

[Published April 8, 1859.]

CHAPTER 201.

AN ACT to remit certain penalties imposed by section 59, of chapter 26. of the revised statutes, entitled "of school and university lands."

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

Penalties remitted.

SECTION 1. All penalties imposed since May 1st, 1858, by section 59, of chapter 28, of the revised statutes, in all cases where the interest and charges were paid previous to the sale of the lands on which the same were imposed, are hereby remitted, and the state treasurer is hereby directed to credit the same on the interest due for the present year, and if the interest due the present year shall have been paid, then to apply on the interest for 1860.

Take effect.

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

Approved March 19, 1859.

[Published April 9, 1859.]

CHAPTER 202.

AN ACT to amend chapter 69, of the revised statutes of 1858, concerning plank and turnpike road companies.

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

Amendment.

SECTION 1. All that portion of chapter 69, of the revised statutes of 1858, which is contained between section 41 and section 43, upon page 44, is hereby amended so that it shall read as follows:

Relating to toll-gates.

SEC. 42. Whenever any toll-gate shall be ordered to be thrown open, as provided in the preceding sections; or whenever repairs having been made on said road complained of, after such order, the said justices shall refuse to grant a certificate that it is again in sufficient repair—the company owning such gate, or gate keeper attending the same in their behalf, may appeal from the order or decision of said justices to the county judge of the county in which such justices reside, by delivering a statement in writing of their order and decision, and of such appeal, verified by affidavit to such judge, and thereupon

such county judge shall appoint by a written order, three fit and disinterested persons to view and inspect said road in all the parts complained of, and to report to him whether the same is in sufficient repair or not, and it shall be the duty of every person so appointed to act as such inspector, unless excused by said judge, and every person so appointed, who after being duly notified of such appointment, shall neglect or refuse to discharge such duties without being so excused, shall be liable to a penalty of twenty dollars, to be recovered by said company in an action before any justice of the peace in said county, and whenever any person so appointed, shall neglect or refuse to appear to discharge such duties as required by said order, said judge may appoint another in his place, and before said persons shall act, they shall appear before said judge and take and subscribe on oath faithfully and impartially to discharge the duties of said appointment, and they shall thereupon proceed forthwith to view and inspect said road where complained of, and make report to such judge, whether or not the same is in sufficient repair, and the decision of any two of said persons shall constitute the decision of said inspectors, and shall be so reported, and if said report shall be that said road is in sufficient repair, said judge shall make an order recovering [reversing] the order or decision of said justices, and said gate may be closed—but if said report is that said road is not in sufficient repair, then said judge shall affirm the order or decision of said justices, and said gate shall not be closed. But said company after making further repairs on said road, may again apply to said justices for a certificate, that it is in sufficient repair, and if granted, said gate may be closed, and if refused, said company may again appeal and have like proceedings as are herein provided for, and it shall be the duty of said company on taking any appeal as herein provided, to pay to said courts [county] judge three dollars for his services, and to each of the persons so appointed by him as inspectors, two dollars.

Inspectors appointed.

To take oath.

Relating to repairs.

Compensation

SEC. 2. All parts of said chapter 69, inconsistent with the provisions of this act, are hereby repealed.

Approved March 21, 1859.

Repealed.