

No. 265, S.]

[Published June 22, 1907.]

CHAPTER 292.

AN ACT to create section 1273a of the statutes, relating to the duties of the county clerk, city, village and town clerks in counties containing a city of the first class, in proceedings to take lands for highways, etc.

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

SECTION 1. There is added to the statutes a new section to read:

* * * * *

Approved June 20, 1907.

(In effect July 1, 1907.)

No. 557, S.]

[Published June 22, 1907.]

CHAPTER 293.

AN ACT to repeal chapter 111, laws of 1891, entitled, "An act to authorize William Saunty, his heirs or assigns, to build or acquire and maintain certain dams across the Moose river below where said river crosses the east line of township forty-five north, of range thirteen west, and across the St. Croix river between where it crosses the west line of section six, in township forty-four north, of range eleven west, and the west line of township forty-three north, of range thirteen west."

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

Repeal. SECTION 1. Chapter 111, laws of 1891 is hereby repealed.

Approved June 20, 1907.

(In effect July 1, 1907.)

lect in any year a highway tax of more than * * * *two* thousand dollars, including the amount voted by any town meeting and the amount levied by the supervisors, and that no town containing two congressional townships or more shall levy or collect a highway tax, exclusive of that first authorized herein, of more than two thousand dollars in any year.

(Ch. 331, 1907.)

Town highway tax: \$600 additional levy. SECTION 1244. 1. Whenever the amount of highway tax assessed by the supervisors shall be deemed insufficient to keep the highways in repair it shall be lawful for them, upon the written application of the superintendent of highways or upon the application of all such superintendents of the town if it has more than one, to assess an additional tax upon the taxable property of the town, not to exceed seven mills to the dollar on the valuation of the same as fixed in the highway tax list; and the taxes so further assessed shall be collected and expended in like manner as other highway taxes assessed by the supervisors are required to be collected and expended.

2. It shall also be lawful for the supervisors of any town to levy a tax on all the taxable property therein, which shall be levied and collected as other highway taxes are, for the purpose of opening or repairing highways therein, whenever they shall deem it necessary for the public convenience; but the tax last mentioned shall not be levied unless all the supervisors agree thereto, nor shall it exceed * * * *six* hundred dollars in any year, nor shall more than one such tax be levied and collected in any year; * * * such levy shall not be made if the total levy of taxes for highway purposes has reached the limit fixed by section 1240.

(Ch. 240, 1907.)

Counties with cities, 1st class: clerks' certifications of highway proceedings; penalty. SECTION 1273a. In any county containing a city of the first class, it shall be the duty of the county, city, village or town clerk to certify to the register of deeds all proceedings before the county, village or town board or common council of any city to lay out, widen, extend or vacate any street, alley, water channel, park, highway or other public place, and the order made therein, within ten days after the making of such order. Any county, city, village or

town clerk who shall neglect to comply with the terms of this act shall be guilty of a misdemeanor.

(Ch. 292, 1907.)

Owner's right of way to land other than by water.

SECTION 1275. 1. When any person shall present to the supervisors of any town an affidavit satisfying them that he is the owner of real estate (describing the same) within said town, and that the same is shut out from all public highways, *other than a water way*, by being surrounded on all sides by real estate belonging to other persons, *or by such real estate and by water*, that he is unable to purchase from any of said persons the right of way over or through the same to a public highway, or that it can not be purchased except at an exorbitant price, stating the lowest price for which the same can be purchased by him, the said supervisors shall appoint a time and place for hearing said matter, which hearing shall be * * * after ten days and within thirty days of the receipt of said affidavit. * * *

2. The supervisors shall cause notice of the time and place of * * * such hearing to be given by posting notices thereof in three of the most public places in said town at least ten days before the time fixed therefor, and * * * shall give at least five days' previous notice of such time and place to all of the occupants of the lands through which such highway may pass, which notice shall be served personally or by leaving a copy thereof at the usual place of abode of each occupant of such lands.

3. The supervisors shall then in their discretion proceed to lay out a public highway of not more than three nor less than two rods in width to such real estate, 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.

4. But the damages assessed by the supervisors shall in no case exceed the price stated in the affidavit of the applicant: upon laying out such highway they shall make and sign an order describing the same and file the 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.

(Ch. 129, 1907.)