

No. 794, A.]

[Published June 23, 1905.

CHAPTER 431.

AN ACT relating to the liability of the state for license fees paid by railroads in certain cases.

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

Payment under protest necessary. SECTION 1. In any action brought against the state by any railroad company organized or doing business in this state or by the receiver thereof for the recovery of any sum or sums of money heretofore paid as license fees, the state shall not be liable in such action unless it shall be shown that said license fees were paid under protest.

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

Approved June 17, 1905.

No. 290, S.]

[Published June 23, 1905.

CHAPTER 432.

AN ACT relating to election officers and the conduct of elections, and amendatory of section 47 of the statutes of 1898.

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

Election officers, how nominated and approved. SECTION 1. Subsection 1 of section 47 of the statutes of 1898 is hereby amended to read as follows:

(1). The mayor of every city shall nominate to the common council thereof at their first regular meeting in September of each year in which an election is to be held, and if no such meeting is held then at a special meeting which he shall call for such purpose on the last Tuesday of said month, three persons for in-

spectors of election, two for clerks of election and two for ballot clerks in each election district therein. The president of every village shall nominate to the board of trustees thereof at their first regular meeting in September of each year in which a general or other election is to be held under the provisions of this title, and if no such meeting is held then at a special meeting which he shall call for that purpose on the last Tuesday of said month, three persons for inspectors of election, two for clerks of election and two for ballot clerks in each election district therein. Each of the persons so nominated shall be an elector in the district for which appointed, be able to read and write the English language understandingly, and shall not be a candidate to be voted for at such election, and not more than two of such inspectors, nor one of said clerks of election or ballot clerks so nominated shall be of the same political party, but all such officers shall be chosen from the two parties which cast the largest vote in such district at the last preceding general election *and they shall be chosen from a list submitted to the mayor of the city or to the president of the village for that purpose by the regular county committee or city committee of the aforesaid two parties, which list shall bear the signature of the chairman and secretary of said county or city committee.* Such common council or board of trustees shall immediately approve or disapprove such nominations. If they disapprove as to any such nominee, the mayor or president shall immediately nominate another person, qualified as aforesaid *from the list of the two committees representing the two parties which cast the largest vote in said district in the last general election, and the mayor or village president shall continue to do so until the requisite number have been nominated and confirmed at such meeting.* The persons so appointed inspectors and clerks in cities shall hold their offices for one year and until their successors are appointed and qualified, and shall act as such officers at every general, municipal and special election held within their respective districts during such term. The persons so appointed in villages shall hold their offices until their successors are appointed and qualified, and shall act at every election held under this title within their respective districts. Such inspectors shall fill any vacancies in their number or the number of such clerks by persons qualified as aforesaid, and may appoint one of their number as chairman.

Penalty. SECTION 2. A new subsection is added to said section 47 to be numbered and to read as follows: (5). **Any**

mayor of a city or any president of a village or any official who violates any of the provisions of this act shall upon conviction be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment in the county jail of not less than six months nor more than one year, or both.

Conflicting laws repealed. SECTION 3. All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 275, S.]

[Published June 23, 1905.

CHAPTER 433.

AN ACT to amend chapter 56 of the statutes of 1898, entitled "Of the State Board of Health and Vital Statistics," and making an appropriation therefor.

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

State board of health and vital statistics; appropriation.

SECTION 1. Section 1406 of the statutes of 1898 is hereby amended so as to read as follows: Section 1406. A member of the board shall be chosen president thereof, and his term of office shall be fixed and determined by said board, and his duties shall be such as may be prescribed by the by-laws of said board or by the statutes of the state. The board shall also elect a secretary either from their own number, or otherwise, who shall hold his office subject to removal at discretion by a vote of five members at a regular meeting, and while in office he shall be a member of the board. The secretary shall receive an annual salary to be fixed by the board, and he and each other member shall be reimbursed his traveling expenses actually and necessarily incurred in the performance of official duties. *The members of said board, other than the secretary, shall be paid a compensation*