

shall select the names of the persons chosen as jurors from the several lists returned to the clerk of the board of supervisors in compliance with this act, and from none other; such selection to embrace as nearly as practicable an equal number of names from the several lists returned.

SECTION 3. The failure or omission of any town, ^{In case of failure to make out lists.} board of trustees or aldermen, to make out and return to the clerk of the county board of supervisors a list of names in compliance with this act, shall not render irregular or invalid any list of jurors otherwise regularly selected by the county board of supervisors, from the list properly returned in compliance with this act.

SECTION 4. This act shall not apply to any county ^{Application.} or city in this state, wherein special provision is made by law for the selection of jurors.

SECTION 5. This act shall be in force from and after its passage and publication.

Approved April 12, 1866.

CHAPTER 113.

[Published April 25, 1866.]

AN ACT to amend chapter 398 of the general laws of 1862, entitled "an act to authorize the county supervisors to construct drains in certain cases."

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

SECTION 1. Section one (1) of chapter 398 of the general laws of 1862, is hereby amended, by striking out the word "regular," where it occurs in said section; also, by striking out the word "conductive," where it occurs in said section, and inserting in lieu thereof the word "conducive," so that it will read as follows: "That the county board of supervisors of any county shall have power, at any session, whenever in their opinion the same is demanded by or will be conducive to the public health, convenience or welfare, to cause to be established, located and constructed, as ^{Boards of supervisors may cause to be constructed ditches, &c.}

hereinafter provided, any ditch, drain or water-course within such county."

Application
therefor.

SECTION 2. Section two (2) of said section is also hereby amended, by striking out the word "effected," and inserting in lieu thereof the word "affected," and by striking out all of said section after the word "material," so that it will read as follows: "That before the county board of supervisors of any county shall take any steps towards locating or establishing any ditch, drain or water course, there shall be filed with the clerk of the board of supervisors a petition from one or more persons owning lands adjacent to the line of such proposed ditch, drain or water-course, setting forth the necessity of the same, with a description of its proposed starting point, route and terminus, together with the names of all persons liable to be benefited or damaged thereby, so far as known to the petitioner; and shall at the same time file a bond, with good and sufficient sureties, to the acceptance of the clerk of the board of supervisors, conditioned to pay all expenses incurred in case the county board of supervisors shall refuse to grant the prayer of the petition; and it shall be the duty of the clerk of the board of supervisors immediately thereafter to place a correct copy of said petition in the hands of the county surveyor, or a competent engineer, who shall thereupon, taking with him the necessary assistance, proceed to make an accurate survey of the route of the proposed ditch, drain or water-course; and on the completion thereof, shall return a plat or plats and profile of the same to the said clerk of the board of supervisors, and shall also set forth in his return, a description of the proposed route, its availability and necessity, with a description of each separate tract of land through which the same is proposed to be located, how it will be affected thereby, and its situation and level as compared with adjoining lands, together with such other facts as may be deemed material. It shall be the duty of the clerk of the board of supervisors, immediately on said report being filed, to cause notice to be given as hereinafter directed, of the pendency and prayer of said petition, and the time of hearing the same, which notice shall contain a description of each tract of land upon which said proposed ditch, drain or water-course is represented upon the plat aforesaid, which notice shall be published three successive weeks

Bond for ex-
penses.

Survey and re-
port.

Notice to owners
of lands.

before said hearing, in some newspaper published in said county, if there be any, if not, in some newspaper having general circulation in said county."

SECTION 3. Section three is also hereby amended, by striking out the word "third," so that it will read as follows: "That any person or persons claiming compensation for land appropriated for the purpose of constructing any ditch, drain or water-course under the provisions of this act, shall make his, her or their application in writing therefor to the county board of supervisors, on or before the day of the session at which the petition has been set for a hearing; and if any application or applications for compensation as aforesaid shall have been made, the amount of said compensation may be determined by agreement between the supervisors and such owner or owners. Every such agreement shall be reduced to writing, and be signed by such owner and the county supervisors, and filed in the office of the clerk of the board of supervisors; and every such agreement and every release of damages given, shall forever preclude such owner and all persons claiming under him, from all further claim for damages. If there be any owner or owners of land through which such drain, ditch or water-course shall be located, who shall not apply for or who shall not agree with the supervisors as to the compensation they shall receive for damages sustained by them, by reason of the location of such drain, ditch or water-course, as provided in this act, said supervisors shall proceed to assess the damages which such owner or owners will sustain by reason of locating said ditch, drain or water-course as aforesaid, and make an award in writing, specifying therein the sum awarded by them to such of said owners for their respective damages. Said award shall be signed by said supervisors, and be filed in the office of the clerk of the board of supervisors, with the return of the surveyor or engineers; and further proceedings thereafter by the supervisors, shall be adjourned till the next session of the county board."

SECTION 4. Section four of said act is also amended, by striking out the word "sixty," where it occurs therein, and inserting in lieu thereof the word "twenty," so that it will read as follows: "If any applicant for compensation as aforesaid, shall not be satisfied with the sum awarded for damages by such supervisors,

Damages, and release therefor.

When supervisors may award damages.

Appeal.

he may within twenty days after the filing of the award of damages in the office of the clerk of the board of supervisors, as provided in the preceding section, apply to the county judge of the county for a jury to assess and appraise such damages. Such application shall be in writing, describing the premises, and any number of persons claiming damages on account of said ditch, drain or water-course, may join in such application. The party appealing shall serve on the clerk of the board of supervisors of the county, at least six days before the time fixed for making such application, a notice in writing, specifying the time when such application will be made."

When notice to
be served.

Bond for costs.

Jury.

Return of jury.

SECTION 5. Section five (5) of said act is also hereby amended, by striking out the word "regular," where it occurs in said section, so it will read as follows: "Any person applying for a jury, as mentioned in the preceding section, shall, by himself or agent, execute to the supervisors of the county, and file with the county judge, a bond with one or more sureties, to be approved by said judge, conditioned to pay all costs arising from such appeal and apportionment of damages, provided such jury shall not award a larger amount of damages than was awarded by the county board of supervisors. Upon any such application, the county judge shall make a list of fifteen disinterested freeholders of the county, not of kin to the owner or occupant of the said lands. Each party may object to five on such list, and if none of the supervisors shall be present, the county judge shall strike off the five names for the supervisors, and shall thereupon issue a precept to the sheriff, directing him to summon the five persons named in such list not objected to by the parties, to meet at a time and place to be specified in such precept, to appraise the damage sustained by the owner or owners appealing from the assessment of the county board aforesaid, by the location of the said ditch, drain or water-course. At the time and place appointed for the appearance of said jury, they shall be sworn by the county judge, justly and impartially to make such appraisal, and shall proceed to view the premises where said ditch, drain or water-course is proposed to be located, and hear the statements and proof of parties, if they deem it necessary; and they shall make their return of appraisal to the county judge, which shall be

certified by said judge, and filed with the clerk of the board of supervisors, with the award of the board of supervisors as aforesaid; and if the amount of appraisal of such jury shall exceed the amount awarded by the supervisors, the costs and expenses shall be paid by the county; but if the jury shall not award greater damages than were awarded by the supervisors, the costs and expenses shall be paid by the appellant; and the said county board of supervisors shall, at their next session after the appraisement by the jury is rendered as aforesaid, proceed to locate and establish such ditch, drain or water-course, as herein provided. The costs and compensation allowed shall be paid out of the county treasury from the general fund, or remain deposited therein, subject to the order of such claimant or claimants.”

Location of
ditch, &c.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 114.

[Published April 16, 1866.]

AN ACT to reorganize and enlarge the university of Wisconsin, and to authorize the county of Dane to issue bonds in aid thereof.

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

SECTION 1. The object of the university of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with the scientific, industrial and professional pursuits; and to this end, it shall consist of the following colleges, to wit: 1st. The college of arts. 2d. The college of letters. 3d. Such professional and other colleges as from time to time may be added thereto or connected therewith.

SECTION 2. The college of arts shall embrace courses of instruction in the mathematical, physical and natural sciences, with their applications to the industrial arts, such as agriculture, mechanics and engineering, mining

Course of in-
struction in col-
lege of arts.