

[No. 135, A.]

[Published March 28, 1882.]

CHAPTER 138.

AN ACT for the protection of the valleys of Neenah creek and Fox river from overflow.

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

Appoint a commission.

SECTION 1. For the purpose of protecting the lands in the valleys of Neenah creek and Fox river from inundation and overflow by the waters of the Wisconsin river, and for reclaiming the lands so subject to overflow, the governor is hereby authorized to appoint a commission of three persons, one of whom shall be a practical civil engineer, whose duty it shall be to provide for the erection of a levee of sufficient width, height and berme to prevent the Wisconsin river from overflowing its banks on the northerly side of said river, in the town of Lewiston, and discharging its surplus waters into said Neenah creek and Fox river via what is known as Big Slough, a tributary to Neenah creek, in Columbia county Wisconsin.

Appropriation.

SECTION 2. To defray the expenses of erecting said levee, there is hereby appropriated, out of the drainage fund, to the commissioners named in section one of this act, the sum of six thousand dollars, or so much thereof as may be necessary, which sum is hereby authorized to be drawn from the treasury when they shall have filed a report with the governor, showing in what manner such levee has been constructed, and a detailed statement of the expenses incurred in constructing it, which report and bill of expenses shall be approved by the governor; provided, however, that said report shall be accompanied by a resolution of the town board of supervisors of Lewiston in said Columbia county, agreeing to maintain said levee at the same height, and in as good condition as it was when it was completed by the commissioners provided for by this act, for the period of twenty-five years.

Let by contract.

SECTION 3. The work of constructing said levee shall be let by contract to the lowest and best bidder, and no bids shall be accepted or entertained which exceeds the amount appropriated by this act, unless the town board of supervisors of Lewiston, or other proper authority or responsible persons shall legally obligate itself or themselves to the satisfaction of the governor to pay all expenses incurred in erecting said levee in excess of the amount appropriated by this act; and no obligation on the part of the state to pay any greater sum than the amount of six thousand dollars

hereby appropriated for building said levee including the expenses paid to the commissioners and engineer, shall be created or incurred.

SECTION 4. The commissioners and constituted authorities of the town of Lewiston, provided for by this act, are hereby authorized to enter upon and pass over any inclosure or lands, together with all needful aid, for the purpose of locating, constructing, repairing and maintaining said levee. Shall have free access.

SECTION 5. For the purpose of acquiring title to any real estate that may be necessary for the construction of the levee hereby provided for, the provisions of chapter 87 of the revised statutes of Wisconsin, relating to acquiring land by right of eminent domain, are hereby declared applicable to and a part of this act. Eminent domain.

SECTION 6. The commissioners appointed under this act shall not be entitled to more than five dollars per day while discharging any duty under this act, nor pay for more than twelve days each while so engaged : provided, however, that they may appoint one of their number superintendent of construction, who shall be entitled to such compensation as the other commissioners may determine to be reasonable and just, and shall be approved by the governor. Compensation.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 110, S.]

[Published March 28, 1882.]

CHAPTER 139.

AN ACT to amend section 635 of the revised statutes, entitled
"of the militia."

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

SECTION 1. Section 635 of the revised statutes of the year 1878, is hereby amended by adding thereto at the end thereof the following : Provided, whenever it shall appear to the satisfaction of the governor that any of the payments or allowances authorized by this chapter for armory rent and expenses, clothing fund or subsistence allowances, shall have been withheld from any company by reason of any failure in compliance with any of the requirements of this chapter, not arising from any defect in the organization, discipline or instruction of such company ; nor for any reason affecting In regard to the militia.