

No. 539, A.]

[Published April 29, 1909.]

**CHAPTER 74.**

AN ACT to amend section 671 of the statutes. relating to division of towns.

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

**SECTION 1.** Section 671 of the statutes is amended to read: Section 671. When thirty or more freeholders, residents of any town and at least one-third of the legal voters thereof, shall petition the county board for a division of such town, such petitioners shall, at least twenty days before the next annual town meeting, file a copy of such petition with the clerk of such town, who shall, at least ten days before such town meeting, give notice that the question of the division of such town will be voted upon at such meeting by posting notices thereof, showing the manner in which it is proposed to divide such town, in four public places in each proposed subdivision thereof. The vote shall be by ballot and those voting in favor of the division shall vote a ballot containing the words "for division," and those voting against the division a ballot containing the words "against division." The voters residing in each of the proposed subdivisions shall vote separately, and if a majority of the votes cast in either subdivision shall be in favor of division the town clerk shall certify the fact to the county clerk, and thereupon the county board shall have power to divide such town accordingly. But no town shall be divided so as to constitute or leave any town of less than thirty-six sections according to United States survey, unless each such town, after division, shall have real estate valued at the last preceding assessment at \* \* \* *one hundred* thousand dollars or more and \* \* \* *fifty* qualified voters resident therein at the time of division; and no town shall be divided or have any part detached therefrom so as to make its area less than thirty-six sections as aforesaid, except when a majority of the votes cast in one or both such subdivisions as aforesaid shall be in favor of such division. Every town shall be considered and held to be and to have been duly organized which has exercised or shall hereafter exercise the powers, functions and franchises of a town for a period of \* \* \* *one year* \* \* \*. The validity of any order, ordinance or proceeding purporting to organize or set off any new town or to change the boundaries of any existing town or towns may be tested by certiorari or any other proper proceeding

brought directly for the purpose of vacating such order, ordinance or proceeding by the proper officer or by any person owning taxable property in any town purporting to be so organized, set off, enlarged or diminished at any time within \* \* \* one year \* \* \* after the date of such order, ordinance or proceeding. No such order, ordinance or proceeding shall in any wise be called in question in any action or proceeding except one brought directly for that purpose within the time herein limited, unless such order, ordinance or proceeding shall have been vacated by a court of competent jurisdiction.

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

Approved April 28, 1909.

No. 650, A.]

[Published April 29, 1909.

## CHAPTER 75.

AN ACT to amend section 11 of chapter 249, laws of 1895, relating to the jurisdiction of the county court of Lincoln county.

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

SECTION 1. Section 11 of chapter 249, laws of 1895, is amended to read: Section 11. The county judge may appoint a phonographic reporter, skilled in the art of shorthand reporting, for said court, and may remove him at pleasure and appoint another in his place. Every person so appointed shall be deemed an officer of said court, and shall, before entering upon the duties of his office, take and subscribe the constitutional oath and file the same, duly certified, with the clerk of the circuit court of Lincoln county. The reporter shall attend said county court whenever requested by the county judge, and perform such duties as the county judge may require. The reporter's notes shall be filed in lieu of the minutes required by law to be taken by justices of the peace in like proceedings; provided, that in case of appeal in civil actions, said reporter, when requested by the appellant, shall file a transcribed copy of his notes, which shall be returned as the testimony in the case; and the fees for transcribing said testimony, not exceeding five cents per folio, shall be taxed as part of the judge's fees in the case. Said reporter shall receive such compensation for taking testimony as shall be fixed by the county judge, not exceeding three dollars per day for each day's actual attendance, and two dollars for each half day's attendance on said court, which amount