

No. 971, A.]

[Published June 29, 1907.]

CHAPTER 444.

AN ACT to create section 1379—31cm, of the statutes, providing for the purchase of machinery by drainage districts.

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

SECTION 1. There is added to the statutes a new section to read:

* * * * *

SECTION 2. All acts or parts of acts conflicting herewith are repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 27, 1907.

No. 714, A.]

[Published June 29, 1907.]

CHAPTER 445.

AN ACT to amend section 450a, statutes of 1898, relating to examinations and to transfer and renewal of teachers' certificates.

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

SECTION 1. Section 450a, statutes of 1898, as created by section 2, chapter 439, laws of 1901, is amended to read:

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Approved June 27, 1907.

(In effect July 1, 1907.)

removing obstructions from *or changing the natural course of* natural or artificial channels or streams within * * * the limits of the drainage district, procuring, purchasing or condemning under proceedings similar to the proceedings had under the awarding of damages hereunder, riparian rights, rights of flowage and water power, and for these purposes may use any moneys in their hands arising from assessments. *The course of no navigable stream shall be changed unless such change will improve the navigability thereof. The provisions of this act shall not apply to such portion of any navigable meandered river as may be situated within any drainage district organized or now in process of organization, nor shall this act affect any drainage proceedings or litigation now pending.*

(Ch. 646, 1907.)

Drainage districts: purchase of machinery; petition to circuit court for authority. SECTION 1379—31cm. 1. Whenever the majority of the adult owners of lands within any drainage district organized under the laws of this state, having at least eight miles of open ditches, drains or levees within its boundaries, who shall represent one-third in area of the lands within said district which were assessed for benefits at the time of the construction of said ditches, drains or levees, or whenever the adult owners of more than one-half of the lands so assessed for benefits within such district shall file in the circuit court of the county in which said district was organized, a petition setting forth:

a. That it is necessary to make annual repairs to said ditches, drains or levees in order to properly maintain them;

b. That in order to make such repairs certain machinery is necessary;

c. That it will be more economical for the district to own the necessary machinery and do the work itself than to have it done under contract;

d. Praying that the commissioners of such drainage district be authorized by order of the court to purchase, operate and maintain such machinery, dredges or other appliances which may be necessary to keep in repair the ditches, drains or levees within their drainage districts, and to employ labor, and do all other things necessary to be done in order to satisfactorily operate said machinery and appliances.

Hearing: courts order and notice. 2. Upon the filing of said petition the court shall enter an order of hearing thereon

fixing a time and place when said petition shall be heard and the clerk of said court shall give notice of such hearing to all persons interested therein by publishing a brief notice thereof in a newspaper published in said county, at least once a week for three successive weeks prior to said hearing.

Hearing; land owners' protests. 3. At the time of said hearing all persons owning lands within the drainage district may appear and contest the allegations set forth in said petition and the court shall hear all proofs offered both for and against the same and shall make and enter findings thereon.

Finding against purchase. 4. If the court shall find that it will not be more economical or that it is not for the best interests of the district for the district to own the necessary machinery and do the work itself than to have it done under contract then said petition shall be dismissed and the costs of the proceeding paid out of the general funds of the district.

Finding for purchase. 5. If the court shall find that it will be more economical for the district to own the necessary machinery and do the work itself than to have it done under contract it shall enter an order authorizing and empowering the commissioners of the district, and they are hereby authorized and empowered, to purchase, operate and maintain any machinery, dredges or other appliances which may be necessary to keep in repair the ditches, drains or levees within their drainage districts, and to employ labor and do all other things necessary to be done in order to satisfactorily operate said machinery and appliances.

Machinery purchase; assessment to meet; maximum. 6. If the court shall authorize the purchase of said machinery and appliances, and there is no money in the hands of the commissioners with which to pay for the same, the commissioners shall levy an additional assessment on all the assessable lands in said district based on the last assessment of benefits approved by the court to pay for the cost of such machinery and other appliances, together with the costs of this proceeding; provided, however, that said assessment shall not exceed fifteen per cent. of the original assessment for the construction of the entire work within said district.

(Ch. 444, 1907.)