

To keep records, make report, &c. all the business and perform all the duties herein enjoined upon or required of said board. They shall keep a full and correct record of all acts and things done by them as such board of commissioners. They shall also in each and every year during the continuance of said board, and within ten days next preceding the first day of the regular annual session of the legislature of the state, make to the governor of the state a full and complete report of the condition and management during the last preceding year, of the railroad bond and mortgage sinking fund, and all things appertaining thereto ; and it is hereby made the duty of the governor of the state to communicate the report so made to him, to the legislature, at their first meeting.

Duty of governor or.

SECTION 28. This act, immediately after its passage, shall be printed by the contractor of public printing, and when so printed shall take effect and be in force, and shall be taken and construed as a public act.

Approved April 8, 1862.

CHAPTER 331.

[Published April 25, 1862.]

AN ACT to ascertain and settle the liabilities of the state of Wisconsin to the Milwaukee and Rock river canal company.

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

Board of commissioners to ascertain liability of state. SECTION 1. The governor, secretary of state and state treasurer are hereby appointed a board of commissioners to determine and ascertain the liabilities incurred by the territorial and state government [governments] of Wisconsin, under the act entitled "an act to grant a quantity of land to the territory of Wisconsin,

for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," passed by congress, and approved June 18th, 1838.

SECTION 2. Said board is hereby authorized to make an amicable adjustment with the Milwaukee and Rock river canal company, with respect to which company said liabilities were incurred; and if it finds any sum of money due said company by the state thereon, the commissioners shall sign an award to that effect, one copy of which shall be delivered to the president of the company, and another copy shall be filed in the office of the secretary of state.

Board may make amicable adjustment, &c.

SECTION 3. In case an amicable settlement cannot be effected as aforesaid, or if said board should deem it expedient before attempting such settlement, it is hereby authorized to submit the adjudication of said claim to five arbitrators, to be agreed upon between said commissioners and said company. The articles of submission shall be signed by said commissioners on behalf of the state, and by the president of the company, or some person duly authorized, on its behalf; and said submission shall be obligatory upon the state and the company, and neither party shall revoke the same, and the award shall be final: *provided*, it shall be signed by a majority of said arbitrators; and in case of the refusal or inability of any arbitrator so chosen, to act in the premises, a substitute may be chosen as above; and in case the parties cannot agree upon such substitute, the governor shall appoint the same.

May appoint arbitrators.

Articles of submission, &c.

SECTION 4. The arbitrators so agreed upon, shall meet in the city of Madison, on or before the first day of July, 1862. They shall have all the powers conferred upon arbitrators by the laws of this state, and shall make their award in writing, on or before the first day of September, 1862. One copy they shall deliver to the secretary of state, and another to the president or person representing the company. The secretary shall file such award in his office.

Meeting of arbitrators—their award, &c.

SECTION 5. There is hereby appropriated, to defray

Appropriation.

the expenses of this arbitration, a sum not exceeding one thousand dollars; or so much thereof as may be necessary to pay the expenses of proceedings under this act. The board shall draw its warrant on the treasurer as the money may be needed, and apply the same in paying the per diem and mileage of the arbitrators, and witnesses' fees on behalf of the state. It shall be the duty of the attorney general to defend the state before said arbitrators. The arbitrators shall be allowed such sum per diem and mileage, as the board may deem just. If the governor shall deem it expedient, he may employ other counsel to assist the attorney general in defending the state before said arbitrators, and he is in that case authorized to agree upon the compensation to be paid to such counsel.

Board to draw warrants.

Attorney general to defend state, &c.

When rights of company to cease

SECTION 6. On the payment of money, if any, awarded to said company, the property, rights and franchises of said company shall be vested in the state, and said company shall cease to exist.

When money awarded to be paid.

SECTION 7. The money awarded, whether by the commissioners or arbitrators, shall in no event be payable, or be paid to said company, until the state shall receive from the United States the moneys commonly called the "five per cent. fund," now withheld by the United States. When the state shall obtain said fund from the United States, the secretary of state shall draw his warrant on the state treasurer in favor of the company for the money so awarded, and the same shall be paid by the treasurer on presentment, out of said five per cent. fund.

Approved April 8, 1862.