

for ten dollars attorney's fees and for the costs and fees of witnesses and officers incurred on behalf of such officer. The judgment shall be signed by the clerk of the circuit court and entered and docketed in his office as the judgment of the circuit court in term. An execution may be issued thereon against the property of the petitioner in the same mode as upon a judgment entered in the circuit court in civil actions founded in tort. Upon the return of such execution unsatisfied in whole or in part, an execution against the person of the petitioner may be issued in the manner and with the force and effect of an execution against the person as provided in sections 2965 to 2975 inclusive, statutes of 1898 and acts amendatory thereof. Provided that in all other cases the judge may, in his discretion, order that the expenses incurred in procuring witnesses and other needed actual expenses, be paid out of the treasury of the county in which such assessor resides upon certificates of the clerk of said court.

SECTION 5. This act shall take effect and be in force, from and after its passage and publication.

Approved May 8, 1901.

No. 497, A.]

[Published May 10, 1901.

CHAPTER 331.

AN ACT to provide for an appeal by any tax payer of a town from an award of damages for laying out, altering or discontinuing a highway in said town.

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

Proceedings for taking appeal; application for jury, service of notice for. SECTION 1. Any resident and tax payer of a town in which a highway shall be laid out, altered or discontinued, or if such highway is laid out, altered or discontinued on the town line between two towns or extending from one town into an adjoining town under sections 1272 and 1273 of the statutes of 1898, then any tax payer residing in either of said towns which is required by the award of damages made upon so laying out, altering or discontinuing such highway to pay damages therefor, may within forty days after the making of any order awarding

such damages, whether made in the first instance by the town board or town boards of said town or towns, or made after an appeal or appeals in such proceedings made in sections 1276 and 1281 of said statutes of 1898, believing such damages excessive, may appeal to a justice of the peace in the same or in an adjoining town in the county, or to the county judge of the same county for a jury to assess and appraise such damages sustained by any number or all the persons to whom damages were so awarded for lands in the town where he resides. Such application shall be in writing, describing the premises and naming the persons to whom damages were awarded to be paid by such town and the amount awarded to each by the town board or town boards, and shall also specify whether he appeals from the whole of such award or if only from a portion thereof the part from which he appeals. The party shall serve upon two of the supervisors of the town where he resides or of a town to which shall have been assigned the duty of paying the damages from the award of which he appeals, at least six days before the time fixed from making such application, a notice in writing specifying therein the name of the judge or justice to whom and the time and place when and where such application will be made.

Bond for costs; proceeding on appeal. SECTION 2. The person applying for such jury shall make and file with such application, a bond in all respects like that provided in section 1286 of the statutes of 1898, except that it shall be conditioned to pay all costs arising from such appeal, and appraisement of damages if such jury shall not award a less amount of damages in the aggregate of the items so appealed from, than was awarded by the supervisors of the town or towns. Upon such appeal the same proceedings shall be had in all respects, as are specified in section 1287 and 1288 of the statutes of 1898, except that there shall be no liability on the part of the appellant for the costs of the proceeding, except as specified in the bond required to be given by him by this section. An appraisement so made by the jury acting under the provisions of this act, shall measure and fix the liability of such town or towns for damages to be paid on the laying out, altering or discontinuing of the highway in question, to all parties awards to whom were included in such appeal proceedings, and for all purposes including the purposes and provisions of section 1291 of the statutes of 1898.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved May 8, 1901.