

No. 262, S.]

[Published March 27, 1891.

CHAPTER 63.

AN ACT relating to and amendatory of chapter 247 of the laws of Wisconsin for the year 1878, and acts amendatory thereof relating to the charter of the city of Fort Atkinson.

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

Amends chapter 247, laws of 1878.

SECTION 1. Section 1 of chapter 2 of chapter 247 of the laws of 1878, is hereby amended by inserting after the words "of range number fourteen east" where they occur in the sixth line of said section the words "and the southeast quarter of section thirty-three, and the southwest quarter of section thirty-four, township six north, of range number fourteen east" so that said section when so amended shall read as follows: Section 1. All that district of country in the town of Koshkonnong, and county of Jefferson, in the state of Wisconsin, included within the following described territory, to wit: The east half of section four, and the west half of section three, township five north, of range number fourteen east, and the southeast quarter of section thirty-three, and the southwest quarter of section thirty-four, township six north, of range number fourteen east, shall be included in and constitute the limits of the city of Fort Atkinson.

Boundaries of Fort Atkinson defined.

Amends chapter 247, laws of 1878.

SECTION 2. Section 2 of said chapter 2, of chapter 247, of the laws of 1878, is hereby amended by striking out the word "three" where it occurs in the second line of said section and inserting in place thereof the word "four." Also by striking out the word "and" where it occurs in the third line of said section, after the word "second." Also by inserting after the word "three" where it occurs in the third line of said section the words "and fourth." Also by striking out all of said section after the word "ward" where it occurs in the ninth line of said section, and by adding to said section as hereinbefore amended, the following: "And all that portion of said city lying north of Rock river and east of the section line between

sections three and four and between sections thirty-three and thirty-four shall be and constitute the Third ward; and all that portion of said city lying north of Rock river and west of the section line between sections three and four and between sections thirty-three and thirty-four, shall be and constitute the Fourth ward of said city." So that said section, when so amended, shall read as follows:

SECTION 2. The said city is hereby divided into four wards, to be called and known as the First, Second, Third and Fourth wards, and limited and bounded as follows, to-wit: All that portion of said city lying south of Rock river and east of the center of Main street shall be and constitute the First ward; all that portion of said city lying south of Rock river and west of the center of Main street shall be and constitute the Second ward; and all that portion of said city lying north of Rock river and east of the section line between sections three and four, and between sections thirty-three and thirty-four shall be and constitute the Third ward; and all that portion of said city lying north of Rock river and west of the section line between sections three and four and between sections thirty-three and thirty-four, shall be and constitute the Fourth ward of said city.

Wards and their boundaries.

SECTION 3. Sections 3, 4, 7 and 9 of chapter 4, of chapter 247, of the laws of 1878, are hereby amended so as to read as follows: Section 3. The mayor and any three aldermen of said city shall preside at and be the judges and inspectors of every election held under this act. The clerk of said city, hereinafter provided for, together with three electors of said city, appointed by the inspectors, shall be the clerks of every such election. In case of the absence of the city clerk, the inspectors may also appoint an elector of said city to act as such clerk at such election, and in case of the absence of the mayor and three of the said aldermen in time to properly open the polls, the qualified voters of the city there present may choose from among their number one or more persons, as the case may be, to act as inspectors in place of the absent mayor or aldermen. The clerks and inspectors shall take and subscribe an oath, in the same

Amends chapter 247, laws of 1878.

Mayor and alderman to serve as inspectors of election; clerks of election, who to act.

form and to the same effect, as near as may be, as the oath required to be taken and subscribed by clerks and inspectors of general elections, under the laws of this state. The clerk shall keep a list of the names of persons voting, as hereinafter provided, and all elections under this act shall be conducted in the same manner, as far as may be, in accordance with the provisions of this act, as general elections are conducted under the laws of this state, and the plurality of votes shall in all cases decide the election.

Ballot boxes.

SECTION 4. The common council of said city shall provide four ballot boxes numbered one, two, three and four to correspond with the wards aforesaid to be used at all elections under this act.

Election to be by ballot; ward to be designated for which candidates are to be elected.

SECTION 7. All elections by the people shall be by ballot, on which the names of all persons voted for shall be written or printed, and when any aldermen, or supervisors to represent the several wards of said city in the county board of supervisors are to be elected at any election, the ballot shall designate the number of the ward from which such aldermen or supervisors are to be elected. At each annual election the inspectors of election shall cause four poll lists to be made and numbered one, two, three and four to correspond with the four wards hereinbefore provided for, and the inspectors of election at the opening of the polls shall designate which of the four clerks of election shall have charge of the poll list for each of the said wards respectively. Every person, when he presents his ballot, shall give his name and the number of the ward in which he resides, and the clerk of election who has charge of the poll list of the ward in which he resides, shall enter his name on the list, numbered so as to correspond with the number of the ward of which said person is a resident. The ballot of each elector shall be deposited in the box numbered to correspond with the ward wherein he resides, and no ballot which shall be deposited in a box other than the one corresponding in number to the ward wherein the person named in such ballot for aldermen or supervisors resides shall be counted. Immediately after the closing of the polls, the ballots in each box shall be counted separately by

the inspectors and clerks, and the two persons named on the ballots in any box for aldermen, and the one named thereon for supervisor, who shall have received a plurality of all the votes cast by the electors of the ward corresponding in number with the box, shall be declared elected aldermen and supervisor of such ward; and the persons who shall receive a plurality of all the votes of the electors of said city for the office of mayor, police justice, city clerk and city treasurer, shall be declared elected to such offices respectively. When two or more candidates of an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the common council, at such time and in such manner as the common council shall direct.

The vote to be determined by casting of lots.

SECTION 9. Immediately after the counting of the ballots at any election under this act, the inspectors and clerks of election shall, under their hands, make a written statement of the result of such election and attach thereto the oaths of the inspectors and clerks, and the four poll lists kept at such election, and shall cause the same to be filed in the city clerk's office, and the said statement shall be recorded in the records of said city by the city clerk; and the said statement shall be *prima facie* evidence in all courts and before all tribunals, of the statements therein contained. Immediately after filing such statement the city clerk shall make out and deliver to each person who appears by such statement to to have been elected to any office, a certificate of election under his hand and the seal of said city.

Statement of result; same to be prima facie evidence.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Previous acts repealed.

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

Approved March 24, 1891.