

point such deputies, who shall be compensated the same as other deputies assigned to the performance of like duties in Milwaukee county.

Phonographic reporter. SECTION 5. Said additional circuit judge shall appoint a phonographic reporter for his court, who shall be compensated the same as other phonographic reporters for the circuit courts in said judicial circuit.

Judges: election jointly; co-operation. SECTION 6. The provisions of chapter 2 of the laws of Wisconsin for 1899, and the provisions of section 8 and 9 of chapter 2, of the laws of Wisconsin for 1903, shall apply hereto so far as the same are applicable.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved July 15, 1907.

No. 291, S.]

[Published July 17, 1907.

CHAPTER 646.

AN ACT to amend section 1379—28 of the statutes, relating to the powers of drainage commissioners.

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

SECTION 1. Section 1379—28 of the statutes is amended to read:

* * * * *

Approved July 15, 1907.

(In effect from and after date of publication.)

Quarterly financial accounting by commissioners. SECTION 1379—22m. On or before the fifteenth day of January, April, July and October in each year from the time of their appointment until their final discharge, the commissioners shall make and file with the clerk of the circuit court a true and particular account of their receipts and expenditures during the quarter-year ending with the last day of the preceding month, in which shall be set down the dates, sources and amounts of receipts, the dates, purposes and amounts of expenditures, all as actually having occurred; and the vouchers of such expenditures shall be filed with such account. Such account shall be verified by the oath of one or more of the commissioners, and, together with the vouchers, be carefully preserved by the clerk as part of the papers in the proceeding. The first account filed after this act shall begin with the first transaction of commissioners after their original appointment.

(Ch. 565, 1907.)

Taxpayers may except to the accounting; trial and costs. SECTION 1379—22n. At any time within thirty days after the filing of such an account any taxpayer may file exceptions thereto, specifying the items objected to and the grounds of objection, and give notice in writing to the commissioners thereof. Thereupon the exceptions shall stand for trial before the court, and an issue in form of an action may be ordered for a jury trial, and judgment shall be rendered for or against the district, with right of appeal as in other cases. Costs may be adjudged to the commissioners against the party filing exceptions if they are not sustained, and, in the discretion of the court, if but partly sustained. If the items excepted to be wholly disallowed, and in all other cases when the commissioners shall exceed their authority, the taxable costs of proceedings shall be adjudged against the commissioners and not against the district.

(Ch. 565, 1907.)

Streams; alteration of courses. SECTION 1379—28. When qualified the commissioners may do all necessary acts in the surveying, laying out, constructing, repairing, altering, enlarging, cleaning, protecting and maintaining any ditch, drain, levee or other work for which they shall have been appointed, including constructing all necessary bridges, crossings, embankments, protections, dams and lateral drains, clearing out and

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