

No. 155, A.]

[Published May 4, 1891.

A. ]

## CHAPTER 305.

AN ACT to amend chapter 134, of the laws of 1889, relating to the charter of the city of Onalaska.

(See Vol. 2.)

No. 674, A.]

[Published April 24, 1891.

## CHAPTER 306.

AN ACT providing for condemnation of lands in certain cases.

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

Land for use  
of county, how  
acquired.

SECTION 1. Whenever, in the opinion of the county board of supervisors of any county in this state, the county shall require any lands for the use of a court house, jail, house of correction, poor house, hospital, or county asylum for the chronic insane, and the county board shall be unable to agree with the owner, upon the amount of compensation to be paid therefor, or when, by reason of the legal incapacity or absence of any such owner, or other sufficient cause, no such agreement or purchase can be made without delay, the judge of the circuit court of the county in which such lands or any part thereof, are situated, may upon application in writing of any such board, containing a description of the lands so required, appoint three disinterested persons, residents of such county, commissioners to appraise said lands. Ten days' notice of such application, containing a description of the lands required, shall be personally served upon the owner, or given by publication for three successive weeks in a newspaper published in said

county. Upon such application, and upon a like notice of motion therefor, such judge may make an injunctive order, restraining the owner or any other person from cutting or injuring any of the timber growing on the land required, or committing any other waste thereon, during the pendency of said proceedings, if it be made to appear that the destruction of such timber, or other waste, will seriously impair the value of such land for the uses for which it is required. A violation of such order shall be punishable in the same manner as the violation of an order made by a circuit judge at chambers.

SECTION 2. 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 lands so required, and impartially estimate and appraise the value of the same. They 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 the owner, or by leaving a true copy thereof at his place of residence, if within the state. If any owner be a minor, an idiot or an insane person, such notice may be served upon the guardian of such owner, if he have any such within this state; and in all other cases, it may be served by publication thereof, for at least three successive weeks in a newspaper published in the county where such lands are situated.

Appraisers to give notice.

SECTION 3. 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 file the same with the clerk, within ten days after their appraisal. In case no appeal shall be taken from the report and valuation of said commissioners, a judgment may be entered thereon by said circuit court. Either party may appeal to the circuit court from such report and valuation, within thirty days after the filing thereof with the clerk, as aforesaid, by filing in the clerk's office a written notice of appeal. Thereupon, such appeal shall be considered

Report of appraisers and appeal therefrom.

an action pending in said court, in which the land owner shall be plaintiff and the county defendant; and all the proceedings in such action shall be taken in the manner provided in sections 1849, 1850 and 1855, chapter 87, revised statutes, so far as applicable. The title to all lands so taken, upon payment of the compensation finally awarded, shall vest in the county in fee simple.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1891.

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No. 411, A.]

[Published May 1, 1891.]

## CHAPTER 307.

AN ACT making an appropriation to the state fish commission, for enlarging the State Fish Hatchery.

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

Appropriation  
to build.

SECTION 1. The commissioners of fisheries are hereby authorized to erect a suitable building or buildings on, and otherwise improve, the grounds of the state fish hatchery, in the town of Fitchburg, county of Dane, for the purpose of enlarging their facilities for the hatching of fry; and there is hereby appropriated, for this purpose, from the state treasury, out of any moneys not otherwise appropriated, a sum not to exceed five thousand dollars, the same to be expended under the direction of the commission.

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

Approved April 17, 1891.