

ing upon all persons whosoever, notwithstanding said proceedings and sale may have been contrary to the provisions of said last will and testament of said Benjamin Collins, deceased; and the title of said premises above described shall be deemed to have vested in said Delos H. Palmer, by virtue of such proceedings, sale and conveyance aforesaid, as of and at the time of the execution and delivery of said conveyance to him.

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

Approved April 12, 1861.

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CHAPTER 233.

[Published April 17, 1861.]

AN ACT to amend chapter 299 of the private and local laws of 1855, entitled "an act to incorporate the Sugar River Valley railroad company," and the acts amendatory thereto, and to repeal and annul a portion of a grant of land heretofore made to the La Crosse and Milwaukee railroad company.

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

SECTION 1. The Sugar River Valley railroad company is hereby authorized and empowered to survey, locate, contract, complete and operate a railroad from the city of Madison, in the county of Dane, and the village of Columbus, in the county of Columbia, on the most direct and feasible routes, to the city of Portage, in the county of Columbia; and shall have, exercise and enjoy the same rights, privileges, franchises and authority with reference to said routes, or any railroads to be built thereon, as it now possesses with reference to any part it is now authorized to occupy, or any railroad built or to be built thereon; and there is hereby conferred upon the Sugar River Valley railroad company all the powers and authority contained in the charter of said company and in the acts amendatory thereof, for the purpose of carrying out the objects of this act and of appropriating and applying the lands hereinafter granted or their proceeds, to aid in the construction of railroads by this act authorized to be built.

May locate road from Madison and Columbus to Portage city.

Corporate powers.

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When roads to
be completed.

SECTION 2. The said railroad shall be constructed on the most direct and feasible routes from Madison and Columbus respectively, to the city of Portage, and simultaneously as near as practicable, and both of them shall be completed by the 31st day of December, 1863; and for the purpose of estimating and selecting the lands granted by Congress, the city of Madison is hereby designated as the point of commencement of the said railroad.

Lands granted
in aid of con-
struction of said
roads.

SECTION 3. For the purpose of aiding in the construction of said railroad from the city of Madison, in the county of Dane, and from the village of Columbus, in the county of Columbia, to the city of Portage, in the county of Columbia, there is hereby granted to the Sugar River Valley railroad company, all the interest and estate, present and prospective, of this state in and to so much of the lands granted by the government of the United States to the state of Wisconsin, for the purpose of aiding in the construction of a railroad from Madison or Columbus, by way of the city of Portage, to the St. Croix river or lake, and from thence to Lake Superior and to Bayfield, by virtue of an act of Congress, entitled "an act granting a portion of the public lands to the state of Wisconsin, to aid in the construction of railroads," approved June 3d, 1856, as is or can be made applicable to the construction of that part of said railroad lying between the city of Madison and the city of Portage, together with all and singular the rights, privileges and immunities conferred or intended to be conferred by said act of congress to so much of said grant of land, and the same are hereby granted to the said Sugar River Valley railroad company, except as hereinafter provided. The title of said lands shall vest in the said Sugar River Valley Railroad company in manner following, that is to say : Whenever twenty continuous miles of the said railroad between the city of Madison and the city of Portage, shall have been completed so as to admit of running regular trains on the same, the governor of this state shall certify to the secretary of the interior the fact that such twenty continuous miles of such road are completed as aforesaid, then the title to one hundred and twenty sections of said land shall vest in the said Sugar River Valley railroad company; and when all of the railroad from the village of Co-

How title to
vest.

lumbus to the city of Portage, and a second twenty continuous miles of the railroad from the city of Madison to the city of Portage, shall have been completed, so as to admit of the running of regular trains on the same, then the governor shall certify as above, and thereupon the title to a further quantity of one hundred and twenty sections of said lands shall vest in said company: *provided*, the said Sugar River Valley railroad company shall not, for the purpose of aiding in the construction of said road from Madison to Portage city, encumber any of the lands to which said company is to be entitled on the completion of said first twenty miles of said railroad.

Lands not to be encumbered.

SECTION 4. The governor of this state in his official capacity, and in behalf of the state and under the great seal thereof, shall execute and deliver to the Sugar River Valley railroad company, or their legal representatives, or their assignees, whenever, by virtue of the provisions of this act, said company shall be entitled to any of said lands, a deed in fee simple of any and all of the lands to which the said company may be entitled.

How deed to lands to be executed.

SECTION 5. If it shall appear upon the location of said road, that any of the lands granted by the act of congress aforesaid, applicable to the construction of said road, have been sold or disposed of by the United States, the governor, upon application of said company, shall appoint such agent or agents as may be necessary to select and locate other lands in lieu thereof, as provided in the act of congress aforesaid, and such selections shall be made at the expense of said railroad company, and no part of such expense shall be paid out of the state treasury. Such railroad shall be and remain a public highway for the use of the government of the United States, free from tolls and other charges upon the transportation of property or troops of the United States, and the United States mail shall be transported over said road under the direction of the post office department, as provided in said act of congress.

Other lands may be selected.

United States troops, &c., to be transported free.

SECTION 6. In case the Sugar River Valley railroad company shall construct their railroad, or any part of it, upon or over any route upon or over which any other railroad company is authorized to construct a railroad, and upon or over which it has, prior to the passage

Board of commissioners to award damages to any company whose property and rights of property may be taken or injured.

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of this act, actually surveyed or located; its line of railroad, it shall be the duty of the Sugar River Valley railroad company to settle with such railroad company upon principles of justice and equity, for all the property and rights of property which the said Sugar River Valley railroad company shall take, injure or destroy; and the latter company shall pay to such company, whose property or rights of property shall be thus taken, injured or destroyed, whatever the same is reasonably worth, such payment to be made in money, bonds, stocks or lands, or in such other manner as said companies shall mutually agree; and if the said companies cannot mutually agree upon the amount of compensation to be made by the Sugar River Valley railroad company to such other company, for the property and rights of property which the said Sugar River Valley railroad company shall as aforesaid take, injure or destroy, then and in that case each of said companies shall select a disinterested engineer, and the two engineers so selected shall choose a third person, and in case they cannot agree upon such third person, the governor shall appoint such third person, and the third person so selected, together with the said engineers, shall constitute a board of commissioners, whose duty it shall be to ascertain, determine and award the amount of compensation which the said Sugar River Valley railroad company ought, in justice and equity, to make to such other railroad company for the property and rights of property which shall be as aforesaid taken, injured or destroyed.

When grant
be void.

SECTION 7. This act and the grant herein contained, shall cease and be void unless the said Sugar River Valley railroad company shall accept the same within twenty days after the taking effect of this act. Such acceptance shall be by resolution adopted by the directors of said company, a copy of which, duly certified by the secretary of said company, within the said period of twenty days, shall be deposited in the office of the secretary of state; and in case the said company shall fail to expend at least fifty thousand dollars in the construction of said road within one year, or shall fail to complete the road from Madison to Portage city so as to admit of the running of regular trains upon the same by the 31st of December, 1863, or shall otherwise violate the provisions of this act, the

legislature may repeal the same and may revoke and annul all and singular the rights and franchises herein conferred upon said company, so far as the same have not been performed and fulfilled, and so far as the rights and privileges granted have not become complete and absolute or vested.

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Franchises may
be revoked.

SECTION 8. So much of an act entitled "an act to grant certain lands to the La Crosse and Milwaukee railroad company, and to execute the trust created by an act granting public lands to the state of Wisconsin to aid in the construction of railroads in said state," approved October 11th, 1856, and so much of the grant of lands as by said act was made to the La Crosse and Milwaukee railroad company, as is or can be made applicable to the construction of a railroad from the city of Madison to Portage city, and from the village of Columbus to Portage city, and all and singular the rights, privileges and franchises thereby conferred, granted and conveyed to the said La Crosse and Milwaukee railroad company, so far as the roads from Madison to Portage city, and from Columbus to Portage city, and the lands granted to aid in the construction of the same, are concerned, are hereby repealed, revoked, annulled and declared void.

Repeal.

SECTION 9. This act is hereby declared a public act, and shall take effect and be in force from and after its passage and publication.

Public act.

Approved April 12, 1861.

CHAPTER 245.

[Published April 25, 1861.]

AN ACT to provide for the disposal and expenditure of the drainage fund in the town of Forestville, in Door Co., and the town of Ahnepee, in Kewaunee Co.

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

SECTION 1. For the purpose of draining the swamp lands along the banks of the Ahnepee river, in the counties of Kewaunee and Door, the drainage moneys belonging to the towns of Forestville and Ahnepee, in said counties, for the year 1861, shall be expended in

Swamp lands on
the Ahnepee
river.