

proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for or in respect to the same.

SECTION 195. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the judge of the circuit court of Marathon county may, upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any public grounds, street or alley, shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Appointment of guardian.

SECTION 196. The common council shall have the power to vacate or discontinue, in whole or in part, any highway, street, alley or public walk, within the corporation limits of the city: provided, however, the necessity of so vacating or discontinuing of the same shall be first established by a verdict or report of a jury in like manner as is provided for laying out public squares, grounds and streets in this chapter.

Vacating streets, alleys, etc.

SECTION 197. The cost of all proceedings under this chapter shall be paid by the city, and shall be estimated as follows: The jurors shall be entitled to one dollar per day for each day's attendance; the judge or court commissioner, in full for his services in any one case, five dollars; the marshal, ten cents for each service; the printer shall be paid according to legal rates.

Compensation for services.

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

Approved March 11, 1881.

[No. 106, A.]

[Published March 15, 1881.]

CHAPTER 72.

AN ACT to amend section four thousand six hundred and thirty-three of chapter one hundred and eighty-eight of revised statutes, entitled "crimes and the punishments thereof."

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

SECTION 1. Section four thousand six hundred and thirty-three, of the revised statutes, is hereby amended

Imprisonment for non payment of fine and costs.

so as to read as follows: Section 4633. When a fine is imposed as the whole or any part of the punishment for any offense, by any law, the court shall also sentence the defendant to pay the costs of the prosecution, and the costs incurred by the county at request of the defendant, and to be committed to the county jail until the fine and costs are paid or discharged; but the court shall limit the time of such imprisonment in each case in addition to any other imprisonment, in its discretion, in no case, however, to exceed six months; and the court may also issue an execution against the property of the defendant for said fine and costs.

Approved March 11, 1881.

[No. 113, A.]

[Published March 15, 1881.]

CHAPTER 73.

AN ACT to amend chapter one hundred and ninety of the general laws of 1879, entitled an act relating to the division of towns and amendatory of section six hundred and seventy-one of the revised statutes of 1878.

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

Division of
towns.

SECTION 1. Section one of chapter one hundred and ninety of the laws of 1879, entitled: "An act relating to the division of towns and amendatory of section six hundred and seventy-one of the revised statutes of 1878," is hereby amended by adding at the end of said section one, the following, to-wit: *provided, however,* that the provisions of this section shall not apply to the formation of a new town from territory taken from two or more towns, or to detaching territory from one town and annexing the same to another upon petition of one-third of the freeholders resident within the territory to be detached, in case each such town, after division, contains an area of not less than thirty-six sections as aforesaid, and real estate valued at the last preceding assessment at thirty thousand dollars or more, and twenty-five qualified voters resident therein at the time of division.

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

Approved March 11, 1881.