

force from and after its passage and publication.
Approved March 1, 1875.

CHAPTER 99.

[Published March 6, 1875.]

AN ACT to amend chapter 59, of the private and local laws of the year 1868, entitled, "an act to incorporate the city of Fond du Lac, and to repeal chapter 124, of the private and local laws of 1867, entitled, 'an act to consolidate and amend the act to incorporate the city of Fond du Lac, and the several acts amendatory thereof, and to amend an act to consolidate the several school districts of the city of Fond du Lac, and the several acts amendatory thereof.'"

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, of chapter five, of said chapter 59, is hereby amended by adding thereto the following: And shall have the control and supervision of the police of said city, and is hereby authorized to appoint special policemen whenever the safety and good order of the city shall in his judgment require the same upon special or unusual occasions.

Ch. 59, P. & L.
laws 1868—
amended.

SECTION 2. Subdivision or paragraph eighteen, of section five, of chapter six of said chapter fifty-nine, is hereby amended by adding thereto the following, viz: And the common council of said city are hereby authorized and empowered to declare by resolution any street of said city a nuisance, and to close or shut up the same whenever in its judgment any such street of the city shall be in an unsafe condition for ordinary travel and use, and so far out of repair as to render travel dangerous thereon or over the same.

Amended.

SECTION 3. Section three, of chapter twelve, of said chapter fifty-nine, is hereby amended so as to read as follows: Section (3) three. If such petition shall represent that it is necessary to take private property for public use, against the consent of the owner thereof, and such petition be granted by the common council, the city clerk shall thereupon cause notice to be given to the owner or occupant of such lands proposed to be taken, describing the lands and premises proposed to be taken, by publication in the official paper of the city for at least two successive weeks, at

Amended—
city clerk to
cause notice to
be given.

least once in each week. Such notice shall state that on a day certain, and at a certain hour and place, therein to be named, not less than ten days from the expiration of such notice, as the case may be, application will be made to the judge of the county court of the county of Fond du Lac, or in case such county judge shall be interested in any such lands or premises proposed to be taken, or of kin to any person interested therein, then, to the judge of the fourth judicial circuit of this state, for the selection and appointment of twelve jurors to view said lands and premises, and to decide and determine whether it is, or will be necessary or expedient to take the same for the uses and purposes specified in said petition, and also to view and examine the lands and premises mentioned in said petition, and ascertain, determine and appraise the costs, expenses and damages to be paid by [to] the owner or owners of the property proposed to be taken, and also what property, lands or premises, if any, will be benefitted by such taking; and to assess and return specifically, as to each piece, parcel or tract of land or premises, the amount of such damages and benefits so determined and assessed. It shall be the duty of the city attorney to appear for and in behalf of said city at the time and place specified in said notice, and any person or corporation interested in the lands and property proposed to be taken may appear either in person, or by attorney. No freeholder shall be disqualified from serving as one of said jurors by reason of his being a resident or tax-payer of and in said city; but the right of challenge shall be allowed, as in civil cases under the laws of this state in other respects.

Appointment of jurors.

Amended — duty of jury to decide whether necessary to take lands.

SECTION 4. Section six, of chapter twelve, of said chapter fifty-nine, is hereby amended so as to read as follows: Section six. It shall be the duty of said jury to decide, determine and ascertain whether or not it is necessary to take the lands and premises proposed to be taken, and whether it will be necessary to take private property for public use against the consent of the owner thereof, and return and report their decision and determination to the common council of said city, before any other proceedings are had or done under said petition or notice by said jury or said council, and if both of said questions shall be determined by said jury in the affirmative, then said jury shall next determine, ascertain and report within ten days after the filing and approving of their

report aforesaid by said council, the value of the lot or lots so to be taken, and award to the owner or owners thereof such damages and benefits as shall be just, and such report, last aforesaid, shall be final and conclusive as to the matters and things therein contained.

SECTION 5. Chapter twelve of said chapter fifty-nine, of said private and local laws of the year A. D. 1868, and chapter five hundred and one (501), of the private and local laws for the year A. D. 1871, is hereby so amended as to strike out the word "commissioners" wherever it occurs in either or both of said last aforesaid chapters, and insert in place and stead thereof the word "jury."

Amended.

SECTION 6. Section two, of chapter nine, of chapter fifty-nine aforesaid, is hereby so amended as to provide as follows, viz: by adding at the end thereof, "that the street commissioners are hereby authorized to expend, at their discretion, a sum not exceeding ten dollars upon and for the repair of any bridge or culvert in said city, without any order or direction of the common council of said city."

Amended.

SECTION 7. No execution shall issue upon any judgment hereafter rendered or obtained against the city of Fond du Lac, without leave of the court in which said judgment was entered or rendered, upon a special application therefor.

Execution shall issue upon judgment.

SECTION 8. There shall be elected in each and every ward (*in said*) of said city, one justice of the peace who shall have the same jurisdiction in both civil and criminal actions, as is now conferred upon justices of the peace under the laws of this state. They shall be elected at the same time and in the same manner as justices of the peace are elected under the laws of this state.

Justice of the peace to be elected.

SECTION 9. Chapter seventeen, of said chapter fifty-nine, is hereby amended, by adding another section thereto to stand as section ten, and shall read as follows: Section 10. No claim or demand for services, necessaries, medical treatment or medicines shall be allowed or paid by said common council or the treasurer of said city, unless the person or physician rendering such services or furnishing such necessaries shall have been previously appointed by the board of health of said city in writing and such appointment shall have been previously approved in writing by the mayor of said city.

Amended.

SECTION 10. This act shall be held and construed

as a public act, and shall take effect and be in force from and after its passage.

Approved March 1, 1875.

CHAPTER 100.

[Published March 3, 1875.]

AN ACT to repeal chapter 133, laws of 1869, entitled "an act to fix the compensation of members of the board of supervisors of Fond du Lac county, in the state of Wisconsin."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Ch. 133, laws
of 1869—repealed.

SECTION 1. Chapter 133, laws of 1869, entitled "an act to fix the compensation of members of the board of supervisors of Fond du Lac county, in the state of Wisconsin," is hereby repealed.

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

Approved March 1, 1875.

CHAPTER 101.

[Published March 4, 1875.]

AN ACT to provide for the rebuilding of a portion of the Institution for the Education of the Blind, and to appropriate a sum of money therein named for that purpose.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Duties of trustees of Wisconsin Institution for the Education of Blind.

SECTION 1. The trustees of the Wisconsin Institution for the Education of the Blind are hereby authorized and empowered to erect on the site of the building destroyed by fire, a building corresponding to the west wing of the building destroyed. Also, to erect near said building an engine-house for the engine and apparatus for heating said building, and for that purpose said board of trustees are hereby authorized to make and enter into such contracts and agreements as