

ded for by the appropriations made in section 1 of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1855.

Chapter 82.

[*Published April 14.*]

An Act to amend section twenty-four of the revised statutes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. amended. SECTION 1. Section fifty four of chapter twenty-four of the revised statutes shall be amended as follows: by inserting after the word "lands" in the first line of said section, the words "and all clerks or persons employed by them, or about any of their respective offices."

SEC. 2. This act shall be in force from and after its passage.

Approved, March 31, 1845.

Chapter 83.

[*Published April 25.*]

An Act to provide for regulating Railroad Crossings.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To regulate railroad crossings. SECTION 1. Whenever the track or line of any railroad built or projected by any railroad company in this state, pursuant to its charter, shall cross the track or line of any other railroad in this state so built or projected, the Presi-

dent of either company may apply to the judge of the circuit court of the circuit within which such point of crossing may be for the appointment of commissioners for the purposes hereinafter specified.

SEC. 2. A written notice specifying the time and place when and where such application will be made before the judge, shall be served at least ten days before such time, on the president or secretary of the other railroad company.

Notice to be served on president and secretary.

SEC. 3. On such application and proof of the service of such notice, the judge shall appoint three disinterested commissioners, who shall be competent men and possessed of practical knowledge on the subject, to prescribe the manner in which said railroads may cross each other—the regulations to be observed by each company in respect to the running of trains over its road at and near the point of intersection—the compensation to be paid by either company for the right of way across the track or adjoining lands of the other company, which may first have obtained a right of way across the lands at the point of intersection, and all other rules and regulations necessary to secure the rights, convenience and safety of said company and of passengers.

Judge to appoint commissioners.

SEC. 4. The commissioners shall be sworn faithfully to discharge the duties of their appointment, and shall cause notice in writing of not less than ten days to be given to the president or secretary of each company personally, stating the time and place when and where they will meet to decide upon the matter, which time shall not be more than thirty days after their appointment, unless a vacancy shall happen, which may make a longer time necessary. They shall examine the premises and hear all proofs of arguments submitted by the parties, and may adjourn from time to time not exceeding fifteen days in all, giving due notice thereof to both parties, and shall within that time make an order in writing, specifying clearly all the particulars required by section three of this act, in which a majority of them shall concur; and either company on complying with all the conditions prescribed in such order, shall be permitted to construct its road across the line or track of such other road, and run engines and trains under the regulations or restrictions specified in such order.

Commissioners to take oath.

SEC. 5. The commissioners shall forthwith file such order in the office of the clerk of the court of the county in

To file order.

which said railroads cross, and cause a copy thereof to be delivered to the president or secretary of each company; and either company may appeal from the decision of the commissioners, within ten days after the filing of the order and delivery of the copy, by filing a notice of appeal with the clerk of the court, and serving a copy of the notice on the president or secretary of the other company, which appeal shall be to the circuit court of the same county.

Company may appeal. **Appeal to be tried by court.** **Proviso.** SEC. 6. Such appeal shall be tried by the court, and if the court shall find that the proceedings of the commissioners have not been in conformity with this act, or that their decision is unjust or unreasonable, the same shall be reversed, otherwise it shall be affirmed. On reversing such decision, the court shall immediately appoint three commissioners who shall proceed, as above provided, to another hearing and determination; *Provided*, That either party may require that the amount of the compensation to be paid by either company as aforesaid shall be determined by a jury.

Fees of commissioners. SEC. 7. The judge shall from time to time appoint new commissioners on the same notice as above provided, on the first application to fill vacancies, or in case those before appointed shall have failed to complete their duties.

SEC. 8. The fees of the commissioners shall be paid by the company making the application; and on all costs on an appeal as the court shall order.

SEC. 9. If the president of either company shall so request, the commissioners shall direct in their order that the road of said company may cross the other road on the grade of such other road, and prescribe such regulations respecting the stoppage of trains on the said road (first mentioned in this section) near the point of crossing, as the commissioners may deem necessary to secure safety on both roads.

SEC. 10. No company which shall have obtained the right of way, and constructed its road at the point of intersection, before the application for the appointment of commissioners may be made, shall be required to alter the grade or change the location of its road, or be required to defray any part of the expense of the crossing, or of the proceedings under this act.

SEC. 11. This act shall take effect from and after its passage and publication.

Approved April 2, 1855.