

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved April 10, 1865.

CHAPTER 534.

[Published May 17, 1865.]

AN ACT to grant to Calumet and Manitowoc counties certain swamp lands for drainage and other purposes, and to repeal chapter 439 of the general laws of 1864.

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

SECTION 1. All of the swamp and overflowed lands belonging to the state, and constituting a portion of the swamp land fund, situated in towns eighteen north, range twenty east, nineteen north, range twenty east, twenty north, range nineteen east, and twenty north, range twenty east, of the county of Calumet, and towns eighteen north, range twenty-one east, eighteen north, range twenty-two east, nineteen north, range twenty-one east, nineteen north, range twenty-two east, and twenty north, range twenty-one east, of the county of Manitowoc, are hereby granted to the said counties, to have and to hold the same in fee simple, in trust for the purposes and under the conditions hereinafter provided.

Certain swamp and overflowed lands granted to Calumet and Manitowoc counties.

SECTION 2. The supervisors of the said counties of Manitowoc and Calumet, are hereby authorized and empowered to act for and on behalf of the said counties in the execution of the trust by this act granted, and for that purpose they are appointed and constituted a board of commissioners, to be known and recognized in law by the name of "the joint board of swamp land commissioners for the counties of Manitowoc and Calumet," and by that name shall be capable in law of taking, holding, leasing, mortgaging and conveying the real estate hereinbefore in the first section of this act described, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in that name may contract and be con-

Joint board of commissioners—their powers.

tracted with, sue and be sued, may have a common seal, and alter and renew the same 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.

Quorum, first meeting, officers of board, &c.

SECTION 3. A majority of the supervisors of each of said counties shall be competent to hold meetings and transact the business of the said joint board of commissioners, and at their first meeting they shall elect one of their number president, and one treasurer, and shall appoint a secretary, each to hold his office for the term of one year, and until his successor shall be elected or appointed; and such first meeting shall be held at such time and place as such majority of supervisors may in writing designate, of which the other supervisors 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 duly passed designate.

When and 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 the direction of said board; and he shall enter into bond in such penalty and with such surety as the said board 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.

Duties of treasurer.

Duties of secretary.

The secretary shall keep a full and correct record of all the proceedings of said board, and of all documents or 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 counties, and he shall do and perform all other acts which may be lawfully required of him by said board; and the said officers shall receive such compensation for

Compensation of officers.

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 performing 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 remove or cause to be removed all obstructions in the Manitowoc river, and in all the streams emptying into said river, and in all lateral streams or contiguous swamps, which cause the lands or any part of the lands mentioned and described in the first section of this act, to be overflowed with water at any season of the year; and for that purpose to cause to be dug, made, built and constructed all such canals, ditches, sluiceways, dykes, embankments, roads and bridges as said board shall deem necessary to effectually drain said lands and to protect the same, as far as may be, against any future overflow from high water caused by obstructions placed in the said river or said streams; and for that purpose the said board by themselves, their agents or contractors, shall have further power and authority to enter upon any adjoining lands and make ditches, sluiceways, and do other work necessary for the drainage of the herein granted lands, the same as individual owners of lands in like cases are or may hereafter be authorized by law to do.

Removal of obstructions from Manitowoc river and tributaries, and draining of adjacent marshes

SECTION 6. It shall be the duty of said board of commissioners, before commencing the work authorized in this act, to appoint a competent civil engineer, who shall make the necessary surveys of said rivers, 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 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 such work, by giving at least thirty days' notice thereof, by publishing the same in each of the newspapers published in said counties, of the time and place of the letting of contracts, and where such plans and specifications can be seen; and the said board shall

Engineer—plans and estimates of work.

Advertising for proposals and letting of contracts for work.

Contractors to give sureties.

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.

Commissioners not to be interested in contracts.

Sale and conveyance of lands.

SECTION 7. That the said board may contract for the sale and sell or mortgage any and such portion or portions of said lands as shall become necessary to meet from time to time the payments of any sum or sums of money which shall become due and payable on any such contract or contracts, and may contract to convey and may convey 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 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 of the said counties nor the said board of commissioners shall be made liable to pay any such orders, or for the payment of any deficiency on any such mortgage, 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.

Orders on treasurer.

Extent of liability of counties.

Moneys for which orders may be drawn on counties.

SECTION 8. The said board of commissioners shall be entitled to draw their orders upon and to have and receive from the said counties, respectively, all the incomes received by the state since the passage of the act repealed by this act, and paid or yet due to said counties from said lands mentioned in the first section of this act, and also to have and receive such further and other sums as the supervisors of said counties may respectively authorize to be paid over to said board of commissioners; and the same shall be expended under the direction of said board, to carry into effect the purposes of this act, and for no other purpose whatsoever.

How expended.

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

SECTION 9. The said board of 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 board, or for trespass committed upon said lands or any portion thereof; for keeping or placing any obstruction or obstructions in said river or streams, canal, 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 lands, or any portion thereof, and to bring and maintain actions for the removal of any obstructions so placed in said river or streams, canals, 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.

SECTION 10. The said board shall appoint some suitable person whose duty it shall be to superintend and direct all the work 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. Superintendent—his compensation.

SECTION 11. Upon the filing in the office of secretary of state, a certificate signed by the president and countersigned by the secretary of said board of commissioners, under the direction of said board, that any portion of said lands, describing the same, have been drained, the said secretary of state shall cause patents to be issued, conveying the said lands described in such certificate to the said board of commissioners; and when all of said lands shall have been as effectually drained and protected against future overflow as the same could be well done, and conveyed by patent to said board of commissioners, all the moneys which shall remain or come into the hands of the treasurer of said board, on the sale of said lands, shall by the order of said board be paid over to the several towns in said counties, in such proportionate amounts as each may be entitled to receive under and in pursuance of the provisions of the general law of the state then in force, on the subject of the distribution of school moneys derived from the drainage fund, to be disposed of by such towns in the manner provided by law: *provided, however,* such towns shall pay their due proportions towards keeping the said works under the direction of the said board of commissioners in proper repair. Patents to lands.

SECTION 12. If any member of said board of commissioners shall knowingly and willfully violate any of Apportionment of surplus moneys. Penalty.

the provisions of this act, or if any officer or agent of said board shall knowingly and willfully violate any of the orders, directions or rules of or duties imposed upon him by the said board, he shall on conviction thereof be fined in sum not exceeding five nor less than one hundred dollars, in the discretion of the court having jurisdiction, the same when collected to be paid into the fund created by this act.

Repeal.

SECTION 13. Chapter 489 of the general laws of eighteen hundred and sixty-four, is hereby repealed.

SECTION 14. This act shall take effect from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 585.

[Published May 17, 1865.]

AN ACT relating to the sale of lands and other property of the Fox and Wisconsin improvement company, to extend the time for the completion of the works of the Fox and Wisconsin river improvement, and amendatory of section two of chapter 289 of the general laws of 1860 [1861.]

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

Amendment.

SECTION 1. Section 2 of chapter 289 of the general laws of 1861, to wit: an act entitled "an act to facilitate the sale of the lands and other property of the Fox and Wisconsin improvement company, to provide for the proper application of the proceeds of such sale, and to authorize the formation of a corporation by the purchasers," approved April 13, 1861, is hereby amended, by striking out the proviso at the end of said section, and by inserting in lieu thereof the following proviso, to wit: "*Provided*, that no title to a greater quantity than six hundred and forty acres of such land to any one person shall vest in such purchaser or purchasers; and that no incorporation of persons so purchasing under the provisions of this act shall be had, until the said purchasers or trustees shall deposit with the state treasurer all of the said evidences of state indebtedness, or a sum sufficient to pay the balance of the same not de-

No person to purchase more than 640 acres.

Deposit of evidences of state indebtedness, and of money to complete improvements.