

**THE FOURTH CLASS CITY ACT (EXCERPT)**  
**Act 215 of 1895**

**105.9 Probate court; verdict of jury; contents, necessity, damages.**

Sec. 9. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall separately award to the owners of such property and others interested therein such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—Am. 1899, Act 136, Imd. Eff. June 21, 1899;—CL 1915, 3144;—CL 1929, 2068;—CL 1948, 105.9.