

[No. 81, S.]

[Published February 15, 1882.]

CHAPTER 9.

AN ACT to amend section 2 of chapter 81 of the general laws of 1874, entitled "an act to provide for the election and government of directors of the Taylor Orphan Asylum in Racine county."

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

SECTION 1. Section 2 of chapter 81 of the general laws of 1874 is hereby amended by adding thereto at the end thereof the following: Provided, that said corporation may pay to its treasurer compensation for his services not exceeding \$600 per annum. Amended.

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

Approved February 14, 1882.

[No. 84, S.]

[Published February 17, 1882.]

CHAPTER 10.

AN ACT to revoke, annul and resume the grant of lands made by chapter 126 of the laws of Wisconsin for the year 1874 to the Chicago & Northern Pacific Air Line Railway Company (now the Chicago, Portage and Superior Railway Company), and to repeal sections 8, 9 and 10 of said chapter 126, and to confer said grant of lands upon the Chicago, St. Paul, Minneapolis & Omaha Railway Company.

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

SECTION 1. The grant of lands made to the Chicago & Northern Pacific Air Line Railway Company (now the Chicago, Portage & Superior Railway Company), by section 8 of chapter 126 of the laws of Wisconsin for the year 1874, entitled "an act to confer certain lands upon the North Wisconsin Railway Company, and the Chicago & Northern Pacific Air Line Railway Company, and to execute the trusts assumed by the state of Wisconsin by its acceptance of the grants of land made by congress by acts approved June 3, 1856, and May 5, 1864," is hereby revoked and annulled and said lands are hereby resumed by the state of Wisconsin. Land grant resumed by state of Wisconsin.

SECTION 2. There is hereby granted to the Chicago, St. Paul, Minneapolis & Omaha Railway Company all the right, title, and interest which the state of Wisconsin now has or may hereafter acquire in, and to the lands granted to said state by acts of congress approved June 3, 1856, and May 5, 1864, to aid in the construc- Granted to the Chicago, St. Paul, Minneapolis & Omaha R. R. Co.

tion of a railroad from the Saint Croix River or lake to the west end of Lake Superior and Bayfield, which are applicable, under said acts of congress, to the construction of that portion of said railroad from the Saint Croix river, or lake to the west end of Lake Superior, which lies between the point of intersection of said last named railroad by the Bayfield branch as fixed by the surveys and maps of said railroad and the branch on file in the general land office in Washington, and the west end of Lake Superior. This grant is upon the express condition that the said Chicago, St. Paul, Minneapolis & Omaha Railway Company shall continuously proceed with the construction of the railroad now in part constructed by it between said point of intersection and the west end of Lake Superior, and shall complete the same so as to admit of the running of trains thereover on or before the first day of December, A. D. 1882.

Governor to issue patents for every twenty miles of road built.

SECTION 3. The governor is hereby authorized and directed upon the presentation to him of satisfactory proof of the completion by said Chicago, St. Paul, Minneapolis & Omaha Railway Company of the first twenty miles of said railroad from said point of intersection toward the west end of Lake Superior in accordance with said acts of congress and this act, to issue and deliver, or cause to be issued and delivered to said company patents for all lands applicable under said acts of congress to said twenty miles of completed road, and thereafter, upon the completion by said company of any twenty continuous miles of its said railroad, he shall issue and deliver, or cause to be issued and delivered, patents for all of said lands so applicable to such twenty miles of completed railroad, and upon the completion of said railroad he shall issue and deliver, or cause to be issued and delivered, patents for the residue of the lands so hereby granted.

The railroad company agree to pay \$75,000 and indemnify the state for feeding laborers.

SECTION 4. The said Chicago, St. Paul, Minneapolis & Omaha Railway Company shall, within three days from and after the passage of this act, pay to the governor, for the purposes, and to be disposed of as hereinafter, in this act, provided, the sum of seventy-eight thousand dollars; and give such security as the governor shall require to fully indemnify and save harmless the state against all liability and expenses incurred in feeding the laborers hereinafter mentioned, should the sum named in section 6 hereof prove inadequate for the purpose; and shall, within thirty days from and after the passage of this act, file with the

secretary of state a resolution certified by the president and secretary, under its corporate seal, to have been duly adopted by its board of directors, accepting the grant upon the terms and conditions herein contained; and shall, within said thirty days, give to the state of Wisconsin such security for the completion of said railroad between said point of intersection and said west end of Lake Superior, in accordance with said acts of congress and with this act as shall be required by the governor; and upon failure of said company to deposit said money, or to file said resolution, or to give such security within the times hereinbefore limited, this act shall be of no force or effect whatever.

SECTION 5. It shall be the duty of the governor to appoint immediately upon the payment to him of the money in the preceding section mentioned, some suitable person, who shall forthwith investigate and ascertain the amounts honestly and actually due, and to whom due, for labor and supplies done and furnished prior to Jan. 20, 1882, in and about the grading and other work done by or under the auspices of said Chicago, Portage & Superior Railway Company, between said point of intersection and said west end of Lake Superior, and so much of said sum so to be paid to the governor as aforesaid as shall be necessary therefor, not exceeding, however, in all seventy-five thousand dollars, shall be disbursed, under the direction of the governor and with his approval, upon the report of his said agent, or otherwise, as he may be best advised, in the payment and settlement of said claims. In disbursing said money the bona fide claims of laborers shall be first paid and the amount which shall remain, if any, after payment of said claims of laborers, shall be applied to the payment of bona fide claims of subcontractors and material and supply men, in full, if sufficient remains therefor; otherwise shall be divided pro rata among them upon such basis as shall seem to the governor and his said agent just in the premises. All claims, so to be paid out of said fund hereunder, shall be presented to the governor within ninety days after the passage of this act or the same shall be barred from participation in said fund. Provided, however, that in no case shall the assignee of any labor claim, hereinbefore mentioned, be entitled to receive out of said fund more than the amount which the governor and his said agent shall be satisfied was actually paid, by said assignee, for the claim so assigned and presented by him; and, provided further, that in ascer-

Some suitable person to be appointed to investigate claims.

taining the amounts due to subcontractors, as aforesaid, no claims for profits earned or prospective, on any sub-contract, shall be considered or allowed; and, provided further, that nothing in this act contained or the payment of said money to the governor as aforesaid, shall be taken or deemed to be an admission by the said Chicago, St. Paul, Minneapolis and Omaha Railway Company of any liability whatever for the debts of said Chicago, Portage and Superior Railway Company, or of any person, or persons, corporation or corporations. Provided further, that the said money, so to be paid to the governor as aforesaid, shall not, while in his hands, be liable to garnishment, attachment or other legal process.

Said money not liable to garnishment or attachment.

Excess of money to be returned to company.

SECTION 6. The governor shall pay out of the moneys so to be paid to him in excess of said seventy-five thousand dollars, the compensation and expenses of said agent, and shall reimburse the state for all expenses incurred in the premises, and if after payment of said claims, as herein provided, and after payment of said expenses, there shall remain any surplus, he shall pay the same over to the said Chicago, St. Paul, Minneapolis & Omaha Railway Company.

Contravening sections repealed.

SECTION 7. Sections 8, 9 and 10 of said chapter 126 of the laws of 1874, and all acts and parts of acts in any manner contravening or conflicting with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved February 16, 1882.

[No. 33, S.]

[Published February 17, 1882.]

CHAPTER 11.

AN ACT to amend section 671 of the revised statutes of 1878, as amended by chapter 190 of the laws of 1879, entitled of county government.

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

Amended.

SECTION 1. Section 671 of the revised statutes of 1878, as amended by chapter 190 of the laws of 1879, is hereby amended by adding at the end of said section 671, the following, to-wit: "provided, however, that the provisions of this section shall not apply to the formation of towns in counties having less than three organized towns.

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

Approved February 17, 1882.