

## CHAPTER 75.

[Published March 25, 1863.]

AN ACT to amend section two of chapter 398 of the general laws of 1862, entitled "an act to authorize the county supervisors to construct drains in certain cases."

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

Petition for  
drain, &c.

Bond for expen-  
sue.

Survey.

Profile, descrip-  
tion of route, &c.

Notice to owners  
of lands, &c.

SECTION 1. Amend section 2 of chapter 398 of the general laws of 1862, so it shall read as follows: "That, before the county board of supervisors of any county shall take any steps toward locating or establishing any ditch, drain or water-course, there shall be filed with the clerk of the board of supervisors a petition from one or more persons owning lands adjacent to the line of such proposed ditch, drain or water-course, setting forth the necessity of the same, with a description of its proposed starting point, route and terminus, together with the names of all persons liable to be benefited or damaged thereby, so far as known to the petitioner; and shall at the same time file a bond with good and sufficient sureties, to the acceptance of the clerk of the board of supervisors, conditioned to pay all expenses incurred, in case the county board of supervisors shall refuse to grant the prayer of the petition; and it shall be the duty of the clerk of the board of supervisors immediately thereafter, to place a correct copy of said petition in the hands of the county surveyor, or a competent engineer, who shall thereupon, taking with him the necessary assistance, proceed to make an accurate survey of the route of the proposed ditch, drain or water-course; and on the completion thereof, shall return a plat or plats and profile of the same to the said clerk of the board of supervisors, and shall also set forth in his return, a description of the proposed route, its availability and necessity, with a description of each separate tract of land through which the same is proposed to be located, how it will be affected thereby, and its situation and level as compared with that part of the adjoining lands, together with such other facts as may be deemed material. It shall be the duty of the clerk of the board of county supervisors, immediately on said report being

filed, to cause notice, by publication for at least three consecutive weeks in some paper published or of general circulation in said county, to the owner or one of the owners of each tract of land along the route of such proposed ditch, drain or water-course, of the pendency and prayer of said petitioner, [petition,] and of the time of the session of the county board of supervisors at which the same will be heard; and an affidavit of said publication [shall be] filed with the clerk of the board of supervisors. Should any party or parties in interest die during the pendency of said proceedings, such death shall not work an abatement of such proceedings, but the supervisors, on being notified thereof, shall make such order as they may deem proper for giving notice to the party or parties; and notice of the pendency and prayer of said petition and the time of hearing the same, shall be given to such persons by publication for at least three consecutive weeks in some paper published or of general circulation in said county.”

In case of death of party in interest.

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

Approved March 19, 1863.

## CHAPTER 76.

[Published March 23, 1863.]

AN ACT to amend section 41, chapter 86, of the revised statutes, entitled “of alienation by deed of the proof and recording of conveyances, and the canceling of mortgages.”

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

SECTION 1. Section forty-one of chapter eighty-six of the revised statutes, is hereby amended, by adding thereto the following words, to wit: “And all discharges shall be entered in the general index, and subject to all the provisions of other entries in such general index,” so that the section, as amended, will read: “Any mortgage that has been or may hereafter be re-

How mortgages may be discharged.