

[No. 163, S.]

[Published April 6, 1889.]

## CHAPTER 266.

AN ACT to amend chapter 52, of the revised statutes, entitled, "of highways and bridges."

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

Amending section 1267, R. S., discontinuing highway, notice of hearing.

SECTION 1. Section 1267, of chapter 52, of the revised statutes, entitled, "of highways and bridges," is hereby amended so as to read as follows: Section 1267. On application made to supervisors for laying out, widening, altering or discontinuing any highway, they shall make out a notice fixing therein a time and place at which they will meet and decide upon such application. The applicants shall, at least five days previous to such time, cause such notice to be given to all the occupants of the lands through which such highway may pass; and in case such application shall be for the discontinuance of the whole or any portion of the highway, such notice shall be given to the occupants of all the lands abutting on such highway, the whole or any part of which is sought to be discontinued, which notice shall be served personally or by copy left with or at the usual place of abode of such occupant of such lands, and such notice shall also be posted up in three public places in said town, at least ten days before the time of such meeting of the supervisors. Every such notice shall specify as near as practicable, the highway proposed to be laid out, widened, altered or discontinued, and the several tracts of land through which the same may pass, and in case the application is for the discontinuance of all or of a part of any highway, such notice shall contain a description of the lands abutting upon such highway which will be benefited, injured or damaged by the discontinuance of such highway or any part thereof.

How served, what to contain.

When for discontinuance.

Amending section 1270, R. S., damages to be ascertained, appeal.

SECTION 2. Section 1270, of said chapter 52, is hereby amended by adding thereto at the end thereof, the following: The damages sustained by the owner of any lands by reason of the discontinuance of any highway or of any part of a

highway shall be ascertained and may be appealed from as provided in this section, and no part of a highway shall be discontinued so as to deprive the owner of any lands of access therefrom to a public highway.

SECTION 3. Section 1271, of said chapter 52, is hereby amended by inserting after the word, "widening," and before the words, "any highway," in the sixth line of said section, the words, "or discontinuing," so that said section when amended shall read as follows: Section 1271. If any highway shall at the same time be discontinued and set to a tract of land through which, or any part thereof, a new or altered highway shall be laid out, the same may be taken into consideration in estimating the damages sustained by the owner thereof in laying out such new or altered highway; and in estimating the damages sustained by any person in laying out, altering, widening or discontinuing any highway, the benefits which such person may receive thereby shall be taken into consideration.

Amending section 1271, R. S., rule in estimating damages.

SECTION 4. Section 1272, of said chapter 52, is hereby amended to read as follows: Section 1272. Whenever it shall be deemed necessary to lay out, alter, widen or discontinue a highway upon the line between two towns, or to discontinue, in whole or in part, any highway extending from one town to another adjoining town, it shall be done by the supervisors of each of said towns acting together, and if such highway is laid out or altered it may be either upon said town line, or as near thereto as the situation of the ground will admit; and they may vary the same either on one side or the other of such line, as they may deem necessary.

Amending section 1272, R. S., discontinuing highway on town line.

SECTION 5. Section 1274, of said chapter 52, is hereby amended by inserting after the words, "city or village," in the third line of such section, the words, "or discontinue a highway or any part thereof extending from a town to a city or village," so that said section, when amended, shall read as follows: Section 1274. Whenever it shall be deemed necessary to lay out, alter, widen or discontinue a highway upon the line between a town and city or village; or discontinue a highway or any part thereof extending from a town to a city or village, the application therefor

Amending section 1274. Same extending from a town to city or village.

shall be in duplicate, addressed to the supervisors of the town, and the common council of the city, or the board of trustees of the village, and be signed by at least six freeholders of the town and six freeholders of the city or village. Thereupon such common council or board of trustees shall appoint three commissioners on the part of such city or village, who shall be duly sworn to faithfully discharge their duties as such commissioners, before entering on the same. Such commissioners and town supervisors shall then give notice and proceed in all respects as provided for the supervisors of adjoining towns in the next preceding section; and such city or village shall be in like manner as a town responsible for that part of such highway determined to be made and kept in repair by the same, and for the share of damages assigned to the same. All proceedings and orders required to be filed and recorded, shall be filed and recorded in the office of the city or village clerk, as well as in the office of the town clerk.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1889.

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[No. 133, S.]

[Published April 6, 1889.]

## CHAPTER 267.

AN ACT to authorize David Buckwheat to maintain a ferry across Lake St. Croix, at Hudson.

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

Authorizing David Buckwheat to keep ferry across Lake St. Croix at Hudson.

SECTION 1. David Buckwheat, his heirs, associates and assigns, are hereby granted the right exclusive to keep and maintain for the term of ten years from the fifth day of March, 1889, a ferry across Lake St. Croix at any and all points between the West Wisconsin Railway bridge across Lake St. Croix, at Hudson, in St. Croix county, and the north line of township twenty-