

No. 624, A.]

[Published May 23, 1901.]

CHAPTER 443.

AN ACT relating to cities, and fixing the terms of certain city offices.

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

Term of office made two years. SECTION 1. In cities of the second, third and fourth classes the terms of office of all city officers hereafter chosen by the electors, except aldermen in cities governed by special charter, shall be two years; provided, this act shall not affect the term of office of any city officer which exceeds two years.

Conflicting laws repealed. SECTION 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved May 15, 1901.

No. 395, S.]

[Published May 23, 1901.]

CHAPTER 444.

AN ACT to reimburse the drainage fund and provide for the distribution of drainage moneys among the counties of this state entitled thereto.

Swamp land act. Whereas, by the act of Congress, approved September 28th, 1850, entitled, "An act to enable the state of Arkansas and other states to retain the swamp land within their limits," all lands wet and unfit for cultivation, in this state,

known as swamp lands were granted to this state for the purpose, so far as necessary, of reclaiming such lands by means of levees, and drains, and

Sale by U. S. before selection by state. Whereas, before the selection of any such lands could be made by the state under the provisions of said act, the United States had sold or otherwise disposed of lands in this state covered by said grant, amounting to seventy-one thousand, sixty-eight and seventy-five one hundredths (71,068.75) acres, and on account of such sales and dispositions, this state afterwards received from the United States, as indemnity for such sales and dispositions, seventy thousand six hundred fourteen, and thirty-four one hundredths (70,614.34) acres of other lands, and

Proceeds from sales, being held in trust funds. Whereas, such lands so originally granted by the act of 1850 and such indemnity lands have been in part sold by the state and the same are now being sold from time to time, and the proceeds of such lands are being collected and held for the benefit of the various counties and from time to time paid over to them, in proportion to the amounts of swamp lands in such counties and the said fund so derived, known as the drainage fund, has been held by said state and so paid over, as a trust fund, for the benefit of such lands and the counties and towns in which they are situated, and

Share of normal school fund. Whereas, under the provisions of section 2 of chapter 557, of the laws of 1865, and section 2 of chapter 151, of the laws of 1869, one-half of said drainage fund was required to be held by the state for the benefit of the normal school fund and one-half for the benefit of said counties and towns in proportion to the swamp lands therein, and

Appropriations to Sauk and Columbia counties. Whereas, by chapter 138 of the laws of 1882, the sum of six thousand dollars (\$6,000) was appropriated out of said drainage fund for the benefit of lands in Sauk and Columbia counties, for the protection of the valleys of Neenah Creek and Fox river from overflow, and the said sum was, by the commissioners of public lands paid to said Sauk and Columbia counties out of the shares of all other counties in said fund in proportion to the swamp lands therein, and

Failure to deduct normal school fund's share; retentions by U. S. Whereas, by chapter 90 of the laws of 1885, the commissioners of public lands were required to pay to the counties of

Sauk and Columbia from the drainage fund, a sum of money which should represent the total interest of said counties in all of said fund and in the swamp lands then on hand and undisposed of by way of an advancement to said counties, it being provided in said act that the said treasurer should, after the payment to said counties, withhold all their share from the drainage fund, thereafter to be realized, and pursuant to said act, the said land commissioners did pay to the county of Columbia the sum of eight thousand one hundred and fifteen dollars and thirty-six cents (\$8,115.36), and to the county of Sauk, the sum of two thousand, nine hundred two dollars and seventy-four cents, (\$2,902.74), together amounting to eleven thousand eighteen dollars and ten cents, (\$11,018.10) no deduction being made from said payment of the one-half of said drainage fund belonging to the normal school fund under the act of 1865 and the acts of 1869, nor was any deduction whatever made on account of moneys retained by the United States in its treasury from the amount due this state from the United States on account of swamp lands, such retention being made by reason of the unpaid war debt of this state under the direct tax act, so called, levied by the act of congress approved August 5th, 1861, and

Erroneous payment to normal school fund. Whereas, the said moneys so retained by the United States were afterwards paid to this state by the United States, on account of which the state received as a part of the drainage fund, one hundred forty-one thousand, eight hundred seventy-eight dollars and five cents, (\$141,878.05), one-half of such sum properly belonging to the normal school fund and one-half to the drainage fund, but by the acts of 1891 and 1893, being chapter 453 of 1891 and chapter 185 of 1893, the whole of said sum of one hundred forty-one thousand, eight hundred and seventy-eight dollars, and five cents, (\$141,878.05), was transferred and paid over to the normal school fund and no part thereof retained in the drainage fund, and

Payment to town of Caledonia. Whereas, by chapter 121 of the laws of 1891, the town of Caledonia in the county of Columbia was excepted from the operation and effect of chapter 90 of the laws of 1885 and chapter 340 of the laws of 1889, withholding all drainage moneys from Columbia county until the advances to that county made under those acts had been satisfied, and under said act of 1891, the sum of one thousand, nine hundred and forty-two dollars, and forty-eight cents (\$1,942.48), was paid to the county treasurer of Columbia county, for the use of said town of Caledonia, and

Excess of payment to Sauk and Columbia county. Whereas, it thus appears that said counties of Sauk and Columbia have received more than their share of the drainage and indemnity funds, and that such excess has been paid to them from the shares justly due to other counties, and,

Payments to other counties. Whereas, by chapter 492 of the laws of 1887, provision was made for re-paying the counties of Adams, Marquette, Oconto, Forest, Marinette and Florence, on account of moneys taken from the share of said counties to pay Sauk and Columbia counties under the provisions of the acts of 1882 and 1885 aforesaid, and the sum of three thousand, seven hundred and ninety dollars, and thirty-six cents (\$3,790.36) was paid such counties out of the drainage fund to replace such moneys so paid to Sauk and Columbia counties, and

Refunding to certain counties. Whereas, by chapter 320 of the laws of 1889, like provision was made for refunding the counties of Dane, Juneau, Kewaunee and Manitowoc for moneys so paid to the counties of Sauk and Columbia, and the sum of nine hundred twenty-two dollars and eighty-three cents (\$922.83) was paid such counties under said act of 1889. Therefore,

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

Duty of commissioners of public lands in settlement; appropriation. SECTION 1. It shall be the duty of the commissioners of the public lands to carefully and correctly compute and ascertain what sums of money have become due to each and every county of the state from said drainage fund, including the fund received from the sale of said indemnity lands, and taking into consideration changes of county boundaries and the formation of new counties. Such computation shall be based upon the amount of swamp lands in each township in the state. They shall also ascertain what sum or sums of money have been paid to each county of the state for or on account of the drainage or indemnity funds, and compute the balance so as to show either the amount due to any county or the amount of overpayment to it, taking into account the county boundary at the time any such payment or payments were made. They shall proceed upon the assumption that one-half only of the drainage and indemnity fund was due to said counties, but they shall not credit them with any part of the one hundred forty-one thousand, eight hundred seventy-eight dollars and five cents

(\$141,878.05) transferred to the normal school fund under the acts of 1891 and 1893. Upon such computation being completed and within three months after the publication of the act, the commissioners shall certify to the secretary of state the sum due to each county now existing, and the secretary of state shall draw his warrant to each such county for the amount due to it from such funds, and the state treasurer shall pay the same and charge the payments so made to so much of the drainage funds as shall be to the credit of such funds, and the balance from the general fund. In case of counties which have already received as much or more than their share of said funds, no payment from the drainage or indemnity funds shall be made to them until sufficient sums have been collected to the credit of such funds to again entitle them to a share thereof. The true intent and meaning of this act is to pay to each county and town its true share of said funds other than the amount carried to the normal school fund by the acts of 1891 and 1893, and to reimburse from the general fund any county or town which has not been paid its full share from said funds by reason of overpayments to any other town or county, and this act shall be liberally construed to effect the purpose aforesaid. There is hereby appropriated from the general fund a sufficient sum of money to carry out the purposes of this act.

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

Approved May 15, 1901.

No. 388, A.]

[Published June 15, 1901.

CHAPTER 445.

AN ACT to create the office of county supervisor of assessment, with power to supervise and investigate the work of all local assessors in the county.

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

County board to elect supervisor; vacancy. SECTION 1. The county board of all counties, at the annual session in November in 1901 and every third year thereafter, shall elect a county su-