

No. 665, A.]

[Published April 28, 1893.

CHAPTER 253.

AN ACT to provide for the drainage and reclamation of certain lands in Manitowoc and Calumet counties.

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

SECTION 1. Whenever twenty-five or more owners of wet or overflowed lands of the counties of Manitowoc and Calumet, which, in their opinion, will be benefited by a system of drainage, and who shall be of the opinion that the public health or welfare will be promoted thereby, shall desire to institute proceedings for drainage and reclamation of said wet or overflowed lands in Manitowoc and Calumet counties, either by constructing, extending, opening, enlarging, widening, straightening or deepening the Manitowoc river and tributary water courses, or removing natural or artificial obstructions therefrom as herein provided, they may apply to the circuit court for Manitowoc or Calumet county at any term thereof, or to the presiding judge thereof by petition, for the institution of such proceedings and the appointment of three commissioners to be known as drainage commissioners of drainage district number One, Manitowoc and Calumet counties. Such petition shall specify in general terms the nature of the improvements desired to be made as near as may be, without preliminary survey, the amount of lands to be benefited thereby, and the benefits to the public health or convenience and to private property, which it is believed will result from such system of drainage, and that such system of drainage is practicable. The petition shall also specify in general terms, the stream or streams, or water courses, proposed to be dredged, widened, deepened, straightened or altered, and the particular obstructions to be removed as far as known to petitioners, and that in the belief of the petitioners the costs, damages and expenses will be less than the benefits which will result

Drainage commissioners, petition for appointment of.

Petition, what to specify.

to the owners of the lands likely to be benefited thereby; and if any town or city as a whole will be benefited by such system of drainage, the petitioners may so state, setting forth the nature of such benefits. Any town or city benefited by said system of drainage may join in said petition. Said petition may also inform the court or presiding judge thereof of any other matters relative or pertinent to the matter. Such petition shall be verified by the oath of one or more persons and shall be filed with the clerk of said court.

**Appointment
of commis-
sioners.**

SECTION 2. Upon the filing of such petition, the court or presiding judge thereof, shall make an order prescribing the notice to be given of the time and place of hearing the said petition, which notice shall be given to all parties interested by publication of the same in one newspaper printed in each of said counties, not less than once in each week, for four successive weeks before the date fixed for the hearing. On presenting such petition with due proof of publication of the notice as required by said order, the court or presiding judge shall make an order appointing three disinterested and competent freeholders of said counties, as commissioners, and the said court or judge shall then and there fix the time and place for the first meeting of the commissioners. The commissioners shall, before entering upon their duties, take and subscribe an oath that they will support the constitution of the United States, and the constitution of the state of Wisconsin, and to faithfully discharge their duties as commissioners to the best of their abilities; and in case any commissioner shall not take such oath or qualify, or any vacancy shall happen in the said commission, on representation of the fact by the verified petition of one of said commissioners who has qualified, said presiding judge or court shall appoint a person qualified as above in place of such commissioner who has failed to qualify, or in the place of any commissioner who has resigned or become deceased. The removal of any commissioner outside of the boundaries of said two counties shall vacate his office. Each commissioner shall execute a bond before entering upon the duties of said office, to be filed with the clerk of court of the county

Oath.

**Vacancy, how
filled.**

**Bond to be
given.**

wherein said petition is filed as obligee for the benefit of all persons interested, in amount and with sureties, to be approved by the court or presiding judge, conditioned to the faithful discharge of his duties as such commissioner, and the faithful accounting for and application of all moneys which shall come to his hands as such officer. The said clerk shall, upon due qualification of the commissioners, issue to them a certified copy of the order of their appointment.

SECTION 3. The said commissioners are hereby authorized and empowered to remove or cause to be removed, first, the dam, dams or other artificial obstructions in and across the Manitowoc river at Cato Falls, in Manitowoc county, as hereinafter provided; and thereafter, to remove or cause to be removed all other obstructions at any place or places at or above said Cato Falls, in said Manitowoc river and tributary water courses, which caused or cause certain swamp lands within said counties of Manitowoc and Calumet, or either of them, to be overflowed with water or otherwise injured or impaired in value, and infected with disease germs endangering public health, at any season of the year; and for that purpose said commissioners may lower or cause to be lowered the bed of the said Manitowoc river, and tributary water courses, and cause to be dug, made, built and constructed, all such canals, ditches, sluiceways, dykes and embankments, as said commissioners shall deem necessary, to effectually drain and reclaim said swamp lands infected with disease germs endangering public health, and to protect the same, so far as may be, against any further overflow from high water caused by obstructions placed in said Manitowoc river and tributary water courses; and for that purpose the said commissioners, their superintendents, agents, contractors or servants shall have further power and authority to enter upon any adjoining lands and make ditches, sluiceways and do other work necessary to the drainage and reclamation of the said swamp lands herein referred to, and to promote the general welfare and public health of said counties. And for the purpose of enabling said commissioners to carry out the said drainage and reclamation of the said swamp lands in

Commissioners, powers of.

May make? ditches, etc.

**May purchase
dam.**

the said counties of Manitowoc and Calumet, as aforesaid, the said commissioners are hereby authorized and empowered to enter into negotiations with the owner or owners of said dam or other artificial obstructions and of said lands adjoining said Manitowoc river and tributary water courses, so to be appropriated and used as aforesaid, for the purposes aforesaid, and to make agreements or contracts with said owner or owners thereof, for the amount or amounts to be paid therefor, and to pay for the same, out of the moneys herein and hereby appropriated, and to take lawful deeds of conveyance therefor, in the name of and to the state of Wisconsin.

**Commissioners,
duties of.**

SECTION 4. It shall be the duty of said commissioners, as soon as practicable, after their appointment and qualification as aforesaid, to carry into full effect the provisions of this act for the removal of said dam or other artificial obstructions, and for the purchase of said lands adjoining said Manitowoc river and tributary water courses, and to pay for the same, such sum or sums of money, as they shall have found necessary and agreed upon, out of the moneys herein and hereby appropriated. The balance of said moneys herein and hereby appropriated shall be expened by them, the said commissioners, for any and all other improvements necessary for the complete drainage and reclamation of said swamp lands as herein provided.

**Surveys,
specifications,
etc., to be
made.**

SECTION 5. It shall be the duty of said commissioners, before commencing the work deemed necessary to be done to accomplish the draining and reclaiming of the said swamp lands in said counties, to require a civil engineer or surveyor to submit to them plans and specifications and estimates of the cost of all the work deemed necessary to be done, to accomplish the objects contemplated by the provisions of this act, and after such surveys, plans, specifications and estimates shall have been so made and submitted, the said commissioners 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 notice thereof, of the time and place of the letting of said contracts, and where such plans and

**Proposals for
contracts.**

specifications can be seen, by publication of such notice, for four weeks successively before the day fixed for the letting of said contracts, and the last publication shall not be more than ten days before such day, in one of the newspapers published in each of said counties; and the said commissioners shall let such contracts to the lowest responsible bidders; provided, that no such contracts shall be let unless the provisions thereof shall be guaranteed by one or more responsible sureties, to be approved by said commissioners; and provided that no member of said commissioners of public lands shall be or become interested, either directly or indirectly, in any such contracts.

Contracts to be guaranteed.

SECTION 6. For the purpose of enabling and aiding in carrying into full effect the provisions of this act, the said commissioners are hereby authorized and empowered to use and employ all the money or moneys belonging to the swamp land fund of the said counties of Manitowoc and Calumet, in whatsoever fund or funds the same may now be; and it is hereby made the duty of the commissioners of public lands, within sixty days after the passage and publication of this act, to ascertain the amount of money due the said counties of Calumet and Manitowoc, for and on account of money properly belonging to said counties as the proceeds of the sales of swamp lands, in whatsoever fund or funds the same may be; and the said commissioners of public lands shall thereupon certify the amounts so found due to said counties of Calumet and Manitowoc to the secretary of state, who shall forthwith draw warrants for the amounts so certified, in favor of said counties, upon the state treasurer; and there is hereby appropriated, out of the general drainage fund, a sum sufficient to pay the warrants drawn under the provisions of this act; and the said warrants shall be paid out of the sum so herein appropriated.

Appropriation of moneys in swamp land fund belonging to Manitowoc and Calumet counties.

SECTION 7. The provisions of this act shall be liberally construed to promote the drainage and reclamation of the said swamp lands in said counties of Manitowoc and Calumet, and to promote the general welfare and public health of said counties; and all costs and expenses incurred by the said commissioners, their attorneys, agents or servants, in carrying into effect the provisions

Act to be liberally construed.

of this act, shall be paid out of the funds or moneys herein named.

SECTION 8. All acts or parts of acts so far as the same are in conflict with the terms and provisions of this act, are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 629, A.]

[Published April 28, 1893.

CHAPTER 254.

AN ACT to regulate the drainage and sewerage in the Menominee and Kinnickinnic river districts in Milwaukee county.

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

Drainage, etc.,
to be filtered or
clarified.

SECTION 1. It shall be unlawful for any person, company, corporation, home or institution to drain any substance, fluid or solid, into the Menominee or Kinnickinnic rivers outside the city limits of Milwaukee, or into any stream, branch, ravine or water shed connected with said rivers, unless such drainage or sewerage be treated by filtration or any other clarifying process, which shall be recommended by the said board, and then only the effluent of such drainage or sewerage shall be allowed to enter said Menominee or Kinnickinnic rivers, or any stream, branch, ravine or water shed connected therewith, when such effluent shall have been approved by the state board of health.

Penalty.

SECTION 2. Any person, company, corporation, home, or institution, violating the provisions of section 1, of this act, upon conviction thereof, shall be fined not less than one hundred dollars, nor more than five hundred dollars for each and every offense, or be imprisoned in the county jail not less than thirty, nor more than ninety