

No. 81, A.]

[Published July 19, 1955.]

CHAPTER 376

AN ACT to create 88.43 of the statutes, relating to restoring lost town records of town drains.

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

88.43 of the statutes is created to read:

88.43 LOST TOWN DRAIN RECORDS; HOW RESTORED. Whenever the record of a canal, drain, ditch or watercourse (hereafter referred to as "drain") laid out, dug, built or opened under authority of a town has been or shall be lost or destroyed the supervisors of the town in which the drain is situated may make a new record thereof by a written order, which shall be entered on the town records. Whenever the supervisors shall contemplate making such new record they shall make a notice and fix therein a time and place at which they will meet and decide upon the same, which notice shall specify as near as may be the drain as to which they propose to make the record. The notice shall be given in the manner provided on petition for laying out a town drain; but notice need not be given to such persons as waive the same or consent to the making of the order either before or after it is entered. The supervisors shall meet pursuant to the notice given and hear any arguments or evidence that may be offered for or against the proposed new record, and thereupon decide as they deem proper. They may adjourn from time to time, and an entry of each adjournment shall be made in the record by the town clerk. If they find that the drain is a legal town drain the record whereof is lost or destroyed, they shall make an order determining the facts and specifying the course, width, depth and other pertinent description of the drain, and the order shall be filed and recorded in the office of the town clerk, who shall note the time of recording it in the record. Any number of drains may be included in one notice or order, and a failure or refusal to make a new record for any drain shall not preclude a subsequent proceeding for that purpose. Any person through whose land the drain shall pass may appeal from the order on the ground that the drain described therein was not theretofore a legal town drain in fact, in the time and manner provided for appealing from orders laying out town drains, and like proceedings, as near as may be, shall be had thereon as in case of appeals from such orders. The regularity of the proceedings shall not be called in question by any person except owners of land on whom the notice should have been served but on whom it was not in fact served, and persons claiming under such owners.

Approved July 14, 1955.
