

CHAPTER 155.

[Published April 3, 1872.]

AN ACT to enable married women to transact business, make contracts, and sue and be sued, and to define the liabilities of husbands and wives.

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

Not liable.

SECTION 1. No marriage hereafter contracted shall render the husband liable for the payment of the wife's ante-nuptial debts.

Shall be her separate property.

SECTION 2. The individual earnings of a married woman except those accruing from labor performed for her husband or in his employ or payable by him shall be her separate property, and shall not be subject to her husband's control, nor liable for his debts.

May sue and be sued.

SECTION 3. Every married woman may sue in her own name, and shall have all the remedies of a single woman to recover the earnings secured to her by the next preceding section, and shall be liable to be sued as if she were single, for the recovery of her ante-nuptial debts, and in every case in which a judgment shall be recovered against a married woman for any cause, the collection thereof may be enforced by execution, or by any other process, action or proceeding allowed by law against judgment debtors, except an execution against her person.

Approved March 25, 1872.

CHAPTER 156.

[Published April 8, 1872.]

AN ACT to authorize the taking of lands for the use of charitable, educational and correctional institutions of this state.

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

May acquire title to lands.

SECTION 1. The state of Wisconsin shall have the power to take, acquire and hold the title to any and all

lands that may be necessary or required for the uses and purposes of any charitable, educational or correctional institution of the state, and shall pay therefor the actual cash value thereof. If the value thereof cannot be determined by mutual agreement, it shall be ascertained by appraisal and award of commissioners, as hereinafter provided.

SECTION 2. Whenever the board of trustees, board of regents, board of managers, or state prison commissioner, as the case may be, shall be unable to agree with the owner or owners, upon the amount of compensation to be paid for the lands required, or when by reason of the legal incapacity or absence of any such owner or owners, or other sufficient cause, no such agreement or purchase can be made without delay, the judge of the circuit court for the county in which such lands are situated, or the county judge of such county may, upon the application of such board of trustees, board of regents, board of managers or state prison commissioner, appoint three disinterested persons, residents of such county, as commissioners to appraise said land. Notice of such application shall be given by publication for three successive weeks in a public newspaper, published in said county, and the affidavit of the publisher or printer of such newspaper shall be evidence of such publication.

When unable to agree upon price, may appoint commissioners to appraise.

SECTION 3. The commissioners so appointed shall, before entering upon the discharge of their duties, take an oath that they will faithfully and according to the best of their ability, examine the land so required, and impartially estimate and appraise the value of the same, and make a report thereof.

Shall take oath.

SECTION 4. The commissioners shall give at least five days' notice of the time when they will proceed to view and examine the lands required, and determine the value thereof. Such notice may be served personally on such owner or owners, or by leaving a true copy thereof at his or their residence, if within the state. If such owner or owners, or any of them be minors, insane or *non compos mentis*, such notice may be served upon the guardian, trustees or committee of such person, if within this state. In all cases where such notice cannot be served as aforesaid, it may be served by the publication thereof for at least three

Shall give notice of time to view lands, and how notice served.

successive weeks in a newspaper printed in the county where such lands are situated.

Shall view and report valuation

SECTION 5. The commissioners shall, at the time fixed in said notice, proceed to view and examine said lands, and estimate and determine the value thereof, and they or a majority of them shall make a report of their valuation to the circuit court of said county, in writing, under their hands and seals, and file the same with the clerk of said court, within ten days after their appraisal. In case no appeal shall be taken from the report and valuation of said commissioners within thirty days after the filing thereof, a judgment may be entered thereon by said circuit court. Either party may appeal to the circuit court for said county from such report and valuation, within thirty days after the filing thereof with the clerk as aforesaid, by the service of a notice of such appeal upon the opposite party and upon the clerk of said court, and such appeal shall be tried in the same manner in which issues are tried in said court. The jury impaneled on the trial of such appeal, or if a trial by jury be waived, the court shall find the value of the land required, and the judgment of said court shall be entered accordingly. If the valuation of such lands as found by such jury or court shall be greater than that fixed by said commissioners, the court shall add to the value as found by such jury or court, the actual disbursements of the owner or owners on such appeal; but if the value of said lands as found by such jury or court shall be less than that fixed by said commissioners, the court shall deduct from the value so found by the jury or court, the actual disbursements of the state on such trial, and enter judgment for the residue.

Either party may appeal from report.

Trial and judgment on appeal.

May deposit and take possession.

SECTION 6. The board of trustees, board of regents, board of managers or state prison commissioner, as the case may be, or the state may, after the report of the said commissioner is filed, deposit with the clerk of said circuit court, for the use of said owner or owners, the amount fixed as the value of said lands in said report, and may thereupon take possession of said lands, and use the same, without awaiting the trial, upon any appeal taken from said report. Whenever a judgment shall have been entered by said circuit court, either upon the report of said commissioners, or upon an appeal

Title to vest in state.

from said report, and the amount of such judgment shall have been paid to such owner or owners, or shall have been deposited with the clerk of said court, for the use of such owner or owners, the title in fee simple to such lands shall vest in the state.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1872.

CHAPTER 157.

[*Published April 3, 1872.*]

AN ACT to revive and restore section six of chapter sixty-one of the revised statutes.

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

SECTION 1. That section six of chapter sixty-one of the revised statutes be and the same is hereby revived, restored and re-enacted, and declared to be in full force and effect. Revived.

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

Approved March 25, 1872.

CHAPTER 158.

[*Published April 4, 1872.*]

AN ACT to facilitate the payment of indebtedness to the state.

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

SECTION 1. In case any county in this state shall hereafter fail, neglect or refuse to pay to the state treasurer the whole or any part of any state tax which may have been by law apportioned to and levied upon such county, such county so failing, refusing or neg- Shall pay interest on unpaid tax.