

No. 617, A.]

[Published May 3, 1895.]

## CHAPTER 348.

AN ACT to authorize the laying of highways to and across the islands, bottoms and sloughs of the Mississippi river.

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

Authorizing the laying out of highways to and across the islands of the Mississippi river. Award of damages, etc.

SECTION 1. Whenever any person shall present to the supervisors of any town, an affidavit satisfying them that he is the owner of an island or islands in and among the bottoms and sloughs of the Mississippi river, describing the same within said town, and that the same is shut off from the bank of said river and from a highway by islands and sloughs of said river, and by land owned by other person or persons, lying between the island of the affiant and the highway, and that he is unable to purchase from any of said persons the right of way over or through the same to a highway, or that it cannot be purchased except at an exorbitant price, stating the lowest price for which the same can be purchased by him, the said supervisors shall, after ten and within thirty days, and after giving notice of the time and place of meeting therefor in the manner provided by section 1275, revised statutes of this state, proceed to lay out a public highway of not more than three nor less than two rods in width from a public highway to such island, and shall assess the damages to the owner or owners of the real estate over or through which the same shall be laid, and the advantages to the applicant; upon laying out such highway they shall make and sign an order describing the same and file same with the town clerk, together with their award of damages, which order shall be recorded by said clerk; provided, that the amount assessed as advantages to the applicant shall be paid to the town treasurer before the order laying out such highway shall be filed.

SECTION 2. Appeals may be taken from any order of the supervisors made under the preceding section and from any award of damages in the same manner and to the same extent and like proceedings had thereon as is provided by law in other cases of laying out highways by the supervisors of a town. Appeals. 7

SECTION 3. When any highway or highways shall be laid out under the provisions of this act, the supervisors of any town in which such highway or highways shall be laid, shall form the territory which, in their judgment, is benefited thereby into a road district or road districts, and an overseer of highways shall be elected for such road district in the same manner and with like powers and duties as is now prescribed by law for overseers of highways in road districts in other cases. Road district created. 1

SECTION 4. There shall be levied and collected upon the taxable property in every such road district, in each year, a tax not exceeding one per centum of the assessed valuation of such property, which tax shall be assessed and collected in the same manner that other highway taxes are assessed and collected for the purpose of maintaining and keeping in repair such highways, and it shall be the duty of overseer of highways in such road district to expend such moneys for that purpose. Road tax to be levied. 1

SECTION 5. No town shall be liable for any want of repair or defect in any such highway nor for any accident or injury happening thereon. Town not liable for injury. 1

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

Approved April 19, 1895.