

CHAPTER 133.

[Published April 14, 1863.]

AN ACT to authorize the county supervisors to lay out and establish highways in certain cases.

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

Authority to supervisors to lay out highways.

SECTION 1. The county board of supervisors of each county, shall be commissioners to lay out, survey and establish highways extending through or into three or more towns in such county.

Petition therefor.

SECTION 2. Upon petition of not less than forty-five resident freeholders, and not less than fifteen from each town through or into which it is proposed to lay such highway, praying the laying out, surveying and establishing of a public highway extending into or through at least three of the towns of such county, the said board of supervisors shall proceed to lay out such highway, if, in their opinion, the public good will be thereby promoted.

Survey to be made, filed, &c.

SECTION 3. Whenever the county board of supervisors shall lay out any such highway, they shall cause an accurate survey thereof to be made, and they shall make out a description of the highway so laid out, and incorporate the same in an order to be signed by them, or a majority of them, and shall cause said order to be filed and recorded forthwith in the office of the clerk of the board of supervisors of such county, and shall also cause a copy of such order to be filed in the office of the town clerk of each town into or through which said road may run.

Notice of application to be published.

SECTION 4. Upon application made to said board of supervisors for the laying out of such highway, they shall cause a notice to be given, by publication of a notice for three weeks, in some public newspaper printed and published in such county, of the time and place at which they will meet to decide upon such application, or by three written or printed notices, posted for the same length of time in each town: *provided*, that no newspaper shall be published in such county, or being published, shall not have general circulation.

Damages—how ascertained.

SECTION 5. The damages sustained by any person through whose land any such highway shall be laid,

may be ascertained by agreement between said board of supervisors and such owner. In case of failure to agree upon such damages, the same may be ascertained and determined in the manner now provided by law for the ascertainment of damages, in chapter 19 of the revised statutes, and shall be paid by the towns, respectively, where the same is [are] occasioned.

SECTION 6. The said board of supervisors shall have the same per diem allowance as when in regular session; to be paid, as well as the necessary expenses of surveying such road, out of the county treasury.

Per diem, &c., of supervisors.

SECTION 7. No alteration, vacation or discontinuance of any such highway shall be made, unless by the board of county supervisors, and by such board only on like petition and notices as in the case of laying out highways by said board. Highways laid out by said county board of supervisors, shall be opened and repaired, in the respective towns, in the same manner as other public highways.

Alteration, &c., of highways.

SECTION 8. Whenever the supervisors of any adjoining towns shall be unable to agree in the location and laying out of a highway extending into or through such towns, so as to make a continuous road from one town into or through the other, as may be required for the convenience of the public, upon petition of thirty freeholders, fifteen of whom shall reside in each of such towns, setting forth such disagreement, and praying the laying out of a road extending into or through such two towns, the said board of county supervisors may proceed in the same manner as hereinbefore provided, to view, lay out, survey and establish such highway.

Extension of highways into other towns.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1863.