

[No. 7, S.]

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CHAPTER 213.

AN ACT to amend sections 1886, 1887 and 1888, of the revised statutes of Wisconsin, entitled, "of plank and turnpike corporations."

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

Amending sections 1886, R. S.

SECTION 1. Section 1886, of chapter 88, of the revised statutes, is hereby amended so as to read as follows; Section 1886. Every corporation owning any plank, turnpike, gravel or other road upon which it is authorized to collect tolls, shall keep their road in good repair and safe for travel to the satisfaction and acceptance of the board of supervisors or any two of the said board in each town through which their road shall pass, and it shall be the duty of said corporation, after the passage and publication of this act, and before they shall offer the road to the public for use, and shall take toll thereon, to give notice in writing to any two of the said board of supervisors, that their road, or any part thereof, is ready for use, requesting them to view and examine the same, and to grant a certificate that the said road is in good repair. It shall also be the duty of the said corporation at some time during the first week of each of the months of April and October of each year to give a like notice and request to the said board of supervisors, and if at any time during the year the road shall be damaged in any place or places by storm or by any other cause, so it shall be unsafe for travel, it shall be the duty of the said corporation to proceed at once to repair the road where damaged, and until it shall be again safe for travel they shall place proper safeguards and notices to notify people of the danger and to protect them from suffering harm on account of the condition of the road, and as soon as the road shall be repaired they shall serve a notice upon the said board of supervisors as aforesaid, and obtain a certificate from them that the road is in good repair; and until they shall have obtained the said notice they shall close the road or the part

damaged entirely from the public, or throw open the gates and collect no tolls, giving notice at the gates why they are thus thrown open; provided, however, that they shall not close any road from the public unless access can be had by some other public highway between the extremities of the roads so closed, nor shall they close any road against any person who may reside upon the portion so closed.

SECTION 2. Section 1887, of chapter 88, of the revised statutes, is hereby amended so as to read as follows: Section 1887. The board of supervisors in each town in which there shall be any plank, turnpike, gravel or other road which has been or shall hereafter be constructed and owned by any corporation or person authorized to take tolls thereon, shall be inspectors of such roads within their town, and whenever any notice in writing, as provided in section 1886, of this chapter, shall have been served upon any two of such board of supervisors, they shall, without delay, view and examine the road described in said notice, and if they find it in good repair they shall grant to the said corporation a certificate that such road is in good repair; but if they do not find the said road in good repair, they shall notify the said corporation to put it in good repair, and shall again view and examine the road after they shall have been notified that it is in good repair, and grant said certificate when they find the road in good repair. It shall also be the duty of any two such board of supervisors, whenever a complaint, in writing, shall have been made that any part of any such road in their town is out of repair, to view and examine the road complained of, without delay, and if they find such complaint to be just they shall give notice, in writing, of the defect to the toll gatherer or person attending the gate nearest the place out of repair, and the said members of the board of supervisors may, in their discretion, order such gate to be thrown open, but such members of the board of supervisors shall not order such gate to be thrown open unless a notice, in writing, shall have been served on the gatekeeper nearest the place out of repair, particularly describing such place, at least three days previous to making such order. But whenever any part of any such road shall be out of repair,

Amending section 1887, R. S.

and the gate nearest thereto is situated in an adjoining county, any two members of the board of supervisors of the town in such adjoining county where such gate may be, shall have power to proceed in the manner above prescribed.

Amending section 1888, R. S.

SECTION 3. Section 1888, of chapter 88, of the revised statutes, is hereby amended by adding thereto the following: And such certificate, or the certificate provided for in sections 1886 and 1887, of chapter 88, of the revised statutes, as amended by sections 1 and 2, of this act, shall be *prima facie* evidence in any court of justice, that the road described therein is or was in good repair while the said certificate was in force under the conditions of this act.

Amending section 1892, R. S.

SECTION 4. Section 1892, of chapter 88, of the revised statutes, is amended by striking out after the word, "each," in the first line thereof, the words, "justice of the peace," and inserting the words, "member of the board of supervisors," so that the section as amended shall read as follows: Section 1892. To each member of the board of supervisors who shall view a plank or turnpike road upon complaint made to him, and to each county judge for like services, shall be allowed the sum of one dollar and fifty cents for each day spent by him in the performance of such duty; and if the road viewed shall be adjudged to be out of repair, such fees shall be paid by the corporation to which the road shall belong, otherwise they shall be paid by the party making the complaint.

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

Approved March 31, 1857.