

Sluiceway.

SECTION 2. Said dam may be of sufficient height for the purposes for which it is to be used, and shall be constructed with a suitable sluiceway to run logs or timber over the same.

Lands not to be flowed without compensation.

SECTION 3. This act shall not be so construed as to authorize said Carl Kleinschmidt or his assigns to flow any lands of the state or individuals, by virtue of the erection or maintenance of said dam as aforesaid, without making compensation therefor.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 266, A.]

[Published March 29, 1893.

CHAPTER 51.

AN ACT relating to cemeteries, and amendatory of section 2, chapter 315, of the laws of 1887, entitled, "An act to provide for the enlargement of cemeteries in certain cases, and to amend section 1454, of the Revised Statutes, in relation to cemeteries."

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

Amends sec. 2, ch. 315, laws of 1887.

SECTION 1. Section 2, of chapter 315, of the laws of 1887, is hereby amended by inserting after the word "cemetery," where it occurs in lines nineteen and twenty, of said section 2, the following: "With the improvements thereon, and of each tract or parcel thereof, and of each separate estate therein, and the damages sustained by the owner or owners of such lands by reason of the taking thereof." Also by inserting after the word "application," where it occurs in line twenty-two of said section 2, the following: "Provided, however, that in no case excepting in incorporated cities or villages shall lands be taken under the provisions of this act so as to bring the boundary lines of such cemetery nearer than twenty rods to a residence owned

by the occupant thereof, without the written consent of such resident owner," so that when amended such section shall read as follows: Section 2. Whenever it shall become necessary to enlarge any public cemetery grounds, by adding thereto the lands adjoining the same, and the owner or owners of the adjoining lands refuse to sell the same to the proper authorities, or demand an exorbitant price therefor, then in such case an application may be made in writing to the county judge of the county in which said cemetery grounds are situate, by twelve or more resident freeholders of the town, city or village in which said cemetery is located, setting forth that the owner or owners of the lands adjoining will not sell the same, or that he or they ask an exorbitant price therefor, stating the price, whereupon the said county judge shall appoint three commissioners, residents and freeholders of the county, but not of the town, city or village where said cemetery is located, to appraise the value of the lands deemed necessary to be added to said cemetery with the improvements thereon, and of each tract or parcel thereof, and of each separate estate therein, and the damages sustained by the owner or owners of such lands by reason of the taking thereof. But the damages assessed by said commissioners shall in no case exceed the price stated in the application. Provided, however, that in no case, excepting in incorporated cities or villages shall, lands be taken under the provisions of this act, so as to bring the boundary lines of such cemetery nearer than twenty rods to a residence owned by the occupant thereof without the written consent of such resident owner. Said commissioners, after giving ten days' notice to all parties interested, shall meet at said cemetery and decide upon the value of said lands. The commissioners shall file their report in writing, with the county judge, within ten days after the appraisement, and upon payment into the court by the proper authorities, of the amount of the damages so appraised by the commissioners to be by him paid to the owner or owners of said land, the land so appraised and condemned shall become a part of the said cemetery grounds. Either party may appeal from the determination of the commissioners, in the same manner as pro-

Lands adjoining cemetery grounds, how may be obtained.

Commissioners, how appointed.

Consent of land owner, when must be given.

Appeals.

Compensation
of commis-
sioners.

vided for in section 1276, of the Revised Statutes, providing for appeals from the determination of town boards in the laying out and altering highways. The commissioners employed under the provisions of this act shall receive for their compensation two dollars per day for each day actually employed, and six cents per mile for each mile actually and necessarily traveled in the performance of their duties, to be paid by the town, city or village in which such cemetery is located.

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

Approved March 24, 1893.

No. 154, S.]

[Published March 29, 1893.

CHAPTER 52.

AN ACT to appropriate to the governor's contingent fund a sum of money therein named.

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

Appropriation
to governor's
contingent
fund.

SECTION 1. There is hereby appropriated to the governor's contingent fund, out of any moneys not otherwise appropriated, the sum of two thousand dollars *per annum*, for the years 1893 and 1894.

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

Approved March 24, 1893.