

[No. 232, A.]

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CHAPTER 29.

AN ACT to amend chapter 365 of the private and local laws of 1864, entitled "an act to incorporate the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company," approved April 2, 1864.

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

SECTION 1. Chapter 365 of the private and local ^{Amended.} laws for the year 1864, is hereby amended by adding thereto the following sections:

SECTION 2. For the use and purpose of the construction and maintenance of a light-house thereon by the United States, it shall be lawful for said company to enter upon and take possession of the following described property, situate in Door county, to wit: Beginning on the shore of Green Bay, at the northeast (N. E.) corner of lot, three (3), section twenty-three (23), township twenty-eight (28) north of range twenty-five (25) east; thence south two (2) chains; thence west two (2) chains; thence north sixty degrees (60°), west seven and 50-100 (7.50) chains to the shore of the bay; thence eastwardly along the shore to the place of beginning; containing one and 10-100 (1.10) acres, more or less; together with the right of way for a road twenty-five (25) feet wide off from the east side of said lot three (3), from the southeast corner of said above described lot to the shore of the inner bay, twenty-six and 46-100 (26.46) chains more or less, said inner bay being known as Sawyer's Harbor, for the use and purpose of the construction and maintenance at said harbor of a boat house and coal shed and a wharf for landing supplies for the light-house, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided. The title to such land shall vest in the company, and the said company shall possess the fee simple thereof for the purpose only, of conveying the same to the United States for the erection of a light-house thereon, not for profit or emolument to said company.

SECTION 3. The said company may apply by its president or attorney to the judge of the circuit court of the said county of Door, and it shall be lawful for said judge, on the application of said company as aforesaid, either in term time or vacation, and at the cost of said company, to appoint three disinterested persons not of kin to the owner or owners thereof, re-

^{Estimate value of land.}

siding in the county where the lands are situated, whose duty it shall be to view and examine the land above described, or any portion thereof, taken by said company, with improvements, if any, thereon, and to estimate the value of the lands so taken and all damages which the owner or owners thereof shall sustain by reason of the taking of the same, taking into consideration the advantages, if any, as well as the disadvantages, to the said owner or owners by reason of the construction of said lighthouse. If for any cause the place of any or all the commissioners when appointed shall become vacant, such vacancy may be filled upon application to the judge above mentioned.

SECTION 4. And it shall be the duty of said company by its attorney to give two weeks' notice of its application to the said judge of the circuit court of the appointment of said commissioners by publishing the same two successive weeks, at least once a week, in a newspaper published in the county where the lands are situated, and the affidavit of the printer shall be legal evidence of such publication.

Shall take oath.

SECTION 5. The persons so appointed as commissioners, before entering upon the discharge of their duties, shall take an oath before some justice of the peace or other judicial officer, that they will support the constitution of the United States and of the state of Wisconsin and faithfully, according to the best of their ability, examine the land or lands so taken or required by said company, and impartially estimate and appraise the value of the same, and the damages or injuries which the owner or owners of each piece or parcel thereof shall have sustained by the reason of the taking thereof by said company, over and above the benefits and advantages which said owner or owners of each piece or parcel derive from the construction of said light house.

Shall give notice to owners
land.

SECTION 6. The said commissioners shall, before proceeding in the valuation and assessment of damages, give ten days notice in writing to the owner or owners of the land above described of the time and place where such valuation and assessment of damages shall be made, which notice shall be served on the owner or owners by delivering to them a copy thereof, or by leaving the same at their last and usual place of residence with some person of suitable age and discretion; but if said owner or owners, or any of them, shall be minors or *non compos mentis*, such notice must be served upon their guardian or trustee, if any there

be, or if none, then in such manner as the said judge shall direct. And if there be any unknown owner or owners, or owner or owners whose residence is unknown, or non-residents, then in such cases notice shall be served upon such person or persons by publishing said notice once a week for two successive weeks in some newspaper published in the county where the lands are situated, and the affidavit of the printer or publisher shall be legal evidence of such publication.

SECTION 7. When qualified, and notice to owners is given as required, said commissioners shall proceed to examine the premises and ascertain the value of such land and the amount of damages, if any, over and above the advantages, if any, which may accrue to such owners by reason of the taking and the construction of said light house, and they shall make a report in writing under their hands and seals to the clerk of the circuit court for said county of Door of such valuation and damages, if any, and shall deliver the same to said clerk within fifteen days after such report, who shall file the same; and in case no appeal is taken from such award within twenty days thereafter the clerk shall proceed to record the same at the expense of said company, and judgment of the court shall be entered in favor of said owner or owners and against said company for the amount of such award, and whereupon the said company shall pay the amount of such award to the owner or owners or to the clerk of the circuit court of said Door county for the benefit of said owners.

SECTION 8. Any party to the proceedings may, within twenty days after the filing of said report of the commissioners, appeal from the award to the circuit court, and from the circuit court to the supreme court in the same manner and with the like effect as provided in sections 1849 and 1850 of the Revised Statutes of 1878, in relation to appeals from awards for lands taken by railroad companies for right of way, and the provisions of said sections shall apply to appeals under this act so far as the same is consistent with the provisions of this act.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1882.