

CHAPTER 8.

[Published September 27, 1862.]

AN ACT to ascertain and settle the liabilities, if any, of the state of Wisconsin to the Milwaukee and Rock river canal company.

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

Board of commissioners to ascertain liability of state.

SECTION 1. The governor, secretary of state and state treasurer are hereby appointed a board of commissioners to determine and ascertain the liabilities, if any, and also the amount of indebtedness of said company to the state, if any, incurred by the territorial and state governments of Wisconsin, under the act entitled "an act to grant a quantity of land to the territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," passed by congress, and approved June 18th, 1838.

Board may make amicable adjustment, &c.

SECTION 2. Said board is hereby authorized to make an amicable adjustment with the Milwaukee and Rock river canal company, with respect to which company said liabilities were incurred, and if it finds any sum of money due said company by the state thereon, the commissioners shall sign an award to that effect, one copy of which shall be delivered to the president of the company, and another copy shall be filed in the office of the secretary of state.

May appoint arbitrators.

SECTION 3. In case an amicable settlement cannot be effected as aforesaid, or if said board should deem it expedient before attempting such settlement, it is hereby authorized to submit the adjudication of said claim to five arbitrators, to be agreed upon between said commissioners and said company. The articles of submission shall be signed by said commissioners on behalf of the state, and by the president of the company, or some person duly authorized, on its behalf; and said submission shall be obligatory upon the state and the company, and neither party shall revoke the same, and the award shall be final: *provided*, it shall be signed by a majority of said arbitrators; and in case of the refusal or inability of any arbitrator, so chosen, to act in the premises, a substitute may be chosen as above,

Articles of submission, &c.

and in case the parties cannot agree upon such substitute, the governor shall appoint the same.

SECTION 4. The arbitrators so agreed upon, shall meet in the city of Madison on or before the first day of January, A. D. 1863. They shall have all the powers conferred upon arbitrators by the laws of this state, and shall make their award in writing on or before the first day of March, 1863. One copy they shall deliver to the secretary of state, and another to the president or person representing the company. The secretary shall file such award in his office.

Meeting of arbitrators—their award, &c.

SECTION 5. There is hereby appropriated, to defray the expenses of this arbitration, a sum not exceeding one thousand dollars, or so much thereof as may be necessary to pay the expenses of proceedings under this act. The board shall draw its warrant [warrants]

Appropriation.

on the treasurer as the money may be needed, and apply the same in paying the per diem and mileage of the arbitrators and witnesses' fees on behalf of the state.

Board to draw warrants.

It shall be the duty of the attorney general to defend the state before said arbitrators. The arbitrators shall be allowed such sum per diem and mileage as the board may deem just. If the governor shall deem it expedient, he may employ other counsel to assist the attorney

Attorney general to defend state, &c.

general in defending the state before said arbitrators, and he is, in that case, authorized to agree upon the compensation to be paid to such counsel: *provided*, that if any amount is awarded to the canal company by the arbitrators, the treasurer shall retain from the amount so awarded, a sum sufficient to reimburse the state the full amount of expenses incurred by such arbitration.

Other counsel may be employed, &c.

SECTION 6. In case an award shall be made in favor of the company, it shall be the duty of the arbitrators to appraise the property of the Rock river canal company, and fix the value of said property, and the amount of said appraisal shall be deducted from the award, and the property shall thereafter vest in said company.

Reimbursement of expenses.

Appraisal of property and deduction of award.

SECTION 7. The money awarded, if any, whether by the commissioners or arbitrators, shall in no event be payable or be paid to said company, until the state shall receive from the United States the moneys commonly called the "five per cent. fund" now withheld by the United States. When the state shall obtain said fund from the United States, the secretary of state shall draw his warrant on the state treasurer in favor

When award to be paid.

This act not a
recognition of
claims of compa-
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of the company for the money so awarded, and the same shall be paid by the treasurer on presentment, out of said five per cent. fund: *provided, however, that this act shall not be so construed as to admit or recognize any claim against this state in favor of the Rock river canal company.*

Approved Sept. 25, 1862.

CHAPTER 9.

[Published September 27, 1862.]

AN ACT (*for an act*) to amend chapter 377 of the general laws of 1862, entitled "an act to amend section one of chapter 200 of the general laws of 1862, entitled 'an act to authorize the city council of the city of Green Bay to subscribe, in behalf of said city, fifteen thousand dollars to the capital stock of the Chicago and Northwestern railway company, and to provide for levying and collecting a tax to pay for the same.'"

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

Amendment.

SECTION 1. Section one of chapter 377 of the general laws of 1862, is amended by striking out the names of Thomas Burnett and E. A. Torker, where they occur in said section, and inserting in lieu thereof the names of Thomas Bennett and E. A. Tooker.

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

Approved Sept. 25, 1862.