

tirement from service and shall thereafter die, leaving a widow, such widow shall not be entitled to any relief or pension from such fund. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then in that event an equal percentage of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of such beneficiaries.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1917.

No. 119; A.]

[Published May 12, 1917.]

CHAPTER 181

AN ACT to amend sections 899, 902 and 903 of the statutes, relating to condemnation proceedings in villages.

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

SECTION 1. Sections 899, 902 and 903 are amended to read:
 Section 899. Under the direction of such magistrate the jury shall view the lands to be taken, and shall then sit before him 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 * * * time to * * * time. The jury shall render a separate unanimous verdict in writing signed by them, in which they shall find as to each separately described parcel of land, whether it be necessary to take * * * the same or any part thereof, * * * and as to each such parcel of land or part thereof found to be necessary, a verdict or appraisalment of damages and benefits, specifying therein * * * (1) Damages consisting of the value of the land taken; (2) Damages, if any, to the adjoining property of the same owner; (3) Total damages; (4) Benefits, if any, to the adjoining property of the same owner by reason of the improvement; (5) The excess, if any, of the total damages over the benefits; (6) The excess, if any, of the benefits over the total damages; * * * a majority of such jury may render such verdict or appraisalment of damages and shall sign the same. Any technical error in such verdict may be immediately corrected with the assent of the jury and they shall be thereupon discharged and their verdict filed by the magistrate. In case the

jury shall fail to find a verdict another jury shall be selected, summoned, sworn and proceed in the same manner.

Section 902. If the verdict of the jury first called find it necessary to take such land or any part thereof the village board may, upon return thereof to the clerk, enact an ordinance according thereto for laying out, changing, widening or extending and opening any such street, lane, alley, public ground, square or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such watercourse, or for the use or improvement of a harbor but shall not enter upon any such land therefor until the owner be paid in full the *excess, if any, of the total damages over benefits* awarded him by such verdict or appraisement, or such *excess of damages* be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to * * * *the owner of said lands* be deposited with the clerk to permanently remain subject to * * * *the order of such owner*. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the circuit court for damages, the village board may discontinue all proceedings theretofore taken, and the village shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the village except when they recover costs in the circuit court.

Section 903. 1. For the purpose of payment of the expenses, including *such excess of * * * damages and all other expenses* and costs incurred for the taking of private property and of making any improvement mentioned in the last preceding section the village board may, by resolution, levy and assess the whole or any part of such expenses, as a tax upon such property as they shall determine is specially benefited thereby, *and they shall include in said levy the whole or any part of the excess of benefit over total damages, if any, as found by the verdict of such jury*, making therein a list thereof in which shall be described every lot or parcel of land so assessed with the name of the owner thereof, if known, and the amount levied thereon set opposite.

2. Such resolution, signed by the president and clerk, shall be published once in each week for two weeks in a newspaper published regularly in such village, or if there be no such newspaper three copies thereof shall be posted by the clerk in three of the most public places in such village, and a notice therewith that at a certain time, therein stated, the said board will meet at their usual place of meeting and hear all objections which may be made to such assessment or to any part thereof.

3. At the time so fixed the said board shall meet and hear all such objections, and for that purpose may adjourn from day to day, not more than three days, and may by resolution modify such assessment in whole or in part. At any time before the first day of November thereafter any party liable may pay any such tax to the village treasurer. On such first day of November, if any such tax remains unpaid, the village treasurer shall make a certified statement showing what taxes so levied remain unpaid, and file the same with the village clerk, who shall extend the same upon the tax roll of such village, in addition to and as part of all other village taxes therein levied on such land, to be collected therewith.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1917.

No. 128, A.]

[Published May 12, 1917.

CHAPTER 182

AN ACT to amend section 919cc of the statutes, relating to the power of villages in counties containing one hundred and fifty thousand inhabitants or more, to borrow money and issue bonds for certain purposes therefor.

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

SECTION 1. Section 919cc is amended to read: Section 919cc. In all villages situated in counties containing one hundred and fifty thousand inhabitants or more, the president and trustees may, for the purpose of the construction of main sewers, *surface or storm water sewers*, waterworks and electric lights and other parts of the work chargeable to the general fund provided for in this section, including all other municipal purposes for which bonds may be issued, borrow money to the amount of five per cent of the assessed valuation of the real and personal property in such village and issue negotiable corporate bonds therefor in the manner provided in sections 942 and 943 of the statutes. The proceeds of the sale of the said bonds shall be devoted and appropriated exclusively to the construction and maintenance of *such* sewers, waterworks, and electric lighting, including all other municipal purposes for which bonds may be issued, as in this section provided and shall be known as the general fund. The village treasurer shall not pay out any of said fund for any purpose other than the construction and maintenance of *such* sewers, waterworks and electric lighting and other municipal