

CHAPTER 476.

[Published June 8, 1865.]

AN ACT to provide for the drainage of swamp and overflowed lands in Waupaca, Outagamie and Shawano counties.

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

Proceeds of certain swamp lands donated to commissioners for improvement of Wolf river.

SECTION 1. For the purpose of draining the swamp and overflowed lands bordering upon Wolf river, in the counties of Waupaca, Outagamie and Shawano, and improving the navigation of said river, by clearing the channel from snags, sand bars and other obstructions, and the making of cutoffs or canals, and dredging or excavating the same, to shorten distances and straighten the navigable waters thereof, a board of commissioners, consisting of N. H. Emmons, of Portage county, Herman Naber, of Shawano county, M. H. Sessions, Reuben Doud, of Waupaca county, Sam. Ryan, Jr., of Outagamie county, James Sawyer and E. H. Galloway, of Fond du Lac county, W. H. Weed and John Lynch, of Winnebago county, is hereby created, under the restrictions hereinafter mentioned ; and for the purposes aforesaid, there is hereby appropriated the proceeds of the swamp and overflowed lands, not exceeding three sections each, in towns twenty-one and twenty-two north, in ranges thirteen and fourteen east, and three sections each in towns twenty-seven, twenty-six and twenty-five north, in ranges fifteen and sixteen east, and two sections each in towns twenty-one and twenty-two north, in ranges fifteen and sixteen east, which may be selected by the commissioners of school and university lands, for the drainage fund: *provided*, that the whole amount of funds so appropriated and set apart, shall not exceed the entire amount of drainage funds of the several townships, respectively, heretofore mentioned.

Limit to appropriation.

Duties and powers of board.

SECTION 2. The said commissioners shall act in trust for the faithful disposition of the funds hereinbefore set apart, and the application thereof to the purposes set forth in section one of this act ; and to this end, they shall have full power to devise and adopt plans of survey and construction, and to employ a competent en-

gineer, and to do all the other acts and things necessary to the performance of the trust hereby created, not inconsistent with the laws of this state or of the United States. One of the said commissioners shall be chosen general superintendent at the first meeting of the board, which meeting shall be held in the city of Oshkosh, on the tenth day of July next ensuing, and his compensation shall be fixed by the board of commissioners. Said commissioners shall hold stated meetings, to be by them fixed, and their compensation shall be fixed at three dollars per day for each day actually employed, and ten cents for each mile actually traveled to and from the place of meeting. The attendance of a majority of them only, shall be necessary at any meeting. They may in their own names institute suits for the recovery of any forfeiture or penalty in any bond and agreement executed to them for the performance of any contract entered into by them pursuant to the provisions of this act, which suits shall be begun and prosecuted in the county where the contract was let, or the bond or agreement entered into: *provided*, that if the contract shall have been let in one county and the bond or agreement executed and acknowledged in another county, the said commissioners may, at their option and convenience, prosecute such suits in either county. While any contractor is engaged in the fulfillment thereof, it shall be unlawful for any individual or company to interfere or obstruct the same, by blocking up the same with rafts, lumber, sawlogs, or in any other manner, and in each and every case of willful obstruction, said contractors shall have the right to recover double amount of damages proven, with costs of suit.

Superintendent.

Meetings.

May institute suits.

Work not to be interfered with.

SECTION 3. The funds in the hands of the several town treasurers of the towns to which this act is made applicable, belonging to the drainage fund, shall be paid over to the general superintendent, in the manner following: Whenever said general superintendent shall certify to any town clerk of the towns to which this act applies, that a certain amount of money has been contracted to be paid for work done pursuant to the provisions of this act, and that such amount is due, said town clerk shall draw an order upon the town treasurer to pay the same out of any money in his hands belonging to the drainage fund, and such order

Town drainage funds to be paid to superintendent.

shall be the voucher of such treasurer in the settlement of his accounts.

Report.

SECTION 4. The said commissioners shall render to the county board of Waupaca county, a full report of their doings at each annual session, and shall publish the same in the counties of Waupaca, Outagamie and Shawano; and when their work shall be completed, a strict and accurate account of all the moneys by them received, and in what manner the same has been expended by them, shall be made to the boards of supervisors of said counties; and the said commissioners shall, before any of the rights and powers herein granted shall vest in them, jointly and severally execute a bond to the state of Wisconsin, with sureties to be approved by the governor, in sums amounting in the aggregate to not less than twenty thousand dollars, conditioned for the faithful performance of their duties as said commissioners, and the faithful application and distribution of all moneys which may come under their control, in accordance with the provisions of this act, which bond shall be filed in the office of the clerk of the board of supervisors of Waupaca county.

Bonds.

Compensation.

SECTION 5. Said commissioners shall not be entitled to any compensation from the state for services performed under this act, nor shall this state be liable for any expenses incurred in carrying out the provisions of this act.

Advertising for proposals.

SECTION 6. Said commissioners shall advertise in some paper or papers printed in the county where they propose to have work done, inviting proposals to do such work, and they shall let the same in parcels to the lowest, best and most responsible bidder or bidders, and shall require ample security for the faithful discharge of each and all such contracts.

Act to be published.

SECTION 7. This act shall take effect and be in force from and after its passage, and shall be published in the weekly newspapers of Waupaca, Outagamie and Shawano counties.

Approved April 10, 1865.