

amendment shall become a part of the constitution of this state.

SECTION 2. The form of the ballot in voting to approve and ratify said amendment shall be: "For the amendment to section 1 of article 3 of the constitution." And the form of the ballots against said amendment shall be: "Against the amendment to section 1 of article 3 of the constitution." They shall be on separate ballots, and said ballots shall be cast in separate boxes, to be provided for that purpose, and all persons qualified to vote at any election in this state shall be deemed voters on this question. Form of ballot.

SECTION 3. The votes cast for or against said amendment, shall be counted and returned by the inspectors of the election in all respects as votes for state officers are counted and returned, and the officers in counties now designated by law to canvass the returns of votes for state officers, shall canvass the returns in their respective counties on this question, and certify and return the result to the state canvassers at the same time and places, and under the same regulations and restrictions, now provided by law for canvassing and declaring the returns for elections of state officers, and the state canvassers shall canvass said returns, certified to them as provided by law in case of elections for state officers. Votes, how counted.

SECTION 4. Within three days after the determination of said canvass by the state canvassers, they shall certify the result thereof to the governor, who shall thereupon, without delay, make proclamation of the result. Determination of canvass.

SECTION 5. The secretary of state is hereby required to include the substance of this act in the notice of the general election for the year 1882. Election notice.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 223, S.]

[Published April 12, 1882.]

CHAPTER 273.

AN ACT in relation to liens upon logs, lumber and timber.

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

SECTION 1. In any action which has been or shall hereafter be commenced for the enforcement of a lien Lien upon logs, etc.

upon logs, timber or lumber, under any law of this state, any person not a party to such action may, at any time either before or after judgment, and before an actual sale of the property upon which a lien is claimed, become a party defendant to said action by filing with the clerk of the court where such action is pending, or with the justice of the peace in actions pending in justices' courts, an affidavit made by such person, or by some one in his behalf, to the effect that he is the owner of or of some interest in the property upon which a lien is claimed, and that he verily believes that said claim for lien is unjust and invalid, and upon filing such affidavit he shall have the right to defend said action so far as a claim for lien is concerned, and in case judgment has previously been rendered for a lien, he may appeal within twenty days after the filing of such affidavit as in other cases.

Appeals.

SECTION 2. If such party appeals from the judgment, such appeal shall not stay execution unless the appellant shall file an undertaking with two or more sufficient sureties, who shall each justify in a sum equal to double the amount of the judgment, to the effect that if plaintiff recover judgment for a lien upon such property, that they, such sureties, will pay the amount of such judgment with costs. Said undertaking shall be approved by the judge of the appellant court. Upon filing such undertaking all proceedings upon the judgment appealed from shall be stayed during the pendency of such appeal, and in case execution shall have been previously issued, the same shall, upon presenting to the officer in whose custody the same may be a certified copy of such affidavit and certificate of the justice or clerk of the court that an appeal has been perfected, be returned, and all property in which appellant shall claim an interest, that may have been levied upon, shall be released from such levy.

Trial in appellate court.

SECTION 3. If upon the trial in the appellate court the plaintiff shall recover judgment of lien upon such property, such judgment may be entered against the appellant and their sureties; if upon such trial the plaintiffs do not establish their right to a lien, the said appellants shall recover judgments for costs.

Appeal of judgment.

SECTION 4. When the judgment to be appealed from is one rendered in justice's court, and when by reason of the death of such justice, or his absence from the county, or any other cause, the said affidavit and undertaking cannot be presented to him, they may with notice of appeal and affidavit upon appealed, be

filed with the clerk of the court to which such appeal is taken, within the time aforesaid.

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

Approved March 20, 1882.

[No. 175, S.]

[Published April 13, 1882.]

CHAPTER 274.

AN ACT to amend chapter 257 of the laws of 1881, entitled "an act amendatory of sub chapter 6 of chapter 111, of the private and local laws of 1867, relating to the charter of the city of Hudson."

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

SECTION 1. Section 2 of chapter 257, of the laws ^{Amended.} of 1881, is hereby amended by inserting after the word "out," where the same occurs in the second line of said section the words "open, alter, vacate and discontinue," and by striking out the words, "as follows" where the same occur in the third line of said section.

SECTION 2. No public grounds, streets, alleys or <sup>Vacating pub-
lic grounds.</sup> highways within said city shall be vacated or discontinued by the common council, except as follows: Whenever ten or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to vacate or discontinue any street, alley or highway, or any part thereof within the ward where said petitioners reside, which petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways, or part thereof proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of said city for four weeks, at least once in each week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day and place therein specified, not less than ten days from the expiration of such publication. The common council or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said mat-