

CHAPTER 51.

[Published April 20, 1866.]

AN ACT to authorize the use of the moneys arising from the sale of certain swamp and overflowed lands in the counties of Manitowoc and Calumet, for drainage and other purposes, and to amend chapter 537 of the laws of 1865, relating thereto.

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

Certain lands reserved from sale under chapter 537, laws 1865, and granted to Manitowoc and Calumet counties.

SECTION 1. All of the swamp and overflowed lands in towns eighteen north, range twenty east, nineteen north, range twenty east, twenty north, range nineteen east, and twenty north, range twenty east, in the county of Calumet, and in 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, in the county of Manitowoc, selected for said counties, respectively, by the commissioners of school and university lands, under and in pursuance of the provisions of chapter 537 of the general laws of 1865, are hereby reserved from sale by the said commissioners, as directed in said act, and the said lands shall be held subject to be disposed of in the manner provided by this act, anything in the said act mentioned in the title of this act to the contrary notwithstanding.

Commissioners to hold or convey said lands.

SECTION 2. Ansel Watrous, of the county of Calumet, and Michael Mahoney and John C. Eggers, of the county of Manitowoc, are hereby appointed commissioners, to be known as the board of Manitowoc and Calumet swamp land commissioners, and as such commissioners, they are hereby authorized and empowered to act for and on behalf of the said counties, in the execution of the trust by this act created; and by this said name shall be capable in law of taking, holding, leasing and contracting for selling and conveying the lands, or any portion thereof, described in the first section of this act, and appropriating the moneys arising from the sale thereof, so far as the same may be necessary for the purposes mentioned in this act, and no further; and in that name may contract and be contracted with, sue and be sued, may have a common seal, and alter and renew the same at pleasure, and may have and ex-

ercise 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.

SECTION 3. The said commissioners, or a majority of them, shall be competent to hold meetings and transact the business of said board of commissioners, and at their first meeting they shall elect one of their number president, and one treasurer, and shall appoint a secretary, to serve for the term of one year, and until their successors shall be duly elected, appointed and qualified; and such first meeting shall be held at such time and place as they, or a majority of them, may in writing designate, of which the other commissioner 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.

Meetings and officers of board.

Where meetings to be held.

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 majority of the supervisors of each of said counties 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. 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 and by said board; and the said officers shall receive such compensation for 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

Duties of president.

Duties of treasurer.

Duties of secretary.

Compensation of officers.

service, and the members of said board shall receive each two dollars per day while attending meetings of the board, and no more.

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

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 may lower the bed of the Manitowoc river, and 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 described lands.

Engineer—plans and estimates of work.

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 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;

Advertising for proposals and letting of contracts for the work.

Contractors to give security.

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.

SECTION 7. That the said board may contract for the sale of any portion of said lands at such price as they shall be reasonably worth, but no less than one dollar per acre, as shall become necessary to meet from time to time the payment of any sum which may become due on any contract for work, materials or services done, furnished and performed under such contract, and may contract for the conveyance by the state of any title of such lands to contractors, on the performance of their contracts made with the 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 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.

Sale and conveyance of lands.

Orders on treasurer.

Extent of liability of counties.

SECTION 8. The said board of commissioners shall be entitled to draw their orders upon and to have and receive from the treasurers of the said counties, respectively, all the moneys due and to become due on certificates of sales of lands in said counties, set apart and transferred to said counties, respectively, by the commissioners of the school and university lands, under the provisions of said chapter 537 of the laws of 1865, and also to have and receive from the county treasurers of said counties the moneys received by the state on the sales of said lands, as hereinafter provided, and further sums of money as the supervisors of said counties may respectively authorize to be paid over to said board of commissioners; and the same or such portions thereof as shall be necessary, shall be expended under the direction of said board, to carry into effect the purposes of this act, and no more, and for no other purpose whatsoever.

Moneys for which orders may be drawn on counties.

How expended.

SECTION 9. The said board of commissioners shall have authority to keep said work at all times in repair;

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

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 dam or other 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.

Superintendent—
his compensa-
tion.

SECTION 10. The said board shall appoint one of their number, or 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.

Part of lands may
be sold by state,
and proceeds
paid to said coun-
ties.

SECTION 11. Whenever any considerable portion of said lands shall have been as effectually drained and protected against future overflow or damage by water as the said board shall deem practicable, all of the same which shall not have been contracted for sale by said board, shall from time to time be appraised by said board at their actual money value, and certificates of such appraisals, signed by the president and countersigned by the secretary, and under the seal of said board, shall be filed with the secretary of state; and the said lands shall then become subject to sale, and may be sold by the state at a price not below such appraised value by the said board, and the proceeds of such sale or sales shall, from time to time as received, be paid over to said counties in the manner hereinafter provided; but all lands which may have been contracted by the said board to be sold as herein authorized, shall on the order or orders of said board, signed by their president and countersigned by their secretary, be conveyed by the state to the person or persons named in such order or orders as being entitled to receive the conveyance thereof; and it shall be the duty

of the treasurers of the said counties, respectively, to pay out said moneys or [on] the orders of the said board.

SECTION 12. All the moneys which shall be received by the state on sales of any of said lands, shall, on the order or orders of said board, signed, countersigned and sealed as aforesaid, be paid over to said counties, respectively, in such proportionate amounts as each shall be entitled to receive under such order or orders; and the said board shall provide that the said counties shall be first paid from any surplus moneys remaining unapportioned, the same [sums] which shall have been advanced by them, respectively, to said board; and whenever the said board shall have completed the valuation of the remaining lands, as herein directed, they may apportion the same equitably between the said counties, and certify the same to the secretary of state, and order the moneys received by the state on sales of the lands so apportioned, to be paid over to the said counties, respectively, to be disposed of according to the provisions of chapter 537 of the laws of 1865.

In what proportion proceeds to be paid to counties.

SECTION 13. It is hereby made the duty of the commissioners of school and university lands, to reserve from present sale the lands described in the first section of this act, and hold and dispose of the same, and the proceeds thereof, in the manner and for the purpose in this act authorized and directed.

Duty of school land commissioners.

SECTION 14. It shall be the duty of the supervisors of the said counties to meet at such time and place as may be required by said commissioners, by notice of not less than ten days, to be served on each of said supervisors, and when so met, the said supervisors, or a majority of them, from each of said counties, shall determine by resolution to accept or reject in behalf of said counties, the conditions of this act; and if they shall resolve to accept the conditions of this act, then, and not before, the said commissioners shall organize their board and prosecute the work of draining said lands according to the provisions of this act, and the said supervisors shall carry the same into effect by payment of the orders of said board: *provided*, that if the said supervisors shall fail to meet or to act at the time first notified by said commissioners, they shall meet at such other time and place as notified by the said com-

County boards to accept or reject the conditions of this grant.

When board of commissioners to organize, &c.

Within what
time must grant
be accepted.

missioners, such notice to be given at least ten days before the time of holding such meeting; *and provided, further*, that if the supervisors of said counties shall fail to so accept this act within six months from its passage, and to give notice thereof to the commissioners of school and university lands, the same shall become inoperative and of no force.

Vacancies.

SECTION 15. Any vacancy occurring in said board of commissioners from death, resignation or otherwise, such vacancy shall be filled by the remaining members of said board; and if any member of said board shall willfully or knowingly violate any of the provisions of this act, or if any officer or agent of said board shall willfully or knowingly violate any of the orders, directions or rules of or duties imposed upon him by said board under the provisions of this act, he shall on conviction thereof be fined in the sum not exceeding five hundred nor less than fifty dollars, or by imprisonment, or both, in the discretion of the court having jurisdiction, such fine when collected to be paid into the fund created by this act; and any member of said board being so convicted, shall be removed from said board by resolution of a majority of the supervisors of each of said counties.

Penalty.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1866.

CHAPTER 52.

[Published April 12, 1866.]

AN ACT to authorize the secretary of state to distribute copies of the revised statutes in certain cases.

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

Statutes to county officers.

SECTION 1. The secretary of state is hereby authorized to furnish copies of the revised statutes to all officers of the several counties of the state who are entitled to receive the session laws of the state, under the provisions of section 38 of chapter six of the revised