

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

Approved June 5, 1909.

No. 220, A.]

[Published June 8, 1909.

CHAPTER 304.

AN ACT to create section 1363n of the statutes, relating to town drains.

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

SECTION 1. There is added to the statutes a new section to read: Section 1363n. 1. Whenever any proposed ditch or drain shall cross the right of way of any railway company, street car company or interurban railway company, the notice required by section 1360, of the statutes, shall be served within the time therein prescribed upon any agent of any such company upon whom service of summons in a civil action might be made.

2. All such ditches or drains shall use wherever possible the existing bridges or culverts across the right of way of such companies. If such existing bridge or culverts are not of sufficient depth or capacity to correspond with the proposed ditch, drain or enlargement of water course to carry and properly drain the water, the supervisors shall notify such company to construct the necessary drain or ditch across its right of way.

3. Such railway company, street car company or interurban railway company shall construct the necessary culverts, bridges and drains to carry and drain the ordinary drainage and surface water at all water courses and no compensation shall be made therefor. If the culverts and bridges required to be constructed are larger and of more expensive character than required to carry and drain the ordinary drainage and surface water at such water courses, such company shall be compensated for the additional cost of constructing the necessary ditch, drain or culvert across its right of way over and above the cost of constructing culverts, ditches and drains necessary and sufficient to carry and drain the ordinary drainage and surface water.

4. The cost of construction and damages sustained by such company may be ascertained by agreement between the supervisors and such company, and an agreement or release in writing shall be then made and given by the company, which shall thereafter preclude it, and all parties claiming under it, from all further claim for damages and cost of construction.

5. When damages are not ascertained or agreed upon, they shall be ascertained in accordance with the provision of sections 1363 to 1371a, both inclusive. Chapter 54, Wisconsin Statutes of 1898 entitled "Town and Village Drains," and acts amendatory thereof so far as applicable, and not inconsistent with this section, shall apply to all proceedings hereunder.

6. Upon receiving thirty days' notice in writing any railway company, street car company or interurban railway company, across whose right of way any drain or ditch herein provided is laid out, shall proceed to construct such ditch or drain across its right of way. Upon its failure to commence the construction of such ditch or drain across its right of way for a period of thirty days, the supervisors of the town, their contractors, agents and employees may enter upon such right of way and construct the necessary ditch or drain.

7. No such notice to proceed with the construction shall be served upon any such company from the first day of December to the succeeding first day of April.

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

Approved June 7, 1909.

No. 718, A.]

[Published June 8, 1909.

CHAPTER 305.

AN ACT to amend section 735a of the statutes, relating to coroners in counties having a population of over one hundred and fifty thousand, the appointment of deputies and assistants and their powers, duties and compensation.

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

SECTION 1. Section 735a of the statutes is amended to read:

Section 735a. The coroner of every county having a population of over one hundred and fifty thousand * * * his deputy * * * and assistants, shall be compensated for the performance of all their official duties and in lieu of all other compensation, salaries to be fixed by the county board of supervisors of such counties respectively, as herein provided.

* * *

The coroner of any such county may appoint a deputy coroner who shall assist the coroner in the performance of his duties as he may direct, and who, under the direction of the coroner, may exercise all of the powers and perform all of the duties of the coroner, and such other assistants to the coroner as the said