

turned to the common council of the said city, who shall forthwith publicly cancel the same.

SECTION 9. The commissioners of the public debt are hereby prohibited from selling or otherwise disposing of any of the bonds authorized by this act to be issued at a less rate than par; that is to say, for less than the principal of such bonds with accrued interest.

Not to be sold for less than par.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1887.

[No. 62, A.]

[Published May 3, 1887.]

CHAPTER 495.

AN ACT relating to the drainage of swamp, marsh, or wet lands.

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

SECTION 1. Whenever any person shall desire to construct any tile or other underground drain through the land of another for agricultural and sanitary purposes, and shall be unable to agree with the owner or owners of such land as to the same, he may file with the clerk of the town where said land is situated, an application therefor, giving a description of the land or lands through which he may desire to construct the same, and the town clerk shall forthwith notify the supervisors of said town of said application, who shall fix a time and place for the hearing of the same, which time shall not be more than twenty days distant, and they shall cause said clerk to notify the applicant and the other land owner or owners of the time and place of said hearing, at least five days before the time fixed for the hearing of same; which notice shall be in writing, signed by said clerk, and shall be served on said applicant and land owner or owners if within the county, and if not, then upon his agent for said land if within the county,

Drains, how constructed through lands of another—application, how made.

in the same manner as is now provided by law for the service of original notices, and in case that neither said parties nor agents are residents within said county, then the same shall be served by posting written notices in three public places in said township, one of which shall be upon said land, at least ten days before said hearing.

Proceedings,
how had and
determined.

SECTION 2. Upon the day fixed for hearing, if said supervisors are satisfied that the provisions of the previous section have been complied with, they may proceed to hear and determine the same, and shall have power to adjourn from time to time until said hearing is completed, but no adjournment shall be for more than fifteen days.

Supervisors
may fix course
of drain, etc.

SECTION 3. Said supervisors may fix the point or points of entrance and exit or outlet of said tile or other underground drain on said land, the general course of same through said land, the size and depth of same, when the same shall be constructed, how kept in repair, what connections may be made with same, what compensation, if any, shall be made therefor, and any other question arising in connection therewith, and they shall reduce their findings to writing, which shall be filed with the town clerk, who shall record it in his book of records of said town, and said finding and decision shall be final, except as to the amount of damages, if any, which shall be awarded.

Further duties.

SECTION 4. Whenever any water course or natural drainage line crosses the boundary line between two adjoining land owners, and both parties desire to drain the land along such water course or natural drainage line, but are unable to agree upon the conditions as to the juncture or connection of the lines of tile or other drainage at the boundary line aforesaid, then and in such case the supervisors shall have full authority to hear and determine all questions arising relative thereto between such land owners, and to render such judgment thereupon as shall seem to them just.

Public high-
way may be
used.

SECTION 5. Any person shall have the right to go upon any public highway to construct an outlet to a drain, provided he shall leave the highway in as good condition as it was before the drain was constructed, to be determined by the overseer of highways in the district where the work is done.

SECTION 6. Either party may appeal to the cir-

cuit court of the county from so much of said finding and order as relates to the amount of damages which may be awarded, within the same time and in the same manner and under the same conditions as is now provided by law in cases of appeal from assessment of damages on location of highways; provided, however, that said appeal shall not delay the construction of said tile or other underground drain, if the applicant shall, in case the land owner or owners appeal, deposit with the town clerk for the use of said land owner the amount of damage awarded by the supervisors, and in case the applicant appeals that he shall first file the appeal bond provided by law.

Appeal from finding of supervisors.

SECTION 7. In case of appeal the town clerk shall certify to the circuit court a transcript of the proceedings before said supervisors, which shall be filed in said court, the party appealing paying for said transcript and the docketing of said appeal as in other cases, and upon appeal the party claiming damages shall be plaintiff and the applicant defendant, and such appeal shall in all respects as far as practicable, be governed by same rules as appeals from assessments for damages for location of highway on appeal.

Town clerk to certify transcript of proceedings, on appeal.

SECTION 8. The applicant shall pay the costs of the town clerk in serving the notices and filing papers, and in case no appeal is taken, shall pay all damages awarded before entering on the construction of said drain through the lands of another.

Applicant to pay costs.

SECTION 9. In case any dispute shall arise as to the repair of any such tile or other underground drain, the same shall be determined by said supervisors in the same manner as in the original construction of the same.

Repairs, how made in case of dispute.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1887.