

tives in use upon any railroad owned or operated by a railroad corporation, or by the burning of grass, weeds and rubbish on the right of way by employes of such corporation, so as to render the railroad corporation liable, under subsection 1 of this section, or otherwise, the owner of such property injured or destroyed may recover damages for such loss, and to recover the same it shall only be necessary for him to prove the loss of or injury to his property, and that the fire originated in the manner hereinbefore stated. If such corporation fails or neglects to pay such damage within sixty days after notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, served upon any officer or station or ticket agent employed by such corporation in the county where such loss or injury occurred, such owner shall be entitled to recover from the corporation double the amount of damages actually sustained by him in any court of competent jurisdiction. If such company shall, within sixty days, offer in writing to pay a fixed sum, being the full amount of the damages sustained, and the owner shall refuse to accept the same, then in any action thereafter brought for such damages, when such owner recovers a less sum as damages than the amount so offered, then such owner shall recover only his damages, and the railway company shall recover its costs.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 2, 1911.

No. 390, A.]

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### CHAPTER 246.

AN ACT to amend sections 829l, 829m, and 829n, and to create sections 829o and 829p of the statutes, relating to the establishment of permanent landmarks at section and quarter-section corners.

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

SECTION 1. Sections 829l, 829m and 829n of the statutes are amended to read: Section 829l. Upon a *verified* petition to the county judge \* \* \* by two or more landowners in any section of land, or by any one person or corporation who or which owns all the land in any section of land within any town \* \* \* in this state not fully provided with permanent landmarks at the section or quarter-section corners, the county judge shall make an order setting a time and place \* \* \* for hearing \* \* \* such petition, notice thereof to be given by publication at least three weeks in some paper published at the county seat of the county where the \* \* \* hearing is to be

*held. Personal notice of such hearing shall be served upon all owners of lands in said section who have not joined in such petition, and who reside within this state, and upon all owners of lands in said section which are bounded by the line to be re-established, if such owners reside in this state, at least ten days before said hearing. Said petition shall set forth the description of the land owned by the petitioners, and the names of the owners of abutting lands in said section, and shall state that such land is not fully provided with permanent landmarks.*

Section 829m. 1. If at the hearing it shall appear necessary to have permanent landmarks as above described established, the county judge shall make an order authorizing and directing the county surveyor to proceed to survey and erect or construct such landmarks as will mark all the corners of the sections and quarter-sections of said section. The surveyor shall thereupon enter upon his final record a plat of the section so surveyed, giving the bearing and distance on the section or quarter-section lines between corners so established, together with the regular description setting forth the character of materials of which such landmarks are composed.

2. The surveyor shall present to the county judge an itemized and verified bill of the cost of \* \* \* *the survey* and the county judge shall thereupon examine and audit same. The \* \* \* *bills* so audited shall be filed *by said petitioners*, with the town clerk *of the town* within which such section or sections are located, and such town clerk shall then draw an order upon the town treasurer for the payment of such \* \* \* *bills*. The surveyor, upon such order, shall be paid by the town treasurer of said town out of the general fund.

Section 829n. The town clerk shall include in the next tax roll the amount of such bill, and shall apportion the same among the several pieces or parcels of land in said section \* \* \* upon the basis of the assessed valuation of such pieces or parcels, which shall be collected in the same manner as other taxes are collected.

SECTION 2. There are added to the statutes two new sections to read: Section 829o. Any survey heretofore made under the preceding sections with a certificate of the surveyor attached thereto may be recorded in the office of the register of deeds of the county where said land is located.

Section 829p. The said record or a certified copy thereof shall be prima facie evidence of the facts therein set forth.

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

Approved June 2, 1911.