

SECTION 7. 58.06 (2) of the statutes is amended to read:

58.06 (2) Any private, philanthropic tuberculosis sanatorium organized on a nonprofit basis, if approved by the state board of health, may admit patients committed to it by any county in the manner and upon the terms provided by section 50.07, *except that if the amount charged such patients is more than the per capita cost as determined under section 50.07 they shall not be entitled to the benefits provided by section 50.07 (2a).*

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CHAPTER 105.

AN ACT to amend 80.17, 80.20, 80.24 and 80.25 of the statutes, relating to appeals from highway orders to the circuit court.

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

SECTION 1. 80.17 of the statutes is amended to read:

80.17 Any person aggrieved by any order of the town supervisors laying out, altering, widening, or discontinuing any highway, or refusing so to do may, within 30 days after such determination, appeal therefrom to the county *or circuit* judge for the appointment of commissioners to review the order or determination. Failure of the supervisors to file their decision upon any application to lay out, alter, widen or discontinue any highway within 60 days after the application is made shall be deemed a refusal of the application. The appeal shall be in writing and shall briefly state the grounds upon which it is made, and whether it be made to reverse entirely the order or determination or only a part, and in the latter case it shall state what part. In case of highways upon a line between 2 counties the appeal may be made to the county *or circuit* judge of either county.

SECTION 2. 80.20 of the statutes is amended to read:

80.20 Before proceeding to act under said warrant said commissioners shall be duly sworn justly and impartially to discharge their duties as such commissioners; they shall meet at the time and place mentioned in such warrant and proceed to

examine such highway; they shall hear the parties interested therein and any proofs offered by them; *the entire record of the proceedings before the commissioners inclusive of all appearances, petitions, notices, testimony which may be taken only under oath, exhibits, findings, decisions, and other orders relating thereto, shall be so prepared and certified.* The review of such order of determination by the commissioners shall where such record contains a transcript be confined to the basis of such record. Their decision shall be reduced to writing, signed by them, annexed to the warrant, and, together with the same, be filed with the town, city or village clerk, as the case may require, within the time directed in such warrant. Each commissioner shall receive * * * \$5 per day and * * * 5 cents per mile for his actual travel and the judge \$2 for his fees, to be paid by the party appealing; and if the order or determination appealed from be reversed he shall be reimbursed such expenses by the town, city or village, or if it be a town line road the same shall be reimbursed equally by such towns or by the town and city or village. The judge shall cause to be filed with the town clerk all the other papers and proceedings relating to such appeal, duly certified by him. If such highway be on a line between 2 towns or between a town, city or village they shall make a duplicate of their decision with a copy of the warrant and application annexed, which shall be filed with the town clerk of the other town or of the city or village as the case may be.

SECTION 3. 80.24 and 80.25 of the statutes are amended to read:

80.24 If the owner of lands through which a highway is laid out, widened, altered or discontinued is not satisfied with his award of damages, within * * * 30 days after the filing of the award, (and if within said * * * 30 days an appeal has been taken from the order laying out, widening, altering or discontinuing the highway, then within * * * 30 days after the final order on such appeal affirming the same) he may appeal to the county or circuit judge for a jury to assess his damages *as provided by section 83.07 (5) and (6).* His appeal shall be in writing, describing the premises, and any number of persons claiming damages on account of such highway may join in the appeal. The appellant shall serve on 2 of the supervisors of the town in which the highway is situated, or upon 2 or more of the supervisors or commissioners of the town, city or

village to which shall have been assigned the duty of paying the damages for such land, at least 6 days before he makes his appeal, a notice in writing, specifying therein the name of the judge to whom and the time and place the appeal will be made. If more than one appeal be taken from the award of damages on account of any highway, the appeals shall be consolidated by the county or circuit judge, and only one jury shall be impaneled to reassess the damages.

80.25 Any taxpayer of a town or other municipality in which a highway is laid out, altered or discontinued or any part thereof is situated, and which is required to pay damages resulting therefrom, may appeal within * * * 30 days after the award or agreement determining such damages has been filed with the town, city or village clerk, to the county or circuit judge for a jury to assess the damages sustained by the persons to whom damages were awarded or are to be paid. Such appeal shall be in writing, describing the premises and naming the persons to whom damages are to be paid, and the amount awarded to each, and shall specify the particular award from which he appeals in case he does not appeal from all *and as otherwise provided by section 83.07 (5) and (6)*. The appellant shall serve upon 2 of the supervisors of the town or upon 2 of the commissioners of the city or village to which has been assigned the duty of paying the damages and upon the persons whose awards are appealed from, at least 6 days before making application, a notice in writing specifying therein the name of the judge to whom and the time and place the appellant will apply for the selection of such jury.

Approved May 1, 1945.