

No. 141, S.]

[Published June 4, 1909.]

## CHAPTER 270.

AN ACT to create sections 1379—30a to 1379—30e, inclusive, of the statutes, relating to the district drainage laws of Wisconsin.

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

SECTION 1. There are added to the statutes five new sections to read: Section 1379—30a. Whenever the commissioners of any drainage district now existing in process of organization or hereafter organized under the laws of Wisconsin, are petitioned by the owners of one-tenth of the lands in their district to enlarge existing drains or lay out and construct new drains in said district, or whenever said commissioners shall become of the opinion that the plan and scheme of drainage of the drainage district of which they are commissioners are or will be insufficient to effect a thorough drainage of said district or any portion thereof, for the purposes in section 1 of chapter 419, laws of 1905, [Section 1379—11] of Wisconsin set forth, and that additional ditches are required, or that ditches already laid out should be enlarged, to effect such drainage they shall cause sufficient additional ditches to complete such drainage of said district to be located, and plans and specifications thereof complying with section 1379—18 of the statutes to be made, or shall cause like plans and specifications of such enlargements to be made, and shall estimate the cost of construction thereof as provided in paragraph 5 of said section 1379—18, together with the cost of all additional bridges that said district must build, and shall apportion and assess such cost of construction upon the several benefited parcels of lands and easements in said district and benefited corporations, as provided in paragraph 5 of section 1379—18 of the statutes.

They shall also determine the damages that will be caused by such new ditches or enlargements of ditches, and shall award to each damaged piece or parcel of land and easement in said district the said damage caused to it by such new ditches or enlargements. Said commissioners shall then file in the court a report and petition, which report and petition shall report:

1. That the ditches dug, or in the order confirming a previous report authorized to be dug, are insufficient to effect a thorough drainage of said district or of the part thereof

therein specified, the reasons why they are insufficient, and setting forth briefly but clearly the facts relative thereto.

2. The description of all lands, easements, and corporations previously assessed for benefits or awarded damages in said district.

3. The benefits to said lands, easements, and corporations previously assessed and confirmed by the court.

4. All assessments for construction which have been confirmed by the court against said benefited lands, easements, and corporations.

5. Whether the cost of construction already assessed, together with the cost of construction by them proposed for said new ditches or enlargements, will exceed the benefits already assessed and confirmed by the court.

6. Said commissioner may assess supplemental benefits, warranted by the proposed work, upon the benefited lands, easements, and corporations as the facts warrant. Items 2, 3, 4, 5, and 6 may be in the form of a schedule to said petition.

7. Said petition shall pray for the relief that the facts may justify. Said petition and report may by permission of the court, be amended to conform to the facts at any time during the pending thereof or after order of confirmation.

Section 1379—30b. Said court or a judge thereof shall, by order, fix a time and place of hearing on said petition, and report. A notice of said hearing, stating briefly the substance and prayer of said petition and report, and a general description of the proposed work, and signed by the commissioners, shall be served upon the parties interested:

1. By publishing a copy of said notice once each week for three successive weeks in a newspaper published in each county where any lands of said drainage district are situated.

2. By posting a copy of such notice in five public places in said drainage district.

3. By mailing a copy of said notice to each owner of lands or easement located in said district, whose postoffice address is known to said commissioners or whose postoffice address can by reasonable inquiry be ascertained, and to the secretary or clerk of each corporation affected.

In case of defective service such hearing shall be adjourned and the defect in said service cured. Said hearing may be adjourned from time to time.

Section 1379—30c. No assessment of supplemental benefits under the provisions of this act shall change the apportionment of assessments for construction, previously confirmed by

the court, but so far as this reassessment of supplemental benefits is concerned such previously confirmed assessments for construction shall remain liens upon the same lands and easements and claims against the same corporations, in the same amounts as when first assessed and recorded.

Section 1379—30d. The provisions of sections 1379—11 to 1379—32b, except 1379—12, where applicable and not in conflict with the provisions of this act, shall apply to the proceedings by this act authorized.

Section 1379—30e. The provisions of this act, so far as applicable, shall apply to proceedings now pending or hereafter instituted under section 1379—10 of the statutes by way of supplemental report or amendment of the commissioners' report. But any reasonable notice of hearing on such amended or supplemental report by the court heretofore ordered, under said section 1379—10 of the statutes, in such pending proceedings shall be sufficient notice of such hearing.

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

Approved June 2, 1909.

No. 61, S.]

[Published June 4, 1909.

## CHAPTER 271.

AN ACT to empower the railroad commission to authorize railway companies to refund to shippers excessive charges exacted for the transportation of property delivered at destination within a period of five years immediately preceding July 12, 1907.

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

SECTION 1. \*Section 1797—12a. Within thirty days from and after the passage of this act, any person aggrieved may complain to the railroad commission of Wisconsin that the charge exacted for the transportation of any property between points in this state, which property was delivered at destination within the period of five years immediately preceding July 12, 1907, or for any service in connection therewith, or that any charge exacted for the storage of any property within such period, or that any car-service or demurrage charge exacted within such period is erroneous, unusual, or exorbitant; and thereupon the said commission shall have power to investigate

\* Section number supplied by sec. 5, ch. 516, 1909.