

[No. 71, A.]

[Published March 11, 1895.]

## CHAPTER 46.

AN ACT to provide for appeals in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*Relating to  
appeals.

SECTION 1. The appraisal or estimate of damages provided to be made by three electors, in section 1237, of the revised statutes, or their determination to allow none, in such cases, shall be filed by them, with the town clerk, to be laid before the town board of audit within ten days after the date of their taking the oath provided for in said section; and in default of such filing, the town shall be liable to an action for damages as a trespasser, without any presentation of the claim therefor.

Appeals how  
served.

SECTION 2. Any person aggrieved by the determination of appraisers appointed under section 1237, of the revised statutes, in any case, may appeal therefrom to the circuit court of the county containing such town, by serving upon the town clerk a written notice of appeal therefrom, at any time within thirty days after such appraisal, estimate or determination shall be filed with the town clerk. In like manner, by notice signed by the supervisors, the town may appeal from any such appraisal or estimate. Within ten days after receipt by him of such notice of appeal, the town clerk shall transmit to the clerk of the circuit court of said county, all the papers on file in his office relating to the award of damages so appealed from, and he shall properly certify to the same.

Duties of the  
clerk of circuit  
court.

SECTION 3. The clerk of the circuit court, upon the receipt by him of such notice of appeal, and papers returned thereto, shall enter upon the proper records of his office, the said appeal, entitling the same, with the land-owner, or occupant, as plaintiff, and the said town as defendant. The said appeal shall be considered an action pending in such court, from the time of service of the notice of appeal, subject to a change of place of trial and appeal to the supreme court, as other actions. Such appeal shall be tried by a jury, unless a trial

by jury is waived by both parties. Costs shall be allowed to the appellant, if the verdict of the jury is for a more favorable sum, excluding interest, than the award appealed from; if not, costs shall be allowed to the other party, and judgment shall be rendered thereon according to the rights of the parties.

SECTION 4. Any judgment rendered against a town upon any such appeal, shall be paid in the same manner as other judgments against towns are now required by law to be paid. Judgments how paid.

SECTION 5. This act shall take effect and be in force from and after its passage and publication. Approved March 9, 1885.

[No. 284, A.]

[Published March 11, 1885.]

## CHAPTER 47.

AN ACT for the preservation of certain game in the counties of Fond du Lac, Dodge, Green Lake and Racine.

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

SECTION 1. Any person who shall take, kill, catch, destroy or wantonly molest, or have in his possession when killed or taken, or expose for sale in the counties of Fond du Lac, Dodge, Green Lake or Racine, any quail, partridge, pheasant or grouse, prairie-hen or chicken, sharp-tailed grouse of any variety, from and after the passage and publication of this act, to the first day of September, 1888, shall be punished by a fine of not less than twenty, or more than one hundred dollars and costs for each offense, or by imprisonment in the county jail in the county where the offense is committed, for a period of not less than ten, nor more than sixty days, at hard labor. Preservation of game in Fond du Lac, Dodge, Green Lake and Racine Cos.

SECTION 2. All such fines, when collected, shall be paid, one-half to the informer and the remaining half to the county treasurer, and by him to the school fund of the county. Disposition of fines.