

20.38 a new paragraph, to subsection (9) of section 20.38 a new paragraph and to subsection (11) of section 20.38 a new paragraph to be numbered and to read: (20.37) (7) On July 1, 1919, ninety-five thousand seven hundred dollars, and on July 1, 1920, fifty thousand dollars, to meet the appropriation from the normal school fund income made by paragraph (a) of subsection (2), paragraph (f) of subsection (7), paragraph (f) of subsection (8), paragraph (f) of subsection (9), paragraph (e) of subsection (11) of section 20.38.

(20.38) (2) (g) The board of normal regents shall have the power and authority to regulate the allotments for salaries at the various normal schools, and to make such transfers of allotments for salaries between schools as it shall find proper and necessary.

(7) (f) On July 1, 1919, twenty-five thousand dollars, for remodeling the heating plant.

(8) (f) On July 1, 1919, three thousand five hundred dollars, for sewer construction, for the purpose of connecting with the city sewer system.

(9) (f) On July 1, 1919, sixteen thousand dollars, for remodeling and finishing the library unit.

(11) (e) On July 1, 1919, one thousand two hundred dollars, for sewage disposal.

SECTION 4. This act shall take effect upon July 1, 1919.

Approved June 28, 1919.

No. 297, S.]

[Published July 3, 1919.

CHAPTER 446.

AN ACT to repeal sections 1359 to 1367k, inclusive, and section 1372 to 1379—10, both inclusive of the statutes, and to create sections 1368—1 to 1368—30, inclusive, of the statutes, relating to farm drainage.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1366a 1366b, 1367, 1367a, 1367b, 1367c, 1367d, 1367e, 1367f, 1367g, 1367h, 1367j, 1367k, 1368, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1379a, 1379—1, 1379—2, 1379—3, 1379—4, 1379—5, 1379—6, 1379—7, 1379—8, 1379—9 and 1379—10 are repealed except that any town drain now being constructed or for which proceedings have been started under the above repealed sections may be completed under said foregoing repealed sections or by order of the supervisors may be completed under the Farm Drainage Law.

SECTION 2. Thirty new sections are added to the statutes to read: Section 1368—1. Sections 1368—1 to 1368—30 both inclusive of the statutes, and all subsequent amendments thereto, shall be known as the Farm Drainage Law.

Section 1368—2. Whenever used in the farm drainage law the following terms and expressions shall mean unless otherwise indicated:

1. "Benefits" shall include all pecuniary advantages accruing to lands and corporations from the construction of the proposed drains.

2. "Board" or "drainage board" means the board and the members thereof created and appointed under section 1368—4 of the statutes.

3. "Chief Engineer" means the chief engineer of the state of Wisconsin.

4. "Cost of construction" shall include damages to lands and corporations both within and without a "drainage", the necessary reasonable fees and expenses of the board, the cost of surveying, a reasonable attorney's fees for petitioners and the board and all other reasonable necessary expenses incurred in the organization of and in the construction and completion of the work included within such "drainage".

5. "Corporation" means all private and public corporations including drainage districts, farm "drainages" and all other drainage corporations.

6. "County Treasurer" means the treasurer of the county in which is located the county court having jurisdiction of any "drainage".

7. "Court" or "County Court" means the court of the county in which the "drainage" is located or the court having jurisdiction of the proceedings in any "drainage" located in more than one county.

8. "Drainage", when appearing in quotation marks, shall refer to the lands or districts sought to be organized or included and lands organized and included in a drainage project.

9. "Judge" or "County Judge" shall refer to the judge, or the person sitting for the judge, of the county court having jurisdiction of the proceedings of any "drainage".

10. "Land" or "lands" means lands, easements and servitudes.

11. "Mortgagee" shall include every person holding a mortgage or an assignment of a mortgage against lands within a "drainage" whose name and post-office address is known to the board or whose mortgage or assignment is legally recorded and contains the post-office address of such mortgagee or assignee.

12. "Drain" shall mean an open ditch, a pipe line tile, levee, pump or other device for the drainage of water from land or the protection of land from water.

Section 1368—3. 1. Orders fixing the time and place of hearing on all petitions and reports filed in the county court shall be made either by the court or the presiding judge or the person sitting in his place.

2. All notices required to be given under the farm drainage law, unless otherwise therein specifically provided, shall be given by posting a written notice in three public places on or in the immediate vicinity of the lands proposed to be drained at least ten days before the time fixed for hearing.

3. Service of any notice in the manner required by sections 2636 and 2637 of the statutes, on all owners and mortgagees of lands proposed to be drained or crossed by the drains to be constructed, at least ten days before such hearing shall be sufficient notice.

4. Failure to post or serve notice as provided by subsections 2 and 3 of this section or to announce any adjournment shall not defeat the jurisdiction either of the court or of the drainage board. If failure to give legal notice to any person entitled thereto be discovered before an order or judgment is entered, the court shall adjourn the hearing and direct the giving of proper notice. If failure to give such legal notice be discovered after an order or judgment is entered, the court may order the person not served with notice to show cause before such court why he should not be bound by the order or judgment already entered.

5. Notice of *lis pendens* shall be filed in the office of the register of deeds of the county in which are located any lands affected by any drainage proceedings under the farm drainage law but failure to file such notice shall not affect the jurisdiction of the court or board.

6. Any petition, proof of service, report, order, judgment, or other paper filed or entered under the farm drainage law may be amended, modified, or corrected at any time, either before, at, or after hearing thereon but no amendment, modification or correction of any order or judgment shall be made after the issue of money obligations based thereon that will render the same more difficult of collection.

7. In case the county judge is interested in any "drainage" or is otherwise disqualified to act in any hearing, he shall call in to act in his stead in such hearing some other county judge or a circuit judge or a court commissioner of his county, not disqualified.

8. All objections or remonstrances made to the jurisdiction of the court or to the sufficiency or legality of any petition, report, or assessment or to the equity of any assessment or to any award of damages shall be in writing and filed in court and shall set forth clearly and in detail such objections. For satisfactory cause the court may adjourn any hearing for a period of not to exceed one month at any one adjournment.

9. Several petitions may be filed in any proceeding and additional signers may be added to the petition with like force and effect as if they had signed the original petition or petitions at any time before the sufficiency of the signers of the petition or petitions has been adjudicated.

10. The adjournment of any meeting or hearing beyond the time or failure to act within the time provided in the farm drainage law shall not affect the jurisdiction of either the county court or the drainage board.

11. Failure to act at or adjourn any hearing shall not affect the jurisdiction of the court but a subsequent hearing shall be had and notice of time and place thereof shall be given.

Section 1368—4. Upon the filing of the first petition for drainage under the provisions of the farm drainage law, the county court shall appoint in writing a farm drainage board which shall be constituted and have the powers and duties and receive the compensation herein provided for, as follows:

1. Such board shall consist of three competent suitable persons, residents of such county, one of whom shall preferably be an experienced farmer and familiar with drainage and one shall be to some extent familiar with drainage engineering, if such person be available.

2. At the time of their first appointment one member shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. Upon the expiration of their several terms of office the county court shall appoint a successor, whose term of office shall be for three years and until a successor is appointed and qualified. The county court may remove any member of the board for cause after notice given and may fill any vacancy.

3. Each member of the board before entering upon the duties of his office shall take and subscribe an oath to support the constitution of the United States and the constitution of the state of Wisconsin and to discharge faithfully and impartially his duties as a member of such board.

4. Ownership of or interest in lands sought to be drained shall not disqualify any person from acting as a member of

such board, but the county court may in its discretion appoint a suitable person in his place to act as the third member of such board with reference to the particular "drainage" in which such member is interested.

5. A majority of such board shall constitute a quorum to do business and in the absence of two members one member may adjourn any meeting and make announcement thereof.

6. Such board, when all of its members shall have been duly sworn and qualified, shall be a permanent body corporate and shall have charge of all drains hereafter constructed under the farm drainage law and that have been heretofore constructed in attempted compliance with statutory enactment, except drainage district drains and except that drains now in process of construction under the existing town drain statutes, may be completed thereunder.

7. Such board shall organize by electing one of its members president and another of its members secretary.

8. The secretary shall keep a separate record of all proceedings and accurate minutes of all hearings held in each "drainage".

9. Each member of the board shall keep an accurate statement of his necessary expenses and of the services rendered by him together with the dates thereof.

10. Each member of the board shall receive as compensation for his actual necessary services five dollars per day of eight hours and proportionately for fractions of days for actual time spent in rendition of services and his actual reasonable expenses. Such compensation and expenses shall be filed in the county court as a bill and when allowed by that court shall be paid by the county treasurer out of any moneys in his hands belonging to such "drainage".

11. The board may borrow money in the name of a proposed "drainage" to defray the expenses of organization.

Section 1368—5. 1. Whenever lands will be improved and the public health or public welfare will be promoted by drainage the owner or owners of a majority of such lands or a majority of the owners owning one-third in area of such lands or a majority of the county board in which such lands are situated or a majority of the town board or boards of supervisors of the town or towns in which such lands are situated, may file in the county court a petition or petitions setting forth:

(a) A description of such lands and that same will be improved by drainage.

(b) That the public health or public welfare will be promoted by such drainage.

(c) A map or sketch of the area sought to be drained with the proposed drains shown thereon.

(d) That the benefits arising from such drainage will exceed the cost of construction.

(e) A proposed name or number for such "drainage."

(f) A prayer for such "drainage."

(g) Such petition need not be verified and in place of the foregoing paragraph (d) a petitioner or petitioners may file with the petition a written agreement that such petitioner or petitioners will pay such portion of the cost of construction as exceeds the benefits to all lands and corporations resulting from the construction of the proposed work.

2. Upon filing such petition the court or judge thereof shall by order refer the same to and direct the board to report thereon.

Section 1368—6. 1. So soon as the petition shall be referred to the board, the board shall with the aid of an engineer examine the lands described in the petition and all other lands that the board believes will be benefited or damaged by the proposed work and shall consider whether the drains as proposed in the petition are satisfactory.

2. The board shall fix a time and place of hearing on such petition which place shall be on or conveniently near the lands described in the petition.

3. At least ten days' notice of the time and place of such hearing describing the lands described in the petition shall be given to all interested parties by serving a copy of such notice on each head of family residing on any of the lands described in the petition or by leaving a copy at his residence with a member of his household to whom the contents shall be explained or in the absence of such resident by posting the same upon or at the front door of such residence and by posting the same in three public places on or near the lands described in the petition.

4. Such notice may be in substantially the following form:

"Notice is hereby given that the drainage board of _____ county will meet on the _____ day of _____, 19____, at _____ o'clock, ____ M. at the (here describe the place of meeting) to consider the petition filed in the county court of _____ county to drain lands among which are the following: (here describe the lands described in the petition). All persons interested may appear and be heard on the petition.

Dated _____

Drainage Board.

5. Such hearing may be adjourned to such time and place within the county as the board, after consideration thereof with those interested persons present, shall determine convenient. Public announcement shall be made of the time and place of such adjourned hearing but in case of failure to make such announcement notice thereof shall be given as provided in subsection 2 of section 1368—3 of the statutes.

6. At such hearing or adjourned hearing the board shall ascertain the sufficiency of the signers of the petition, shall hear all present that desire to be heard for or against the petition and within thirty days shall report to the court:

(a) Whether the petition has the required number of signers;

(b) Whether the lands described in the petition will be improved by drainage;

(c) Whether other lands in the vicinity, draining to, from, or through the proposed drains, require drainage and if so describe the same;

(d) Whether such drainage is feasible;

(e) Whether the public health or public welfare will be promoted by the proposed work;

(f) Whether the drains proposed in the petition will best accomplish the drainage prayed for and the area that should be drained. If the proposed drains are not satisfactory the board shall recommend other drains;

(g) Whether the benefits from such work will exceed the cost of construction;

(h) Such other facts as in the opinion of the board will aid the court in its decision upon the report; and may recommend to the court an increase or decrease in the area proposed in the petition to be drained;

(i) The board shall attach to its report proof of the posting and service of notice of hearing on the petition together with a copy of its minutes of such hearing.

7. If the area recommended by the board for drainage exceeds two hundred acres it shall, prior to the hearing on its report, procure and file a report of the chief engineer on (a) the location, design, feasibility and cost of the proposed outlet drains. (b) A general description of the additional drainage necessary to reclaim the land fully for general agricultural purposes, and the probable cost of the same. (c) A general comparison of the benefits in the different parts of the district on the basis of the location and design of the proposed drains, and the physical features of the land to be drained. The report of the chief engineer shall also include a report of the

college of agriculture of the University of Wisconsin on (d) quality and character of soils and subsoils; (e) a soil map of the district; (f) the present agricultural value of the lands; (g) the kinds of crops to which such lands will be adapted after drainage. The chief engineer and the college of agriculture shall furnish such reports when requested so to do. Such reports and the report of the commissioners shall be prima facie evidence of the facts therein contained.

8. The chief engineer upon receipt of a request for the report required in the preceding subsection, shall direct the board as to the necessary survey. Upon the completion of the survey the chief engineer shall make his report.

9. Upon the filing of such report together with the report of the chief engineer, if such report be necessary, the court or judge shall fix a time and place of hearing thereon and cause notice of such hearing to be given to the owners of all lands by posting a copy of the order as provided in subsection 2 of section 1368—3 of the statutes; and to all mortgagees by mailing a copy of such order to such mortgagees at their post-office addresses, if known to the board or shown upon the recorded mortgages, at least ten days before such hearing.

10. The order fixing such hearing may be in substantially the following form and a copy of such order may be served as notice of such hearing:

County court for ----- county,
In the matter of the ----- drainage.

Whereas a report has been filed in this court by the county drainage board recommending the drainage of the following described lands: (here describe the lands reported for drainage).

It is ordered that said report be heard and examined before this court on the ----- day of -----, 19-- at ----- o'clock -- M. at the (here state the place of hearing) at which time and place all interested persons may appear and be heard. All objections must be in writing and comply with subsection 8 of section 1368—3 of the statutes.

Dated -----

County Judge.

Section 1368—7. 1. If on such hearing the court shall find (a) that the petition or petitions have sufficient signers, (b) that the lands described in the petition or petitions together with any additional lands recommended by the board for drainage will be improved by the proposed work, (c) that the public health or public welfare will be promoted thereby, and (d) that the benefits from such proposed work will exceed the cost of

construction, the court shall make an order organizing such "drainage" and direct the board to proceed with all convenient speed.

2. If the court finds the first three facts above stated but finds that the benefits from such work will not exceed the cost of construction and a petitioner or petitioners shall, within ten days, file with the court a bond with sufficient surety or sureties to be approved by the court conditioned for the payment of the excess of the cost of construction over benefits or shall deposit and leave with such court such sum of money as the court shall determine will cover such excess, the court shall organize such "drainage;" otherwise the court shall deny the petition, shall tax the taxable costs of the proceedings and shall assess the same against the petitioners' lands described in the petition pro rata per acre.

3. The court may include in a "drainage" any lands requiring drainage and lying adjacent to the lands described in the petition and shall not lose jurisdiction by reason of bringing in lands not described in the petition.

Section 1368—8. 1. Whenever a "drainage" is organized the board shall with the aid of an engineer (approved by the chief engineer if the area is more than two hundred acres):

(a) lay out drains of sufficient depth and capacity to adequately drain the lands proposed to be drained and in determining the depth and capacity of such drains the board shall consider whether other lands lie above and drain in the direction of, through, and along the general course of the proposed drains;

(b) assess the benefits that will accrue to each parcel of land and corporation benefited, and in assessing the benefits to farm lands the board shall ascertain and consider the depth, character and quality of the surface and sub-soils, the thoroughness of drainage, the difficulty of drainage, the uses to which the land when drained will be adapted and all other material elements entering into the increase in the value of such land resulting from the proposed work;

(c) award damages to such lands and corporations as will be damaged thereby;

(d) estimate the cost of construction;

(e) assess the cost of construction of the benefited lands and corporations in proportion to the benefits received;

(f) prepare profiles and specify the grades of all drains;

(g) prepare a map of such "drainage" showing the boundaries thereof and the location of all drains; and

(h) report the same to the court in writing. If the area is

more than two hundred acres such report shall be submitted to the chief engineer who shall return it within ten days with his approval or disapproval.

2. The assessment of benefits and awards of damages shall be in substantially the following form:

| Description of land or name of corporation | Assessed benefits | Assessed for construction | Damages | Net assessment for construction |
|---|-------------------|---------------------------|---------|---------------------------------|
| Section 6, Town, Range, SE $\frac{1}{2}$ NE $\frac{1}{2}$ | \$850.00 | \$425.00 | \$10.50 | \$414.50 |
| Lot 1..... | 400.00 | 200.00 | | 200.00 |
| Village of..... | 2,500.00 | 1,250.00 | 666.00 | 584.00 |
| B. G. & Q. Ry. Company.. | 1,000.00 | 500.00 | 600.00 | |
| Town of..... | | | 150.00 | |

3. If the damages to any land or corporation shall exceed the assessment for cost of construction levied against such land or corporation, such excess shall be paid out of the assessment for cost of construction levied against all lands and corporations.

4. Upon the filing of such report the court or judge shall fix a time and place of hearing and direct that notice thereof be given by posting and serving a copy of the order in the manner provided by subsection 9 of section 1368—6 of the statutes.

Section 1368—9. At the hearing on the report provided by section 1368—8 of the statutes the court shall hear all objections filed thereto; shall amend and correct the same to conform with the facts proven, and shall confirm the same as amended and corrected.

Section 1368—10. 1. All assessments and additional assessments for cost of construction, and all assessments and additional assessments for supplemental cost of construction, when confirmed by the court shall be certified to and recorded in the office of the register of deeds of the county in which the lands assessed therefor are located and shall thereafter be liens on such lands.

2. All such assessments for construction shall become due and payable at once unless the court shall by order direct that the same may be paid in annual instalments not exceeding fifteen in number.

3. The first instalment shall become due and payable on the first day of September following the date of confirmation thereof

and one instalment shall become due and payable, together with all accrued interest, on the first day of September of each succeeding year thereafter.

4. All such assessments shall draw interest from the date of confirmation of the same at the rate of six per cent per annum and such interest and the interest on any unpaid instalments shall be payable annually.

5. In case the original assessment for cost of construction or for supplemental cost of construction shall not be sufficient to complete the work authorized and confirmed by the court, the court may direct the levy of additional assessments of cost of construction apportioned on the benefits previously confirmed by the court; but in no case shall the total assessments for cost of construction including assessments for supplemental cost of construction against any land or corporation exceed the benefits assessed against the same unless a person or persons interested shall agree to pay such excess and shall furnish the court with sufficient security therefor substantially as outlined in subsection 2 of section 1368—7 of the statutes.

Section 1368—11. 1. If the original work authorized and confirmed by the court does not sufficiently drain any lands assessed or if the owners of other lands desire to secure to such other lands the benefits of the work installed, any such owner may petition for the construction of the necessary supplemental drains or for the inclusion of his lands within such "drainage."

2. Such petitioner and all other persons whose lands will be directly affected by the work proposed in such petition may in writing waive any or all notices of hearings and may consent to the immediate filing of a report laying out drains, assessing benefits and supplemental benefits and otherwise in substantially the form provided by section 1368—6 of the statutes and to immediate hearing thereon, upon which hearing the court may enter an order confirming the same as provided in section 1368—7 of the statutes.

3. In the event that no waiver or consent is filed by all persons immediately interested the procedure on such petition shall be substantially as outlined in sections 1368—5 to 1368—9 both inclusive of the statutes.

Section 1368—12. Subject to the approval of the judge the board may borrow money at a rate of interest not exceeding six per cent per annum and issue notes or bonds of a "drainage" therefor but such obligations shall become due and payable not later than one year beyond the time fixed for the payment of the assessments on which they are based and shall be a lien on

the assessments for cost of construction confirmed by the court except that obligations issued to meet the cost of construction of supplemental work shall be a lien only upon the assessments levied for the purpose of meeting the cost of construction of such supplemental work.

Section 1368—13. The secretary shall keep a separate record of all assessments in each "drainage" and shall before the first day of December in each year certify to the clerk of the town, city, or village the amount due from each tract, parcel, and easement of land and corporation located or assessed in such municipality.

Section 1368—14. 1. Each city, town, and village clerk shall insert in the tax roll for each year the amounts of the unpaid assessments and interest thereon due that year against the respective lands and corporations as certified to him by the secretary of the board. Such assessments and interest shall be collected by the treasurer of each respective town, city, and village and if unpaid, returned by him to the county treasurer. Such assessments and interest shall be kept separate from general taxes and if unpaid shall be sold in the same manner as general taxes and a separate certificate of sale shall be issued therefor in substantially the same form as certificates of sale of lands for general taxes. If taxes and drainage assessments against the same lands are sold at the annual tax sale they shall be sold together to the same bidder. After the expiration of three years from the issuing of a drainage assessment certificate a deed substantially in the same form as a tax deed may be issued thereon. No drainage assessment deed shall cut off any unpaid or subsequent drainage assessment or tax nor shall any tax deed cut off any drainage assessment.

2. All drainage assessment certificates shall bear ten per cent interest from date of sale, and the provisions of section 1182 of the statutes with reference to limitations on actions and issue of deeds on certificates of sale of lands sold for non-payment of general taxes shall apply to drainage assessment certificates.

3. In case of failure to certify or collect the unpaid assessments in any one year or if mistakes are made in certifying or collecting assessments the same may be certified, corrected, and collected in any subsequent year.

Section 1368—15. Whenever a drain is constructed, widened, deepened, or repaired across, or it is necessary to construct, remove, or repair any bridge on, any highway the procedure shall be as provided in, and the cost of such work and the

maintenance of such drain shall be borne and apportioned as provided by statute with respect to highways in drainage districts.

Section 1368—16. 1. Whenever a drain is constructed, widened, deepened, or repaired across, or whenever it becomes necessary to open the right of way or yards of a railway company for the passage of dredges and machinery, the procedure, the duties and liabilities of both the “drainage” and the railway company shall be as provided by statute in drainage districts with respect to crossings and openings through railway rights of way and yards.

2. Whenever in the construction, cleaning or repairing of any drain it shall be necessary to remove or raise any sluice or pipe carrying water or other fluid, or any wire, conduit or cable used for electricity or for any other purpose for the passage of a dredge or other machinery, the procedure, the duties and liabilities of the “drainage” and the owner of such sluice, pipe, wire, conduit or cable shall be as provided by statute in drainage districts.

Section 1368—17. Any drain across any highway or right of way shall be constructed according to like specifications, and at the same time that the drain above such right of way or highway is constructed.

Section 1368—18. Moneys collected for or payable to any “drainage” shall be turned over to or paid to the county treasurer of the county whose court has jurisdiction thereof and such treasurer shall keep a separate account for each separate “drainage” and pay out the funds of such “drainage” only upon the order of the court or upon proper warrants of the drainage board.

Section 1368—19. 1. On or before the first day of September of each year the board shall file with the county court a separate report on each “drainage” under its supervision. Such report shall set forth:

- (a) What repairs will be necessary for the ensuing year;
- (b) The probable cost of such repairs;
- (c) An estimate of the necessary incidental expense for the coming year;
- (d) An assessment for the incidental expense and necessary repairs of the “drainage” proportioned on the confirmed benefits assessed against all lands and corporations.

2. The court shall examine and may amend or modify the report and when the same shall be made satisfactory, the court shall approve the same and the board shall thereupon

apportion such assessment against the lands and corporations benefited.

3. The board on approval of the court, may make necessary repairs and if no money is available or assessed therefor may assess the same in its annual report.

Section 1368—20. 1. Two or more "drainages," petitioned for or in process of organization or fully organized, may, upon the petition of interested persons, upon the recommendation of the board, or upon the initiative of the court, be consolidated into one "drainage" upon such terms as may be just; if the court, after hearing had upon notice to all persons interested, shall be of the opinion that such "drainages" will be benefited by such a consolidation.

2. Where a drain, heretofore or hereafter constructed privately or in attempted compliance with any statutory procedure, except drainage district drains, should be included in any "drainage" petition for or consolidated with any "drainage" organized under this section the court may, upon hearing after notice given, order it to become a part thereof or consolidated with such "drainage" on such terms as may be just.

3. In case the court shall determine that it is advisable to consolidate "drainages" heretofore organized, or a "drainage" heretofore organized with a "drainage" organized under the farm drainage law, and the records, assessments and boundaries of any such "drainage" heretofore organized are lost or are incomplete, indefinite or unsatisfactory, the court may upon notice direct a reassessment of the lands within or benefited by any such "drainage" and determine the boundaries thereof, following the general procedure outlined in the farm drainage law, so far as the same may be applicable.

Section 1368—21. 1. Where a drainage area too small to be profitably drained under the drainage district law is in more than one county, the petition shall be filed in the court of the county containing the largest acreage proposed for drainage by the petition, and the court and board of the county containing such largest acreage shall organize the "drainage."

2. In cases arising under this section copies of all orders and judgments shall be filed in the county court of each of the other counties in which the proposed "drainage" is located. All moneys collected for such joint drainage in such other counties shall be transmitted to the treasurer of the county wherein the county court has jurisdiction.

Section 1368—22. In case a minor or other incompetent person is interested in any lands lying within a proposed

“drainage” the court or judge shall appoint some reputable attorney as guardian ad litem for such incompetent person to represent him upon the organization of the “drainage,” the assessment of benefits against and award of damages to his lands. Failure to make such appointment shall not avoid the proceedings but when such failure is discovered a guardian ad litem shall be appointed and an order be served upon such guardian ad litem to show cause why such incompetent be not bound by all prior proceedings therein. On such hearing the court shall enter such order or judgment as the facts warrant.

Section 1368—23. A “drainage” shall be liable for such damages as may result to lands outside its boundaries from the work done therein. The word “damages” in this section shall be construed to mean only such damages as could be recovered against a natural person for like injury resulting from like work.

Section 1368—24. When a parcel of land assessed as a single tract becomes divided into smaller parcels the board shall apportion the assessment to be collected from each parcel in such manner as shall be equitable.

Section 1368—25. 1. The board or any interested person aggrieved may, within thirty days after the entry of an order organizing or refusing to organize a “drainage” or confirming assessments of benefits or awards of damages, appeal therefrom to the circuit court of the same county in which the court entering the order is located. On such appeal all issues, except benefits and damages shall be tried by the court and issues arising with respect to benefits and damages shall be tried by the court unless a jury trial thereon is demanded.

2. Notice of appeal and an undertaking to be approved by the county judge to pay the taxable costs of such appeal must be filed in the county court within thirty days after the date of the entry of the order appealed from.

3. The report and order appealed from, and the records in such proceedings, shall be certified by the county court to the circuit court within ten days after the appeal is taken.

4. The board or any person who shall have been a contestant in circuit court on an appeal from the county court may, within thirty days from the date of entry of any order or judgment of the circuit court on such appeal, appeal therefrom to the supreme court of the state of Wisconsin and the general statutes with reference to appeals from the circuit court to the supreme court shall apply to such appeal. The time for appeal shall run from the time of the entry of the order without notice.

Section 1368—26. The board is a public corporation and shall be subject to all rules of law applicable to such organizations. It shall have the power to protect and maintain all drains under its jurisdiction and may report to the court all matters on which it desires advice and when authorized by the court or judge may institute all necessary actions. The court shall at all times have supervision over the board and may at any time require it to report on any matters connected with its duties.

Section 1368—27. Members of the board, the chief engineer, and persons intending to bid on or to whom contracts have been let for the construction of the work within any "drainage" and their respective agents and employes shall have the right to go upon any lands proposed for inclusion or included within any "drainage," provided they do no unnecessary damage to the same, for the purpose of making surveys, inspecting soils, ascertaining the difficulties of the work and all other necessary purposes in organizing a "drainage" and constructing, maintaining, and repairing the drains therein and shall not be guilty of trespass therefor.

Section 1368—28. All drains which shall have been heretofore constructed in attempted compliance with any statutory procedure, except drainage district drains or which shall hereafter be constructed under the farm drainage law, and which have been in actual use for a period of three years are hereby declared to be legal drains, and water courses so far as they have been constructed and in actual use and no action shall be brought by any person to nullify or avoid the proceedings taken with reference thereto because of any defect or irregularity in such proceedings after three months from the passage and publication of this act.

Section 1368—29. The farm drainage law shall be liberally construed to promote the public health, the public welfare, agriculture, horticulture, and mining; and the court shall have an equitable jurisdiction over all proceedings thereunder.

Section 1368—30. Sections 1379—32b, 1379—32c, 1379—33, 1379—34, 1379—35, 1379—36, 1379—37, 1379—38, and 1379—39 of the statutes shall apply to all drainages under this act and all proceedings and actions thereunder shall be in the proper county court and such court is hereby given power to act under said sections.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 27, 1919.