

[Published March 21, 1877.]

## CHAPTER 204.

AN ACT relating to actions and proceedings by non-resident guardians, and amendatory of section 1, chapter 73, general laws of 1871.

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

Amended.

Rights and powers of non-resident guardian upon filing appointment.

SECTION 1. Section 1 of chapter 73 of the general laws of 1871, is hereby amended so as to read as follows: When a guardian shall be appointed in any other state of the United States of the estate or person of any minor, insane person, lunatic, idiot, spendthrift or habitual drunkard, not a resident of this state, and no such guardian of such person shall be appointed in this state, such foreign guardian shall, upon filing an authenticated copy of such appointment in the probate court of any county in this state, be authorized to bring and prosecute in the proper courts of this state, any and all civil actions and proceedings, necessary or proper to the discharge of his duties under such appointment, to all intents and purposes the same as if such appointment had been made under the laws of this state, and such guardian shall have and possess the same rights and powers, relating to the property, real and personal, of his ward in this state, and the discharge of his duties therein, as do like guardians appointed under the laws of this state; *provided, however,* that such guardian may be required to give security for costs.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 7, 1877.

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[Published March 22, 1877.]

## CHAPTER 205.

AN ACT relating to the right of way of railroads, and amendatory of section 16 of chapter 119 of the general laws of 1872.

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

Amended.

SECTION 1. Section 16 of chapter 119 of the general laws of 1872, is hereby amended so as to read as fol-

*Prescribed*

lows: Section 16. The commissioners shall take and subscribe the oath subscribed by the twenty-eighth section of the fourth article of the constitution, before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them (in respect to any particular tract or tracts) from time to time, in their discretion; (*provided*, that no more than two adjournments shall be granted in any one case, nor shall such adjournments be for a greater length of time in all, than sixty days; whenever thereunto requested in writing by or on behalf of the railroad company or any person or persons interested in any tract or tracts described in such petition, but not otherwise, it shall be their duty to proceed in the manner hereinafter provided to view the premises specified in such written request and none others, and to appraise, ascertain and determine the value or values and fix the compensation or compensations hereby contemplated;) and they shall thereupon cause notice to be given to each party interested of the time when and place where they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting; (and the like notice shall be by them given to the railroad company whenever the commissioners shall so proceed at the request of any other person or party.) If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state (known to said commissioners,) such notice shall be published in a newspaper as aforesaid, for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file proof of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report; but it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment. The commissioners shall view (such of) the premises described in the petition (as are described in such written request,) and hear the allegations of the parties, and shall appraise, ascertain and determine the value of any tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the

Oath to be taken by commissioners.

Duty of commissioners to view premises.

How notice of meeting to be given.

Commissioners to view premises, hear allegations of parties, and determine value of land.

amount of compensation to be made to each of such owners therefor; and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of the proposed railroad or the construction of the proposed improvements connected with such road for which such real estate may be taken; but special benefits to the real estate adjoining the lands so taken shall be allowed in deduction of any damage sustained by the owner to such adjoining real estate. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof or separate estate therein to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the railroad company. (This act shall apply to the proceedings of commissioners heretofore appointed, but who have not yet proceeded to view lands proposed to be taken.)

Commissioners  
to make and file  
report.

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

Approved March 7, 1877.

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[Published March 21, 1877.]

## CHAPTER 206.

AN ACT to amend section 5 of chapter 14 of the Revised Statutes, entitled "Of resignations, vacancies and removals, and of supplying vacancies."

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

Amended.

Authority of  
circuit judge to  
remove clerks  
of court for in-  
competency or  
official miscon-  
duct.

SECTION 1. Section 5 of chapter 14 of the revised statutes is hereby amended so as to read as follows: Section 5. The judge of the circuit court of any circuit in this state, shall have authority in term time or in vacation, to remove any clerk of the circuit court in any county within his circuit, when in the opinion of