

that any person desiring to purchase any of said reports shall file with the said librarian his affidavit, made before some officer authorized by law to administer oaths, to the effect that he desires to purchase such reports for his own use, and not for re-sale, exchange or transfer.

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

Approved March 18, 1878.

[No. 144, S.]

[Published March 28, 1878.]

CHAPTER 259.

AN ACT to lay out and establish a state road from Wolf river, in Shawano county, to Wausau, in Marathon county.

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

SECTION 1. Charles D. Wescott, D. H. Pulcifer, of **Commissioners** Shawano county, and D. L. Plumer, of Marathon county, are hereby appointed commissioners, and Henry Grimmer as surveyor, with full power and authority to survey, lay out and establish and open a state road, commencing on section twenty-five, township twenty-seven, range fifteen east, and running by the best and most feasible route, as determined upon by said commissioners, to the city of Wausau, in the county of Marathon, such road to be located and constructed as far as practicable on the town line dividing towns twenty-eight and twenty-nine in Marathon county.

SECTION 2. After the said commissioners shall have **Surveys.** laid out such road, or such part of it as in their opinion the public good may require, they shall cause the said surveyor to make two correct maps of the same, and file the said maps, one in the office of the county clerk of Shawano county, and one in the office of the county clerk of Marathon county.

SECTION 3. Said commissioners shall have power **Damages.** to award damages and settle with parties who may be aggrieved or sustain damages by the laying out and establishing of said road: *provided*, that in no case shall the damages so awarded exceed the sum of twenty dollars. And all claims for damages shall be made within one year from the time said commissioners shall have filed in the office of the county clerk, as required in

section two of this act, and all damages so awarded shall be paid by the town in which the lands are located which are damaged thereby.

Public highway SECTION 4. Upon the filing of the surveys of said road in the office of the county clerk of the counties, as above required, said road shall become a public highway, and the said commissioners shall have full power to order it opened, and obstructions removed therefrom, in the same way and to the same effect as supervisors of towns have to open highways and remove obstacles therefrom in their respective towns.

Compensation of commissioners. SECTION 5. As compensation of services in laying out and establishing said road, the several commissioners shall receive for each day actually engaged thereon the sum of three dollars per day, and such assistants as they may employ, not exceeding four in number at any one time, the sum of one dollar and twenty-five cents for each day actually employed; the said surveyor shall receive the sum of three dollars and fifty cents per day for each day actually employed, together with all necessary expenses for board for each commissioner, surveyor and laborers, while actually engaged on such road; said expenses to be paid from the treasuries of the counties, in proportion to the time actually spent in each county in the laying out of the said road; said amounts to be certified to by said commissioners, to the county clerks of the counties of Shawano and Marathon.

Highway tax. SECTION 6. There shall be levied for each of the years of 1878, 1879, and 1880, upon all taxable property in townships number twenty-seven, twenty-eight and twenty-nine, in range 11 east, and townships number twenty-seven, twenty-eight and twenty-nine in range twelve east, all in the county of Shawano, and townships twenty-seven, twenty-eight and twenty-nine in range eight, nine and ten east, in Marathon county, a highway tax of five mills on the dollar, to be expended wholly and only for the purposes of opening and improving the road herein provided for, and the several town boards of supervisors in which the above described townships are located, are empowered, authorized and required to levy and collect said tax, and pay the same to the commissioners herein appointed to receive and disburse the same, and for the purpose of aiding in the construction of said road the said board of supervisors shall annually appropriate and pay the drainage fund received by them for the several townships of land herein mentioned for each of said years,

Disbursement of tax.

and all other funds levied and appropriated by or under the provisions of this act to Charles D. Wescott, of Shawano county, and J. W. Smith and August Kickbush, of Marathon county, who are hereby appointed commissioners to construct said road, let the necessary contracts and perform the usual duties pertaining thereto, and to receive and disburse the funds levied and appropriated for such purpose, said commissioners to receive the same per diem as the other commissioners herein named: *provided*, that said Charles D. Wescott shall receive and disburse the money levied and appropriated in Shawano county, and construct the road therein, and said J. W. Smith and August Kickbush shall receive and disburse the money levied and appropriated in Marathon county, and construct the road therein.

SECTION 7. After such tax has been levied, that Delinquent tax. portion of it remaining unpaid and returned to the county treasurers as delinquent, shall be credited to the general fund, and as fast as paid, belong to such fund, and thereafter said treasurers shall, upon demand, pay the money so paid to said commissioners entitled to receive the same, and if sufficient money has not been received to meet the expenses of building such road, the county clerk shall issue to them the orders of said county, drawn on the general fund, for the amount of such delinquent list, less the money paid by the county treasurer.

SECTION 8. In case any of the towns shall neglect Cause for action. or refuse to levy, collect or expend the said tax, as provided for in section six of this act, any person feeling aggrieved, may and shall have power to institute an action at law against said town or towns, and enforce the payment by judgment and execution.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1878.