

CHAPTER 113.

Published October 4.

An Act to provide for determining and finally settling and paying the claim of Andrew Proudfit, for work done, materials furnished, and for damages arising or growing out of his contract with the commissioners of the Wisconsin State Lunatic Assylum, entered into on the sixteenth day of November, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Commission-
to determine
claim of A.
Proudfit.

SECTION 1. Timothy O. Howe, Frederick S. Lovell, and Wm. Pitt Lynde, are hereby appointed commissioners and authorized and directed to hear and determine the claims of Andrew Proudfit, for work, labor and service done and performed, and materials furnished by him, under his contract with David S. Vittum, Alden S. Sanburn and Sam. G. Bugh, commissioners appointed under an act approved March 30th, 1854, entitled "an act to provide for a state lunatic assylum," for the building of a state lunatic assylum, bearing date on the 16th day of November, 1854, and also to examine, hear and determine his claim for damages growing out of the repeal of the law authorizing the said commissioners to enter into such contract, and the suspension of the work under such contract, by the state, under and by the act approved March 29, 1855, and that said commissioners award such sum to said Proudfit for such work and damages as shall be just and equitable.

Time of meet-
ing.

SEC. 2. The said commissioners shall appoint such time at the city of Madison, between this and the first day of December next, as to them shall be convenient, to meet and hear the proofs and allegations of the said Proudfit, and the proofs and allegations on the part of the state, and shall have power to subpoena and examine witnesses on either side, and for that purpose are authorized to administer oaths, and may, for good cause shown by either party, adjourn the hearing, from time to time, as the ends of justice may require, and after hearing the proofs and allegations on both sides, the decision or award of said referees or a majority of them, to be made in writing, and

Award final.

filed in the office of the secretary of state, shall be final and conclusive on the state as well as the said Proudfit.

SEC. 3. It shall be the duty of the attorney general or of such other counsel as the governor may select and appoint for that purpose (which he is hereby authorized to select and appoint) to conduct said hearing upon the part of the state

Governor to employ counsel.

SEC. 4. The said commissioners shall give the attorney general or such other counsel as the governor may select and appoint, and the said Proudfit, at least thirty days notice of the time and place appointed by them for the hearing of said matters, and difference, in the first section of this act, mentioned.

Notice to parties of time of meeting.

SEC. 5. Nothing in this act contained, shall be understood or construed to be an affirmance or admission of the legality of the said contract or the liability of the state upon such contract, either for work done or damages sustained by reason of the suspension of work under such contract, but the only and true object and intent and meaning, being to adopt a plan and create a tribunal to finally settle the liabilities of the state (if any) to said Proudfit upon said contract, and the right and extent of the claim of said Proudfit, for damages for the work done and the suspension of the work under such contract, by the act of March 30th, 1855, and for that purpose the referees are invested with full power and authority to hear the whole case and decide the same upon the merits according to the established principles of law and equity.

Act—how construed.

SEC. 6. The governor and secretary of state are hereby empowered to allow said commissioners such compensation for their services under this act as shall be just and reasonable, and one half of said sum so fixed shall be paid by the secretary of state's draft upon the treasurer, and the other half by said Proudfit. The governor and secretary of state may require the said Proudfit to deposit with the treasurer such sum as he may deem reasonable to pay his portion of said expenses.

Compensation of commissioners.

SEC. 7. The secretary of state is hereby authorized and required, upon the filing of the report or award of the said commissioners in his office, duly signed and sealed by them or a majority of them, to draw his warrant upon the treasurer for the amount (if any) reported and awarded to be due from the state to said Proudfit, to be paid by the treasurer out of the general fund in his hands not

On filing of award of commissioners.

otherwise appropriated; *Provided*, That the said Proudfit shall execute and file in his office a full release of all claims and demands against the state growing out of said contract.

To fill vacancy SEC. 8. In case said commissioners or either of them shall decline or refuse to serve, or die, or resign, the governor is hereby authorized to fill such vacancy by appointment of a commissioner or commissioners to fill such vacancy.

Approved October 2, 1856.

CHAPTER 114.

Published October 7.

An Act to organize the county of Eau Claire.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To organize county of Eau Claire. SECTION 1. So much of the county of Chippewa as is situated south of the township line between township twenty seven (27) and twenty eight (28), is hereby organized into a separate county, to be known by the name of Eau Claire.

Rights, &c. SEC. 2. The said county of Eau Claire is hereby erected established and organized, with all the rights, privileges, both for governmental and judicial purposes as is by law granted to other counties in this state.

Election of county officers SEC. 3. That on the last Tuesday in December, A. D. 1856, the electors resident in said new county shall meet in their respective towns and precincts, at the usual places for holding elections, and then and there proceed to elect all and every of the county officers, provided by law for county government, which said officers shall hold their office when duly qualified until the expiration of the time of similar officers in other counties.

Returns of election. SEC. 4. The returns of said election for county officers shall be returned to and canvassed by the town board of supervisors elect of the town of Eau Claire in the same