

CHAPTER 350.

Janesville. (See vol. 2.)

CHAPTER 351.

Nicolet. (See vol. 2.)

[No. 287, A.]

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CHAPTER 352.

AN ACT to terminate the trust created by chapter 51, of the laws of 1866, and chapter 341, of the private and local laws of 1867, to reclaim certain lands to the state of Wisconsin, and provide for their sale, and appropriate certain moneys to aid in the sale of said lands, and to provide for the drainage thereof.

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

Trust termina-
ted.

SECTION 1. The trust created by chapter 51, of the laws of 1866, and chapter 341 of the private and local laws of 1867, and all acts amendatory thereof, in relation to the swamp and overflowed lands in Manitowoc and Calumet counties, is hereby revoked, and all the swamp and overflowed lands described in section 1, of said chapter 51 of the laws of 1866, and chapter 341, of the private and local laws of 1867, which yet remain unsold or otherwise appropriated, under the provisions of said chapter 51, are hereby reclaimed by, and returned to the state of Wisconsin, unincumbered by any lien, trust, license, easement or prescriptive right, in, on, to or over the same or any part thereof, obtained or claimed by any person or persons, corporations or co-partnership in, to, or over the same or any part thereof, while so held in trust, except such as were expressly authorized by said chapter 51 and chapter 341, of the private and local laws of 1867.

Commissioners
shall ascertain
condition of
lands.

SECTION 2. The commissioners of the public lands of the state, shall, as soon as practicable, after the passage of this act, ascertain what, if any, part or portion of said lands are overflowed or subject to overflow by water, the cause of such overflow, whether from any dam or dams or otherwise, and to ascertain, as near as may be, the extent of damage to said lands caused thereby.

SECTION 3. If said lands, or any portion of them, are found to be overflowed, or 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 other artificial obstructions in or upon the Manitowoc river, or any of its tributaries, or any stream that has been, or now is, an outlet for or of said lands, or any portion of them, it shall be the duty of said commissioners of the public lands, to institute such action or actions, either civil, criminal, or both, as they shall deem advisable, or necessary, to cause the removal of such dam, dams or other artificial obstruction, 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 obstruction.

Instructions to commissioners.

SECTION 4. The proceeds of the sale of such lands, shall be applied by said commissioners of the public lands, first, to the payment of all expenses incurred in carrying out the provisions of this act, and the balance shall be, by them, appropriated according to law; provided, however, that the said commissioners of the public lands, may, in their discretion, procure the removal of such dam, dams or other artificial obstruction, 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 proceeds of the sale of such lands.

Proceeds of sale, how disposed.

SECTION 5. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated to the commissioners of the public lands, all the drainage fund now on hand, belonging to said counties of Manitowoc and Calumet, or in the hands of the swamp land commissioners of said counties, and all of the drainage fund that may hereafter become due or apportioned to said counties.

Appropriation.

SECTION 6. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

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

Approved April 4, 1883.