

No. 81, A.]

[Published May 6, 1909.]

**CHAPTER 88.**

AN ACT to amend sections 775a, 775b, 775c, 775d and 775e, of the statutes, and to create section 775f of the statutes, relating to the organization of new towns.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections 775a, 775b, 775c, 775d and 775e of the statutes are amended to read: Section 775a. Any \* \* \* government township situated within a county and being part of any town or towns, which \* \* \* township has at least fifty resident electors, at least twenty-five of whom are freeholders or homesteaders, and an assessed valuation of at least one hundred thousand dollars according to the last preceding assessment, may be organized into a town upon compliance with the following three sections. No person shall be deemed a resident elector within the meaning of this act unless he shall have resided within such territory for at least one year prior to the date of the verification of the petition prescribed by section 775b.

Section 775b. A petition signed by a majority of the resident electors and a majority of the resident freeholders and homesteaders of the territory proposed to be so organized shall be presented to the circuit court, or a judge thereof, of the county in which such territory is located; such petition shall accurately describe such territory, naming the town or towns of which it is a part; shall contain the names of the resident electors; the assessed valuation of such territory, and the proposed name of the new town, that the remaining territory in such town is not less than thirty-six square miles in extent, and has not less than fifty resident electors and an assessed valuation of not less than one hundred thousand dollars according to the last preceding assessment, and shall be verified by at least three signers. The court or such judge shall \* \* \* thereupon make an order fixing the time and place for the hearing of said petition, before the circuit court of such county and \* \* \* directing that a copy of such petition and order be served \* \* \* upon the clerk of the town or towns of which such territory is a part, at least fifteen days before the hearing and that notice of \* \* \* such hearing be published once a week for three weeks in a newspaper designated as most likely to give notice to the people of the territory proposed to be so organized.

Section 775e. Any elector or tax payer of such territory or any town of which such territory is a part may appear at the hearing of such petition and the matter shall be tried as an issue of fact by the court. No formal answer to the petition need be filed. The court may adjourn the hearing from time to time and refer any question of fact; such reference shall be deemed a compulsory reference and the fees and expenses of the referee shall be fixed and paid in the manner provided in section 2930 of the statutes by the town board of the new town and the town board of the old town.

Section 775d. The court shall file findings of fact at the close of such hearing and if it shall appear that the \* \* \* allegations of the petition are true and all the requirements of \* \* \* this chapter have been substantially complied with. \* \* \* shall enter an order creating such territory into a town. \* \* \* giving it the name proposed in the petition and providing for the place of holding the first annual meeting; provided that the remaining territory in any existing town shall not be less than \* \* \* thirty-six square miles in extent and shall have not less than fifty resident electors and an assessed valuation of not less than one hundred thousand dollars according to the last preceding assessment.

Section 775e. The credits and indebtedness as between the towns so created and the town or towns of which it was formerly a part shall be apportioned according to the \* \* \* provisions of section 672.

SECTION 2. There is added to the statutes a new section to read: Section 775f. Whenever the remaining territory of any town out of which a new town is organized, shall be divided into two detached parts by the organization of the new town, that part thereof with the least number of resident electors shall be attached to and become a part of the new town.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 5, 1909.