

in an unauthorized company shall, in the event of the failure of such unauthorized company to pay any claim or loss arising under its policy, become personally liable to the assured for the amount of such claim.

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

Approved April 23, 1897.

No. 58, S.]

[Published April 28, 1897.

CHAPTER 312.

AN ACT to regulate the nomination of candidates.

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

SECTION 1. Caucuses and meetings of political parties held for the purpose of nominating candidates, or choosing delegates to assemble in convention to nominate any person for any public office, to be voted for at any general or municipal election, held in all cities in this state, except as hereinafter provided, whether operating under general or special charter, and at all general, municipal, town and village elections in counties having a population of two hundred thousand or more, and all meetings for nominating candidates, or choosing delegates to the conventions to nominate candidates, to be voted for at such elections, commonly called caucuses, unless held under the provisions of this act, are hereby declared to be unlawful, and no political party shall have its political ticket

Caucuses and political meetings to be held in accordance with the provisions of this act to be lawful.

placed upon the official ballot or canvassed at such election, unless the nominations of its candidates are made in accordance with the provisions of this act. The meetings of electors in any town, village or ward, held for the purpose of nominating candidates or choosing delegates as aforesaid, are hereby defined as caucuses and declared to be such, and any person who shall vote, or offer to vote at any such caucus, unless at the time he shall be a qualified elector of the caucus district for which said caucus is held, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished in the manner hereinafter provided. The provisions of this chapter shall not apply to municipal elections held in cities of the third and fourth class, until such cities shall have adopted the same, as provided for in section 11, of this act.

Officers of
political parties to be filed
with the city
or county
clerk.

SECTION 2. Every political party desiring to nominate candidates to be voted for at any election as hereinbefore provided, shall file with the county or city clerk the name of the chairman, secretary and members of the county or city committee of such political party, who shall be electors of such county or city, and shall have been elected by the county or city convention called for the purpose of nominating candidates to be voted for in said county or city at any such election, and the names of such members of the county or city committee shall be embodied in the nomination papers filed with the county or city clerk, certifying the nomination of candidates, and the term of office of all such members of the county or city committee shall commence immediately after such nomination papers have been filed. The respective county or city committee shall determine the day and place when the conventions of the political party it represents shall be held, and also the day upon which the caucus of such political party shall be held for each town, village or ward, and the number of delegates which shall represent each town, village and ward in such conventions, and shall also designate the offices for which candidates

shall be nominated at such caucus, and such committee shall also designate all offices for which, according to law, candidates are to be voted for at the next ensuing election.

SECTION 3. Whenever a city election shall be held in any city of the first class, whether operating under a special or general charter, as hereinbefore provided, and the chairman of the county committee be a resident of such city, he shall act as chairman, and the members of the county committee representing such city shall be the members of the city committee, which committee shall fix and determine the day and place of holding the conventions and the number of delegates which shall be chosen from each ward of said city to act in said convention, and shall designate the offices for which candidates shall be nominated at such caucuses, and said committee shall determine the day upon which the caucuses of the political party which it represents, shall be held in each ward, and the caucuses of one political party shall be held upon the same day, and no more than one political party shall hold caucus on the same day. In case the chairman of the county committee is not a resident of such city, then the members of the county committee of such city shall elect a resident of their city to act as chairman of their city committee. Whenever such county committee or city committee shall determine the time of holding such caucuses, the chairman of such committee shall cause to be published in at least one daily newspaper, if nominations are to be made to be voted for at municipal elections, and if for general elections, or town or village elections, in at least two newspapers published in the county and advocating the principles of the party, a notice, stating the time and place where such preliminary meetings, caucuses and conventions will be held; such notice shall be published for at least two successive days of publication, not less than eight nor more than sixteen days prior to the time fixed for the holding of the preliminary

Relating to the chairman of the committee.

Duties of the county committee in calling caucuses.

meetings. The city conventions shall be held not more than two days following the holding of the caucuses of the respective party, and county and district conventions shall be held not more than three days after the day of the holding of such caucuses. The caucus, held under the provisions of this act, shall be held and conducted in the precinct election booth located nearest to the center of the caucus district where held, unless the county committee of the party holding any such caucuses, shall designate some other precinct booth in said caucus district, in which event such caucus shall be held at the booth so designated, and shall open, in any city of the first class, whether operating under a special or general charter, or counties having a population of more than one hundred and fifty thousand, at the hour of twelve o'clock noon, and in all other cities at four o'clock P. M. and close at the hour of eight o'clock in the evening of the same day.

Construction
of booths re-
quired.

SECTION 4. It is hereby made the duty of every such city, and the board of public works thereof, and of the town and village boards, to cause such booths to be constructed and erected at said place and at said time for such purposes, and to furnish the necessary furniture, ballot boxes, heat and light, and whenever a ward in any city, any village, or town in any county, constitutes more than two election districts or precincts, the county or city committee may subdivide such ward, village or town, into caucus districts for the accommodation of electors, and shall state in its call the location of its caucus booth for each such district, and the precinct or election districts for which said booths have been assigned; provided, that in all cities where provision for election booths is not made by law, the caucus held under the provisions of this act shall be in some suitable building in each caucus district to be designated by such committee and located as centrally as may be with regard to the convenience of all electors in such caucus district. The county or city committee shall

have authority to fill all vacancies in said committee caused by resignation or otherwise, and the county or city clerk shall at once be notified of all such changes by the chairman and secretary of the committee. The county or city committee shall be composed of a chairman, secretary and one member for each ward, town or village, and the member elected from each ward, town or village, shall be the chairman of such ward, town or village. The county or city committee may also provide for the election of a treasurer and assistant secretary, and for the appointment by the chairman, of an executive committee composed of five electors, who, together with the chairman, secretary and treasurer, shall constitute the executive committee.

SECTION 5. There shall be appointed annually, on or before the first day of February of each year, by the county or city committee, three electors of each town, village and ward, for each caucus district, who shall act as inspectors at every caucus held therein, of the political party for which he acts, and every elector so appointed shall, before entering upon the discharge of his duties, within ten days from the time of his appointment, make oath or affirmation that he is an elector of the town, village or ward for which he is appointed, that he will faithfully, honestly and correctly conduct the election to be held at such caucus, protect it against all fraud and unfairness, truly canvass all the votes cast thereat, and in every way comply with the carrying out of the provisions of this act. Such oath or affirmation shall be filed with the county or city clerk within the ten days above provided. Such inspectors shall thereafter have full authority to administer the oaths necessary to carry on said caucuses in the manner herein provided. Said county or city committee may, at any time, prior to the opening of the caucus, remove any inspector so appointed and appoint another in his place who shall qualify in like manner. In case any inspector shall fail to appear at the time fixed for opening such caucus,

Inspectors of
the caucus to
be appointed
annually.

the inspector or inspectors present shall appoint some elector, resident of the caucus district in which such caucus is held, in the place of such absent inspector, who shall administer to such person the oath provided for in this act. The chairman, secretary and three inspectors, shall be a canvassing board, who shall faithfully, honestly, and correctly canvass all votes cast at the caucus, and in every way comply with the provisions of this act.

Regarding the calling of preliminary meetings; their conduct; nominating candidates, etc.

SECTION 6. The chairman of the county or city committee shall call a preliminary meeting of the electors of his party, of each ward, village and town, to be held four days prior to the time fixed for holding the caucus of his party, to propose delegates and candidates to be voted for at the caucus. The chairman of the ward, village or town, or in the absence of such chairman, a caucus inspector shall open the meeting. After the election of a chairman, and secretary of the meeting, who by virtue of such election, shall also act as chairman and secretary of the caucus, the chairman of said meeting shall declare nominations open for delegates, and candidates, in the order given in the call, and the names proposed shall be written on ballots by the secretary and placed in a ballot box; such ballots shall be furnished by the county or city committee, and be of uniform color and size, and no other ballots shall be used at such preliminary meeting, and the chairman, before entertaining a motion, "that nominations may be closed," shall first put the question to the meeting, repeating the same twice: "Are there any further nominations?" Such action having been first taken and every opportunity given electors to propose names before motion, "to declare nominations closed" can be entertained or voted upon by the meeting. The nominations having been closed, the electors present shall elect two tellers, whose duty it shall be to withdraw the ballots placed in the ballot box, after the same has been thoroughly shaken, and after the same procedure for

each set of delegates, and candidates proposed for the same office, the chairman and secretary of the meeting shall immediately certify the names proposed, in the order in which the same have been withdrawn and announced by the tellers, to the secretary of the county or city committee of the political party represented by such preliminary meeting. The chairman of the preliminary meeting before adjournment, shall, if the ward, town or village, has been divided into caucus districts, declare nomination in order for the election of a chairman and secretary for each such additional caucus district, to serve as such at the caucus; the chairman of the preliminary meeting shall then read the call for the caucus, state the time and place of holding the caucus, also that the county or city committee of the party will have tickets printed for the caucus, containing all the names proposed, the voter at the caucus to place a (X) cross after the name of each delegate or candidate voted for; that no other but the official ticket will be received at the caucus, and that no tickets will be distributed prior to the caucus, and that all official tickets will be placed in the booths in which the caucus is held, whereupon the preliminary meeting shall stand adjourned.

SECTION 7. The board of registry of each election precinct shall, at least two days prior to the day fixed for the caucus to be held in the ward, village or town, in which such precinct is situated, deliver to the chairman of the county or city committee, six copies of the printed registry list of electors of each registration entitled to vote in such precinct at the ensuing election, and the failure or refusal of any such board of registry to comply with the provisions of this section shall operate to forfeit all compensation provided by law to be made to every member of such board of registry, and they shall thereafter be ineligible to act as inspectors of election. The registry lists, giving the last registration of electors

Regarding the printing and distribution of registry lists.

prior to the date of holding such caucuses, shall be delivered to the caucus officers by the chairman of the county or city committee, and only voters whose names appear on such registry list shall be allowed to cast their vote at said caucus, except in case it is shown by affidavit that the elector is a qualified voter and resident of the caucus district of the ward, town or village for which said caucus is held, each of which affidavits shall be substantiated by the affidavits of two freeholders, electors in such caucus district, corroborating all the material statements in his affidavit. No person whose name appears on the caucus ballot, except as a delegate to conventions, shall act as caucus officer or be permitted in the caucus booth, except to vote, until after the close of the caucus.

Conduct of the caucus—caucus, tickets, etc. Determining the result of the ballot.

SECTION 8. The chairman selected at the preliminary meeting, or, in his absence, any caucus inspector, shall, upon the day fixed in the call, open the caucus at the time and place designated, and the electors present shall elect a new chairman, and in the absence of the secretary a new secretary; the chairman and secretary together with the caucus inspectors shall act as officers of the caucus. The secretary of the county or city committee shall have prepared and delivered to the caucus inspectors, a sufficient number of official caucus tickets in the original sealed package, and at the opening of the caucus the package shall be opened and the tickets conveniently placed for the use of the voters, but no distribution of such caucus tickets shall be allowed outside of the caucus booths. Such caucus tickets shall be placed in charge of the secretary of the caucus, who shall deliver to each elector entitled to vote, as he enters the booth, one ballot, and no more than one ballot shall be furnished to any one elector unless the elector returns the one first furnished as having been erroneously prepared, or spoiled by accident, or mistake, but no voter shall receive to exceed three ballots in all. The

official caucus ticket shall contain the official imprint of the county committee, the name of the party holding said caucus, the ward, town or village, in which said caucus is held, and shall contain the names of all delegates and candidates proposed at the preliminary meeting, and no other ballot shall be received or counted at the caucus. The names of delegates or electors proposed for office for which candidates are to be nominated, shall be arranged and placed upon the official ballot in the order in which they have been certified as having been withdrawn from the ballot box at the preliminary meeting. Each elector shall prepare his ballot by placing a cross (X) after the name of each delegate or candidate he desires to vote for. Ballots containing more names crossed for delegates or candidates than the ward, village or town is entitled to, shall be void, and shall not be counted; provided, however, that a ballot shall be void only so far as it may contain more names crossed for a particular set of delegates, or particular office containing more names than the ward, village or town, is entitled to as delegates or candidates. The caucus inspectors shall act as tellers of the caucus, receive the votes of all the electors of the party of the caucus district, ward, town or village in which said caucus is held, and the electors of the caucus district, ward, village or town in which the caucus is held, who voted the ticket of the political party for which said caucus was called at the last general election, shall be entitled to vote. An elector, whose right to vote shall be challenged by any of the caucus officers, shall not be permitted to vote unless he shall subscribe and file with such caucus officers an oath or affirmation that he is a resident of the ward, village or town, and is a qualified elector, and that he voted for the regular party candidates of the party for which said caucus is held, at the preceding general election, which affidavit shall be substantiated by the affidavit of two

freeholders, electors in such caucus district, in so far that they know the challenged voter to be a resident and elector of the caucus district, and that they have reason to believe that the statements made by such challenged voter in his affidavit are true and correct. Immediately after the close of the caucus, the canvassing board shall count every official ballot cast, and verify such canvass in the presence of all persons desiring to attend, whose names appeared on the ballot voted at such caucus, or one authorized agent for each such person, and immediately when the result is determined announce the same in a loud voice, burning all the ballots or tickets cast, and immediately send verified and certified proper returns to the secretary of the county or city committee which ordered said caucus to be held, together with the checked registry list used, or poll list made, and affidavits received at such caucus. Any member of the canvassing board who shall make any false return of the action of the caucus, or of any vote cast thereat, shall upon conviction thereof, be punished in the manner provided by law for making a false return of any election.

Penalty for voting in caucuses more than once.

SECTION 9. No person shall vote or offer to vote more than once in any one caucus, nor at any caucus held in any caucus district in which he shall not at the time be a resident and duly qualified elector, and no person shall vote or offer to vote in any caucus where candidates and delegates are to be chosen, if he has already voted at the caucus of any other political party for candidates to be voted for, or for delegates to be chosen in a convention to nominate candidates to be voted for at the next ensuing election. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the manner hereinafter provided. No person shall print, distribute or offer to distribute, any caucus tickets or ballots to be voted for at such caucus, nor shall the printing

or distribution of sample ballots be permitted. The tickets contained in the booth shall not be removed therefrom, and any person who shall violate any of the provisions last above named, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner hereinafter provided.

SECTION 10. Every person who by bribery, or corrupt or unlawful means, prevents or attempts to prevent any voter from attending, or voting at any caucus mentioned in this act, or who shall give or offer to give, any valuable thing or bribe to any officer, inspector or delegate whose office is created by this act, or who shall give or offer to give, any valuable thing or bribe to an elector as a consideration for some act to be done in relation to such preliminary meeting, caucus or convention, or who shall interfere with or in any manner disturb any preliminary meeting, caucus or convention held under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner hereinafter provided.

Penalty for bribing or interfering with, or preventing voter from voting.

SECTION 11. If a petition signed by ten per cent. of the duly qualified electors of any city, village or town, be filed with the clerk thereof twenty days before any municipal or town election, praying that the question of nominating candidates under the provisions of this act be submitted to a vote of the people, such clerk shall print in the official ballot to be used at such election, the question "shall this (city, village or town) adopt the provisions of chapter — of the laws of 1897, regulating the nomination of candidates?" the answer of the elector to be "yes" or "no" written in the space provided therefor on the ballot. If a majority of the electors who shall have voted at such election, vote "yes" all caucuses or primary elections shall thereupon be held in such city, village or town as herein provided.

This chapter may be submitted to the vote of the people.

SECTION 12. If any person shall be convicted of a violation of any of the provisions of this

Penalty for violating any of the provisions of this act.

act, for which no punishment is herein provided, or who shall be convicted of a misdemeanor under the provisions of this act, he shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Conflicting laws repealed.

SECTION 13. Chapter 288, laws of 1895, and all acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1897.

No. 406, S.]

[Published April 30, 1897.

CHAPTER 313.

AN ACT to amend chapter 188, of the laws of 1897, relating to the protection of fish.

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

Amends chapter 188, laws 1897.

SECTION 1. Amend section 5, of chapter 188, of the laws of 1897, by inserting after the word "time," the following: "For the purpose of spearing suckers, sheephead, dogfish, garfish, redhorse, sturgeon, catfish and bullheads."

SECTION 2. Amend section 15, by adding thereto the following: "Provided, however, that fish merchants may purchase, (and offer for sale when so purchased) from any one or more fishermen, not to exceed twenty-five pounds from each, of the sized trout mentioned in section fifteen, when taken in one lift."