

No. 512, A.]

[Published May 10, 1901.

CHAPTER 330.

AN ACT to provide for the removal of assessors, members of boards of review and supervisors who violate the law in the discharge of their official duties, and to provide for filling the vacancy in the office caused by such removal.

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

Causes for removal of assessor. SECTION 1. Any assessor in addition to the penalties, forfeitures, liabilities or punishment prescribed by law, shall be subject to removal from office by the circuit judge in the mode hereinafter provided for one or more of the following causes: First: The wilful or intentional assessment of property at other than its true cash value with the intent to subject such property to more or less than its lawful share of taxes. Second: The wilful or intentional omission of taxable property from the assessment roll with intent to permit the same to escape taxation. Third: The wilful or intentional assessment of the property of one person at a lower value than the property of another or others whereby favoritism or discrimination between taxpayers in the district is shown. Fourth: The solicitation or receipt of any favor, reward, money or other thing of value of or from the owner of any taxable property in his assessment district for the assessment or valuation of property at other than its true cash value. Fifth: The solicitation or demand by any assessor of any owner of property liable to assessment in his assessment district to aid, assist or promote the business or interests of such assessor by means of which and by virtue of his office he shall gain or receive pecuniary profit or advantage that he could not otherwise have gained or received. Sixth: Whenever guilty of any violation of law in the valuation or assessment of property in his assessment district.

Causes for removal of member of board of review. SECTION 2. Any supervisor, alderman, trustee or other officer, while acting as a member of a board of review or of the county board of supervisors in addition to the penalties, forfeitures, liabilities and punishment now provided by law, shall be subject to removal from office for one or more of the following causes: First: The

willful or intentional valuation or equalization of property of persons or towns, cities or villages at other than the true cash value thereof, with the intent to subject the property of persons or of towns, cities or villages to more or less than their lawful share of taxes. Second: Aiding, abetting or assisting in any understanding, combination or conspiracy to value or equalize the property in towns, cities or villages in a county at other than the true cash value, with intent to subject the property in one or more towns, cities or villages to more or less than its lawful share of taxes for state or county purposes or both. Third: When guilty of any violation of law in the valuation or equalization of property in towns, cities or villages or in the discharge of official duties.

Petition and hearing for removal; duty of district attorney.

SECTION 3. The presiding judge of the circuit court may in term time or vacation, by an order specifying the cause thereof, a copy of which he shall certify to the proper town, city or village clerk, remove any assessor, supervisor, alderman or trustee in his circuit for one or more of the causes specified in this act. Such removal shall be made only upon a duly verified petition signed by a free-holder and taxpayer of the county setting forth fully the charges preferred against such officer. The district attorney of the county upon complaint showing cause therefor, shall prepare the petition for removal and have the same duly verified by the complainant. The judge upon the presentation of such petition, shall by an order to show cause fix a time and place for hearing the matters alleged in the petition. A copy of the petition and order to show cause, shall be personally served upon such officer at least ten days before the time appointed for the hearing. The testimony shall be taken and the proceedings conducted summarily under such reasonable regulations as the judge shall prescribe. The district attorney shall attend the hearing and conduct the proceeding on behalf of the petitioner. The removal of such officer shall disqualify him from holding such office for three years from the date of the order of removal. In case of any such removal the judge shall appoint some competent person to fill the vacancy until his successor shall be chosen and qualify in the manner prescribed by law.

Dismissal of petition; collection of cost. SECTION 4. Whenever the presiding judge after a hearing on the merits, shall dismiss the petition and shall further find the complaint was willful and malicious and without probable cause, such judge shall order judgment in favor of the officer and against the petitioner

for ten dollars attorney's fees and for the costs and fees of witnesses and officers incurred on behalf of such officer. The judgment shall be signed by the clerk of the circuit court and entered and docketed in his office as the judgment of the circuit court in term. An execution may be issued thereon against the property of the petitioner in the same mode as upon a judgment entered in the circuit court in civil actions founded in tort. Upon the return of such execution unsatisfied in whole or in part, an execution against the person of the petitioner may be issued in the manner and with the force and effect of an execution against the person as provided in sections 2965 to 2975 inclusive, statutes of 1898 and acts amendatory thereof. Provided that in all other cases the judge may, in his discretion, order that the expenses incurred in procuring witnesses and other needed actual expenses, be paid out of the treasury of the county in which such assessor resides upon certificates of the clerk of said court.

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

Approved May 8, 1901.

No. 497, A.]

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CHAPTER 331.

AN ACT to provide for an appeal by any tax payer of a town from an award of damages for laying out, altering or discontinuing a highway in said town.

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

Proceedings for taking appeal; application for jury, service of notice for. SECTION 1. Any resident and tax payer of a town in which a highway shall be laid out, altered or discontinued, or if such highway is laid out, altered or discontinued on the town line between two towns or extending from one town into an adjoining town under sections 1272 and 1273 of the statutes of 1898, then any tax payer residing in either of said towns which is required by the award of damages made upon so laying out, altering or discontinuing such highway to pay damages therefor, may within forty days after the making of any order awarding