

No. 173, S.]

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CHAPTER 267.

AN ACT relating to highways and bridges and amendatory of section 1291, of chapter 52, of Sanborn and Berryman's annotated statutes of Wisconsin, as amended by chapter 127, of the laws of 1893.

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

Relating to the award of damages for laying or altering highways.

SECTION 1. Section 1291, of chapter 52, of Sanborn and Berryman's annotated statutes of Wisconsin, as amended by chapter 127, of the laws of 1893, is hereby amended by inserting the words, "and the award of damages, if the same exceed the sum of five hundred dollars," after the words "unless such order," so that said section, when so amended shall read as follows: Section 1291 (as amended by chapter 289, 1885, and chapter 127, 1893). 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 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; 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-fifth of one per cent. on the taxable property of the town, as shown by the last annual assessment, such highway shall not be opened, widened or altered, nor liability for

damages exist, unless such order and the award of damages, if the same exceed the sum of five hundred dollars, be approved, and such highway 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. And no liability for such damages shall exist for any highway discontinued in the manner hereinbefore provided, before being opened. 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. When any town order or orders shall be given pursuant to this section, and there shall be no unappropriated money in the town 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.

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

Approved April 20, 1897.