

missioners to go upon said road for the purpose of approving or viewing said work, he or they shall receive the same compensation per day as is hereby provided for the acting commissioner.

Powers of commissioners.

SECTION 4. Said commissioners shall have control and superintendence of the expenditure of the drainage moneys due to said towns, as aforesaid. They may, after ascertaining from the county treasurer of each county, the amount of drainage money due to each town aforesaid, draw orders on the county treasurers of the aforesaid counties, payable from the drainage fund, and employ such laborers or let such contracts as they may deem necessary. They shall keep a record of their doings and take vouchers for all moneys drawn out and paid by them, and shall make a full report of their doings and expenditures to the county board of each county, at the November session of 1864.

To keep record, &c.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 489.

[Published May 4, 1864.]

AN ACT to grant to Calumet and Manitowoc certain lands for drainage and other purposes, and to confer upon the said counties and certain towns thereof, for such purposes, certain powers.

Preamble.

WHEREAS, Certain natural obstructions exist in the bed of the Manitowoc river, forming a dam or ledge running across said river, in the county of Manitowoc, to the great detriment to and overflowage of a large body of lands situated in that and Calumet county; and

WHEREAS, The act of congress entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," contemplates the reclamation and improvement of the swamp and overflowed lands granted to the state under the provisions of said act; and

WHEREAS, The interests of the state at large, and to a yet greater extent the welfare and prosperity of certain towns of Calumet and Manitowoc counties, de-

mand that such reclamation should be no longer deferred; and

WHEREAS, The swamp lands in the said certain towns of said counties, are not only unproductive, but a source of expense to the state, and have been and will continue to be unsalable in consequence of overflowage and insufficiency of drainage, occasioned in a great measure by the dam or ledge herein mentioned, and the removal of which would afford an increased drainage of from three to four feet, and thus a consequent reclamation under which the now worthless lands would in a few years become valuable and highly productive grass lands, and thus be made to contribute proportionably and largely to the revenues of the state derived from taxation: Therefore,

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

SECTION 1. All of the swamp and overflowed lands belonging to the state, and constituting a portion of the swamp land fund situated in towns eighteen north, range twenty east; nineteen north, range twenty east; twenty north, range nineteen east, and twenty north, range twenty east, of the county of Calumet; and towns eighteen north, range twenty-one east; eighteen north, range twenty-two east; nineteen north, range twenty-one east; nineteen north, range twenty-two east, and twenty north, range twenty-one east, of the county of Manitowoc, are hereby granted to the said counties in trust, for the purposes and under the conditions hereinafter provided.

Swamp lands granted to Calumet and Manitowoc counties.

SECTION 2. The said counties shall have and hold the same in fee simple, for the purposes of such trust, and shall have full power to grant, bargain, sell and convey the same, or any part thereof; and said counties shall also have power to mortgage the lands herein granted, or any part thereof, for the purposes recited in section — of this act; but in case of a foreclosure of any such mortgage, the said counties shall not be liable to pay any deficiency remaining unpaid, after application of the proceeds of the sale of the mortgaged premises under any such foreclosure sale, to the payment of the debt secured by the mortgage, and the cost of any such foreclosure.

May sell or mortgage lands.

Counties not liable for deficiencies on foreclosures.

Election of commissioners.

SECTION 3. The said counties, by the county supervisors thereof, shall elect in each county a swamp land commissioner, at a meeting of the county boards of the said counties for such purpose called, who shall hold his office for a period of four years, and shall severally, in like manner and under like conditions, fill any vacancy in the office of swamp land commissioner for a like period of four years.

Executive board.

SECTION 4. The swamp land commissioners so elected, shall constitute an executive board, and in the event of any disagreement, shall associate with them the superintendent of public schools of the county in which said board may have last met, and a majority of the board so constituted, shall determine such matter of disagreement, but no other.

Meeting of board, rules, &c.

SECTION 5. The said county board shall hold a joint session, in pursuance of a proper notice thereof, served upon or mailed to each of the supervisors of said counties at least ten days prior to any such meeting, and of which notice shall have been published for the period of three weeks, in a newspaper published weekly in each of said counties; and at which session so called, the said county boards shall adopt rules and regulations for the management of the trust hereby created, and for the government and control of the said commissioners in their supervision and management of the improvements and work entrusted to their charge.

Special meetings.

SECTION 6. Joint special sessions may, under like conditions of notice, be held by said county boards for any of the purposes of this trust hereby created.

Per diem and mileage.

SECTION 7. For attendance at any such joint meeting, the supervisors shall receive a per diem of one and one-half dollars, and mileage at the rate of six cents per mile for the miles actually traveled upon a direct route to and from such joint meetings, and the drainage commissioners shall receive a per diem of two dollars, but no mileage, to be paid from the said joint drainage fund of said counties.

Application of drainage fund.

SECTION 8. The drainage fund of said counties shall, as a joint fund, be placed at the disposition of the drainage commissioners, under the restrictions and regulations of the said joint county board, and shall be by them applied towards the expenses consequent upon the removal of a ridge and other obstructions in the bed of the Manitowoc river, at points above section

twenty-six, in town nineteen north, of range twenty-two east, and of reducing the surface level of the water of said river at low water mark, to a point not less than three feet below the heretofore determined low water mark of said river at said ridge.

SECTION 9. When the said ridge and other ob-^{ibid.}structions shall have been removed, and a reduction of the surface level as specified, secured, the said commissioners shall remove all obstructions from the beds of the small streams within the limits of the said towns, which may impede the sufficient drainage of such swamp and overflowed lands, and cause to be constructed all necessary main ditches, sluiceways and canals necessary to secure such drainage.

SECTION 10. Upon filing in the office of the secretary of state a certificate sworn [to] and subscribed by the supervisors of said counties, specifying the extent of the improvement made, and that all necessary work has been done to secure the reduction of the surface level of said river three feet, as specified herein, and to secure the drainage of the adjoining lands, as proposed by section number eight of this act, then the said secretary of state shall cause patents to be perfected and issued, conveying to the said counties the swamp and overflowed lands situate in the towns designated in section number one of this act, and to be held in trust for the towns in which the said lands are situate, the lands situate in a town for the town in which such lands are so situate.

When patents to lands to issue.

SECTION 11. The said counties shall cause to be paid over to the treasurer of the town entitled to receive the same, under the provisions of the next preceding section, the proceeds of sale of any such lands or of any mortgage of such lands, to be applied by such town to drainage, road, bridge and school purposes of the districts in which such lands may be so situate.

Payment of proceeds of sales, &c. to towns.

SECTION 12. The supervisors of such towns as may have received payment of any such proceeds, shall apply the same in the following order: 1st. To the opening of all natural channels and the construction of any necessary lateral ditches proper to secure the drainage of such lands, and of maintaining the same. 2d. To the building and maintaining of necessary bridges, causeways and roads upon such lands. Lastly, to the erection of district school houses convenient to such

Application of same.

lands, and in aid of the maintenance of such district schools.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1864.

CHAPTER 440.

[Published May 5, 1864.]

AN ACT to incorporate the New York and Depere flax company.

(See supplement to local laws.)

CHAPTER 441.

[Published May 2, 1864.]

AN ACT to incorporate the Marshall academy, in the village of Marshall, Dane county.

(See supplement to local laws.)

CHAPTER 442.

[Published May 6, 1864.]

AN ACT to incorporate the La Crosse and Greenfield plank and turnpike road company.

(See supplement to local laws.)