

as though the claim had arisen through the action of town boards of supervisors in forming and organizing such school districts.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1889.

[No. 93, A.]

[Published April 20, 1889.]

CHAPTER 471.

AN ACT relating to actions against municipal corporations and others, in certain cases.

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

Actions against
municipal cor-
porations for
injuries result-
ing from
defects in
highways,
streets, etc.,
who properly
liable—pro-
ceedings in.

SECTION 1. Whenever any injury has happened or shall happen to any person or property in any city or municipal corporation or towns by reason of any defect in any highway, street, alley or public ground; or for any other cause for which such city or municipal corporation or towns would be liable, and such defect, incumbrance or other cause of such injury shall be caused by, arise from, or be produced by the wrong, default or negligence of any person or corporations or towns, such person or corporation or towns so guilty of such wrong, default, or negligence, shall be primarily liable for all damages arising from such injury; but such city or municipal corporation or towns may be sued in the same action with the one so primarily liable and be complained against as if primarily liable. If said city or municipal corporation or towns shall answer that it is not primarily liable, showing who is, and the verdict or finding shall be that it is liable, but not primarily, then the court shall enter judgment for the amount stated in the verdict or finding against all the defendants against whom the verdict shall be found or the finding shall be made; but the court shall stay execution against such city or municipal corporation or towns, until execution against those found to be primarily

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 22, 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.