

[No. 238, A.]

[Published April 13, 1889.]

CHAPTER 341.

AN ACT relating to villages incorporated under chapter 40, of the revised statutes, and acts amendatory thereof; and declaring the proper construction of chapter 391, of the laws of 1887.

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

When villages to act separate and independent of town.

SECTION 1. Until proceedings have been taken under this chapter for the purpose of determining whether any village organized under chapter 40, of the revised statutes, and a town within which such village may be situated, shall be separate and independent municipalities, or shall be united for town purposes, it is hereby declared that all villages which have elected an assessor pursuant to chapter 391, of the laws of 1887, shall be separate and independent from the town; and that all villages which have not elected an assessor pursuant to said chapter shall be deemed to be a part of the town for town purposes, the same as though said chapter 391, of the laws of 1887, had not been enacted.

Special election may be held to determine.

SECTION 2. Whether any village organized under chapter 40, of the revised statutes, shall be an independent municipality from the town in which it is situated shall depend upon the decision of such village and such town, separately made by special elections, to be held in the village and town; and in case the village shall be a separate and independent municipality, as provided in section 1, of this act, then it shall so remain separate and independent until both the town and the village shall, by a majority vote, determine that they shall become united for town purposes; and in case the village shall not be an independent municipality as declared by section 1, of this act, then it shall not become an independent municipality until so determined by a majority vote of both town and village as above provided.

How special election may be had.

SECTION 3. Upon petition of not less than thirty electors, fifteen of whom shall reside within the village and fifteen within the town, ad-

dressed to the president and board of trustees of the village, and the board of supervisors of the town, requesting that special elections be held in such village and town, for the purpose of determining whether they shall thereafter be separate and independent municipalities, or whether they shall unite, as the case may be, such president and board of trustees of the village and the board of supervisors of the town shall, separately, by resolution, fix a time and place for the holding of the special election in such village and town respectively as herein provided, and the clerks of said village and town shall give notice of such special election in their respective municipalities, in the manner provided by law for giving notice of special elections therein. Such special elections shall be conducted by the same officers and in the same manner, and be held open the same length of time as the annual election of officers in the village and town respectively. Printed ballots shall be supplied by the clerks of the town and village respectively, for their separate municipalities, which shall (where the village is at the time of such election a part of the town) read, "for separation" and "against separation;" and, where the village is independent of the town, "for a union" and "against a union." In case the village and town shall each, by a majority vote, at such election determine to unite or separate, as the case may be, they shall thereafter be separate and independent, or shall be united for town purposes in accordance with such determination. If the result of such election held in the village and town respectively, shall be different, then no change in the status of the village shall be made; and not more than one election shall be held by virtue of this chapter during the same year.

Form of ballot
and canvass of
vote.

SECTION 4. Whenever any village organized under chapter 40, of the revised statutes, shall have been a part of the town for town purposes, and such village and town shall have determined, under the provisions of this chapter to become separate and independent municipalities, and such village and town have prior to such separation, owned property jointly and together, such joint property shall be divided

Joint property,
how divided be-
tween town and
village on sepa-
ration.

between said village and town in proportion to the equalized valuation of the property of said village and town, as fixed and determined by the county board of supervisors of the county in which they are situated, being the last equalization made by said county board previous to such separation; and in making such division, if the property held is real estate situated within either the village or town, then such real estate shall belong to the municipality in which it is situated; and such municipality shall pay to the other its proportion of the value thereof; and in case the authorities of said village and town cannot agree upon the value of such real estate, or upon the value of any indivisible property held jointly, then the authorities of either such village or town may, upon five days' notice of the time and place, apply to the county judge of said county, whose duty it shall be to appoint the arbitrators, as hereinafter provided, for the appointment of three arbitrators, who shall be freeholders of said county, and not residents or tax-payers of said village or town, who shall be duly sworn to perform the duties of the trust imposed upon them; and such arbitrators shall view the property and appraise and fix the value thereof, for the purpose of such division, and in case of personal property, if no satisfactory arrangements can be otherwise made, the same shall be sold at auction to the highest bidder, the village or town having the right to bid at such sale. It is further provided that when any village has already become an independent municipality, as provided in section 1, of this act, and such village, before such separation, owned property jointly with the town, and such property rights have not been adjusted, then the same may be determined and settled in accordance with the provisions of this section.

To constitute
separate elec-
tion district.

SECTION 5. Every village declared by this chapter to be a separate and independent municipality, shall constitute a separate election district within the meaning of section 15, of the revised statutes; and when the village is a part of the town, then they shall constitute but one election district; provided, however, that nothing herein shall be construed to prevent the town board from exercising the powers conferred by section

27, of the revised statutes and acts amendatory thereof.

SECTION 6. Whenever any officer has been elected in any village, or in any town within which such village is situated, such officer shall hold office until the next annual meeting in such village or town for the election of officers, notwithstanding such village and town may have voted to unite or separate subsequent to his election.

Officers to hold till next town meeting.

SECTION 7. Villages organized under special acts and towns in which such villages are located may exercise powers conferred upon incorporated villages and towns by chapter 391, of the laws of 1887, and by this act.

Villages and towns may exercise powers conferred.

SECTION 8. All acts and parts of acts contrary to the provisions of this act are hereby repealed.

Repeal.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1889.

[No. 126, A.]

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CHAPTER 342.

AN ACT to amend section 677, of chapter 36, of the revised statutes of 1873, entitled, "of the county board," and section 1026, of chapter 47, of the revised statutes of 1873, entitled, "of the registration of marriages, births and deaths."

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

SECTION 1. Section 677, of the revised statutes is hereby amended by striking out the word, "and," in the first line, and by inserting after the word, "interpreters," in the same line, the words, "and physicians or other persons, who are entitled to receive from the county fees for the reporting, to the register of deeds, of births or of deaths which have taken place under their care," so that said section, when so amended, shall read as follows: Every person except jurors, witnesses, in-

Amending sec. 677, R. S.