

LAWS OF WISCONSIN.

[No. 14, S.]

[Published January 27, 1885.]

CHAPTER 1.

AN ACT to amend the charter of the City of La Crosse.

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

SECTION 1. Section six (6), of chapter five (5), of charter of the city of La Crosse, as amended by chapter one hundred and seventy-three (173), of the general laws of the state of Wisconsin for the year eighteen hundred and eighty-two, is hereby amended, by inserting therein after the words, "from day to day" in the eighth line of said section six (6), the following words, viz.: "If at any stage of the proceedings after the rendition of the separate unanimous verdict, provided for in said section six (6), and prior to the rendition of the verdict assessing damages as provided for in said section, any vacancy or vacancies shall occur in said jury whether by the death of any member or from any other cause, the magistrate who issued the precept, shall, by endorsement thereon appoint a new juror or new jurors to fill such vacancy or vacancies, taking such new juror or new jurors from the list of persons possessing the qualifications of jurors in such cases theretofore made pursuant to the provisions of section four (4), of the said chapter five (5). And when such vacancy or vacancies shall have been so filled the magistrate shall administer to such new member or members of such jury the oath provided in section five (5), or so much of said oath as shall then be applicable; and thereupon such jury shall proceed and discharge the duties required of them *the same* as if no vacancy or

Provision made for filling vacancy on jury.

vacancies had occurred, so that the said section when so amended shall read as follows: Section 6. Under the direction of such magistrate and accompanied by him, the jury shall view the lands to be taken, and shall then sit before him at his office or any other more convenient place to which he shall orally adjourn the proceedings, to hear such competent evidence as shall be produced by any party; and for such purpose such magistrate shall possess the same powers as a court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. If at any stage of the proceedings after the rendition of the separate unanimous verdict provided for in said section six (6), and prior to the rendition of the verdict assessing damages as provided for in the said section, any vacancy or vacancies shall occur in said jury whether by the death of any member or for any other cause, the magistrate who issued the precept, shall by indorsement thereon appoint a new juror or new jurors to fill such vacancy or vacancies taking such new juror or new jurors from the list of persons possessing the qualifications of jurors in such cases theretofore made pursuant to the provisions of section four (4), of the said chapter five (5). And when such vacancy or vacancies shall have been so filled, the magistrate shall administer to such new member or members of such jury the oath provided in section five (5), or so much of such oath as shall then be applicable; and thereupon such jury shall proceed and discharge the duties required of them the same as if no vacancy or vacancies had occurred. The jury shall render a separate unanimous verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands, or any part thereof for such purpose, describing in such unanimous verdict the whole body or bodies of land which they find necessary to be taken. If any be found necessary to be taken, the jury shall make a separate verdict or assessment of damages, in which they shall set down the description, as near as may be, of each tract or parcel of land, the whole or any part of which is condemned, and the whole amount of damages done to the owner or owners thereof by the taking of the whole or any part thereof, apart from any damages to buildings

thereon, without any deduction for benefits of any kind or nature. If any such tract or parcel of land, taken in whole or in part, be subject to lease, mortgage or other lien, or if there be any estate therein less than a fee, the injury done to the owner or owners thereof respectively shall be awarded to them by the jury. If there be any building or buildings, standing wholly or in part on the land taken, the jury shall estimate or determine, first, the whole value of the same to the owner aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to the owner to remove, both of which valuations shall be stated. The fact that any such building belongs to a person or persons other than the owner or owners of the land, if known, and the name of the owner or owners of such buildings, if known, shall be stated, and the award of damages on account of such building shall be made to the owner or owners thereof, when the land and building belong to different parties. Such verdict or appraisement of damages shall be valid and sufficient if signed by a majority of the members of said jury. Any technical error in such verdict may be immediately corrected, with the consent of the jury. And they shall be thereupon discharged, and their verdict be filed by the magistrate. In case the jury shall disagree as to the necessity of taking the whole or any part of the lands mentioned in the application, the magistrate shall make a list of twenty-four jurors, from whom to empanel a jury to pass upon the questions left undecided, and shall proceed therewith in all respects as for the empaneling of the first jury, as hereinbefore directed. If at least seven members of the jury cannot agree upon a verdict or assessment of damages, the magistrate shall in like manner proceed to empanel a new jury, for the purpose of passing upon the question of damages, but it shall not be necessary to serve or publish any new additional notices of the empaneling of a new jury for either of said purposes. From the time of the publication and service of the notice mentioned in section three (3), of this chapter, all persons served with such notice, in the manner therein prescribed, shall be held to

have notice of all subsequent proceedings before such magistrate, in the matters mentioned in said notice, to the rendition of a verdict assessing damages, and to be bound thereby. When the jury have agreed upon their verdict or verdicts, the magistrate may orally adjourn the proceedings to such time as may be necessary to reduce the same to form, and to a time when they shall appear before him and sign the same.

SECTION 2. This amendment shall be held to apply to all proceedings which have been heretofore or shall be hereafter instituted under the provisions of the said chapter five (5), and to any such proceedings, which are now so pending.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved January 27, 1885.

[No. 54, A.]

[Published January 30, 1885.]

CHAPTER 2.

AN ACT to amend section 2, of chapter 5, of the general laws of 1883, entitled, "An act to incorporate the city of Merrill."

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

Ward boundaries amended.

SECTION 1. Section 2, of chapter 5, of the general laws of 1883, is hereby amended so as to read as follows: Section 2. The city of Merrill shall be divided into seven wards as follows: All that part of the northwest quarter of section 18, lying north of the Wisconsin River, and the west half of section 7, all in township number 31 north, of range number 7 east, and the east half of the east half of section 12 in township number 31 north, of range number 6 east and blocks 3, 4, 5, 6, 11 and 12, of G. L. Parks', Thos. P. Matthews, John Phelps and Thos. B. Scott's addition to Merrill; and blocks 9, 10, 11, 12, 13, 14, 15 and 16 of G. L. Parks' addition to Merrill shall constitute and be known as the first ward. The west half of the northeast quarter of section 12, in township number 31 north, of range number 6 east, and blocks,