

act become and be a part of the county of La Crosse, in the state of Wisconsin.

SECTION 2. All that part of the present town of Buffalo in the county of Buffalo, state of Wisconsin, which lies northerly and westerly of the following described line, to wit:

Commencing at the point in the center line of the main channel of the Mississippi river above Island No. 72 where the center line of the channel, running between Island No. 72 and Island No. 71, intersects the center line of the said main channel, and running thence easterly and southeasterly along the center line of the channel between said islands, and between said Island No. 72 and the main Wisconsin shore to the center line of the main channel of said river, including Island No. 72 in the Mississippi river, being lot number three in section number one, township number eighteen north of range number eleven west of the fourth principal meridian, is hereby ceded and relinquished to the state of Minnesota in full and absolute right and jurisdiction; provided, and this cession is made upon condition that no license or permit to sell or otherwise dispose of intoxicating liquors in the territory hereby ceded shall ever be granted by the state of Minnesota or any of its municipalities.

SECTION 3. This act shall not take effect or be in force until the provisions thereof shall be accepted by the state of Minnesota, and this act and the acceptance thereof by the state of Minnesota shall have been approved by the Congress of the United States and an authenticated copy of the act of the state of Minnesota accepting the provisions of this act and of such act of approval of the Congress of the United States shall have been filed in the office of the secretary of state of the state of Wisconsin.

Approved August 23, 1915.

No. 790, A.]

[Published August 26, 1915.

## CHAPTER 623.

AN ACT to create sections 1366a, 1366b, 1379—31v and 1388c of the statutes, relating to the assessment of benefits for town drains, to the creating of subdistricts of drainage districts and to the crossing of highways, railways and other obstructing rights of way by ditches and dredges and other machinery used in the construction of town drains.

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

SECTION 1. There are added to the statutes four new sections to read: Section 1366a. In any case where the proposed

town drain extends to the boundary of the town having original jurisdiction, but does not enter the adjoining town, the supervisors at the time of making the assessment in their own town or at any time thereafter, may assess said adjoining town a just amount for benefits and construction, and shall thereupon notify the clerk of the town, so assessed, of such action. If the supervisors of the adjoining town object to such assessment, a disinterested, competent person shall be selected by the supervisors of each of the two towns concerned, and the two persons thus selected shall select a third person and the three shall review the assessment and make it equitable. Each shall be paid three dollars a day and actual expenses for the time he is engaged in this action, and the decision of the committee shall be final, and the cost of the review shall be apportioned between the two towns by the committee in any way it deems just. Upon receipt of a certified copy of the decision of such committee, the supervisors of the adjoining town shall make out a notice and fix therein a time and place at which they will meet to distribute the assessment for the benefits and construction among the several parcels of land benefited in their town, and shall cause the notice to be served upon each of the resident owners of said several parcels of land, personally or by leaving a copy at his usual place of abode, at least five days before the time fixed for such meeting. Said supervisors shall also cause copies of such notice to be posted in three public places in such town at least ten days before the time fixed for such meeting. The supervisors at such meeting shall distribute the assessment for the benefits and construction among the several parcels of land in that town that are benefited, in any way that appears to them to be just, after having heard the owners of said parcels of land thereon.

Section 1366b. Whenever it is necessary for a dredge or other machinery to cross the right of way of a highway, railroad, telephone or telegraph company, or any other obstructing right of way, for the purpose of constructing a town drain, or any drain, the supervisors shall cause notice to be served on the proper authorities of such corporations at least eight days before the day specified as the one on which such machinery is to cross such right of way. On the day specified, or on some other day mutually agreeable, said authorities shall let said machinery cross said right of way, keeping an itemized and just account of the cost of removing and replacing bridges or any other material expense caused by said machinery crossing said right of way. Such cost shall be included as among the legitimate items in the cost of construction.

Section 1379—31v. 1. Whenever the owners of lands in a part of a drainage district desire a more thorough or different drainage than the drains of such district then constructed or planned will give to such land, a majority of such owners may petition the commissioners of such district to grant such more thorough or different drainage. The said commissioners shall examine the lands specified in the petition and shall report the facts to the court.

2. If the court shall be satisfied that the public health or public welfare will be thereby promoted by such more thorough or different drainage and that the benefits therefrom will exceed the damages and cost of construction the court shall (1) order a subdistrict of said drainage district formed (2) shall give it a name or number (3) shall fix its boundaries and (4) shall order the commissioners of said district (a) to make and report a plan and specifications for such more thorough or different drainage and (b) to estimate the cost of construction thereof together with (c) the cost of all additional bridges thereby made necessary and (d) assess the benefits and award the damages to all lands, easements and corporations in said district benefited by said more thorough or different drainage as provided by law for the assessment of benefits and award of damages in the case of the district of which the district formed under this section is a subdistrict. Thereafter the proceedings under this section shall be governed by the statutes applicable to the district of which the district formed hereunder is a subdistrict, and all such statutes, in so far as applicable, shall apply to any subdistrict formed under this section. Notice of the time and place for the hearing on the report of the commissioners made as provided for in this subsection may be waived by all parties interested.

Section 1388c. Whenever the owner or owners of any land desire to drain the same by a blind or open ditch, and to properly drain such land, a connecting ditch or sluiceway should be constructed across the right of way of any railroad company, such owner or owners shall file with the depot agent of such company nearest to said land a written petition stating the kind of ditch proposed to be built by such owner or owners and requesting the railroad company to construct a ditch or sluiceway across its right of way which will conform thereto. Within sixty days after the filing of such petition the railroad company shall construct such ditch or sluiceway and the petitioners shall pay the labor cost of such construction.

SECTION 2. This act shall take effect upon passage and publication.

Approved August 23, 1915.