

ness, a majority of the supervisors of said town of Newport shall file with the secretary of state, an acceptance of the provisions of this act, and of the terms and limitations hereof.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 27, 1878.

[No. 301, A.]

[Published March 1, 1878.]

### CHAPTER 51.

AN ACT to provide for the improvement of the Blue Mound or Spring street road county highway, in Milwaukee county, and to repeal chapter three hundred and sixty-five of the laws of 1876, and chapter two hundred and seventy-nine of the laws of 1877.

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

Duty of railway company.

SECTION 1. The Chicago, Milwaukee & St. Paul Railway Company is hereby required to erect and maintain a bridge, which bridge shall be constructed of iron, except the floor beams and floor, at the crossing of the Milwaukee and Blue Mound road, commonly called Spring street road, over its tracks at the point where its said tracks cross the said Spring street road in the town of Wauwatosa, which bridge shall rest upon a stone abutment at the westerly side of its said tracks, and upon iron columns of suitable size and dimensions, set upon stone foundations at the easterly limit of its said tracks; said bridge to be thirty-six feet in width, twenty-four feet of which shall be for a roadway in the center, and six feet on each side for sidewalks, and shall be nineteen feet clear of its said tracks.

Location and style of bridge.

County board to cause viaduct to be constructed.

SECTION 2. The county board of supervisors of the county of Milwaukee, having declared and made the portion of said Spring street road, between the present westerly limits of the city of Milwaukee and the westerly boundary line of the Calvary cemetery, in said town of Wauwatosa, a county highway — and all acts and proceedings of said county board in that behalf are hereby legalized — the said county board of supervisors is hereby required to cause to be constructed and erected, during the year 1878, a suitable and convenient viaduct approach to the aforesaid iron bridge, from the easterly end thereof for a distance eastwardly

of four hundred feet; and the approach to such iron bridge, from the easterly end of said viaduct approach for the distance of two hundred feet eastwardly from said last point, to the present iron bridge over the Menomonee river, and connecting said viaduct approach with said last-named bridge, shall be constructed of earth filling, which viaduct approach and filling shall be of suitable and convenient slope between the said railroad and river bridges; and the said viaduct approach shall be constructed of iron, except the floor beams and floors thereof, and shall rest upon iron columns of suitable and adequate size and dimensions, and at suitable and safe distances apart; such columns to rest upon substantial stone masonry piers. The said viaduct approach and filling shall be so constructed and made, with a roadway in the centre thereof twenty-four feet in width, and with sidewalks on each side thereof six feet in width. The said board of supervisors shall, also, within the said year, cause a suitable and convenient earth approach to the said westerly end of said railroad bridge, to be constructed and made, which last named approach shall not be less than twenty-four feet in width, on the top thereof for a roadway, and graded to a convenient grade, which grade on the said west approach to said railroad bridge shall be extended westerly along the present line of said Spring street road, on a level with said railroad bridge, not less than one hundred feet, and then ascending not exceeding six feet in one hundred feet, and shall be continued thence westerly until it shall intersect the present grade of said road, and it shall be continued thence by excavation, ascending not exceeding six feet in one hundred, until it shall again intersect the present grade of said road westerly of the bluff, at or near the residence of H. F. Story; and the said board of supervisors shall cause said highway, within the limits and boundaries thereof first above mentioned in this section, to be opened and improved as aforesaid, and the said westerly approach together with that part of said easterly approach so required to be of earth filling, to be graded, and the roadway thereof to be suitably graveled; and the aforesaid portion of county highway shall thereafter, and so long as the same shall remain a county highway, be repaired and maintained by the said board of supervisors at the proper expense of said county, so as to afford a safe and convenient passage for vehicles.

Approach, filling, etc.

SECTION 3. The said county board of supervisors shall forthwith cause to be made a plan of such ap-  
Plan and estimate of cost of viaduct and ap-

proaches to be prepared; proposals to be advertised for, etc

proaches and viaduct, and an estimate of the cost of said improvements, and prior to the first day of May, 1878, it shall advertise for proposals, in one or more daily newspapers printed and published in the city of Milwaukee, for at least ten days; and before the first day of June, 1878, it shall let such work to the lowest responsible bidder, from whom it shall require bonds for the faithful performance of the contract and completion of the work on or before the first day of November, 1868, in a penalty equal to the estimated cost of the work: *provided, however*, that said board of supervisors may in its discretion so advertise for proposals, and so enter into contract or contracts accordingly, for the construction of said iron viaduct approach, and of the remainder of such work and improvement separately, and by different persons, upon the like bond, in a penalty equal to the estimated cost of such respective parts of such improvement and work, and a separate estimate aforesaid shall be made accordingly.

Tax to be levied

SECTION 4. The said county board of supervisors shall levy a tax in and for the year 1878, sufficient to pay the said county's portion, hereinafter mentioned, of the costs and damages of the aforesaid improvement, and shall annually thereafter levy a tax sufficient to cover the expense and cost of so repairing and maintaining said portion of county highway; three-fourths of the expense of said work, and of any damages which may be recovered of the said county of Milwaukee by reason of such construction, shall be paid out of the county treasury thereof; one-quarter of the expense of such construction and of all damages which may be sustained and recovered under this act by reason of such construction, shall be borne and paid for by the property abutting on said Milwaukee and Blue Mound road, or Spring Street road, and on either side thereof, from the present westerly limits of the city of Milwaukee, for such a distance as said county board may determine is benefited by said improvement, and of not less than three miles westerly along said road, and such proportion of the cost and damages shall be distributed upon and assessed upon the various tracts of land so abutting said road by the said county board of supervisors, according to the relative benefit, in the judgment of said board, accruing to each such tract or piece or parcel of land, by reason of the construction of such work and improvement; such assessment may be made from time to time as said costs or damages may accrue, or be paid by said county board of supervisors, and

Cost of construction to be assessed upon property benefited.

shall be levied thereon and collected thereof in the same manner as general county taxes are levied and collected.

SECTION 5. If the owner of any tract or parcel of land so abutting on said road, and so assessed by said county board, shall deem himself aggrieved by such assessment, he may appeal therefrom to the circuit court for the county of Milwaukee, within thirty days from the time any such assessment shall be determined and made by said county board, upon executing to the county board of supervisors of Milwaukee county, and filing with the county clerk of said county, a bond, with one or more sufficient sureties, to be approved by such county clerk, conditioned to pay all costs arising from such appeal and appraisal of damages : *provided*, there shall not be awarded upon the trial of such appeal in said court, a larger amount of damages than were awarded by the said county board of supervisors.

Persons may  
appeal to cir-  
cuit court.

SECTION 6. It shall be the duty of the Chicago, Milwaukee & St. Paul Railway Company, within sixty days from the letting of the contract or contracts aforesaid, by said county board, to build the said abutment provided for in section one of this act, and to complete said railroad bridge with all reasonable dispatch.

Duty of Chi.  
Mil. & St. Paul  
R'y Co.

SECTION 7. Chapter 365 of the laws of 1876, and chapter 279 of the laws of 1877, are hereby repealed. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. And this act shall be published immediately, and shall take effect and be in force from and after its passage and publication.

Repealed.

Approved February 27, 1878.

[No. 118, A.]

[Published March 1, 1878.]

## CHAPTER 52.

AN ACT legalizing the action of the county board of supervisors of Walworth county, fixing the salary of district attorney.

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

SECTION 1. The action of the county board of supervisors of Walworth county, in fixing the salary of district attorney of Walworth county, by resolution, at the meeting of said board of supervisors held on the

Act legalized.