

No. 101, A.]

[Published June 20, 1907.

## CHAPTER 237.

AN ACT to amend section 1291, statutes of 1898, as amended, relating to laying out highways.

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

SECTION 1. Section 1291, statutes of 1898, as amended by chapter 257, laws of 1899, is amended to read:

\* \* \* \* \*

Approved June 19, 1907.

(In effect July 1, 1907.)

No. 544, S.]

[Published June 20, 1907.

## CHAPTER 238.

AN ACT to submit to the people an amendment to section 10, article VIII of the constitution, relating to internal improvement.

**State power for highways proposed, 1905.** WHEREAS, At the biennial session of the legislature in the year 1905 an amendment to the constitution was proposed and agreed to by a majority of the members elected to each of the two houses, which amendment was in the following language:

*“Resolved by the senate, the assembly concurring, That section 10, of article VIII, of the constitution be amended by adding at the end thereof the following:*

Provided that the state may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways.”

**Ratified, 1907.** WHEREAS, The foregoing proposed amendment to the constitution was duly ratified and agreed to by the

**Highway damages: amount allowable without town meeting.** SECTION 1291. 1. All damages lawfully awarded to any person for laying out, widening or altering any highway shall be a charge against the town, or in case of a highway on the line between two towns or between a town and a city or a village, against such town, city or village as shall be assigned to pay the same in the manner hereinbefore provided, at any time after the highway shall have been opened by order of the supervisors and not before, and shall then be audited and paid or sued for and collected in the same manner as other debts of the town.

2. But when the total amount of damages chargeable to one town, consequent upon any one order for laying out, widening or altering a highway, shall be more than \* \* \* *one tenth* of one per cent. on the taxable property of the town, as shown by the last assessment, *and shall also exceed the sum of five hundred dollars*, such highway shall not be opened, widened or altered nor liability for damages exist, unless such order and the award or damages \* \* \* be approved, and such highway be accepted by a majority of the qualified electors of the town liable to such damages voting thereon at the next annual town meeting or some special town meeting sooner called therefor.

3. No liability for such damages shall exist for any highway discontinued in the manner hereinbefore provided before being opened.

4. All costs and fees directed to be paid by any town, city or village by this chapter shall be audited and paid or may be sued for and collected as other debts against such town, city or village.

5. When any town order shall be given pursuant to this section and there shall be no unappropriated money in the treasury sufficient to pay the same the town board shall certify the total amount thereof to the town clerk, who shall place the same on the next tax roll, with interest thereon, from the date of such order, in the same manner as a tax to pay a judgment, and the same shall be in like manner collected and paid to the parties entitled thereto with such interest.

6. Provided that when any such damages shall be awarded, pursuant to an order for the laying out, widening or altering of a highway, lying wholly within a town whose resident population shall be eight thousand persons, or over, according to the last state or United States census, that then and in such case, it shall not be necessary that such order or award be ap-

proved, or the highway accepted by said electors, but the same shall be valid without such approval or acceptance.

(Ch. 237, 1907.)

**Railway crossings upon town and village highways.**

SECTION 1299h—1. Whenever any highway in any town or incorporated village, without the limits of any incorporated city, shall extend upon, over or across the tracks or right of way of any railway company, such railway company shall, at its own expense, construct, grade and maintain in safe condition for public travel, the portion of such highway or crossing extending upon, over or across the tracks or right of way of such railway company. Whenever any such town or village shall permanently improve or macadamize such highway extending upon, over or across the tracks or right of way of any such railway company, such railway company shall, at its own expense, improve or macadamize such portion of such highway as shall extend upon, over or across the tracks or right of way of such railway company, in substantially the same manner and of substantially the same materials as such town shall have used.

(Ch. 120, 1907.)

**Control of roads laid out and recorded by county.** SECTION 1310. The county board may at any time cause the whole or any part of any county road built or completed *or laid out and recorded* by the county to revert to the sole control of the town, city or village in which the same may be situated, by filing with the clerk thereof a written or printed notice that such road or part of road (designating the same) will so revert at the time specified therein, which shall not be less than thirty days. At and after the time so fixed such road or part of road shall be under the sole control of the proper officers of the town, city or village and shall be by them kept in good repair, and, if deemed necessary, the proper town board, village board or common council may annually levy a special tax sufficient for that purpose, *and the proper officers of any such town, village or city may alter or discontinue such highway the same as though it had originally been laid out by them.*

(Ch. 133, 1907.)

**Town highway material: town tax paid to county.** SECTION 1311—1. The electors of any town in this state at the an-