

SECTION 2. This act shall take effect from and after its passage and publication, but shall not apply to or effect any action heretofore begun and now pending in any court in the state of Wisconsin.

Approved April 11, 1893.

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No. 135, S.]

[Published May 1, 1893.

## CHAPTER 142.

AN ACT to provide for the payment of the expenses of the Dane County Drainage Commission, and to repeal chapter 383, of the laws of 1839, and the acts amendatory thereof.

### PREAMBLE.

WHEREAS, Commissioners appointed under chapter 383, of the laws of 1889, did decide that the public health and welfare would be promoted by the consummation and completion of the system of drainage mentioned in said act, and said commissioners did incur expenses and liabilities to a considerable amount in proceedings taken under said act, and by an order made November 25, 1891, defined the limits of the drainage district, and referred to certain lands described in the special assessment tax list made by said commissioners, and in which the said order is written, and

WHEREAS, It has been found that the said system of drainage as provided for by said act of 1889, is expensive and burdensome, and ought not to be prosecuted further, and it appearing that the said expenses and liabilities, or some of them, have been necessarily incurred in the making of surveys, explorations, the taking of necessary levels, and in the procuring of maps, profiles and plans, by means whereof it has been ascertained that the said drainage scheme is expensive and burdensome and ought not to be further prosecuted, and

WHEREAS, Such expenses and liabilities were incurred in the attempt to improve the public health and promote the general welfare of the people of the drainage district in which the lands to be drained lie, and because thereof an obligation rests upon the people of such district to pay and meet the same; now therefore,

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

SECTION 1. The amount of such expenses and liabilities shall be determined as follows: All persons having any claim or claims arising in proceedings under said chapter 383, of the laws of 1889, of every kind whatsoever, including claims of holders of bonds issued by said commissioners, the claims of said commissioners for personal services and expenses, claims of clerks, laborers, servants, and attorneys for such commissioners, and all claims of persons whomsoever, of every kind, may present such claims in the form of a statement of debt or account to the county clerk of said Dane county, within three months from the publication of this act; and said clerk shall file the same in his office. All claims not so presented within said time, shall be void. This act shall not be taken as a recognition of the legality or validity of any of said claims, but the same shall be passed upon as follows: The validity of said claims shall be deemed to be denied by the tax payers affected thereby, and thereupon the circuit judge of the Sixth circuit of this state shall fix a convenient time for a hearing upon said claims, at the Dane county courthouse, notice of which hearing shall be published in a daily newspaper printed at Madison, in said county of Dane, for ten successive days next prior thereto, and he shall thereupon proceed to take proof of said claims, and decide upon and determine the validity of the same, and the amount thereof, and such determination of said judge shall be final and conclusive. To the aggregate amount of such claims so to be allowed, there shall be added the necessary and reasonable costs of the proceedings authorized by this act, and the whole amount of said claims and costs shall be certified by said judge to said

Expenses; how  
to be paid;  
procedure.

commissioners, and they shall thereupon proceed as provided in section 2, of this act.

Tax, how to be levied, etc.

SECTION 2. The said commissioners are hereby authorized, if they shall so decide, to cause the levy of a uniform tax upon all the real property within the limits of the district so defined, in the order of said commissioners made November 25, 1891, and described in a book called the "Drainage Special Assessment Tax List," and upon the personal property of the owners of said real property, taxable within the limits so defined. For that purpose they may return to the town and city clerks of the towns and cities in which the district lies, the proportional amount which such property in each such town or city ought to bear. In order to obtain the respective amounts properly chargeable to such property in each taxing district, they shall ascertain from the last assessment rolls of the towns and cities in which the district lies, the whole assessed valuation of all real and personal property subject to taxation within said defined limits, and shall ascertain from said rolls the valuation of such taxable property within said defined limits, in each town and city, respectively. They shall certify to the respective town and city clerks of such towns and cities, the proportion of the whole amount in this act authorized to be paid, which such valuation of such property in each such town or city, respectively, bears to the whole assessed valuation of taxable property within said defined limits, together with a description of the real property in each such town or city within said limits. The said town and city clerks shall thereupon proceed to carry out and extend the sums so certified to them, respectively, against such real and personal property, as provided in section 1079, of the Revised Statutes, upon a uniform scale, but only against the property in towns or cities, respectively, which is situated within said defined limits. The said taxes, so extended, shall be collected in the same manner, and like proceedings shall be had as upon the collection, return, sale of lands and redemption in the case of general taxes, and the town and city treasurers shall pay over the same to the county treasurer as county taxes are paid over, and the said county treasurer shall there-

upon pay out the same to the parties entitled thereto under the order of the said circuit judge, made upon the allowance of such claims as hereinbefore provided, and the county treasurer shall take receipts therefor from such claimants and file the same in his office.

SECTION 3. The provisions of chapter 383, of the laws of 1889, entitled "An act to amend chapter 525, of the laws of 1887, entitled 'An act to amend chapter 442, of the laws of 1885,' entitled, "An act to provide for the drainage and reclamation of certain lands in Dane county, ' " so far only as may be necessary to carry out the provisions of section 2, of this act, and no further, are hereby continued in force. Except as aforesaid chapter 383, of the laws of 1889, and the act amendatory thereof, are hereby repealed. <sup>Repeal.</sup>

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

T. J. CUNNINGHAM,  
Secretary of State

April 12th, 1893.