

Brouwer Realty Co. v. Industrial Comm. 266 W 73, 62 NW (2d) 577.

There can be no appeal to the supreme court from any determination of the circuit court in a proceeding for review under ch. 227 except from a final judgment or final order. Ashwaubenon v. Public Service Comm. 15 W (2d) 445, 113 NW (2d) 412.

227.22 History: 1943 c. 375; Stats. 1943 s. 227.22; 1949 c. 77; 1953 c. 277; 1955 c. 221 s. 15; 1967 c. 109.

Committee Note, 1955: (1) is substantially a restatement of the former 227.22. (2) replaces the complete exclusion, presently contained in the definition of "agency". (Bill 5-S)

227.24 History: 1943 c. 375; Stats. 1943 s. 227.24; 1955 c. 221 s. 17.

227.25 History: 1941 c. 194; Stats. 1941 s. 261.13; 1943 c. 375; Stats. 1943 s. 227.25; 1945 c. 511; 1969 c. 276 s. 584 (1) (b).

227.26 History: 1931 c. 280; Stats. 1931 s. 285.06; 1943 c. 375; Stats. 1943 s. 227.26.

285.06, Stats. 1935, authorizes the attorney general or any department, board, commissioner or officer sought to be restrained in federal district court, to bring, in the circuit court for Dane county, a suit to enforce any state statute assailed, at any time before the hearing on the application for an interlocutory injunction in the suit in the federal court. Dept. of Agriculture and Markets v. Laux, 223 W 287, 270 NW 548.

285.06, Stats. 1939, does not in any real sense confer jurisdiction of the subject matter of the action that has not already been conferred by the constitution, but prescribes the venue of the action and, in the situations specified, authorizes suit by the proper department, board, commissioner or officer. Where a foreign insurance company commenced an action in the federal court seeking to restrain the commissioner from enforcing, in accordance with his understanding of them, state statutes regulating the insurance business in Wisconsin, the situation was sufficiently within this section to authorize the commissioner to bring an action thereunder to enforce the state statutes, as against the contention that, since there was no formal order of denial of license by the commissioner at the time the action in the federal court was commenced, there was no attempt by the company to restrain enforcement of any "order" and the contingency on which the commissioner's authority to bring an action never happened. *Duel v. State Farm Mut. Auto. Ins. Co.* 240 W 161, 1 NW (2d) 887, 2 NW (2d) 871.

CHAPTER 228.

Recording and Copying of Public Records in Populous Counties.

228.01 History: 1959 c. 399; Stats. 1959 s. 228.01.

228.02 History: 1959 c. 399; Stats. 1959 s. 228.02.

228.03 History: 1959 c. 399; Stats. 1959 s. 228.03.

228.04 History: 1959 c. 399; Stats. 1959 s. 228.04.

228.05 History: 1959 c. 399; Stats. 1959 s. 228.05.

228.06 History: 1959 c. 399; Stats. 1959 s. 228.06.

CHAPTER 230.

Nature and Qualities of Estates in Real Property, and Restrictions on Alienation.

230.01 History: R. S. 1849 c. 56 s. 1; R. S. 1858 c. 83 s. 1; R. S. 1878 s. 2025; Stats. 1898 s. 2025; 1925 c. 4; Stats. 1925 s. 230.01; 1969 c. 334.

Editor's Note: The legislative histories which follow are the histories of the several sections of ch. 230 through 1969, including the effects of chapters 334 and 339, Laws 1969. Two sections of ch. 230 (230.47 and 230.48) will become part of the probate code, effective April 1, 1971; and various other provisions of ch. 230 are restated in the revised property law, effective July 1, 1971. For more detailed information concerning the efforts of chapters 334 and 339, Laws 1969, see the editor's note printed in this volume ahead of the histories for ch. 700.

230.02 History: R. S. 1849 c. 56 s. 2; R. S. 1858 c. 83 s. 2; R. S. 1878 s. 2026; Stats. 1898 s. 2026; 1925 c. 4; Stats. 1925 s. 230.02; 1969 c. 334.

The words "heirs and assigns" are not necessary to the creation of an equitable servitude which will pass with the land, but the use of those words is a strong indication of the purpose of the grantor although not controlling. *Clark v. Guy Drews Post*, 247 W 48, 18 NW (2d) 322.

If the deed of cemetery lots conveys an estate in land it conveys an estate of inheritance, which is one in fee simple under 230.02, Stats. 1943, and is assignable; and if such deed does not create an estate in land, the right of burial transferred by it to the grantees is a contractual right, which is a property right and assignable. *Feest v. Hillcrest Cemetery, Inc.* 247 W 160, 19 NW (2d) 246.

230.03 History: R. S. 1849 c. 56 s. 3; R. S. 1858 c. 83 s. 3; R. S. 1878 s. 2027; Stats. 1898 s. 2027; 1925 c. 4; Stats. 1925 s. 230.03; 1969 c. 334.

Where land was devised to trustees to receive rents and profits during the life of the son of the testator and to pay to such son the income during his life and at his death to convey "to his issue then living in fee or in case that he shall die without issue then and in that case the same to descend to my heirs at law then living in fee," there was not created an estate tail in the son. *Webber v. Webber*, 108 W 626, 84 NW 896.

230.04 History: R. S. 1849 c. 56 s. 3; R. S. 1858 c. 83 s. 3; R. S. 1878 s. 2028; Stats. 1898 s. 2028; 1925 c. 4; Stats. 1925 s. 230.04; 1969 c. 334.

230.05 History: R. S. 1849 c. 56 s. 5; R. S. 1858 c. 83 s. 5; R. S. 1878 s. 2029; Stats. 1898 s. 2029; 1925 c. 4; Stats. 1925 s. 230.05; 1969 c. 334.