

SECTION 16. All acts or portions of acts regulating ^{Repealed.} the practice of pharmacy and the sale of poisons within this state, enacted prior to the passage of this act, are hereby repealed; provided, nothing in this act shall be so construed as to prevent any person who has once been a registered member, and may have forfeited his membership by non-payment of dues or fees, from renewing his membership by paying the required dues or fees without examination.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 86, S.]

[Published March 26, 1882.]

CHAPTER 168.

AN ACT to secure suitable highways and streets to fair ground and cemetery associations.

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

SECTION 1. Whenever any cemetery association, or industrial or agricultural association owning land in any city, village or town in this state shall file a petition with the clerk of such city, village or town, setting forth that such association owns land in such city, village or town, describing it, and used or intended to be used by such cemetery association for the burial of the dead or used or intended to be used by such industrial or agricultural association for fair grounds, and to which there is no laid out highway or street, and praying that such city, village or town shall lay out a street or highway from the nearest street or highway to such land, the common council of such city, trustees of such village, or supervisors of such town shall make out a notice, which shall be served on the owners or occupants of the land through which the proposed highway or street is to be laid, which notice shall contain a copy of the petition filed as aforesaid, and the time when said common council of said city, trustees of such village or supervisors of such town shall meet to take action upon said petition, which shall be within ten days after the service of such notice. If the common council of such city, the trustees of such village, or the board of supervisors of such town shall ascertain that such association owns land in such city, town or village which is used or which is hereafter to be used for the purposes mentioned in section 1 of this act, and that there is no street in said city, village or highway

In regard to cemetery associations.

in said town leading to the same, they shall make an order within five days after the time they have met to take action on said petition for the purpose of establishing by the verdict of a jury the necessity of taking for public use the property of the owners or occupants of the land through which the proposed highway or street is to be laid.

Sum to be deposited.

SECTION 2. Such order shall require such petitioners to deposit with the treasurer of such city, village or town such sum as may be deemed necessary to pay the costs and expenses of such proceedings, and all action in regard to said petition shall be suspended until such order is complied with. Whenever such deposit shall be made, a further order shall be made fixing a time and place, not less than ten days, when and where a jury will be empanelled for the purpose of establishing the necessity of taking such property. Notice of such time and place shall be served upon the person or persons occupying such land, if any there be, not less than six days before the time so fixed, or if any portion of said land shall not be in the actual occupancy of any person, then such notice, which shall contain a description as near as may be, of the premises to be taken, shall be published in some newspaper of general circulation, to be designated in such order, for three weeks successively, at least once in each week; such notice shall state that at the time and place therein named a jury will be empanelled in the manner provided by this act, for the purpose of establishing the necessity of taking for public use the property described in the petition.

SECTION 3. At the time and place specified in such notice, the county judge of the county, the municipal judge of such city, the president of such village or the chairman of supervisors of such town shall issue his precept directed to the sheriff of the county or to any of his deputies, naming such deputy, or to any constable of such city, village or town, naming him, which precept shall direct such officer to write down the names of thirty-six freeholders of said county, who are qualified by law to serve as jurors in the circuit courts of the state, and to return the same to him. Such officer shall first be sworn to perform the duties required of him, according to the best of his abilities, without partiality to either party.

List to be delivered to officer.

SECTION 4. Such officer shall immediately write down such names and deliver the list of them to the officer who issued such precept. And from such list of

names each party, personally or by attorney, commencing with the petitioner, shall strike out alternately twelve names; and in case of the absence of either party or his refusal to strike out, the officer who issued such precept shall appoint some other person to strike out twelve names.

SECTION 5. The officer who issued such precept shall then issue a venire requiring the officer to summon the twelve men whose names remain upon the said list of names, to appear at a time and place mentioned therein, to make a jury for the purpose of establishing the necessity of taking for public use the property described in the petition for such highway. If any of said persons shall fail to attend, other persons may be drawn in the same mode to fill the vacancies, and the proceedings may be adjourned from time to time for that purpose.

Shall issue venire.

SECTION 6. When such jury shall appear, they shall take an oath before the officer who issued such precept, that they will faithfully and impartially discharge the duties and trusts imposed upon them, which oath shall be filed with the clerk of the city, village or town.

Shall take an oath.

SECTION 7. Whenever said jury shall be empanelled and sworn, the said municipal judge, president of the village, or chairman of the town board, shall issue his precept directed to the jurors so empanelled and sworn requiring them within ten days to view the premises to be specified in said precept, and to make return to him under their hands, whether in their judgment it is necessary to take said premises for public use, as specified in said petition. Said jurors shall proceed to view said premises, at some time to be fixed by them, of which they shall give due notice to both parties, and shall hear such testimony as may be offered by any party interested. After viewing the premises and hearing such testimony as may be offered, the jury shall agree upon their verdict which shall state whether in their judgment it is necessary to take the property described in the petition for public use, and shall return the verdict to the officer who issued such precept.

Shall issue a precept to jurors.

SECTION 8. When such verdict is returned to the officer who issued such precept, he shall as soon as may be, call a meeting of the common council of the city, trustees of the village or supervisors of the town as the case may be to whom he shall deliver such verdict, and the said common council, trustees or supervisors as the case may be, shall immediately make an

Shall call meeting of common council.

order, if in their judgment the public good requires it, laying out a street or highway from the nearest street or highway to such cemetery or fair ground, not less than three nor more than four rods in width, and in said order laying out said highway as aforesaid they shall appoint three disinterested freeholders of the county who shall assess adequate damages to the owners of the land through which said street or highway is laid.

Open streets.

SECTION 9. The street commissioners of such city or village, or the pathmaster of such town, after the order laying out such street or highway has been filed with the clerk of such city, village or town, shall forthwith open the street or highway mentioned and described in said order, provided such associations shall have paid into the treasury of such city, village or town the damages so awarded under this act.

If dissatisfied with damages awarded.

SECTION 10. If the party through whose land the said street or highway is laid, or the common council of such city, trustees of such village, or supervisors of such town, shall be dissatisfied with the damages awarded under this act, either of them may appeal to the circuit court of the county in which such street or highway is situated, by making out a notice of appeal and a bond to the opposite party, with at least two sureties, conditioned to pay all costs and damages which may be incurred, in case of their being unsuccessful on such appeal, and filing both such notice and bond with the clerk of such city, village or town, and paying to him two dollars for his fees in making his return of all the proceedings therein, to the clerk of the circuit court of that county, provided the pendency of such appeal shall not impair the right of the public to use and occupy such highway or street for the purposes of travel, but the public right to use and occupy the same for such purposes shall exist to the same extent as though such appeal had not been taken until such appeal is decided.

Action pending in court.

SECTION 11. The clerk of such city, village or town within ten days after the notice of appeal and bond has been filed in his office and the sum of two dollars has been paid him as mentioned in this act, shall transmit all papers pertaining to said appeal to the clerk of the circuit court of said county. Upon the papers being filed in the office of the clerk of the circuit court the appeal shall be considered an action pending in court, subject to a change of the place of trial and appeal to the supreme court as other actions,

and shall be entered by the clerk upon the records of the court by setting down the owner or owners of the land for which such award was made and who are parties to the appeal as plaintiff and the city, town or village as defendant. Such appeal shall be tried by jury, unless a trial by jury is waived by both parties, and costs shall be allowed to the successful party on such appeal; and if in favor of the plaintiff, be added to the amount of the verdict; if in favor of the defendant, be deducted therefrom, and judgment shall be rendered thereon according to the rights of the parties.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 78, S.,

[Published March 23, 1882.]

CHAPTER 169.

AN ACT to consolidate and amend an act to incorporate the city of Green Bay, and the several acts amendatory thereof.

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

CHAPTER I.

CITY OF GREEN BAY—ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Brown hereinafter described shall be a city by the name of Green Bay, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Green Bay, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession; and shall be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

CITY BOUNDARIES.

SECTION 2. All the territory within Brown county hereinafter described and bounded shall be included in and constitute the limits of the city of Green Bay, to-wit: commencing at a point where a line drawn through the center of the alleys running through blocks numbered from thirty-three to forty two, both inclusive, in Eastman's addition to the city of Green Bay, will