

money, land or services for the making of such alterations. When the laying out of a highway would require the construction of a bridge costing more than one thousand dollars, *exclusive of donations*, the order of the supervisors laying out such highway shall not be effective unless approved by the electors of the town, and an estimate by the state highway commission shall be conclusive of the cost of such bridge for the purposes of this section. No town board shall discontinue any part of a state road, nor alter or discontinue any highway laid out by the county board, or any highway that shall have been improved by the county board with county funds, nor discontinue any highway when such discontinuance would deprive the owner of lands of access therefrom to the public highway.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1927.

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No. 127, S.]

[Published April 21, 1927.

## CHAPTER 38.

AN ACT to amend subsections (1), (2), (3) and (5) of section 83.07 of the statutes, relating to acquisition of lands by towns. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsections (1), (2), (3) and (5) of section 83.07 of the statutes are amended to read: (83.07) (1) The county *or town* board may acquire any lands or interest therein needed to carry out the provisions of this chapter. Whenever the county *or town* board is unable to acquire the same by purchase such property may be acquired by condemnation under chapter 32 of the statutes.

(2) In case the county highway committee *or town board* shall deem it desirable to acquire any lands or the right to take stone, gravel or clay or other material, from private lands for use of the public in the execution of the committee's *or board's* duty, or to acquire the right of access to or from any lands, or the right of drainage across any lands, said committee *or board* may purchase such lands or right and take title thereto in the name of the county *or town as the case may be*, and the cost

thereof shall be paid out of the public funds provided for the improvement of highways.

(3) In case the committee *or board* is unable to acquire such land or right by contract the committee *or board* may acquire the same in the name of the county *or town* as the case may be by the exercise of the right of eminent domain, as provided in chapter 32 of the statutes or in the following manner: They may, upon not less than five days' notice in writing, exclusive of Sundays and holidays, to such owner, describing the property and stating the time and place of hearing the application, apply to the county judge of said county to appraise the value of the property sought to be taken. At the time set therefor such judge shall hear the parties, and in such manner as he may in his discretion determine, inform himself in respect to the matter, and within five days, make his award in writing and file the same in his office. The county committee *or town board* may then pay the sum awarded to the owner by delivering to him a county *or town* order, or tender the same, and the title to the property and rights sought to be acquired shall thereupon vest in the county *or town board* for the uses and purposes of the acquirement, and such committee *or board* may cause a certificate under the hand and official seal of such judge, stating the facts, to be recorded in the office of the register of deeds.

(5) In case the committee *or board* shall deem the county *or town* aggrieved by the award, it may appeal to the circuit court in the same manner, and the subsequent procedure shall be like that upon the owner's appeal. Payment or tender of the award shall not defeat the county's *or town's* right to appeal.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1927.

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No. 172, S.]

[Published April 21, 1927.]

## CHAPTER 39.

AN ACT to amend subsection (3) of section 80.64 of the statutes, relating to the granting of special powers to county boards.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*