitable state of repair, so as to furnish free drainage for the wet and overflowed lands hereinbefore referred to. Any person interested may institute an action on said bond for any damages resulting to his property because of any failure on the part of the grantee named herein, or of his heirs or assigns, to comply with the conditions thereof, and in the event of the failure of said Reynolds, his heirs or assigns, to comply with the conditions of said bond, in the maintenance and preservation of such ditch or drain, the parties interested may take such steps as are necessary to cause such work to be done, and the expense thereof may be collected by action on said bond as aforesaid.

SECTION 4. The said James Reynolds, his heirs or assigns, shall also construct and forever maintain lateral ditches or drains at distances of not more than one-fourth of a mile apart, extending from the main ditch or drain to the outer boundary lines of the lands hereby granted to him, and

Lateral ditches
and drains.

of sufficient width, depth and dimensions to afford means of drainage to said lands adjacent to said lakes and lying outside of lands hereby granted.

Owners of lands assessed to receive per centum of net profits of sales.

SECTION 5. After the payment of the actual expenses of completing such drainage system, removing said dam, constructing said lateral drains, and of all expenses incident thereto, the said James Reynolds, his heirs or assigns, shall pay or cause to be paid out of the first net avails of sales of the real estate hereby granted, to each person in the county of Waukesha, who was assessed, and who paid an assessment, under the provisions of chapter 169, of the laws of 1887, for the drainage of lands within said county, fifty per centum of the actual amount by each person so paid; and such payments so to be made, shall be a lien upon the proceeds of the sales of such lands, after making the payments and defraying the costs and expenses of such work, as hereinbefore set forth.

Owners of lands assessed, may connect with main ditch.

SECTION 6. The owners of all lands assessed for the construction of said main ditch or drain, under the provisions of chapter 169, of the laws of Wisconsin for the year 1887, shall forever have the right to connect any lateral ditches or drains constructed for the purpose of draining any of said assessed lands, with the main ditch or drain herein provided for, and with the lateral drains required to be constructed under this act, free of charge, but this section shall not be construed as providing free means of drainage for any lands not included in the territory assessed for such original work, as aforesaid.

Goose lake.

SECTION 7. And the said James Reynolds, his heirs and assigns, shall also deepen, widen and strengthen the canal known as the Goose lake lateral, running from the main canal below Goose lake, in an easterly and northerly direction to Wind lake.

Rights of action.

SECTION 8. Nothing in this act shall be construed to defeat or impair any right of action that may arise to recover damages caused to any person or property by carrying out the provisions of this act.

Condition precedent to vesting of title.

SECTION 9. The filing of the bond on the part of said Reynolds, his heirs or assigns, as required by section 3 of this act, and the completion of the canals and drains herein mentioned, and the ap-

proval thereof by the commissioners of public lands, shall be necessary to the vesting of the title to the lands herein described in them, and upon the failure of said Reynolds, his heirs or assigns, to make and file the bond provided for within the time fixed therefor, or to do the work above mentioned, the grant hereby made to him shall lapse and become null and void.

SECTION 10. Upon proof of the filing of said bond, the commissioners of public lands shall make, execute, acknowledge and deliver to said James Reynolds, all patents necessary to vest in said James Reynolds, his heirs or assigns, title to the land hereby conveyed.

Commissioners of public lands to make and deliver patents.

SECTION 11. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 12. This act shall take effect and be in force from and after its passage and due publication.

Approved April 13, 1891.

No. 257, A.]

[Published April 15, 1891.

CHAPTER 203.

AN ACT to repeal section 7, of chapter 443, of the laws of 1889, relating to preservation of game.

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

SECTION 1. Section 7, of chapter 443, of the laws of 1889, is hereby repealed.

Repealing section 7, chapter 443, laws of 1889.

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

Approved April 11, 1891.