

No. 524, S.]

[Published June 17, 1911.]

**CHAPTER 370.**

AN ACT to amend sections 1265 and 1270 of the statutes, relating to the discontinuance of highways.

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

SECTION 1. Sections 1265 and 1270 of the statutes are amended to read: Section 1265. When any six or more freeholders or applicants for a homestead under the laws of the United States, occupying the same, residing in any town, shall wish to have a highway laid out, widened, altered, or discontinued in such town, they may make application in writing to the supervisors of the town in which they reside for that purpose; and the said supervisors shall proceed to lay out, widen, alter, or discontinue such highway if in their opinion the public good will thereby be promoted; provided, however, that no town board shall discontinue any state road without laying out and opening a town highway connecting the portions of such state road separated by such discontinuance of such state road, unless the portions of such state road so disconnected by such discontinuance are already connected with a highway in existence at the time of such discontinuance; and provided, further, that no town board shall have power or authority to alter, change, or discontinue any highway laid out by the county board, *nor to discontinue any highway or part thereof when such discontinuance will deprive the owner of any lands of access therefrom to a public highway.* Provided, further, that this act shall not apply to that part of any state road in any town where an action or proceeding is now pending against the town where such road is situated, to compel the town to restore or repair such highway. When any highway is sought to be altered under the provisions of this section, and all of the abutting owners on the part of the highway so sought to be altered desire such alteration, and the board of supervisors is of the opinion that the public will not be materially affected by such alteration, such board may make the same and may take into consideration donations of money, land, or services by such abutting owners for the making of such alteration.

Section 1270. The damages sustained by any person through whose land any highway shall be laid out, widened, or altered may be ascertained by agreement between the supervisors and such owner; every such agreement shall be reduced to writing and signed by such owner and the supervisors and filed in the town clerk's office; and every such agreement and every release

of damages given shall forever preclude such owner and all persons claiming under him from all further claim for damages. If there be any owner, other than this state or the United States, of lands through which any highway shall be laid out, widened, or altered, who shall not agree with the supervisors as to the compensation he shall receive for the damages sustained by him by reason of the laying out, widening, or altering of such highway, and who shall not, previously to the making of the order laying out, widening, or altering such highway, deliver to said supervisors a written release of all claims for such damages, said supervisors shall, at the time of making such order, assess the damages which such owner will sustain by reason of the laying out, widening, or altering such highway through his lands, and make an award in writing, specifying therein the sum awarded by them to each of said owners for their respective damages; and if the owner of any parcel of land through which such highway shall be laid out, widened, or altered is unknown, the supervisors shall, in their award of damages, specify the amount of damages awarded by them to the unknown owner of such parcel of land, giving a brief description of such parcel of land in their award; said award shall be signed by said supervisors and be filed in the office of the town clerk with the order laying out, widening, or altering such highway. 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 \* \* \* chapter, \* \* \*.

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

Approved June 15, 1911:

No. 631, A.]

[Published June 17, 1911.

## CHAPTER 371.

AN ACT to confer civil and concurrent criminal jurisdiction on the county court of Rusk county.

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

SECTION 1. The county court of Rusk county, in addition to the power and jurisdiction conferred by law on county courts, shall have cognizance of and jurisdiction to hear, try and determine all actions and proceedings that justices of the peace have jurisdiction over and cognizance of under section 3572 of the statutes wherein the amount of debt, damages, demand, forfeiture