

No. 328, S.]

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## CHAPTER 70.

AN ACT to amend section 1379—11 of the statutes of 1898, as amended by chapter 50 of the laws of 1901, relating to drainage districts.

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

**Drainage districts in one or more counties; jurisdiction of courts.** SECTION 1. Section 1379—11 of the statutes of 1898 as amended by chapter 50 of the laws of 1901, is hereby amended by adding at the end thereof the following words: "But in case a petition for the organization of a drainage district shall be filed in one county and the circuit court of said county shall take jurisdiction thereof, and it shall afterward appear by the report of the commissioners appointed by said court that the greater part of the lands which should be included in said drainage district lie in some other county, said facts shall not deprive the circuit court of the county where the petition was filed, of jurisdiction, but said court in which the petition was filed shall retain jurisdiction over said proceedings until completed and the district therein petitioned for organized," so that said section so amended shall read as follows:

Section 1379—11. Drainage districts comprising lands located in one or more towns may be organized and established in the manner hereinafter provided. Whenever a majority of the owners of lands with a district proposed to be organized, who shall have arrived at lawful age and shall represent one-third in area of the lands to be reclaimed or benefited, or whenever the adult owners of more than one-half of such lands desire to construct a drain, ditch, levee or other work across the lands of others for the promotion of the public health or welfare, or to maintain and keep in repair any such drain, ditch or levee heretofore constructed under any law of this state, such owners may file in the circuit court of any county in which the lands, or if they lie in more than one county, in that in which the greater part of the lands to be affected by such drain, ditch or levee or other work proposed to be constructed, maintained or repaired shall lie, a petition signed by them setting forth the proposed name of said drainage district, the necessity of the same, with a general description of its proposed starting point,

route and terminus, and a general description of the lands proposed to be affected, with the names of the owners when known; and if the purpose of said petitioners is the repair and maintenance of a ditch, levee or other work heretofore constructed under any law of this state, said petition shall give a general description of the same, with such particulars as may be deemed important and may apply for the organization of a drainage district by the name and with the boundaries proposed, and for the appointment of commissioners for the execution of such proposed work according to the provisions of this and the following sections; provided, that the lands embraced in such drainage district shall be liable for any and all damages resulting to lands lying outside of its boundaries, because of the proposed work and that the organization of such district shall in no manner interfere with any other drainage district above it or below it; and if through the construction of any proposed ditch, drain or levee increased cost shall be entailed upon a lower district in providing means to carry off the water flowing from the higher district, the lands in the higher district shall be liable for such cost. No petition having the requisite number of signers required by this section shall be declared void; but the court may permit the petition to be amended at any time to substantially conform to the requirements of these provisions. But in case a petition for the organization of a drainage district shall be filed in one county and the circuit court of said county shall take jurisdiction thereof, and it shall afterward appear by the report of the commissioners appointed by said court that the greater part of the lands which should be included in said drainage district lie in some other county, said facts shall not deprive the circuit court of the county where the petition was filed, of jurisdiction, but said court in which the petition was filed shall retain jurisdiction over said proceedings until completed and the district therein petitioned for is organized.

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

Approved April 3, 1903.