

[No. 10, A.]

[Published April 5, 1881.]

CHAPTER 250.

AN ACT to authorize the city of Milwaukee to take and acquire, by condemnation or by purchase, the use of lands within or without the limits of the city, for the purpose of extending water pipes and sewers, upon along or through the same.

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

Council may take and acquire lands for use in laying pipe.

SECTION 1. Whenever the common council of the city of Milwaukee, shall, with the concurrence of three-fourths of the members elected thereto, declare by resolution that it is necessary for the public interest to extend any water pipe or any sewer below the surface of the ground, upon, along or through any lands, either within or without the limits of said city, the said common council shall have the authority to take and acquire the use of such lands for such purposes or for either such purpose, by proceeding, in all respects, in relation to such taking and acquiring for such use, as is provided in chapter six of the charter of said city, being chapter six of chapter one hundred and eighty-four of the laws of 1874, in reference to the taking of lands for public use without petition, except in those respects in which a different provision is especially made in this act.

Board of public works to determine damages.

SECTION 2. The board of public work, in making its award to the owners of the property, in which such use as is herein named shall be acquired, shall determine the injury arising to the owners thereof respectively, in consequence of the taking and acquiring of such use, but it shall not be necessary to make any estimate of benefits from such use either to such owners or to other lands.

Tender of money for damages, how made

SECTION 3. Whenever the damages awarded to the owners of any lands, the use of which, for the purposes specified in this act or for either of such purposes, is sought to be taken and acquired by said city, shall have been paid or tendered to such owner, or when sufficient money, for that purpose, shall have been provided in the hands of the city treasurer, and shall be ready to be paid over to such owner, and ten days' notice thereof shall have been given by the board of public works, in the official papers, the said city shall thereupon and thereby acquire and have the right to the use of such lands for such purpose forever, and its proper officers or any contractor, or other person, acting under the authority of said city, or of its proper officers, shall have the

right to lay and construct sewers or water pipes, or both, in, through, and along such lands, and may lawfully enter upon the same with men and teams, as may be necessary or convenient for doing such work, and may dig upon and otherwise prepare such lands for the use for which they are so taken and acquired, doing no unnecessary damage thereby, and may place, lay, and maintain water pipes, or sewers, or both therein, and may, at any and all times, enter upon said lands, with men and teams, as may be necessary or convenient, for the purpose of taken up, relaying, repairing, removing or in any way modifying such water pipes or sewers, or both, doing no unnecessary damage thereby, provided, that it shall be the duty of said city or its officers, or any contractor other person doing any work on lands under the provisions of this act, upon the completion of such work, to restore such lands to the same condition in which they were before such work was done, as nearly as it is practicable to do so, provided further, that no sewer shall be extended into or through any ward from any other portion of said city, by virtue of this act, without the previous consent of the aldermen of said ward in writing, filed in the office of the board of public works.

SECTION 4. In addition to the power to acquire the use of lands for the purposes named in this act, by condemnation as herein above provided, the city of Milwaukee is hereby empowered and authorized to acquire such use of any lands either within or without the limits of said city, by grant or conveyance by deed, in all cases where the terms of a purchase shall be agreed upon, between the city and the owner of any such lands.

Additional powers.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1881.

[No. 135, A.]

[Published April 8, 1881.]

CHAPTER 251.

AN ACT to amend section one thousand two hundred and fifty-two of the revised statutes, relating "to the collection of poll taxes."

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

SECTION 1. Section one thousand two hundred and fifty-two of the revised statutes, is hereby amended by adding to said section at the end thereof as the same

Full tax may be sued for and collected with damages.