

liable shall have been returned unsatisfied in whole or in part. When such execution shall have been so returned, then such judgment may be enforced against such city or municipal corporation or towns for whatever amount shall remain uncollected or unpaid thereon.

SECTION 2. If any action shall be brought against any city or municipal corporation, as mentioned in the preceding section, and such city or municipal corporation shall answer that it is not primarily liable therefor, showing who is, and the person or corporation thus shown to be so primarily liable shall not have been made a party, the plaintiff may amend as provided by section 2834, of the revised statutes. And if any action shall be brought against any person or corporation, not making such city or municipal corporation a party, the plaintiff may amend in like manner by making such city or municipal corporation a party.

Additional parties defendant may be added.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 39, S.]

[Published April 23, 1889.]

CHAPTER 472.

AN ACT relating to the loss or destruction of records pertaining to school districts.

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

SECTION 1. Whenever the record of the formation or establishment of boundaries of any school district in this state shall be lost or destroyed, the town board of the town, trustees of the village, or common council of the city in which such district lies shall have power to make a new record of the boundaries of such school district by a written order, made and entered in the records of such town, village or city. Whenever the town board, trustees of the village or

Loss or destruction of records pertaining to school districts—new records may be made.

Notice to be given clerk.

common council of the city shall contemplate making such new record they shall give at least five days' notice in writing to the clerk of the district to be affected thereby, stating in such notice the time and place when and where they will be present to decide upon and make such new record, and such clerk shall immediately notify the other members of the board. In all cases where such new record shall be made, the order constituting the same shall within three days be entered in the records of the proper town, village or city, and the clerk thereof shall within the same time file a copy of such order with the clerk of the school district affected thereby. Any number of districts as to which the records are so lost or destroyed may be included in one order or notice. In case of the loss or destruction of the records pertaining to a joint school district, the clerk of the town, city or village shall procure and record a certified copy of the records of other towns, cities or villages, relating to such joint district, or the common council of the city, trustees of the village, or town boards of the towns in which such joint school district lies, may meet and act together in the making of any new record of the boundaries of such joint school district. An order made pursuant to this section or the record thereof, shall be presumptive evidence of the regularity of the proceedings prior to the making thereof of the legality of the formation of the district affected, of the boundaries thereof, and of the loss or destruction of the record of the formation or establishment of the boundaries of such school district. Parties conceiving themselves aggrieved by any decision made under the provisions of this act may appeal therefrom in the manner provided by section 497, of the revised statutes.

How done in joint district.

Appeal may be had.

To what may apply.

SECTION 2. This act shall be so construed as to apply to cases of loss or destruction of records which have heretofore occurred or may hereafter occur.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.