

No. 580, A.]

[Published June 1, 1891.]

CHAPTER 480.

AN ACT to enable the private land owners who may be benefited by the drainage and improvements of certain lands in the counties of Manitowoc and Calumet, to raise the moneys necessary to aid in making the drainage and improvements within said counties, contemplated by chapter 352, of the laws of 1883, and chapter 431 of the laws of 1887; and that the commissioners of public lands may carry into effect the provisions for the drainage and improvements of all the swamp and overflowed lands mentioned or referred to in the several chapters and acts herein named.

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

SECTION 1. A special drainage and improvement tax, of not less than four thousand dollars, nor more than six thousand dollars, which shall be found necessary by the commissioners of public lands of this state, to carry into effect the provisions of this act, shall be assessed and levied as hereinafter provided, upon all the swamp and overflowed lands benefited by the drainage and improvements herein mentioned; except such as remain unsold or otherwise appropriated under the provisions of any law or laws of this state heretofore enacted in the towns of Charlestown, Rantoul, Brillion and Woodville, in the county of Calumet, and in the towns of Eaton, Cato and Rockland, in the county of Manitowoc; which tax shall be collected and paid as hereinafter provided.

Special tax to be assessed and levied.

SECTION 2. The said commissioners of public lands shall, as soon as is practicable, after the passage of this act, ascertain what, if any part or portion of the lands in said towns are overflowed or subject to overflow by water, or which have their value impaired by back water held thereon, or driven back upon or over the same by reason or means of any dam, dams or otherwise, in the

Duty of commissioners of public lands; survey to be made.

Manitowoc river, at Cato Falls, in Manitowoc county; and to ascertain as near as may be, the extent of damage to said lands caused thereby, and to ascertain and assess the benefits to be derived from said drainage and improvements, and to apportion equally upon said lands so benefited, according to the acreage thereof, the special drainage and improvement tax herein named; setting down opposite to the correct description of each tract, lot, easement or servitude, by whomsoever held and owned, the portion or portions of such tax ascertained and assessed as aforesaid, as benefits thereon, and to certify the same over their hands and seals to the town clerks of the respective towns within which said lands are situated in said counties of Calumet and Manitowoc, and in all other respects to immediately enter upon the discharge of their duties and the execution of the provisions of this act; provided, however, that the said commissioners of public lands shall first cause to be made a survey by a competent civil engineer or surveyor, who shall be designated by said commissioners of public lands of all the lands in said towns affected and benefited by the drainage and improvements herein named and who shall ascertain and report to the said commissioners of public lands, as soon as it is practicable, after his appointment, the extent and number of acres so affected and benefited in each of said towns, by the reclaiming and draining of the lands herein mentioned which said lands so designated shall be the lands upon which said tax shall be assessed as hereinbefore provided, and the said engineer or surveyor shall also superintend and direct all the work done under contracts made with said commissioners of public lands and who shall allow him such compensation for his services as engineer, or surveyor and superintendent, as the same shall be reasonably worth while actually employed. The town clerks of said towns shall on receipt of such certificates of assessed benefits as aforesaid for their respective towns, insert on their tax rolls of their said towns, for the year 1891, the amount or amounts thus assessed, levied and certified to be paid by the owners of said lands, which amount or amounts shall constitute the tax herein named, and the

same shall be collected and paid in the manner as is now provided by law for the collection and payment of the general, local, county and state taxes.

SECTION 3. The town treasurers of said towns respectively, shall keep a separate account of said moneys so collected as aforesaid, and designate the same as the "Private swamp and overflowed lands fund, of Calumet and Manitowoc counties," and shall pay the same over to the county treasurer of the respective county in which said lands are situated in the same manner and at the same time or times as is now provided by law for the payment of the county and state taxes and the said county treasurers of the said counties of Calumet and Manitowoc, shall keep a separate account of said funds so received to be designated in the same manner as is provided for the town treasurers herein, and shall pay the same over to the state treasurer, in the same manner and at the same time or times as is now provided by law for the payment of the general state tax; and the said state treasurer shall keep a separate account of said funds so received, to be designated in the same manner as is provided for the town and county treasurers herein.

Town and county treasurers' accounts.

SECTION 4. For the purpose of aiding in carrying into effect the provisions of this act, the said commissioners of public lands, are hereby authorized and empowered to use and employ all the money or moneys appropriated and mentioned in section 5 of chapter 352, of the laws of 1883, and all other money or moneys that may have thereafter become due or apportioned to said counties of Calumet and Manitowoc in whatsoever fund or funds the same may now be, in addition to the sum appropriated out of the general drainage fund mentioned in section 1, of chapter 431, of the laws of 1887, anything in any or both of said last named acts to the contrary, or in conflict with this section and the provisions of this act notwithstanding. And the said money or moneys shall be used with, or in addition to the fund derived from the tax levied and collected as herein directed, and the same shall be held subject to and be disposed of, in the manner provided by

What money to be used to carry into effect provisions of act.

this act, and shall become a part of the fund herein named.

Dams to be removed.

SECTION 5. The said commissioners of public lands are hereby authorized and empowered to remove or cause to be removed; first, the dam, dams or other artificial obstructions in the Manitowoc river, at Cato Falls, in Manitowoc county, as hereinafter provided; and thereafter to remove or caused to be removed, all other obstructions at any place or places at or above said Cato Falls in said river, which caused the said lands or any part of the said lands mentioned and referred to in this act, within said counties of Calumet and Manitowoc or either of them, to be overflowed with water or otherwise injured or impaired in value as aforesaid, at any season of the year; and for that purpose, may lower the bed of the said Manitowoc river, and cause to be dug, made, built and constructed, all such canals, ditches, sluice-ways, dykes and embankments, as said commissioners of public lands shall deem necessary to effectually drain said lands, and to protect the same, so far as may be, against any further overflow from high water caused by obstructions placed in the said river; and for that purpose the said commissioners of public lands, their superintendent, agents or contractors shall have further power and authority to enter upon any adjoining lands, and make ditches, sluice-ways and do other work necessary to the drainage of the lands herein referred to in the said counties of Calumet and Manitowoc.

Commissioners may institute actions to remove dams.

SECTION 6. It shall be the duty of the said commissioners of public lands, to institute such action or actions, either civil or criminal, or both, as they may deem advisable or necessary to cause the removal of such dam, dams or other artificial obstructions, against any and all persons, corporations or co-partnerships who shall be found in possession of, or maintaining such dam, dams or other artificial obstructions, and shall prosecute such action or actions to the removal of such dam, dams or other artificial obstructions; provided, however, that the said commissioners of public lands may in their discretion procure the removal of such dam, dams or other artificial obstructions, by compromise or purchase; and in that event may pay for the same, such

sum or sums as they shall agree upon, out of the moneys herein and hereby appropriated; the balance of said moneys shall be expended by them for the drainage of said lands as herein provided.

SECTION 7. It shall be the duty of said commissioners of public lands, before commencing the work deemed necessary to be done to accomplish the reclaiming and draining of the lands authorized in this act to require their said civil engineer or surveyor to submit to them plans, specifications and estimates of the cost of all the work deemed necessary to be done to accomplish the object contemplated by the provisions of this act, and after such surveys, plans, specifications and estimates shall have been so made and submitted, the said commissioners of public lands, shall meet and determine upon the plans by which the various portions and kinds of such work shall be prosecuted and completed, and shall advertise for proposals for contracts for such work, by giving at least thirty days' notice thereof, by publishing the same in one of the newspapers published in each of said counties, of the time and place of the letting of contracts, and where such plans and specifications can be seen; and the said commissioners of public lands shall let such contracts to the lowest responsible bidders; provided, that no such contracts shall be let unless the performance thereof shall be guaranteed by one or more responsible sureties, to be approved by said commissioners of public lands; and provided, that no member of said commissioners of public lands shall be or become interested, either directly or indirectly, in any such contracts.

Surveys, plans and specifications to be submitted to commissioners.

SECTION 8. The provisions of this act shall be liberally construed to promote the drainage and reclamation of the wet and overflowed lands within the towns herein named in the said counties of Calumet and Manitowoc; and all costs and expenses incurred by the said commissioners of public lands, their agents or servants, in carrying into effect the provisions of this act, shall be paid out of the funds herein named.

Act to be liberally construed; costs and expenses, how paid.

SECTION 9. There is hereby appropriated in addition to the said sum or sums, already appropriated by section 4, of this act under and by vir-

Appropriation.

tue of the appropriations of the several acts therein named, out of the general fund, a sum sufficient to pay the warrants drawn under the provisions of this act, and the funds of the state thus paid out shall be reimbursed by the collection and payment of the tax levied by and under the provisions of this act, so far as the same can be done.

SECTION 10. All acts or parts of acts so far as they same are in conflict with the terms and provisions of this act are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.
Approved April 25, 1891.

No. 635, A.]

[Published May 13, 1891.

CHAPTER 481.

AN ACT to amend chapter 10, of chapter 184, of the private and local laws, for the year 1889, entitled, "An act to revise, consolidate and amend the charter of the city of Eau Claire, and the several acts amendatory thereof."

(See Vol. 2.)

No. 136, S.]

[Published May 14, 1891.

CHAPTER 482.

AN ACT to apportion the state into senate and assembly districts.

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

Senate
districts.

SECTION 1. Until there shall be a new apportionment, the senators shall be apportioned among the several districts of this state as hereinafter mentioned, and each district shall be entitled to elect one senator.