includes "proprietor" (Reynolds v. Schmidt, 28 W 374) and also "editor" and "publisher" (Pennoyer v. Neff, 95 US 714). The language is changed to plainly express what the courts have held is implied, and to harmonize the wording of the several sections on this subject. "Principal clerk" is in subsection (2). The provision in subsection (4) as to certified copies is a duplication of part of section 327.18. No substantive change is intended. [Bill 10-S, s. 101]

The fact that affiant is a printer or foreman must be directly affirmed and sworn to. Hill v. Hoover, 5 W 354.

An affidavit by the "proprietor" is sufficient. Reynolds v. Schmidt, 20 W 374.

A statement that a notice for proving a will was published for the first time on April 30th and for the last time on May 4th of the same year overcomes the general statement in the same affidavit that publication was for 3 weeks. Flood v. Kerwin, 113 W 673, 89 NW 845.

985.13 History: 1859 c. 3 ss. 1, 2; 1860 c. 47 s. 1; 1860 c. 54 ss. 1 to 3; R. S. 1878 s. 4271, 4272; Stats. 1898 s. 4271, 4272; 1925 c. 4; Stats. 1925 ss. 331.21, 331.22; 1961 c. 586 ss. 12, 13; Stats. 1961 s. 985.13.

985.14 History: 1851 c. 22 s. 1; R. S. 1858 c. 140 s. 23; 1874 c. 251; R. S. 1878 s. 4270; Stats. 1898 s. 4270; 1925 c. 4, 221; Stats. 1925 s. 331.19; 1927 c. 171; 1961 c. 586 s. 10; Stats. 1961 s. 985.14.

985.15 History: R. S. 1878 s. 4274; Stats. 1898 s. 4274; 1925 c. 4; Stats. 1925 s. 331.24; 1961 c. 586 s. 15; Stats. 1961 s. 985.15.

CHAPTER 990.

Construction of Statutes.

990.001 History: 1951 c. 261 s. 5; 1951 c. 469; 1951 c. 734 s. 33; Stats. 1951 s. 370.001; 1955 c. 307, 448; 1955 c. 660 s. 14; Stats. 1955 s. 990.001; 1957 c. 556, 672; 1961 c. 336; 1967 c. 227.

Revisor's Note, 1951: (1) and (2) are from old 370.01 (2); (3) from 370.01 (21) and (29); (4) from (24); (5) from (28); (6) from (48); (7) from (49); (8) from (3); (9) from (20); (10) from (36); with no change in the meaning of any one. (11) is new; it will eliminate the necessity for severability clauses in separate acts and sections. (12) is new and will eliminate repetition of "standard time", "central standard time" and "central time" in many statutes. [Bill 203-S]

1. General.

a. Ascertain Intention of Legislature.

The purpose of judicial investigation in regard to the construction of doubtful provisions of statute law is to ascertain the intention of the legislature which enacted the statute; and when that is done, the intention is not to be defeated either by a too narrow or too liberal application of the words employed. Lawrence v. Vilas, 20 W 381. See also Attorney General v. Eau Claire, 37 W 400, 438.

While criminal statutes, like any other, should be liberally construed to effect the obvious legislative purpose, they should be strictly construed to exclude from their penalties those acts which are not clearly within the legislative purpose. State ex rel. Shinners v. Grossman, 213 W 135, 250 NW 832.

In interpreting and applying statutes the court must look for their reasonable intendment and not apply them to situations outside their reasonable contemplation. Hansen v. Industrial Comm. 242 W 293, 7 NW (2d) 881.

In construing a particular statute, the subject matter, the evil which it seeks to remedy or prevent, and the purpose sought to be accomplished are to be given great consideration. Alan Realty Co. v. Fair Deal Inv. Co. 271 W 336, 73 NW (2d) 517.

In a search for legislative intent, great consideration is to be given to the object sought to be accomplished by the statutory enactment under consideration. Loof v. Rural Mut. Cas. Ins. Co. 14 W (2d) 512, 111 NW (2d) 583.

b. Save Constitutionality.

"We owe great deference to the legislative authority. It is our duty to give effect to all its enactments, according to its intention, as far as we have constitutional right and power. And to that end it behooves us, as far as we are able, to place such a construction on statutes as will reconcile them to the constitution; and to give them effective operation, under the constitution, according to the intention with which they are passed. It would be a palpable violation of judicial duty and propriety to seek in a statute a construction in conflict with the constitution or with the object of its enactment; or to admit such a construction, when the statute is fairly susceptible of another in accord with the constitution and the legislative intention." Attorney General v. Eau Claire, 37 W 400, 438. See also Bound v. Wisconsin C. R. Co. 45 W 543, 561.

See note to sec. 8, art. I, on limitations imposed by the Fourteenth Amendment, citing State v. Arnold, 217 W 340, 258 NW 843.

The supreme court is bound to give to an act a construction that will avoid constitutional objections to its validity if it will bear such a construction; and this rule applies even

though such is not the most obvious or natural construction. State v. Coubal, 248 W 247, 21 NW (2d) 381.

See note to sec. 2, art. VII, on judicial power generally, citing Madison v. Chicago, M., St. P. & P. R. Co. 2 W (2d) 467, 87 NW (2d) 251.

It is the duty of the supreme court to so interpret a statute as to uphold its constitutionality, if this can be done without doing violence to accepted rules of statutory construction. Lewis Realty v. Wisconsin R. E. Brokers' Board, 6 W (2d) 99, 94 NW (2d) 238.

Where there are 2 possible constructions of the law, one under which the law would be violative of the constitution, and another under which it would not be, that construction which would save the law must be adopted. State ex rel. La Follette v. Reuter, 36 W (2d) 96, 153 NW (2d) 49.

Basic principles of constitutional law and statutory construction are: (1) A statute must be presumed to be valid and constitutional; (2) if a statute is open to more than one reasonable construction, the construction which will accomplish the legislative purpose and avoid unconstitutionality must be adopted; and (3) the court cannot give a construction which is unreasonable or overlook language in order to sustain legislation, but otherwise the construction need not be the most natural or obvious. In re City of Beloit, 37 W (2d) 637, 155 NW (2d) 633.

c. Clear and Plain Meaning; Give Effect to Whole; Acts in Pari Materia; Rule of Noscitur a Sociis.

Under sec. 1771, R. S. 1878, as amended, which expressly authorizes the formation of corporations for the purpose of "building and operating telegraph lines, or conducting the business of telegraphing in any way; *** or for any lawful business or purpose whatever, except . . .", telephone companies, though not specifically mentioned, may be incorporated with powers like those given to telegraph companies. Wisconsin Tel. Co. v. Oshkosh, 62 W 32, 21 NW 828.

Sections which are intended to complement each other must be construed together, and attention given to them as a whole and to their parts; these must be harmonized if possible. Lamont v. Hibbard, Spencer, Bartlett & Co. 88 W 109, 59 NW 456.

In applying sec. 1771, R. S. 1878, as amended, the general words extend only to things of a nature kindred to those specifically mentioned. State ex rel. Lederer v. Int. Inv. Co. 88 W 512, 60 NW 796.

In determining the meaning of particular words the court will look at all and every part of the statute, the apparent intent derived from the whole, the subject matter, effect, consequences, reason and spirit of the law. Hartford v. Northern P. R. Co. 91 W 374, 64 NW 1033; McGinley v. Laycock, 94 W 205, 68 NW 871.

"While classification of statutes by including them in a chapter under a general division of subjects may aid in ascertaining the legislative intent in cases where it is doubtful or uncertain, it cannot be held to overcome the obvious meaning of the language employed." State v. Bisping, 123 W 267, 270, 101 NW 359, 360.

The court will look to the whole and every part of the statute, its apparent intent, its effect and consequences, its reason and spirit, and so construe as to give effect to every portion of it. Oconto County v. McAllister, 155 W 286, 143 NW 702.

"A statute may be plain and unambiguous in its letter, and yet, giving it the meaning thus suggested, it may be so unreasonable or absurd as to involve the legislative purpose in obscurity. * * * In such case, or when obscurity otherwise exists, the court may look to the history of the statute, to all the circumstances intended to be dealt with, to the evils to be remedied, to its reason and spirit, to every part of the enactment, and may reject words, or read words in place which seem to be there by necessary or reasonable inference, and substitute the right word for one clearly wrong, and so find the real legislative intent, though it be out of harmony with, or even contradict, the letter of the enactment." Pfingsten v. Pfingsten, 164 W 308, 313, 159 NW 921, 923.

Ordinarily legislative acts are taken as meaning what they say when what they say is definite and certain. Construction of a statute is resorted to only when its language is ambiguous, indefinite, and uncertain. Holland v. Cedar Grove, 230 W 177, 282 NW 111.

When ch. 342, Laws 1939, repealed 40.85, Stats. 1937, relating to the detachment of school territory, an appeal board created by the repealed statute ceased to exist on the date the repealing act went into effect, there being no saving clause in the repealing act. State ex rel. Sanderson v. Amundson, 236 W 523, 295 NW 691.

The court in construing statutes, and with at least equal reason in construing resolutions of town boards, may disregard punctuation and a word or phrase if thereby the meaning is made plain. Lauerman v. Pembine-Miscauno Pond Asso. 251 W 122, 28 NW (2d) 453.

The act relating to the state employes retirement fund should be studied in its entirety and an ordinary, common-sense meaning should be given to the various sections and to the words used therein, to make them effective to carry out the general plan. State ex rel. Morse v. Christianson, 262 W 262, 55 NW (2d) 20.

If an affirmative statute, which is introductory of a new law, directs a thing to be done in a certain manner, that thing may not, even though there are no negative words, be done in any other manner, and the mode prescribed by statute for the exercise of a power must be adopted. In some cases, a strict, and even literal, compliance is required. This is particularly true in regard to enactments modifying the course of the common law. State v. Resler, 262 W 285, 55 NW (2d) 35.

No construction of a statute is permitted where no uncertainty or ambiguity exists therein. Beck v. Hamann, 263 W 131, 56 NW (2d) 837.

The requirement of reasonable certainty in orders of an administrative agency, as in statutes, does not preclude the use of ordinary terms to express ideas which find adequate interpretation in common usage and under-

standing. Madison Bus Co. v. Public Service Comm. 264 W 12, 58 NW (2d) 463.

As a general rule, no construction or interpretation of a statute is necessary where the statute is plain and unambiguous, but otherwise where the statute is ambiguous. Where obscurity exists in a statute because it is unreasonable or absurd if given its literal meaning, the court may look to its history, to all the circumstances intended to be dealt with, to the evils to be remedied, to its reason and spirit, to every part of the enactment, and may reject words, or read words in place which seem to be there by necessary or reasonable inference, and substitute the right word for one clearly wrong, and so find the real legislative intent, although it is out of harmony with or even contradicts the letter of the enactment. Connell v. Luck, 264 W 282, 58 NW (2d) 633.

Where (as in the instant case) each of 2 relevant acts is clear upon its face, there is no ambiguity, and no absurd result flows from a literal interpretation of the acts, they are not subject to rules of statutory construction. Commercial Credit Corp. v. Schneider, 265 W (2d) 264, 61 NW (2d) 499.

Under the rule of *noscitur a sociis*, whereby resort is had to associated words with which it is grouped to resolve the meaning of a word having a similar but more comprehensive meaning than such associated words, the meaning of a word takes color and expression from the purport of the entire phrase of which it is a part, and must be construed so as to harmonize with the context as a whole. Canons of statutory construction should never be employed where they would defeat the obvious legislative intent. In determining whether or not the legislature intended that an act should be construed in a certain way, the consequences which follow from such construction should be considered, and one such consequence to be considered and avoided is the uncertainty that would follow from one construction, and not from the other, thus requiring the court to hold the statute unconstitutional. Lewis Realty v. Wisconsin R. E. Brokers' Board, 6 W (2d) 99, 94 NW (2d) 238.

In construing a statute, effect must be given, if possible, to each word, clause, and sentence thereof. Northern Discount Co. v. Luebke, 6 W (2d) 313, 94 NW (2d) 605.

Where language of a statute is capable of more than one interpretation, it must be read in a sense which harmonizes with the subject matter and the general purpose and object of the statute, with a view to effecting its purpose and object. Schaal v. Great Lakes Mut. F. & M. Ins. Co. 6 W (2d) 350, 94 NW (2d) 646.

A court may enlarge or restrict the meaning of a word in a statute to harmonize it with the manifest intent of the entire section. Mutual Fed. S. & L. Asso. v. Savings and Loan Adv. Committee, 38 W (2d) 381, 157 NW (2d) 609.

The test of ambiguity in a tax statute is not whether people disagree as to its meaning, but for the court to look to the language of the statute itself to determine if "well-informed persons" should have become confused. National Amusement Co. v. Dept. of Revenue, 41 W (2d) 261, 163 NW (2d) 625.

A statute must be construed, if possible, so that every portion of it is given effect and no part of it is rendered superfluous by the construction given. State ex rel. Knudsen v. Board of Education, 43 W (2d) 58, 168 NW (2d) 295.

The statutes are to be given their clear and express meaning and, in case of ambiguity, the legislative intent, if it can be determined, is to be carried out. Looking to materials outside the face of the statute in resolving an issue of statutory interpretation is primarily for the purpose of ascertaining legislative intent. Kindy v. Hayes, 44 W (2d) 301, 171 NW (2d) 324.

d. Reasonable Effect; Prospective Operation.

The more obvious meaning will not be given a statute, if to do so would result in its overthrow, if words in it can be construed naturally and its validity thereby be maintained. Johnson v. Milwaukee, 88 W 383, 60 NW 270.

The rule that a form prescribed by statute must be strictly followed does not mean literally followed unless the statute clearly so indicates. State ex rel. Durner v. Huegin, 110 W 189, 85 NW 1046.

A statute should be considered from the viewpoint of good faith, common sense and impartiality, and formal rules of interpretation should be used only when doubts otherwise unsolvable arise. Niezorawski v. State, 131 W 166, 111 NW 250.

A legislative act that is not remedial in nature will not be construed to act retrospectively unless the language used clearly evinces such a purpose. State ex rel. Kieckhefer v. Cary, 186 W 613, 203 NW 397.

The rule of construction that legislation must be considered as addressed to the future, not to the past, will be followed except as to remedial statutes, or where it appears beyond doubt from the face of the enactment that the legislature intended it to operate retrospectively. Blau v. Milwaukee, 232 W 197, 285 NW 347, 286 NW 874.

A retroactive operation is not to be given to a statute so as to impair an existing right or obligation otherwise than in matters of procedure, unless that effect cannot be avoided without doing violence to the language of the enactment. State ex rel. Schmidt v. District No. 2, 237 W 186, 295 NW 36.

A statute should not be construed so as to work an absurd result. Laridaen v. Railway Express Agency, Inc. 259 W 178, 47 NW (2d) 727.

A construction of a statute which gives it a retrospective effect is not favored, especially where vested rights are affected. Des Jardin v. Greenfield, 262 W 43, 53 NW (2d) 784.

Retrospective operation of statutes is not favored by the courts, and a law will not be construed as retroactive unless the act clearly, by express language or necessary implication, indicates that the legislature intended a retroactive application. Swanke v. Oneida County, 265 W 92, 60 NW (2d) 756, 62 NW (2d) 7.

The general rule is that the repeal of a statute does not operate to impair or otherwise affect rights which have been vested or accrued while the statute was in force; and even where no question of vested rights is involved, the presumption is that the repeal of a statute does not invalidate the accrued results of its operative tenure, and it will not be

thus retroactively construed as undoing accrued results if not clearly required by the language of the repealing act. Waddell v. Mamat, 271 W 176, 72 NW (2d) 763.

The doctrine of prospective construction of statutes does not apply to remedial statutes, which may be of a retrospective nature, provided that they do not impair contracts or disturb vested rights, and which go only to confirm rights already existing and in furtherance of the remedy, by curing defects and adding to the means of enforcing existing legislation. Steffen v. Little, 2 W (2d) 350, 86 NW (2d) 622. See also Chaurette v. Capitol Erecting Co. 23 W (2d) 538, 128 NW (2d) 34.

If a statute is open to being construed in 2 different ways, that construction should be avoided which works an absurd or unreasonable result. Braun v. Wisconsin Elect. P. Co. 6 W (2d) 262, 94 NW (2d) 593.

Where ch. 516, Laws 1951, repealed 94.67 and 94.70, Stats. 1949, and created new 94.70 to take effect 6 months after publication, the repeals did not take effect on publication so as to leave a 6 months hiatus period since such interpretation would lead to an absurd result that the legislature could not be deemed to have contemplated. Smith v. Atco Co. 6 W (2d) 371, 94 NW (2d) 697.

The popular or reasonable import of words furnishes the general rule for the interpretation of public laws; and the plain, obvious, and rational meaning of the statute is to be preferred to any curious, narrow, or hidden sense. State Bank of Drummond v. Nuesse, 13 W (2d) 74, 108 NW (2d) 283.

It is a cardinal rule of statutory construction that conflicts between different statutes, by implication or otherwise, are not favored and will not be held to exist if they may otherwise be reasonably construed. Strong v. Milwaukee, 38 W (2d) 564, 157 NW (2d) 619.

Where there is any doubt as to whether a statute is to be given a retroactive application, the doubt must be resolved against the retrospective effect and in favor of prospective application only. 26 Atty. Gen. 524.

Generally, a statute will not be given a retroactive effect unless the legislative intent that it shall have such effect clearly appears. Where that intent does appear, and the statute is clear and unambiguous, it must be given effect according to the plain and literal meaning of the language used. (Town of Bell v. Bayfield County, 206 W 297, cited.) 27 Atty. Gen. 119.

e. General and Special Acts; Inconsistent Statutes; Implied Repeals.

On time when statutes take effect see notes to sec. 21, art. VII, and notes to 990.05.

Where intent of the legislature is dependent upon priority of conflicting laws, the date of approval and not the date of publication is controlling where the relative order was reversed by the printer. Mead v. Bagnall, 15 W 156.

A statute revising the subject matter of a former one and containing a clause repealing all acts and parts of acts inconsistent therewith does not repeal provisions of a former act concerning the same subject not inconsistent with the later act. State v. Campbell, 44 W 529.

A statute which refers to and adopts the provisions of another statute is not repealed or affected by the subsequent repeal of such other statute. Flanders v. Merrimack, 48 W 567, 4 NW 741.

The revision of a section, or the enactment of a new one covering the subject matter and embracing new provisions, does not work a repeal of an existing independent act unless the legislature so intended. Bentley v. Adams, 92 W 386, 66 NW 505.

A statute suspending the jurisdiction of certain courts was not a repealing act; and the removal of such suspension by a later act restored such jurisdiction. State v. Sawell, 107 W 300, 83 NW 296.

Where there are 2 affirmative statutes on the same subject, one will not repeal the other if both can stand together. State ex rel. Boddenhagen v. Chicago, M. & St. P. R. Co. 164 W 304, 159 NW 919. See also Pabst Corp. v. Milwaukee, 190 W 349, 208 NW 493.

Implied repeals are not favored, and unless an intent to displace a prior statute by a later one is clearly indicated effect should be given, if possible, to both. Ward v. Smith, 166 W 342, 165 NW 299.

A statute which refers to and adopts the provisions of another statute is not repealed by the subsequent repeal of the statute which is adopted. Implied repeals are not favored. An earlier act remains in force unless it is so manifestly inconsistent and repugnant to a later act that they cannot reasonably stand together. Milwaukee County v. Milwaukee W. F. Co. 204 W 107, 235 NW 545.

The law does not favor a repeal of a statute by implication, and the implication, to be operative, must be necessary, and if it arises out of repugnancy between the 2 acts the later abrogates the older only to the extent that the later is inconsistent and irreconcilable with the older, and the court must construe the acts if possible so that both shall be operative. McLoughlin v. Malnar, 237 W 492, 297 NW 370.

Where conflicting laws are passed by the same session of the legislature, that bearing the later effective date supersedes the earlier. Donovan v. Theo. Otjen Co. 238 W 47, 298 NW 168. See also Application of Bentine, 131 W 579, 196 NW 213.

A later statute should be applied rather than an earlier so far as the terms of the 2 are irreconcilable. Ollman v. Kowalewski, 238 W 574, 300 NW 183.

The doctrine of implied repeal of statutes is not favored, and an earlier act will be considered to remain in force unless it is so manifestly inconsistent and repugnant to the later act that they cannot reasonably stand together. Lenfesty v. Eau Claire, 245 W 220, 13 NW (2d) 903.

Unless there is an inconsistency between an earlier and a later statute, the earlier statute remains in force in the absence of a definite indication of intention to abrogate it, a repeal by implication not being favored, and the courts being bound to uphold the earlier statute if the 2 statutes may well subsist together. Karnes v. Johnson, 246 W 92, 16 NW (2d) 435.

Where statutes conflict in terms, ordinarily

the later prevails over the earlier and the specific over the general. Jones v. Broadway R. R. Co. 136 W 595, 118 NW 170; Estate of Frederick, 247 W 268, 19 NW (2d) 249.

Where a general statutory provision is repugnant to a special provision covering the same subject, the special provision takes precedence over the general. March v. Voorsanger, 248 W 225, 21 NW (2d) 275.

Where a statute contains a specific provision, and also a general one which in its most comprehensive sense would include matters embraced in the former, the particular provision must control, and the general provision must be taken to affect only such cases within its general language as are not within the provisions of the particular provision. Frank Lloyd Wright Foundation v. Wyoming, 267 W 599, 66 NW (2d) 642.

Where one statute deals with a subject in general terms and a later statute deals with part of the same subject in a more-detailed way, and it is impossible to harmonize the two, the provisions of the later and more specific statute will prevail. David A. Ulrich, Inc. v. Saukville, 7 W (2d) 173, 96 NW (2d) 612.

Under the well-recognized standards of statutory construction, the more recent specific statute controls and exists as an exception to the general statute. Grant County Service Bureau v. Treweek, 19 W (2d) 548, 120 NW (2d) 634.

The doctrine of implied repeal of statutes is not favored, and an earlier act will be considered to remain in force unless it is so manifestly inconsistent to the later act that they cannot reasonably stand together. Pattermann v. Whitewater, 32 W (2d) 350, 145 NW (2d) 705. See also Jicka v. Karns, 39 W (2d) 676, 159 NW (2d) 691.

The word "repeal" is defined as the abrogation of a previously existing law by the enactment of a subsequent statute which declares that the former law shall be revoked and abrogated, or which contains provisions so contrary to or irreconcilable with those of the earlier law that only one of the 2 statutes can stand in force. Heider v. Wauwatosa, 37 W (2d) 466, 155 NW (2d) 17. See also Milwaukee County v. Schmidt, 38 W (2d) 131, 156 NW (2d) 493.

When both a general statute and a specific statute relate to the same subject matter, the specific statute controls. Estate of Miller, 261 W 534, 53 NW (2d) 172; Estate of Kirsh, 269 W 32, 68 NW (2d) 435, 69 NW (2d) 495; Estate of Zeller, 39 W (2d) 695, 159 NW (2d) 599.

As between ch. 426, Laws 1933, and ch. 294, Laws 1937, the controlling rule of statutory construction is that the last expression of the legislature is controlling. 30 Atty. Gen. 257.

Where intent of the legislature is dependent upon priority of conflicting laws, the date of final action by the legislature and not the date of approval is controlling where the relative order was reversed by the governor. 38 Atty. Gen. 260.

f. Prior Construction; Amendments.

The construction placed upon the statutes by the proper state officers is of great weight and is oftentimes decisive. State v. Johnson, 186 W 59, 202 NW 319.

Where a statute has been repealed and then wholly or partially re-enacted, such re-enacted portion of the statute will be regarded as a continuation of the old statute. E. L. Husting Co. v. Milwaukee, 200 W 434, 228 NW 502.

Statutes adopted from other states and previously construed are to be construed here as they were by the courts of the state from which they were adopted. This is so even though the courts of those states may have since construed them differently. Estate of Schrank, 202 W 107, 230 NW 691.

Repeated construction of a statute by the attorney general without change in the law by subsequent legislature is significant, though not controlling, in determining the construction thereof. Union F. H. S. Dist. v. Union F. H. S. Dist. 216 W 102, 256 NW 788.

Construction of a statute long continued by those charged with its administration is entitled to consideration, and is sometimes controlling, when courts are called on to construe it, but at other times administrative construction has little weight, and it is not conclusive. City of Milwaukee v. Milwaukee County, 236 W 7, 294 NW 51.

It is a strongly established judicial policy that constructions of statutes, even though arrived at by divided opinion, are generally adhered to, at least where they have survived subsequent sessions of the legislature, and the legislature itself has accepted the interpretation of the court by not amending the statute. State ex rel. State Central Committee v. Board, 240 W 204, 3 NW (2d) 123.

A construction given by the U.S. supreme court to a federal statute is not binding on the state supreme court as to the construction to be given by it to a similar state statute. State v. Davidson, 242 W 406, 8 NW (2d) 275.

The amendment of a statute has no weight in construing the statute as it existed prior to the amendment. Dodge County v. Kaiser, 243 W 551, 11 NW (2d) 348.

After the supreme court has construed a statute, the failure of the legislature to amend the statute amounts to an acceptance by the legislature of the statute with the court's construction incorporated. Briggs & Stratton Corp. v. Dept. of Taxation, 248 W 160, 21 NW (2d) 441. See also: Buehler Brothers v. Industrial Comm. 220 W 371, 265 NW 227; and Thomas v. Kind, 222 W 645, 269 NW 543.

While the legislature cannot usurp the function of the supreme court and authoritatively construe a statute enacted by a previous legislature, the legislature's immediate and forceful repudiation of a decision construing a statute is entitled to at least as much weight as has always been given to the failure of the legislature to act at all. Estate of Cameron, 249 W 531, 25 NW (2d) 504.

Principles which apply to the construction of state statutes ought also to apply to the construction of county ordinances. Schmidt v. Milwaukee County, 250 W 23, 26 NW (2d) 263.

In construing a state statute, the Wisconsin supreme court may properly resort to the decisions of the U.S. supreme court which have construed a federal act similar in import, and such construction by the latter court

is entitled to great weight. Coulter v. Dept. of Taxation, 259 W 115, 47 NW (2d) 303.

Where there is any obscurity in the meaning of a statute, practical construction by the administrative agency charged with administering such law is entitled to great weight. Wisconsin Axle Division v. Industrial Comm. 263 W 529, 57 NW (2d) 696, 60 NW (2d) 383.

The legislature is not bound to continue its statutes without change, and if changes are duly enacted the present rights of citizens may differ from those they had in the past whether or not the former rights had been declared by a court. Adoption of Morrison, 267 W 625, 66 NW (2d) 732.

In cases not involving federal questions, as where state statutes are to be construed, state courts are not required to follow federal court decisions. Weber v. John Hancock Mut. Life Ins. Co. 267 W 647, 66 NW (2d) 672.

Where there is no ambiguity in the law, a previous administrative ruling thereon cannot be given any weight as an administrative interpretation. Universal Underwriters v. Rogan, 6 W (2d) 623, 95 NW (2d) 921.

The construction given to a statute by the supreme court becomes a part of the statute where the legislature does not subsequently amend the statute so as to effect a change, and any change in the language of the statute because of the court's construction should be made by the legislature if it deems such a change to be desirable. Meyer v. Industrial Comm. 13 W (2d) 377, 108 NW (2d) 556. Accord: Hahn v. Walworth County, 14 W (2d) 147, 109 NW (2d) 653; Estate of Atkinson, 19 W (2d) 272, 120 NW (2d) 109.

Where a statute has received a judicial construction in another state and is then adopted by Wisconsin, it is taken with the construction which has been so given it; and the same rule is applicable where Wisconsin adopts the language of a federal statute which has been construed by the U. S. supreme court. In re Adams Machinery, Inc. 20 W (2d) 607, 123 NW (2d) 558.

The construction of a statute by the supreme court becomes a part of the statute unless and until the legislature amends the statute. (Borello v. Industrial Comm. 26 W (2d) 62, cited.) Mednis v. Industrial Comm. 27 W (2d) 439, 134 NW (2d) 416. See also: Sun Prairie v. Public Service Comm. 37 W (2d) 96, 154 NW (2d) 360; State ex rel. LaFollette v. Circuit Court, 37 W (2d) 329, 155 NW (2d) 141; Salerno v. John Oster Mfg. Co. 37 W (2d) 433, 155 NW (2d) 66; and Zimmerman v. Wisconsin Elec. P. Co. 38 W (2d) 626, 157 NW (2d) 648.

The practical construction of a law by the administrative agency charged with the duty of applying the law is entitled to great weight in the courts. Mednis v. Industrial Comm. 27 W (2d) 439, 134 NW (2d) 416; Chevrolet Division, G.M.C. v. Industrial Comm. 31 W (2d) 481, 143 NW (2d) 532.

Long continued administrative interpretation of a statute is a significant aid in statutory interpretation, but only where there is an ambiguity in the statute. Nelson v. Ohio Cas. Co. 29 W (2d) 315, 139 NW (2d) 33. See also: Racine v. Morgan, 39 W (2d) 268, 159 NW (2d) 129; and Chicago & N. W. R. Co. v. Public Service Comm. 42 W (2d) 274, 166 NW (2d) 143.

Opinions of the attorneys general relating to the purposes of a statute are "persuasive guides as to the meaning and purpose of the enactment". Green v. Jones, 23 W (2d) 551, 128 NW (2d) 1; State v. Ludwig, 31 W (2d) 690, 143 NW (2d) 548.

While the determination by the administrator of a federal program is entitled to weight in construing the meaning of a substantially similar provision of the state law involving the same subject matter, it is not conclusive on the subject. Sprague-Dawley, Inc. v. Moore, 37 W (2d) 689, 155 NW (2d) 579.

Amendment to 168.11 (2), Stats. 1963, effective Nov. 10, 1967, had no bearing on the instant case, for as a new law the amendment was not retroactive in application to a cause of action which antedated the amendment. Johnson v. Chemical Supply Co. 38 W (2d) 194, 156 NW (2d) 455.

While the interpretation given to a statute by an administrative agency is entitled to great weight, the construction of a statute is still a question of law and the supreme court is not bound by the agency's interpretation. Board of School Directors v. Wisconsin E. R. Comm. 42 W (2d) 637, 168 NW (2d) 92.

On the effect of action of the legislature, during one session, in amending a section in 2 different ways see 25 Atty. Gen. 179. See also 24 Atty. Gen. 756.

On the effect of 2 acts amending the same statute section, neither of which refers to the other, but which do not conflict, see 50 Atty. Gen. 146.

g. Preamble; History; Remedial; Change Common Law.

A safe and established principle in the construction of statutes is that the rules of the common law are not to be changed by doubtful implication; to give such effect to the statute, the language must be clear, unambiguous and peremptory. Meek v. Pierce, 19 W 300.

A well-established principle of the common law is not abrogated by the repeal of a statute merely declaratory thereof. Chippewa Falls v. Hopkins, 109 W 611, 85 NW 553.

In determining the effect of an amendment courts will look at the purpose expressed, and will not be governed by the recital of such effect; as where the purpose is expressed to strike out one word and insert another, and in embodying the amendment to show how the statute will read as amended words already in the statute are omitted and others are substituted in their place. Svennes v. West Salem, 114 W 650, 91 NW 121.

Where a special committee of the legislature investigated a subject and reported a bill divided into subjects by appropriate headings and accompanied by explanatory notes by the committee and by counsel assisting the committee, and the bill was enacted in the light of such headings and notes, they may be properly considered in determining whether there is any obscurity calling for judicial construction. Minneapolis, St. P. & S. S. M. R. Co. v. Industrial Comm. 153 W 552, 141 NW 1119.

Statutes in derogation of the common law, authorizing the compulsory taking of private property for public use, are to be strictly construed. Union M. Co. v. Spies, 181 W 497, 195 NW 321.

Legislation in derogation of the common law should be strictly construed most favorably to a public corporation, and not to a claimant for damages. Necedah M. Corp. v. Juneau County, 206 W 316, 237 NW 277.

A court may look to legislative history to ascertain legislative intent if language is doubtful or ambiguous. Polzin v. Wachtl, 209 W 289, 245 NW 182.

Statutes in derogation of the common law are to be strictly construed. Laridaen v. Railway Express Agency, Inc. 259 W 178, 47 NW (2d) 727.

In construing 247.28, Stats. 1951, the principle of statutory construction to be followed is that the rules of the common law are not to be changed by doubtful implication. Leach v. Leach, 261 W 350, 52 NW (2d) 896.

It is a principle of statutory construction that the rules of the common law of Wisconsin are not to be changed by doubtful implication. Estate of Ogg, 262 W 181, 54 NW (2d) 175.

The preamble of an ordinance may not be used to enlarge its scope, but where the preamble sets forth the purposes sought to be achieved and an attack is made on the constitutionality of the ordinance, on the ground that it vests discretion in a municipal board without sufficient standards limiting the exercise of such discretion being set forth in the enacting portion of the ordinance, resort may be had to such stated purposes in the preamble for ascertaining such standards in order to save the constitutionality of the ordinance, even though there is no patent ambiguity in the enacting clause. Smith v. Brookfield, 272 W 1, 74 NW (2d) 770.

In construing the administrative procedure act, an article written by the chairman of the committee which drafted the act is entitled to great weight so far as relating to the purpose of the act. Wisconsin Valley Imp. Co. v. Public Serv. Comm. 7 W (2d) 120, 95 NW (2d) 767.

The primary source of construing a statute is the language of the statute itself. What the framer of a legislative act meant by the language used cannot be shown by testimony or his statements but, in determining the meaning of the language, the supreme court can take judicial notice of the legislative history of acts which are public records. A construction of a statute by a state agency dealing with its own power is quite different from a construction dealing with administrative procedure, but in both cases an agency construction is not binding on the supreme court and has pertinency only when the statute is ambiguous and needs construction. Nekoosa-Edwards P. Co. v. Public Serv. Comm. 8 W (2d) 582, 99 NW (2d) 821.

While the legislative history of an act is persuasive of the legislature's intent, and the caption of an act may be resorted to as an indication of that intent, these sources of information cannot prevail in the face of the clear language of a statute to the contrary. Prechel v. Monroe, 40 W (2d) 231, 161 NW (2d) 373.

It was error for the trial court to permit a member of the legislature to testify (over objection) as to the intention of the legislature in enacting enabling legislation, insofar as it applied to the facts at hand, but harmless in view of the trial judges statement that he did not rely thereon. Cartwright v. Sharpe, 40 W (2d) 494, 162 NW (2d) 5.

It is presumed that the legislature acts with full knowledge of existing law, which includes statutes and court decisions interpreting them, and that presumption extends to and includes the rule of an administrative agency, the validity or invalidity of which has been judicially determined prior to the legislative enactment. Kindy v. Hayes, 44 W (2d) 301, 171 NW (2d) 324.

While 957.26 (1), Stats. 1961, must be construed from its own language, the legislative record may be considered as an aid to discover legislative purpose and intent. 50 Atty. Gen. 176.

Statutes in derogation of common law. Page, 1956 WLR 78.

2. Number.

Plural words will be interpreted as including the singular if necessary to the true construction and application of the statute. Hogan v. State, 36 W 226; In re Goodell, 39 W 232.

The singular will be construed in the plural to allow the tacking of the practice of an attorney in 2 states to present the required length of practice to be admitted to the bar of this state. In re Pierce, 189 W 441, 207 NW 966.

It is a rule of statutory construction that the article "a" is generally not used in a statute in a singular sense unless such an intention is clear from the language of the statute. State ex. rel. Cities S. O. Co. v. Board of Appeals, 21 W (2d) 516, 124 NW (2d) 809.

3. Time, How Computed.

The statutory rule for computing time applies only to cases when the time in the statute is expressed in days. Williams v. Lane, 87 W 152, 58 NW 77.

The rule for computing time expressed in days was applied to the notice of a sale of bonds ordered to be given by a resolution of a county board. Fletcher v. La Crosse County, 165 W 446, 162 NW 484.

As to the computation of time by days, requiring the exclusion of the first and the inclusion of the last, creates an exception to the general rule, and does not apply where the limitation is expressed in weeks, months or years. Siebert v. Jacob Dudenhoefer Co. 178 W 191, 188 NW 610.

The general rule followed in the construction of time provisions in statutes is that a statute prescribing the time within which public officers are required to perform an official act is deemed to be merely directory, unless it denies the exercise of power after such time, or the nature of the act, or the statutory language shows that the time provision was intended to be a limitation. State v. Industrial Comm. 233 W 461, 289 NW 769. See also: Muskego-Norway C.S.J.S.D. No. 2 v. Wiscon-

sin E. R. Board, 32 W (2d) 478, 145 NW (2d) 680, 147 NW (2d) 541, 151 NW (2d) 84; and Will v. Dept. of H. & S. S. 44 W (2d) 507, 171 NW (2d) 378.

Where the time for doing an act is one or more years, and the last day falls on Sunday, the act cannot be lawfully performed on the next day but must be performed on the preceding day, in the absence of statute authorizing otherwise. Estate of Brust, 252 W 528, 32 NW (2d) 349.

In determining whether a time provision in a statute is mandatory or directory, the general objective sought to be accomplished, the history of the statute, and the consequences which would follow from adopting one or the other construction, are proper factors to be considered. Worachek, v. Stephenson Town School Dist. 270 W 116, 70 NW (2d) 657.

4. Statutory References.

Under the doctrine of "legislation by reference," when a statute adopts the general law on a given subject, the reference is construed to mean that the law is as it reads thereafter at any given time, including amendments subsequent to the time of adoption; but in the case of adoption by reference of limited and particular provisions of another statute, the reference does not include subsequent amendments. George Williams College v. Williams Bay, 242 W 311, 7 NW (2d) 891. See also: Mueller v. Milwaukee, 254 W 625, 37 NW (2d) 464; and Union Cemetery v. Milwaukee, 13 W (2d) 64, 108 NW (2d) 180.

Where a statute incorporates another by specific reference, the effect thereof is the same as if the incorporated section were set forth verbatim and at length. State v. Lamping, 36 W (2d) 328, 156 NW (2d) 479.

5. Statute Titles.

In cases of doubtful construction of a statute, the title of the act may be resorted to in ascertaining the purpose and intended scope, and the statute should be read with reference to the leading idea, the general rule being that the spirit or reason will prevail over the letter. State ex rel. Pumplin v. Hohle, 203 W 626, 234 NW 735.

The title of a section of the statutes, such as "Common school districts," prefacing 40.30 (1), Stats. 1949, constitutes no part of the law. In re Joint Union Free High School Dist. 262 W 126, 54 NW (2d) 40.

In construing a statute, the title of the act may not be used as a means of creating ambiguity when the body of the act itself is clear. Estate of Dusterhoft, 270 W 5, 70 NW (2d) 239.

Although titles to sections of a statute are not part of the statute, such titles may be resorted to in order to resolve a doubt as to statutory meaning but, conversely, titles should not be resorted to in order to create a doubt where none would otherwise exist. Wisconsin Valley Imp. Co. v. Public Serv. Comm. 9 W (2d) 606, 101 NW (2d) 798.

The caption or heading to a section, even though prepared by the legislature itself, must yield to the plain meaning of the statutory language. Hoeft v. Milwaukee & Sub. Transport Corp. 42 W (2d) 699, 168 NW (2d) 134.

6. Revision.

The notes of the revisor of statutes which have been presented to the legislature when acting on a revision bill must be given due consideration in determining the legislative intent, where obscurity would otherwise exist. State ex rel. Globe S. T. Co. v. Lyons, 183 W 107, 197 NW 578.

It may be assumed that the revisor of statutes, in bringing together, in a revision bill, various provisions of law relating to a single subject, did so without intention to work any radical changes in the manner of procedure. Van Brunt v. Joint School Dist. 185 W 493, 201 NW 755.

The policy of the legislature in the enactment of revision laws and of the court in construing them is that unless there is a clearly expressed intention to work a change in the substantive law the revised matter will be given the same effect that it originally had. A change of terms by the revision of the statutes is not so clearly indicative of a special purpose and intent to change its meaning as when it is the result of a direct amendment. In such a case the intent to change must be evident and certain; there must be such a substantial change as to import such intention, or it must otherwise be manifest from other guides of interpretation, or the difference in phraseology will not be deemed expressive of a different intention. Wisconsin G. & E. Co. v. Fort Atkinson, 193 W 232, 213 NW 873.

In construing a revision of statutes by enactment of a bill proposed by the revisor of statutes, the revised matter should be given the same effect that it originally had unless there is a clearly expressed intention to work a change in the substantive law; hence, when enactment of a revisor's bill leaves a statute ambiguous, full force should be given to the idea that as no change in the law was intended no change was affected. But an unambiguous provision of such an act that 98.12 (10), Stats. 1929, is repealed, repealed it, notwithstanding the revisor's note to the bill erroneously assumed that such subsection was obsolete because already repealed, and although such notes are treated as of much importance in ascertaining the legislative intent. Kugler v. Milwaukee, 208 W 251, 242 NW 481.

When the revisor of statutes through mistake as to existing law recommends repeal of a statute, and the legislature repeals it pursuant to recommendation, the repealing act must be given effect according to its terms. Cavadini v. Larson, 211 W 200, 248 NW 209.

In respect to a revisor's bill, a construction involving a change in meaning of the statutes will be made only if the language is so clear and unambiguous that it is not subject to any other interpretation. George Williams College v. Williams Bay, 242 W 311, 7 NW (2d) 891. See also International Union v. Gooding, 251 W 362, 29 NW (2d) 730.

The enactment of a revisor's bill cannot be construed as changing existing law or rule unless the language of the bill definitely compels such construction. Jacobson v. Bryan, 244 W 359, 12 NW (2d) 789.

Bills submitted to the legislature by the revisor of statutes and enacted into law, al-

though standing on a different footing from other acts of the legislature in respect to construction, are nevertheless acts of the legislature, and they must be applied as they read where there is no ambiguity. Dovi v. Dovi, 245 W 50, 13 NW (2d) 585.

Revisions of statutes do not change the meaning of the statutes revised, unless the intent to change their meaning necessarily and irresistibly follows from the changed language. State v. Maas, 246 W 159, 16 NW (2d) 406.

See note to 251.18, citing Estate of Bocher, 249 W 9, 23 NW (2d) 615.

Where a revisor's bill, ch. 403, Laws 1931, which deleted from what was originally 2394-4, Stats. 1911, relating to liability of the employer under the workmen's compensation act, the words "in lieu of any other liability whatever," declared that the meaning of the act remained as before and that the revision was intended only to change the verbiage without changing the law, and there was retained in the act the provision in 102.03 (2), that the right to recover compensation pursuant to the act shall be the exclusive remedy against the employer, the act continued to have the legal effect of 2394-4, Stats. 1911, notwithstanding the 1931 revision. Revisions of statutes do not change their meaning unless the intent to change the meaning necessarily and irresistibly follows from the changed language. Guse v. A. O. Smith Corp. 260 W 403, 51 NW (2d) 24.

On construction of revisor's bills see 25 Atty. Gen. 72, 33 Atty. Gen. 159, 33 Atty. Gen. 164, and 38 Atty. Gen. 300.

7. Joint Authority.

Under sec. 1, ch. 4, R. S. 1849, where all the arbitrators appointed in pursuance of a corporate charter met to hear and determine the question submitted, but only a majority signed the award (which purports to be the act of all) it is valid. Darge v. Horicon Iron Mfg. Co. 22 W 659.

An order discontinuing a town highway, made by 2 of the 3 town supervisors, was a valid order by virtue of sec. 1, ch. 5, R. S. 1858. State ex rel. McCune v. Goodwin, 24 W 286. See also Williams v. Mitchell, 49 W 284, 5 NW 798.

The rule of sec. 4971 (3), R. S. 1878, applies to executors. Melms v. Pfister, 59 W 186, 18 NW 255.

Sec. 4971 (3), Stats. 1898, applies to a commission appointed under sec. 1077a to review a county apportionment of taxes. State ex rel. Meredith v. Lippels, 112 W 203, 87 NW 1093.

A decision concurred in by 2 qualified commissioners appointed in a highway appeal will be valid in a case where the third commissioner, although appointed and acting, failed to qualify by taking the oath prescribed. Rogers v. Daves, 154 W 23, 142 NW 127.

Sec. 4971 (3), Stats. 1911, does not apply to a power conferred upon a common council in its collective capacity to elect or appoint an officer. State ex rel. Burdick v. Tyrrell, 158 W 425, 149 NW 280.

Sec. 4971 (3), Stats. 1923, empowers a majority of the emergency board specified in 20.74 to act. State ex rel. Board of Regents v. Zimmerman, 183 W 132, 197 NW 823.

Where the court did not direct that one of 3 joint executors should employ counsel to contest an application to surcharge executors, such expense could not be made chargeable to the estate where a majority of the executors did not concur. Hill v. Barrett, 200 W 84, 227 NW 280.

8. Severability.

A separability clause, although not controlling on the court, will not be ignored except in a case where it clearly appears that the remainder of the act is dependent on the part held invalid. The effect of a separability clause is to reverse the presumption of inseparability which ordinarily obtains and to create the opposite one of separability. J. C. Penney Co. v. Tax Comm. 233 W 286, 289 NW 677.

A legislative purpose to enact a law of doubtful constitutionality, and then, by the insertion of an all-inclusive severability clause, to authorize the courts to whittle down the law so as to bring it within the constitutional field, involves a method of lawmaking not contemplated by the constitution. State v. Neveau, 237 W 85, 294 NW 796, 296 NW 622.

In determining whether provisions of state statutes are so separable as to allow enforcement of some provisions even though others are void, the rule is that, where the subjects of the legislation are so interrelated as to make it reasonably apparent that the regulation of one would not have been attempted without the regulation of the other, the statute is invalid in its entirety if it is invalid in its main purpose. Schmidt v. Milwaukee County, 250 W 23, 26 NW (2d) 263.

In deciding whether an entire act of the legislature must be held invalid by reason of the unconstitutionality of a part thereof, or whether only the part held invalid is void, leaving the remainder valid and enforceable, the all-determining factor is the intention of the legislature, unless the invalid part is of such a nature that the remainder cannot stand in any event without it. The elimination of even material provisions in an act, because of the invalidity of such provisions, does not render the remaining valid provisions ineffective if the part upheld constitutes, independently, a complete law in some reasonable aspect, unless it appears from the act itself that the legislature intended it to be effective only as an entirety and would not have enacted the valid part alone. Sec. 4 of the reapportionment statute, ch. 728, Laws 1951, providing that the legislature "does not intend that any part of this act shall be the law if any other part is held unconstitutional," is a valid and effective provision, so that, if any other part of the act should be held invalid, the entire act would have to be declared void. State ex rel. Broughton v. Zimmerman, 261 W 398, 52 NW (2d) 903.

One part of the statute may be unconstitutional and the remainder may still have effect, provided the 2 parts are distinct and separable and are not dependent on each other. The so-called "county board law" is severable from the remainder of 31.06 (3), Stats.

1949, and its invalidity does not affect the validity of any other portion of such statute. Muench v. Public Service Comm. 261 W 492, 53 NW (2d) 514, 55 NW (2d) 40.

Determination that 66.021 (11) (b), Stats. 1965, is constitutionally invalid leaves unaffected the balance of 66.021, for under the severability provision of 990.001 (11) and in light of the legislative purpose, the invalid provision of 66.021 is severable from the balance of the section. In re City of Beloit, 37 W (2d) 637, 155 NW (2d) 633.

A nonseverability clause, being an unequivocal expression of the intent of the legislature, must be given effect as written. 40 Atty. Gen. 304.

990.01 History: R. S. 1849 c. 4 s. 1; R. S. 1849 c. 66 s. 40; R. S. 1858 c. 5 s. 1; R. S. 1858 c. 97 s. 40; 1876 c. 57 s. 10; R. S. 1878 s. 1861, 3805, 4971, 4972 subs. 1 to 7, 9 to 13; 1879 c. 194 s. 2 sub. 31; Ann. Stats. 1889 s. 1861, 3805, 4971, 4972 subs. 1 to 7, 9 to 13; Stats. 1898 s. 1861, 3805, 4971, 4972 subs. 1 to 7, 9 to 13; 1901 c. 269 s. 3; Supl. 1906 s. 2984a; 1915 c. 438 s. 2; 1915 c. 604 s. 41; Stats. 1915 s. 1436b, 1861, 2984a, 3805, 4971, 4972 subs. 1 to 7, 9 to 13; 1917 c. 227; 1917 c. 552; 1919 c. 571 s. 5; 1919 c. 702 s. 75; 1923 c. 291 s. 3; 1923 c. 350 s. 1 to 3; 1923 c. 448 s. 70; Stats. 1923 s. 192.74, 2984a, 3805, 4971; 1925 c. 4; Stats. 1925 s. 192.74, 272.22, 310.24, 370.01; 1929 c. 504 s. 127; Stats. 1929 s. 272.22, 310.24, 370.01; 1931 c. 470 s. 11; 1933 c. 190 s. 2, 21; 1933 c. 251; Stats. 1933 s. 272.22, 370.01; 1935 c. 541 s. 234; Stats. 1935 s. 370.01; 1941 c. 298; 1943 c. 275 s. 69, 70; 1947 c. 167, 458, 477; 1949 c. 245, 639; 1951 c. 206; 1951 c. 261 s. 4, 6; 1951 c. 469; 1951 c. 734 s. 33, 34; 1953 c. 578; 1955 c. 379; 1955 c. 660 s. 14; Stats. 1955 s. 990.01; 1957 c. 663; 1959 c. 248; 1961 c. 33, 495, 677; 1965 c. 252, 617; 1967 c. 227; 1969 c. 87.

Comment of Interim Committee, 1947: 370.01 (51) is a statutory declaration of what is the common meaning of the words minor and adult. But in some situations persons under 21 are said to be adults. This definition serves to make statutes more certain and stimulates the use of those words in writing laws. [Bill 256-S]

1. General rule.
2. Folio.
3. Grantor and grantee.
4. Highway.
5. Inhabitant and resident.
6. Issue.
7. Land.
8. Month.
9. Nighttime.
10. Person.
11. Personal property.
12. Population.
13. Real estate.
14. Seal.
15. Town.
16. Writing.

1. General Rule.

An obvious clerical error will be disregarded when the sense requires it; as the word "south," instead of "north." Palms v. Shawano County, 61 W 211, 21 NW 77.

Where a word has a definite meaning in one act it will be given that meaning in a later act in pari materia unless some other meaning is clearly expressed. Nolan v. Milwaukee, L. S. & W. R. Co. 91 W 16, 64 NW 319.

Where the words "may" and "shall" both occur in the same statute, it is presumed that they were used advisedly by the legislature and that each was intended to be given its distinctive meaning. Equitable Life Asso. Soc. v. Host, 124 W 657, 102 NW 579.

The common, ordinary, or approved meaning of words in a legislative enactment is to be regarded as the one intended by the lawgivers, unless such meaning is inconsistent with the manifest legislative purpose, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law are to be construed and understood according to such peculiar and appropriate meaning. Sharpe v. Hasey, 134 W 618, 114 NW 1118.

A qualifying word ordinarily modifies only the word immediately preceding. Zweituch v. E. Milwaukee, 161 W 519, 154 NW 981.

A definition by the legislature of the meaning of its own words controls all other definitions. McCarthy v. State, 170 W 516, 175 NW 785.

The court may enlarge or restrict the commonly accepted meaning of a particular word or words where that becomes necessary to give effect to a plainly declared legislative purpose. But it is not the office of a court to extend a statute by construction where there is no express legislative intention to guide it. Estate of Spooner, 172 W 174, 177 NW 598.

The word "collision" as used in an automobile policy does not include the striking of the bank when by skidding on a recently regraveled highway an automobile was overturned against it. Fox v. Interstate Exchange, 182 W 28, 195 NW 842.

The rule declared by 370.01 (1), Stats. 1927, applies to the construction of contracts. Charette v. Prudential Ins. Co. 202 W 470, 232 NW 848.

The rule of noscitur a sociis, or of ejusdem generis, sometimes applied to restrict descriptive language to the same class, family, or gender indicated by the particular words immediately preceding or characterizing the context in which the general language is found, is not to be resorted to for the purpose of reading into a statute a distinction which the legislature neither made nor intended to make. Boardman v. State, 203 W 173, 233 NW 556.

In common language a "filling station" is not a store or a mercantile establishment where goods, wares or merchandise are sold or offered for sale at retail. Wadhams Oil Co. v. State, 210 W 448, 245 NW 646, 246 NW 687.

Construed according to common and approved usage, the term "quarry," as used in 103.69 (3), Stats. 1945, means an open excavation for obtaining building stone, slate, limestone, and the like, and does not include an open excavation from which gravel is taken, the latter being a "pit" rather than a "quarry." Anderson v. Industrial Comm. 250 W 330, 27 NW (2d) 499.

An "exception" exempts something absolutely from the operation of a statute by express words in the enacting clause, while a "proviso" defeats its operation conditionally; and an "exception" takes out of the statute something that otherwise would be part of the subject matter of it, while a "proviso" avoids them by way of defeasance or excuse. The words excluding depot grounds from the necessity of fencing constitute a true "exception," so that the burden is on a plaintiff, basing his action on the defendant's failure to fence, to negative the exception in fact. Garcia v. Chicago & N. W. R. Co. 256 W 633, 42 NW (2d) 288.

When the framer of an administrative order or a statute uses words which have a technical and well-established meaning universally understood in commerce or trade, that meaning must be read into and understood to be descriptive of the particular object dealt with in such order or statute. Harnischfeger Corp. v. Industrial Comm. 263 W 76, 56 NW (2d) 499.

The term "feloniously" has no synonym and admits of no substitute, since it describes a peculiar disposition and intent essential to the existence of "crimes" of a certain grade. State ex rel. Kojis v. Barczak, 264 W 136, 58 NW (2d) 420.

"And" is a conjunctive, and "or" a disjunctive, particle. Cross v. Leuenberger, 267 W 232, 65 NW (2d) 35, 66 NW (2d) 168.

Photography is not a profession in the common use of the term. State ex rel. Hynek Co. v. Board of Appeals, 267 W 309, 64 NW (2d) 741.

The ordinary concept of the term "family" does not necessarily imply only a group bound by ties of relationship, but means a collective body of persons living together in one house, under the same management and head, subsisting in common and directing their attention to a common object, the promotion of their mutual interests and social happiness. Missionaries of La Salette v. Whitefish Bay, 267 W 609, 66 NW (2d) 627.

In general, the term "business" means some particular occupation or employment habitually engaged in for livelihood or gain. State v. Joe Must Go Club, 270 W 108, 70 NW (2d) 681.

The word "adjacent" in its ordinary usage means "near to" or "close to," but does not imply actual physical contact as does the word "adjoining," but when the word "immediately" is used to qualify the word "adjacent" the phrase takes on the meaning of "adjoining," i.e., with no space intervening. Superior Steel Products Corp. v. Zbytoniewski, 270 W 245, 70 NW (2d) 671.

See note to 238.01 (general), citing Estate of Cobeen, 270 W 545, 72 NW (2d) 324.

See note to 238.01 (general), citing Estate of Rhodes, 271 W 342, 73 NW (2d) 602.

As used in 40.075, Stats. 1955, the word "adjoining" means that the bodies of land are so joined or united that no other body intervenes, and includes tracts which merely corner on each other. State ex rel. Badtke v. School Board, 1 W (2d) 208, 83 NW (2d) 724.

The word "owned," as used in statutes, is not a technical term, but is a general expression to describe a great variety of interests, and may vary in significance according to context and subject matter, and may in some instances mean something less than absolute and entire ownership. State v. Jelco, 1 W (2d) 630, 85 NW (2d) 487, 86 NW (2d) 428.

In construing the Florida guest statute limiting the host's liability to guests, the court will apply the rule of 990.01 (1), Stats. 1953, in deciding that "motor vehicle" does not include "airplane", where Florida construction is not clear. Gridley v. Cardenas, 3 W (2d) 623, 89 NW (2d) 286.

The term "household", according to common and approved usage, means those who dwell under the same roof and compose a family. Lontkowski v. Ignarski, 6 W (2d) 561, 95 NW (2d) 230.

Qualifying phrases and clauses in a statute are to be construed as applying to the next-preceding antecedent provision, unless the context or evident meaning of the enactment requires a different construction. Loof v. Rural Mut. Cas. Ins. Co. 14 W (2d) 512, 111 NW (2d) 583.

The words "other than" (used in defining a utility automobile as being a certain type vehicle "other than" a farm vehicle) is construed as meaning "different from" rather than "in addition to", since a contrary interpretation is not the usual meaning accorded to the term or the meaning to be attributed thereto when the phrase is considered in context. Schmude v. Hansen, 28 W (2d) 326, 137 NW (2d) 61.

The term "otherwise" as used following the enumeration "paraplegia, amputation of a member . . . or otherwise" means any injury as defined above which results in a degree of disability substantially equal to that caused by paraplegia or amputation of a member. 41 Atty. Gen. 38.

"Paraplegia" is a pathological term, and hence a technical word which must be accorded its technical meaning. 41 Atty. Gen. 38.

Technological change and statutory interpretation. Christiansen, 1968 WLR 556.

2. Folio.

In publishing laws and proposed constitutional amendments fractional parts of folios cannot be computed as complete folios, since such publications are governed by sec. 4971 (14) and not by sec. 2935, Stats. 1919. 10 Atty. Gen. 210.

Punctuation marks are not counted as words or figures. Each digit of a number is counted as a separate word. 28 Atty. Gen. 171.

The abbreviation "NW" for "northwest" in printing a land description counts as but one word. 37 Atty. Gen. 94.

3. Grantor and Grantee.

The plaintiff who accepted a warranty deed from a tax title grantee and remained in possession when the defendant, over 5 years later, trespassed upon the land, was a "grantee" within sec. 1189b, Stats. 1898, although she was not named as such in the tax deed. Brunette v. Norber, 130 W 632, 110 NW 785.

In view of the definitions of "grantor" and

"grantee" it cannot be held that the word "grantees" is used in 230.45 (3), Stats. 1943, in a popular sense rather than in its strict legal sense. Hass v. Hass, 248 W 212, 21 NW (2d) 398, 22 NW (2d) 151.

4. Highway.

A city street is a public highway, and within a city the words "street" and "highway" are interchangeable. Herbert v. Richland Center, 264 W 8, 58 NW (2d) 461.

The word "sidewalk" is ordinarily used to designate a portion of a highway which has been set apart for pedestrians, as distinguished from that which is used by vehicles. Brunette v. Bierke, 271 W 190, 72 NW (2d) 702.

5. Inhabitant and Resident.

On elector residence see notes to 6.10.

The word "resident" is an elastic term which may refer to a temporary sojourner as well as to one possessing a legal domicile, and its statutory meaning in a particular case is dependent on the sense in which it is used as gathered from its context, the object of the statute, and other accepted aids in statutory construction. Smith v. Whitewater, 251 W 313, 29 NW (2d) 37.

6. Issue.

The word "issue" if not qualified or explained usually includes not only children, but grandchildren, and in fact all lawful lineal descendants, and hence the provision in 370.01 (8), Stats. 1941, that the word "issue," as applied to descent of estates, shall be construed to include all the lawful lineal descendants of the ancestor, even if limited in its application to matters of descent, must be considered as strong evidence of the usual and accepted meaning of the word. Will of Vedder, 244 W 134, 11 NW (2d) 642.

The definition of "issue" in 370.01 (17), Stats. 1951, applies only in the case of descent of estates and has no application to the rights of persons taking under a will. Estate of Uihlein, 269 W 170, 68 NW (2d) 816.

See note to 238.01 (general), citing Estate of Rhodes, 271 W 342, 73 NW (2d) 602.

7. Land.

The words "real property", "land" and "real estate", as used in secs. 1 and 2 of ch. 15, R. S. 1849, were intended to have the same sense and meaning as it is declared in sec. 9, ch. 4, those words shall be construed and deemed to have. Ross v. Board of Supervisors, 12 W 26.

A ditch is land. Case v. Hoffman, 84 W 438, 54 NW 793.

The interest of a purchaser under a land contract who has paid the price and is in actual occupancy of the premises is land or real estate. Carpenter v. Fopper, 94 W 146, 68 NW 874.

8. Month.

A clause in a contract making plaintiff an exclusive agent to solicit life insurance which avoided the contract without notice in case he failed to produce paid-for business for "2 consecutive months" is construed to mean a continuous period equal to 2 calendar months. The definition of the word "month" does not determine the time for the commencement of a period computed in calendar rather than lunar months. The period may begin on any day of any month. Schissler v. Wisconsin Life Ins. Co. 186 W 477, 202 NW 177.

9. Nighttime.

See note to 972.01, on charge to jury, citing Shaffel v. State, 97 W 377, 72 NW 888.

10. Person.

The statute providing that any person making a voluntary assignment may be discharged should be construed to include corporations. Segnitz v. Garden City B. & T. Co. 107 W 171, 83 NW 327.

The word "person" as used in 71.21, Stats. 1921, includes corporations. Milwaukee County v. W. S. Seaman Co. 181 W 323, 193 NW 513.

The word "person", defined in 370.01 (12), Stats. 1943, as extending and applying to bodies politic and corporate, includes the state, which is a body politic. State v. Jewell, 250 W 165, 26 NW (2d) 825.

11. Personal Property.

Under a contract between a father and son by which the son undertook to maintain his parents, and the father agreed that on his death "all personal property" belonging to him or his wife should become the property of the son, cash accumulations of the father constituted "personal property" which belonged to the son. Will of Gunderson, 191 W 557, 211 NW 791.

12. Population.

It was proper for the state highway commission to base allocations of highway funds provided by 20.49 (8), Stats. 1951, on the latest officially entered census figure even though it was a preliminary count and subject to later correction. 41 Atty. Gen. 18.

13. Real Estate.

The words "real estate", as used in sec. 926-2, Stats. 1898, do not include lands, tenements and hereditaments. Zweifel v. Milwaukee, 188 W 358, 206 NW 215.

See note to 201.24, citing Catholic Knights of Wisconsin v. Levy, 261 W 284, 53 NW (2d) 1.

14. Seal.

A seal made by a pen or a written scrawl is not an official seal; neither is a design printed in ink, nor words partly impressed upon paper and partly written thereon. The whole title of the officer must be impressed upon the paper or some substance attached thereto. Oelbermann v. Ide, 93 W 669, 68 NW 393.

Under 328.27, Stats. 1929, a contract of guaranty under seal within 235.17 imports consideration and is good, even though no consideration therefor is stated; the true consideration may be shown, but not for the purpose of defeating the contract. Bradley Bank v. Pride, 208 W 134, 242 NW 505.

Although a promissory note is not required to be under seal, the maker of a note, for purposes satisfactory to himself and his payee, may make his ordinary promise in the form of a specialty by adding a seal. The printed let-

ters "L. S." or the printed word "Seal" inclosed in brackets or parentheses, in the usual place of a seal, constitute a sufficient "scroll or device" to answer the purposes of a seal. Banking Comm. v. Magnin, 239 W 36, 300 NW 740.

235.17, Stats. 1937, does not require that there be any reference to a seal in the body of the instrument in order to make it a sealed instrument. Fond du Lac Citizens Loan & Inv. Co. v. Webb, 240 W 42, 1 NW (2d) 772, 2 NW (2d) 722.

A provision "witnesseth our hands and seals" did not make a contract an instrument under seal. Skelly Oil Co. v. Peterson, 257 W 300, 43 NW (2d) 449.

15. Town.

Town, as used in sec. 1276, R. S. 1878, includes ward. State ex rel. Wood v. Goldstucker, 40 W 124.

Town, as used in sec. 2993, R. S. 1878, includes cities. Kopmeier v. O'Neil, 47 W 593, 3 NW 365.

16. Writing.

The last clause of sec. 4971 (19), R. S. 1878, must be limited to cases where a written signature is expressly or by necessary implication required. Scott v. Seaver, 52 W 175, 8 NW 811; Mezchen v. More, 54 W 214, 11 NW 534.

Sec. 4971 (19), Stats. 1898, does not require that a signature by a mark should be witnessed. Finlay v. Prescott, 104 W 614, 80 NW 930.

This general section does not limit a special section such as sec. 2282, Stats. 1923, and a will may be signed by a mark although the testator is able to write. Will of Mueller, 188 W 183, 205 NW 814.

In view of 370.01 (19), Stats. 1935, a petition under 62.07 must be signed by qualified electors in person. The names of such electors signed by others and in their presence is not sufficient, although the signing was with their consent. DeBauche v. Green Bay, 227 W 148, 277 NW 147.

990.02 History: R. S. 1849 c. 157 s. 11, 12; R. S. 1858 c. 191 s. 11, 12; R. S. 1878 s. 4972 subs. 8, 14, 15; Stats. 1898 s. 4972, subs. 8, 14, 15; 1923 c. 350 s. 4; Stats. 1923 s. 4972; 1925 c. 4; Stats. 1925 s. 370.02; 1951 c. 261 s. 8; 1955 c. 660 s. 14; Stats. 1955 s. 990.02.

Revisers' Note, 1878: This section gives special rules of construction applicable to the revised statutes only, and is inserted for the purpose of defining general words and phrases used in the revision, for the sake of brevity, and to avoid repetitions, and includes sections 11 and 12, chapter 191, R. S. 1858.

Editor's Note: In State ex rel. Hand K. H. Co. v. Atwood, 195 W 226, 218 NW 438, 370.02 (3), Stats. 1925, is cited as authority for holding that 71.26 is not overriden by 71.155. Both of said sections were created by ch. 446, Laws 1925. But the court did not examine the origin and legislative history of 370.02 (3).

The history and purpose of sec. 4972 (14), Stats. 1921, show it was intended to apply only to the provisions of the revision bill which became the Statutes of 1898. 10 Atty. Gen. 889.

990.03 History: R. S. 1849 c. 4 s. 3; R. S. 1858 c. 5 s. 3; R. S. 1878 s. 4973; Stats. 1898 s. 4973; 1915 c. 244; 1925 c. 4; Stats. 1925 s. 370.03; 1955 c. 660 s. 14; Stats. 1955 s. 990.03.

On rules for construction of laws (implied repeals) see notes to 990.001.

990.04 History: 1852 c. 11 s. 1; R. S. 1858 c. 119 s. 33; R. S. 1878 s. 4974; Stats. 1898 s. 4974; 1925 c. 4; Stats. 1925 s. 370.04; 1955 c. 660 s. 14; Stats. 1955 s. 990.04.

A condition imposed by statute upon the remedy remains as to actions pending notwithstanding the repeal of the statute, unless the repealing act specially abrogates the condition. Bratton v. Johnson, 76 W 430, 45 NW 412; Boorman v. Juneau County, 76 W 550, 45 NW 675.

See note to sec. 1, art. IV, on legislative power generally, citing Garland v. Hickey, 75 W 178, 43 NW 832.

The repeal of sec. 1702a, Ann. Stats. 1889, by the Statutes of 1898, did not affect an action previously brought thereunder. Crocker v. Huntzicker, 113 W 181, 88 NW 232.

A conviction of possessing intoxicating liquor could be affirmed, though the statute relied upon was subsequently repealed, where accrued rights were not abrogated. Halbach v. State, 200 W 145, 227 NW 306.

Repealing without a saving clause, 85.085, Stats. 1927, which prohibits carrying load extending beyond line of fender of vehicle, did not operate as pardon of offense of violation of repealed law, since 370.04 is a general saving clause as to all actions civil and criminal and permits prosecution under the repealed statute. Whaley v. State, 200 W 267, 227 NW 942.

Under the Severson law, made part of a city ordinance, defendant was subject to prosecution for destroying liquids to frustrate search of licensed premises prior to repeal of the law. Milwaukee v. Krupnik, 201 W 1, 229 NW 43.

Repeal of the statute under which defendant was convicted did not relieve defendant of the penalty imposed. Thomas v. State, 218 W 83, 259 NW 829.

When ch. 342, Laws 1939, repealed 40.85, relating to the detachment of school territory, an appeal board created by the repealed statute ceased to exist on the date the repealing act went into effect, proceedings pending before such appeal board not constituting an "action" or a "special proceeding" so as to continue the board by operation of 370.04, and hence an order setting aside a detachment order of a school board and a town board, made by such appeal board after the effective date of the repealing act, was void, and the detachment order, made before the effective date of the repealing act, still stood. State ex rel. Sanderson v. Amundson, 236 W 523, 295 NW 691.

The requirement, in an unconfirmed and hence not yet final or enforceable order of the labor relations board under the labor relations act of 1937, that an employer bargain collectively with a certain union, did not constitute a "civil liability," and the special proceedings

before the board, and for the confirmation and enforcement of the order in the circuit court, authorized solely by provisions in the act of 1937, were neither "criminal prosecutions" nor "actions at law or in equity," so as to preserve, by operation of 370.04, Stats. 1937, the union's right to have the board's order confirmed and enforced notwithstanding the repeal of the act of 1937 and the abolition of the board. Metropolitan Life Ins. Co. v. Wisconsin L. R. Board, 237 W 464, 297 NW 430.

370.04, Stats. 1939, does not apply to a repealing act on policy and has no reference to a permanent tenure status acquired by a teacher before the repeal of the teachers' tenure statute. State ex rel. McKenna v. District No. 8, 243 W 324, 10 NW (2d) 155.

The general rule is that the repeal of a statute does not operate to impair or otherwise affect rights which have been vested or accrued while the statute was in force; and even where no question of vested rights is involved, the presumption is that the repeal of a statute does not invalidate the accrued results of its operative tenure, and it will not be thus retroactively construed as undoing accrued results if not clearly required by the language of the repealing act. Waddell v. Mamat, 271 W 176, 72 NW (2d) 763.

990.04, Stats. 1955, does not preserve a defendant's rights to a form of trial or burden of proof under statutes governing paternity proceedings, where such statutes were amended or created, and not repealed. State ex rel. Sowle v. Brittich, 7 W (2d) 353, 96 NW (2d) 337.

Where a cause of action arose under 88.38 (2) prior to its repeal in 1963, an action can be commenced thereafter. Niesen v. State, 30 W (2d) 490, 141 NW (2d) 194.

990.05 History: R. S. 1849 c. 4 s. 4; R. S. 1858 c. 5 s. 4; R. S. 1878 s. 4975; Stats. 1898 s. 4975; 1907 c. 5, 464; 1925 c. 4; Stats. 1925 s. 370.05; 1941 c. 16; 1955 c. 660 s. 14; Stats. 1955 s. 990.05.

On time when statutes take effect see notes to sec. 21, art. VII.

The improper classification of laws, as publishing a general law in the volume of private and local laws, does not vitiate the publication. The date of the certificate of the secretary of state in the volume of laws is prima facie evidence of the date of publication. In re Boyle, 9 W 264.

Courts are bound to take notice of the time when public acts go into operation. State v. Foote, 11 W 14.

The date of approval prevails over the date of publication in determining priority of statutes. Mead v. Bagnall, 15 W 156.

The rule that general laws must be published before they can take effect "does not make the printer a part of the law-making power, nor enable him, by delaying the publication of one law longer than another which was passed at the same time, to change the relations of the 2 upon the point of priority of legislative action." Mead v. Bagnall, 15 W 156.

A presumption that a law was enacted conformably to the constitution is raised by its publication in the volume of session laws. Bound v. Wisconsin C. R. Co. 45 W 543.

If a bill expressly declares the time of its taking effect, and such time is an impossible one, it becomes effective upon publication. 18 Atty. Gen. 449.

990.06 History: R. S. 1878 s. 4976; Stats. 1898 s. 4976; 1925 c. 4; Stats. 1925 s. 370.06; 1955 c. 660 s. 14; Stats. 1955 s. 990.06.

The amendment of 289.06 by ch. 75, Laws 1933, enlarging the period for filing a complaint to enforce a lien thereunder from one year to 2 years, but not providing that the amendment should be applicable to periods of limitation which had theretofore commenced to run, is inapplicable to a period of limitation which had commenced to run before the enactment of the amendment. Augustine v. Congregation of the Holy Rosary, 213 W 517, 252 NW 271.

A statute enlarging the time for filing an affidavit of renewal of a chattel mortgage did not apply to mortgages on file when the statute was enacted. Pierce v. Westby S. Bank, 218 W 648, 261 NW 752.

49.10, Stats. 1919, contains no indication of an intent to have the statute operate retrospectively and, therefore, 370.06 operates to preserve the old limitation as to all causes which had accrued prior to the enactment of the first named section. In re Tinker's Estate, 227 W 519, 279 NW 83.

A claim of the state against the estate of an incompetent who died in 1941 for maintenance furnished in a public institution from 1919 to 1931 was not barred by the 10-year statute of limitations, 330.18 (6), Stats. 1941, because a legislative amendment of 1941, which removed from 46.10 (7) the disability to plead the statute of limitations, and had the legal effect of restoring the limitation on claims in favor of the state against estates of incompetent inmates, could not cut off the claim of the state completely and without providing for a reasonable time in which an action might be begun. Estate of Heller, 246 W 438, 17 NW (2d) 572.

See note to 893.01, citing Casey v. Trecker, 268 W 87, 66 NW (2d) 724.

990.07 History: Stats. 1898 s. 4977; 1911 c. 308; 1925 c. 4; Stats. 1925 s. 370.07; 1951 c. 261 s. 9; 1955 c. 660 s. 14; Stats. 1955 s. 990.07.

CHAPTER 991.

Time When Statutes Take Effect and of Repeal of Laws.

991.01 History: R. S. 1878 s. 4978; Stats. 1898 s. 4978; 1919 c. 329; 1925 c. 4; Stats. 1925 s. 371.01; 1955 c. 660 s. 14; Stats. 1955 s. 991.01.

991.02 History: R. S. 1849 c. 157 s. 5, 6; R. S. 1858 c. 191 s. 5, 6; R. S. 1878 s. 4979; Stats. 1898 s. 4979; 1925 c. 4; Stats. 1925 s. 371.02; 1955 c. 660 s. 14; Stats. 1955 s. 991.02.

991.03 History: R. S. 1849 c. 157 s. 2; R. S. 1858 c. 191 s. 2; R. S. 1878 s. 4980; Stats. 1898 s. 4980; 1925 c. 4; Stats. 1925 s. 371.03; 1955 c. 660 s. 14; Stats. 1955 s. 991.03.

991.07 History: R. S. 1858 c. 191 s. 13; R. S. 1878 s. 4984; Stats. 1898 s. 4984; 1925 c. 4;