GRAND RAPIDS FIELD TRIP
July 25, 26 and 27, 1918

The first session was at the old City Hall in Grand Rapids (now Wisconsin Rapids) at 8 p. m. on July 25. According to a previous announcement, discussion centered around the proposed drainage legislation. These members of the special legislative committee were present:

Senator Isaac P. Witter, Grand Rapids,
Assemblyman S. R. Webster, Columbus,
Assemblyman Ed. Nordman, Polar,
Assemblyman W. R. Chipman, Morrisonville,
Assemblyman H. A. Stone, Oregon.

The other two members of the committee, Senators Everett and Huber, were not present. There were thirty-nine members of the association present. Senator Witter was made chairman of the informal meeting and Frank W. Lucas was made secretary. B. M. Vaughan, a member of the special committee appointed by Governor Philipp to redraft the drainage laws, was called to explain some of the important changes proposed.

PROGRESS IN DRAINAGE LEGISLATION

B. M. Vaughan, Attorney, Wisconsin Rapids, Wis.

One of the first jobs that the State Drainage Association tackled was a revision of the drainage district law passed in 1905. The law was always cumbersome and by 1915 it had been so amended and patched that some parts of it were conflicting.

In the Legislature of 1915 Senator Everett introduced a bill which condensed, clarified and broadened the existing law. The bill embodied the recommendations of the State Drainage Association, but the Legislature did not find time to act on it. It disposed of it by referring it to a special committee of the legislature, to report two years later. This committee reported favorably on two bills that were passed by the Legislature of 1917. One was the Drainage District Law and the other was a new Farm Drainage Law. Both of these bills were vetoed by the governor, who discovered several minor errors in both bills. The governor agreed, however, to include drainage legis-
lation in the call for a special session of the Legislature to be called in January, 1918. The governor did his duty, but the special session was so short that there was no time for a consideration of the drainage bills. The drainage bills were referred to another special committee, five of whose members are here tonight.

In the meantime, the governor had appointed the following committee to prepare a bill for the special session: Frank Hanson, Mauston; C. D. Rosa, Beloit; B. M. Vaughan and Theodore Brazeau, Grand Rapids; P. J. Myers, Racine; J. F. Mayer, Richfield; and F. W. Lucas, A. R. Whitson and E. R. Jones, Madison. This committee met first on Oct. 5, 1917, and organized by electing Brazeau chairman and Jones secretary. The work of drawing the bill fell largely upon a sub-committee consisting of the chairman, the secretary and Myers, Lucas and Vaughan. Judges Werner and O'Niell and Messrs. Nash, Thorn, Brown, Sanborn, Coddington, Pratt, Anderson and VanAlstine presented their views to the sub-committee, which worked about twenty days on the bill that was printed for the special session and is now being considered by the special committee. Copies of the bill have been supplied to all members here tonight.

The following comparison may be drawn between the present laws and the proposed bills:

The Drainage District Bill

PRESENT LAW

1. Not systematically arranged. Conflicting and ambiguous sections.

2. Petitioners must make a preliminary survey and the map and detailed plans must be a part of the original petition. The difficulty with which the petitioners as individuals can get the survey made has caused delays and inefficiency. The hearing on the petition is also a hearing on the merits of the proposed work. This combined hearing promised to shorten the proceedings, but it is so difficult for the petitioners to get the proper evidence

PROPOSED BILL

1. Ambiguous parts cleared up. Condensed and systematized.

2. The petition includes merely a general description of the drainage works desired. The hearing on the petition is confined to the sufficiency of the petition to give the court jurisdiction. With jurisdiction established the court appoints three commissioners to make a preliminary survey and plans. The commissioners have better facilities than land owners for making the survey, and the report on benefits. Upon hearing this report the court grants or-
before the court to determine the
merits of the proposed work that
delays have resulted, particularly
where many small land owners
are involved.

3. Petitioners must include in
the petition an advisory report of
the College of Agriculture on the
quality of the soil and the feas-
ibility of drainage. The report
is not prima facia evidence and
there is nothing to prevent the
less feasible districts from pro-
ceeding in spite of the adverse
report of the College. Neither
is there a check on the final
plans.

4. Surveying and engineering
done by an engineer who is en-
gaged by the commissioners
but whose work is not checked.

5. Assessment of benefits made
by commissioners, and reviewed
by the court. Remonstrances
tried by a jury.

6. No provision for purchasing
dams. Most of these dams
create water power more valua-
ble than the land damaged.
These should remain. But even
where the water power is poor,
and the backwater causes great
damage to agricultural land, far-
mers are not permitted to pur-
chase and remove such dams.

7. Remonstrances must be filed
five days before the day of hear-
ing.

8. Mortgagees not notified. The
drainage tax becomes a prior
lien without giving the mortgagee
an opportunity to be heard.

ganization to the district or dis-
misses it, accordingly as it finds
that the benefits will or will not
exceed the costs.

3. Commissioners must include
in their preliminary report a re-
port from the State Engineer on
the feasibility of drainage and
the quality of the soils. The
State Engineer shall call on the
College of Agriculture for the re-
port on the soil but he is left
free to act more as a police offi-
cer than it is possible or pru-
dent for the College of Agricul-
ture to do alone. The report is
also made prima facia evidence.

4. Surveying and engineering
done by an engineer who is en-
gaged by the commissioners
but approved by the State Chief En-
gineer.

5. Same as now except that the
report of the commissioners is
reviewed by the chief engineer
before it is given to the court.

6. Purchase of dams is referred
to the Railroad Commission with
power to determine whether or
not any public rights will be ma-
terially injured by the removal
of the dam. In case the Rail-
road Commission permits the pur-
chase of a dam the owner shall
be fully compensated for his pro-
erty.

7. Remonstrances may be made
on the day of the hearing, thus
giving the remonstrants a better
opportunity to present their ob-
jections.

8. Mortgagees whose mortgages
containing their address are on
record, to be notified either in
person or by mail.
9. No provision for pumps.  9. Pumps provided for where necessary.
10. Contains 25,000 words.  10. Contains 18,000 words.

**The Farm Drainage Bill**

The Drainage District Bill does not conflict with or take the place of the proposed Farm Drainage Bill. The former is desired for the larger and more complicated projects and the latter for the smaller and simpler ones.

The proposed Farm Drainage Bill repeals the (1) Town Drain, (2) County Drain, (3) Mine Drain, and (4) Swamp Drain laws and consolidates the essential features of them all into one law. The County, Mine, and Swamp Drain laws have been used but little and the Farm Drainage Bill is drawn broad enough to provide for the organization of any small drainage project for which those laws were intended.

At present, most of the smaller drainage projects are organized under the Town Drainage Law, which has many weaknesses. The Farm Drainage Bill seeks to overcome these weaknesses as the following comparison may show:

**Comparison of Present Town Drain Law With the Farm Drainage Bill**

**TOWN DRAIN LAW**

1. Six freeholders in the town, only one of whom need own land affected by the proposed drain, are all that are required on the petition for the drain.

2. Petition addressed to Town Board consisting of the town chairman and the two supervisors elected usually for one year.

3. There is no supervision over the action of the town board. It is not required to engage a competent engineer, either for designing and laying out the drains or for inspecting the work of the contractor.

4. No public hearing is required on the assessment of benefits or

**PROPOSED FARM DRAINAGE BILL**

1. A majority of the land owners affected by the proposed drain or the owners of a majority of the acres, are required to sign the petition.

2. Petition addressed to county drainage board of three members appointed by the county judge for three years.

3. The county drainage board may act without supervision on areas of less than 200 acres. On the larger areas the engineer of the board must work under the direction of the state chief engineer who must report on the feasibility of the project.

4. Notice of assessments and awards is served upon all own-
award of damages before they are enforced. With but little experience and no supervision town boards have enforced many unjust assessments.

5. Town Treasurer handles the funds.

6. Few definitions and no legal forms for notices or assessments. Aid of an attorney necessary.

7. No provision for supplemental drains where certain parcels of land are not given an adequate outlet by the original drains.

8. The town boards are changing elective bodies.

9. Drainages are not co-ordinated but are haphazard—put in without reference to each other.

ers and mortgagees of land affected. The county judge shall order a revision of the assessments if he finds them to be unjust.

5. County Treasurer handles the funds.

6. Ample definitions and simple forms for the guidance of the county drainage board without attorney.

7. Supplemental drains provided for with supplemental benefits so assessed that each parcel of land pays proportionately for the drainage it gets.

8. The county drainage board is a permanent public corporation appointed in county court.

9. Drainages are co-ordinated and systematized.

(Later: The two bills substantially as outlined here by Mr. Vaughan were passed by the Legislature in 1919 and were signed by the governor and became effective about August 1, 1919. The Farm Drainage Law is Chapter 446 and the Drainage District Law is Chapter 557, Laws of 1919. Senators Witter, Huber and Severson and Assemblymen Webster, Chipman, Ansorge and J. E. Johnson constituted the special committee that steered the bills through the legislature.—Editor's Note.)

Discussion

DR. H. H. SHERWOOD: What provision is contained in the proposed redraft for laying out highways through districts, and could not the provisions of the proposed redraft with respect thereto be enlarged?

MR. VAUGHAN: Section 1379—18a provides that the drainage district may level a spoil bank for a road, and after it has been used for two years as a highway, the town must assume responsibility for it.

C. P. MELTESON: What provision is provided in the
proposed redraft for securing a right of way through lands lying between a ditch and lands sought to be drained, and what provision is made for distributing the expense?

MR. VAUGHAN: Section 1379–31e provides that at any time an owner of land not touched by a drain, but assessed for benefits, may petition for a lateral to connect his with the district drain. The commissioners must hear the petition and lay out the lateral and levy an assessment for construction upon the land benefited—even though some of the land owners may be unwilling.

C. P. MELTEISON: What right has a district to assess lands unless such lands are benefited?

MR. VAUGHAN: Unless lands are benefited the land owner should remonstrate in court against an assessment by the commissioners.

E. A. MORSE: What provision is contained in the law for assessing towns for future benefits and is it possible or advisable to assess towns for future benefits?

MR. VAUGHAN: The bill provides merely for assessing towns for benefiting highways already constructed. It would be right, although perhaps not constitutional, to assess for benefits to prospective highways.

C. F. LEINS: Is the matter of securing crossings of railroad rights of way fully provided for?

MR. VAUGHAN: Yes, and we have broadened the statute so as to include crossing under power lines.

G. T. THORNE: Under the proposed redraft of the drainage law may bonds be sold for less than par?

MR. VAUGHAN: Yes, if the highest bidder bids below par.

D. H. PRATT: Is the trial of remonstrances against assessments before a jury?

MR. LUCAS: The jury trial is retained for such remonstrances. (Mr. Lucas read the section referred to.)

At 9 A. M. on the following morning about sixty members started from Hotel Dixon in autos for a country trip. They returned to the city about 6 P. M., after a 75-mile trip through the Wood County, Kert Creek, Remington, Cranberry Creek and Little Yellow Drainage Districts.

The chief thing noted was that the better crops of rye, corn, timothy and alsike were near the deep open ditches. In the
Cranberry Creek and Little Yellow districts where new deep laterals have been constructed and all ditches deepened to about 10 feet crops were uniformly good.

At noon a Red Cross lunch was served at the home of Anton Brost in the Cranberry Creek district. Mr Brost has made a fine 200-acre farm out of what was once a wild peat marsh with a few sandy islands. He has just completed a $6,000 house on his farm—paid for by crops raised on the drained marsh land. He has laid some tile to supplement the deep open ditches.

After the luncheon, and before the trip was resumed, the members of the legislature asked many questions of the farmers who were cultivating marsh lands. A resolution was adopted thanking the people of Grand Rapids and vicinity for their kindness. The following resolution was also adopted:

*Whereas*, the U. S. Fuel Administration has limited the coal used for the manufacture of drain tile to 75% of the amount formerly used, and

*Whereas*, this limitation has made drain tile scarce at a time when the nation needs them more than ever before to prevent losses of food crops in wet fields, and

*Whereas*, a shortage of coal encourages the burning of tile too soft to endure,

*Be it resolved* by the Wisconsin State Drainage Association in convention assembled,

That the U. S. Fuel Administration be urged to pursue a more liberal policy with coal for the manufacture of drain tile;

*And be it further resolved* that there should be a representative of the Clay Tile Industries on the War Industries Board of the Federal Government;

*And be it further resolved* that a copy of these resolutions be forwarded to the U. S. Fuel Administration and to such other organizations as the President of this Association may direct.

No formal evening meeting was held, but there were several round-table discussions. On the following morning about 25 members took a trip through the Portage County and Leola districts lying east and south of Grand Rapids.