

tive shall deposit a ballot on which shall be written or printed the words, "against amended charter."

Take effect, &c.

SECTION 56. This act shall be construed to be a public act, and shall be construed favorably in all courts and places, and shall take effect from and after its passage and publication, and the same shall cease to be a law or to have effect on the second Tuesday in May next, in case a majority of the votes cast shall be "against amended charter," as provided in the preceding section; and it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Approved March 25, 1864.

## CHAPTER 202.

[Published April 5, 1864.]

AN ACT to amend chapter 57 of the revised statutes, entitled "of the draining of swamp, bog, meadow and other low lands."

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

Offer of payment for damages for drain through lands of other persons.

SECTION 1. Section one of said chapter 57 of the revised statutes, is hereby amended, so as to read as follows: "Section 1. Any person owning or possessing any swamp, bog or meadow, or other low land, lying in any county within this state, who shall be desirous to drain such land, and who shall deem it necessary in order thereto, that a ditch or ditches shall be opened through lands belonging to other persons, in case the owner of any such land shall refuse to permit the opening of such ditch or ditches through the same, may offer to pay in lawful money of the United States to the owner of such lands, or if such owner be not a resident of the county in which such land is situate, to his agent therein, or the occupant of such land, such sum as said applicant shall deem a just compensation for such privilege; and if accepted by said owner, agent or occupant, the applicant shall possess all the rights and privileges hereinafter in this act provided, in case of payment of damages assessed by a jury, or awarded in

circuit court on appeal therefrom; but if such owner, agent or occupant shall refuse or neglect to accept the same, said applicant may apply to any justice of the peace residing in the county where such lands shall lie, for such summons, as is hereinafter provided.”

If offer not accepted, may apply to justice for summons.

SECTION 2. Whenever an offer or tender of any sum shall have been made in accordance with the preceding section, and the owner, agent or occupant shall have neglected or refused to accept the same, and a jury shall be called, as provided in said chapter 57, if the jury, or, in cases of an appeal, the circuit court, shall find the opening of said ditch or ditches is necessary, and shall award no greater sum than shall have been offered or tendered, the applicant shall be required to pay the sum awarded only, and the owner shall be required and adjudged to pay all costs of said proceedings.

Costs of appeal.

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

Approved March 25, 1864.

---

## CHAPTER 203.

[Published April 6, 1864.]

AN ACT to amend chapter 206 of the local [general] laws of 1863, entitled “an act to incorporate the Monroe and Riverside railroad company,” approved April 1st, 1863.

(See supplement to local laws.)