

rates for freight charged by any railroad company in this state for carrying freight which comes from beyond the boundaries of the state, and to be carried across or through the state, but said railroad companies shall possess the same power and right to charge such rates for carrying such freight as they possessed before the passage of this act.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1874.

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## CHAPTER 274.

[Published March 16, 1874.]

AN ACT for the appointment of commissioners in the matter of the claim of Elias A. Calkins and James K. Proudfit against the state.

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

**Commissioners** SECTION 1. The secretary of state state treasurer and attorney general are hereby made and constituted a board of commissioners to act in the matter of the final settlement of the claim of Elias A. Calkins and James K. Proudfit against the state.

**Duties of commissioners.** SECTION 2. The said commissioners shall examine and compute the amount of the verdict in the circuit court of Milwaukee county, rendered on the 17th day of November, A. D. 1860, in a case in the supreme court wherein Elias A. Calkins and James K. Proudfit were plaintiffs, and the state of Wisconsin was defendant, with the interest thereon to the date of the examination and award made by them, and they shall deduct therefrom the payment or payments heretofore made on that account, and shall thus ascertain the balance unpaid on such verdict. They shall carefully consider

**Make award.** the evidence of the book printers and book binders on which the verdict in the said case was rendered; and unless they find that said verdict was contrary to such evidence, they shall make award in conformity therewith: *provided*, that they shall also consider the verdict on the "remaining issues" so called in said case, rendered in the circuit court of Milwaukee county on the 26th day of May, A. D. 1868, and if, in their opinion,

the said "remaining issues" are not material to a fair adjustment of the said claim, or if, in their opinion, the said verdict is contrary to the evidence therein, then in that case, they shall make award as hereinbefore provided. Otherwise, they may make such award as they may deem just and right between the state and said claimants. The said commissioners shall also compute the interest on the sums appropriated to E. A. Calkins by the acts of the legislature, chapter 65 of the general laws of 1868 and chapter 119 of the general laws of 1869, respectively, from the time when the printing and publishing were completed for which such appropriations were made in payment, to the date of such appropriations, and shall make award therefor to said E. A. Calkins. If the said commissioners shall find, under the provisions of this act, any sum or sums due from the state to the said Elias A. Calkins and James K. Proudfit, they shall so certify, with the amount or amounts thereof, to the secretary of state, and the same shall be audited and paid as is provided for accounts for public printing in section 23 and section 53 of chapter 290 of the laws of 1873, entitled "an act to codify and revise the laws relating to the public printing, and the publication and distribution of statutes and other documents": *provided*, that no award shall be made to the said Calkins and Proudfit in excess of the sum of sixteen thousand two hundred dollars.

Limit of award.

SECTION 3. The said commissioners shall not consider, or make any allowance or award to the said Calkins and Proudfit, for discount on any state scrip paid them in lieu of money on their contract, nor for any of the costs of the said suit. Neither shall any award, or amount audited for the said claimants, be paid out of any money otherwise appropriated, nor out of any trust funds of the state, nor shall any fund be overdrawn to make such payment; and any technical defense in the statute of limitations, or in any so-called stipulation heretofore made, is hereby waived on the part of the state. The award made in accordance with the provisions of this act shall be a final settlement of all claim or claims of whatever nature of the said Elias A. Calkins and James K. Proudfit, or either of them, against the state.

Award to be final.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1874.