

comply with the requirements of chapter one hundred and forty-one of the laws of 1868, such company shall forfeit to the treasurer of this state, for the use of the state, the sum of five hundred dollars for each case of neglect, to be recovered in the name of the state treasurer, by action on this statute."

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

Approved March 18, 1873.

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## CHAPTER 229.

[Published April 1, 1873.]

AN ACT to amend chapter two hundred and thirty-one of the private and local laws of 1869, entitled "an act to authorize the laying out of a state road from Green Bay to Depere," approved March 5th, 1869.

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

Amended—  
commissioners  
appointed.

SECTION 1. Section one of the act of which this is amendatory is hereby amended so as to read as follows: Section 1. James M. Boyd, Vanden Wynguard and Arnold Martins are hereby appointed commissioners with full power and authority to lay out, establish and open a state road of eighty feet in width, from the south end of Webster street in the city of Green Bay, in the county of Brown, thence to some suitable point in the village of Depere, in said county, to be determined by said commissioners.

Shall make a  
map of the road

SECTION 2. After said state road shall have been laid out and established by said commissioners, and within ten days from such laying out and establishment, the said commissioners shall make out a correct map or plat of survey of said road, and file the same in the office of the county clerk of Brown county.

Shall give no-  
tice of laying  
out road.

SECTION 3. Immediately after the filing of said survey, the said commissioners shall cause notice of the laying out and establishment of said road to be given to all the occupants of the lands through which said road may pass, stating that said commissioners will meet at a certain place within the town of Bellview, in said county, at a time to be therein named, for the purpose of appraising the damages sustained by any person or persons through whose lands said road shall be

laid out; such notice shall be served personally on all the occupants of said land, or by copy left with or at the usual place of abode of said occupants, at least five days before the time appointed for such meeting.

SECTION 4. The damages sustained by any person or persons through whose land said road shall be laid out and established, may be ascertained by agreement between the said commissioners and such owner or owners; every such agreement shall be reduced to writing and signed by such owner and the said commissioners, and filed in the county clerk's office; and every such agreement, and every release for damages given, shall forever preclude such owner and all persons claiming under him, from all further claim for damages. If there be any owner or owners of said lands who shall not agree with the commissioners as to the compensation they shall receive for damages sustained by them by reason of the laying out and establishment of said road, and who shall not, previous to the meeting of said commissioners, deliver to them a written release of all claims for damages sustained by them by reason thereof, said commissioners shall, at the time and place of meeting appointed by them as aforesaid, assess the damages which such owner or owners will sustain by reason of the laying out of said road through their lands, and make an award in writing, specifying the sum awarded by them to each of said owners for their respective damages; and if the owner of any parcel of said land is unknown, the commissioners shall, in their award, specify the amount of damages awarded by them to such unknown owner. Said award shall be signed by the commissioners and filed in the county clerk's office, and on and after filing said award in the office of the said county clerk, the said road shall be a public highway, and be deemed opened and established for highway purposes.

How damages to be ascertained.

When owners cannot agree upon damages, how assessed.

Award to be signed and filed.

SECTION 5. All damages and expenses necessarily occasioned by the laying out, establishment and opening said road, shall be paid by the city of Green Bay, the town of Bellview, and the village of Depere; and said commissioners shall each receive for their services in laying out and opening said road two dollars and fifty cents per day for each day they are actually engaged thereon, and a majority of said commissioners shall have full power to do and perform any act or duty required by this act to be done or performed by said commissioners.

How commissioners to be paid.

SECTION 6. Any party feeling himself aggrieved by the action of the said commissioners in awarding

Any party may appeal from award of commissioners.

damages aforesaid, may appeal therefrom to the circuit court of Brown county, by filing in the office of the clerk of said circuit court a written notice of appeal within twenty days from and after the filing of the award of damages, and by executing to the said city of Green Bay, town of Bellview, and village of Depere, and filing with said clerk of said circuit court an undertaking, with two sufficient sureties, conditioned to pay all costs incurred by reason of said appeal, if the damages finally received by said appellant shall not exceed the amount awarded by said commissioners; and upon the filing of said notice and undertaking, the clerk of said court shall enter such appeal on his docket, wherein the party appealing shall be plaintiff, and the city of Green Bay, town of Bellview, and village of Depere defendants; and such action shall be heard and determined as other issues of fact joined in said court.

Board for auditing accounts and claims arising under this act.

SECTION 7. The mayor of the city of Green Bay, the chairman of the town of Bellview, and the president of the village of Depere are hereby constituted a board for the purpose of auditing all accounts and claims arising under the provisions of this act, and upon the certificate of a majority of said board, filed with the clerk of each of said municipalities, on or before the first day of October in each year, setting forth the amount of expense necessarily and properly to be incurred for the improving and maintaining of said road during the year commencing at said date, the clerk of each of the municipalities aforesaid shall, in making up the tax roll for each year, include therein, and carry out in the column of state and cash taxes, the amount of tax chargeable, as appears by such certificate, against the city, town or village, as the case may be, on account of said road, which amount shall be thus ascertained, viz: by calculation of the relative value of the taxable property of each of said municipalities as the same shall have been fixed by the last previous board of county equalization, and by assignment of the proportion of said tax according to the ratio which the taxable property of each of said municipalities bears to the aggregate value of the taxable property according to said equalization of said city, town and village, taken together. The said board shall elect one of their number as chairman, and the clerk of the city of Green Bay shall be ex-officio the secretary of the board.

How amount to be ascertained and apportioned.

Repealed.

SECTION 8. The act entitled "an act to authorize the laying out of a state road from Green Bay to Depere," approved March 5th, 1869; and the amendments

thereto, are hereby declared to be in force, except when the provisions thereof conflict or are inconsistent with the provisions of this act, and in which latter case, all of such conflicting or inconsistent provisions are hereby repealed.

SECTION 9. The county superintendent of highways shall, as soon as practicable after said highway shall have been opened and established in accordance with section four of this act, and annually thereafter on or before the 1st day of June, report to the said auditing board upon the condition of said highway, the amount and character of the work necessary or proper to be done thereon during the ensuing year, and furnish therewith a specific estimate of the cost thereof, and for such services shall be entitled to receive five dollars per diem for all the time necessarily employed therein.

Superintendent to report on condition of road, etc.

SECTION 10. The said board shall have authority to procure the performance of the work required upon said highway, either by contract or otherwise.

Shall procure work done.

SECTION 11. The treasurer of the said city of Green Bay, town of Bellview and village of Depere, shall annually, within thirty days after the expiration of the time for the collection of taxes, pay over to the county treasurer of Brown county the sums collected by them on account of said state road tax, and the said sums so paid over shall be held by said county treasurer as a separate fund, to be called "the state road fund." Payments from said fund shall only be made upon the order of the chairman of said auditing board, which order shall be countersigned by the secretary thereof.

City, town and village treasurers to pay over to county treasurer.

SECTION 12. In case the commissioners shall have laid out and opened said road through any enclosed, cultivated or improved lands, and their determination shall not have been appealed from, they shall give the owner or occupant of such lands notice, in writing, to remove his fences within such time as they shall deem reasonable, not less than thirty days after giving such notice, and if such owner or occupant shall not remove his fences within the time required in such notice, the said superintendent of county highways shall cause such fences to be removed; but if the determination of the commissioners shall have been appealed from, then such notice shall be given after the final decision of such appeal.

Shall give notice for removal of fences, etc.

SECTION 13. The certificate which shall be filed by said board (in accordance with section seven of this act) on or before the first day of October, 1873, shall include also a certificate of the expense incurred and to be incurred for laying out and opening said road, as

What certificate shall include.

well as for maintaining and improving the same, either previous to or during the year succeeding said date.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1873.

## CHAPTER 230.

[Published March 27, 1873.]

AN ACT to amend section ten of chapter one hundred and twenty-seven of the general laws of 1872, entitled "an act to provide against the evils resulting from the sale of intoxicating liquors."

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

Amended—  
application of  
act.

SECTION 1. Section ten of chapter one hundred and twenty-seven of the general laws of 1872 is hereby amend by adding to said section ten, the following words: All the preceding sections of this act shall apply to and be in force in each and every city and incorporated village in this state, any provisions in the charter of any such city or village to the contrary notwithstanding.

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

Approved March 18, 1873.

## CHAPTER 231.

AN ACT relating to and amendatory of section eleven of chapter three hundred and twenty-eight of the private and local laws of 1867, entitled an act to incorporate the Eagle Rapids Flooding Dam and Boom Company.

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

Amended—  
may construct  
and maintain  
dam.

SECTION 1. Section nine of chapter three hundred and twenty-eight of the private and local laws of the year 1867 is hereby amended so as to read as follows: Section 9. The said company shall be and is hereby