

1858 c. 184 s. 7; R. S. 1878 s. 4871; Stats. 1898 s. 4871; 1925 c. 4; Stats. 1925 s. 366.07; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.07; 1969 c. 255 s. 62; Stats. 1969 s. 979.07.

979.08 History: R. S. 1849 c. 152 s. 8; R. S. 1858 c. 184 s. 8; R. S. 1878 s. 4872; 1895 c. 318; Stats. 1898 s. 4872; 1905 c. 314 s. 3; Supl. 1906 s. 4872; 1925 c. 4; Stats. 1925 s. 366.08; 1929 c. 450; 1951 c. 716; 1955 c. 660 s. 13; Stats. 1955 s. 966.08; 1969 c. 255 s. 62; Stats. 1969 s. 979.08.

979.09 History: R. S. 1849 c. 152 s. 9; R. S. 1858 c. 184 s. 9; R. S. 1878 s. 4873; Stats. 1898 s. 4873; 1925 c. 4; Stats. 1925 s. 366.09; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.09; 1969 c. 255 s. 62; Stats. 1969 s. 979.09.

A coroner's jury must reach a unanimous verdict and can render only such verdict as members can agree upon. 23 Atty. Gen. 578.

979.10 History: R. S. 1849 c. 152 s. 10; R. S. 1858 c. 184 s. 10; R. S. 1878 s. 4874; Stats. 1898 s. 4874; 1925 c. 4; Stats. 1925 s. 366.10; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.10; 1969 c. 255 s. 62; Stats. 1969 s. 979.10.

979.11 History: R. S. 1849 c. 152 s. 11; R. S. 1858 c. 184 s. 11; R. S. 1878 s. 4875; Stats. 1898 s. 4875; 1925 c. 4; Stats. 1925 s. 366.11; 1929 c. 450; 1955 c. 660 s. 13; 1955 c. 696 s. 336; Stats. 1955 s. 966.11; 1957 c. 128; 1969 c. 255 s. 62; Stats. 1969 s. 979.11.

It is the duty of a coroner to make return of proceedings at an inquest to the court which has jurisdiction of the subject matter regardless of whether or not information has been filed therein. 26 Atty. Gen. 431.

979.12 History: R. S. 1849 c. 152 s. 12; R. S. 1858 c. 184 s. 12; R. S. 1878 s. 4876; Stats. 1898 s. 4876; 1925 c. 4; Stats. 1925 s. 366.12; 1929 c. 450; 1955 c. 660 s. 13; Stats. 1955 s. 966.12; 1969 c. 255 s. 62; Stats. 1969 s. 979.12.

979.121 History: 1945 c. 198; Stats. 1945 s. 366.121; 1955 c. 660 s. 13; Stats. 1955 s. 966.121; 1957 c. 128; 1969 c. 255 s. 62; Stats. 1969 s. 979.121.

979.13 History: R. S. 1849 c. 152 s. 13; R. S. 1858 c. 184 s. 13; R. S. 1878 s. 4877; Stats. 1898 s. 4877; 1925 c. 4; Stats. 1925 s. 366.13; 1929 c. 450; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.13; 1969 c. 255 s. 62; Stats. 1969 s. 979.13.

979.14 History: 1885 c. 240; Ann. Stats. 1889 s. 4877a; Stats. 1898 s. 4877a; 1905 c. 314 s. 4; Supl. 1906 s. 4877a; 1925 c. 4, 215; Stats. 1925 s. 366.14; 1929 c. 450; 1935 c. 197; 1945 c. 198; 1947 c. 601; 1949 c. 498; 1953 c. 61 s. 142; 1955 c. 96; 1955 c. 660 s. 13; Stats. 1955 s. 966.14; 1965 c. 87; 1967 c. 276 s. 40; 1969 c. 87; 1969 c. 255 s. 62; Stats. 1969 s. 979.14.

Under 366.14, Stats. 1943, a coroner is entitled to fees and mileage and for making investigations to determine the necessity for an inquest. Such fees should be allowed in any case where the coroner was called to view a body, and in cases where he acted on

his own initiative after receipt of information indicating the possibility that an inquest might be necessary. 32 Atty. Gen. 277.

Where a coroner privately examines witnesses after an inquest, he is not entitled to compensation under 366.14, Stats. 1943, since it is neither an investigation to determine the necessity for taking an inquest, nor proper procedure in the inquest itself. 34 Atty. Gen. 85.

A coroner on a fee basis is entitled to mileage provided by 366.14, Stats. 1945, notwithstanding the fact that the county furnishes free transportation in a county-owned automobile. 36 Atty. Gen. 242.

979.15 History: 1875 c. 342, 344; R. S. 1878 s. 4878; 1889 c. 78; Ann. Stats. 1889 s. 4878; Stats. 1898 s. 4878; 1909 c. 189; 1913 c. 441 s. 9; 1925 c. 4; Stats. 1925 s. 366.15; 1943 c. 247; 1955 c. 660 s. 13; Stats. 1955 s. 966.15; 1969 c. 255 s. 62; Stats. 1969 s. 979.15.

979.16 History: 1875 c. 342, 344; R. S. 1878 s. 4879; 1889 c. 78; Ann. Stats. 1889 s. 4879; Stats. 1898 s. 4879; 1909 c. 315; 1925 c. 4; Stats. 1925 s. 366.16; 1943 c. 247; 1955 c. 660 s. 13; Stats. 1955 s. 966.16; 1965 c. 217; 1969 c. 255 s. 62; Stats. 1969 s. 979.16.

979.17 History: 1875 c. 342, 344; R. S. 1878 s. 4880; Stats. 1898 s. 4880; 1925 c. 4; Stats. 1925 c. 366.17; 1943 c. 247; 1955 c. 660 s. 13; Stats. 1955 s. 966.17; 1965 c. 217; 1969 c. 255 s. 62; Stats. 1969 s. 979.17.

979.18 History: 1875 c. 342, 344; R. S. 1878 s. 4881; Stats. 1898 s. 4881; 1925 c. 4; Stats. 1925 s. 366.18; 1943 c. 247; 1955 c. 660 s. 13; Stats. 1955 s. 966.18; 1965 c. 217; 1969 c. 255 s. 62; Stats. 1969 s. 979.18.

979.19 History: 1929 c. 143; Stats. 1929 s. 366.19; 1935 c. 247; 1941 c. 289; 1943 c. 247; 1943 c. 552 s. 20; 1945 c. 198; 1955 c. 660 s. 13; Stats. 1955 s. 966.19; 1969 c. 255 s. 62; Stats. 1969 s. 979.19.

979.20 History: 1947 c. 269; Stats. 1947 s. 366.20; 1955 c. 660 s. 13; Stats. 1955 s. 966.20; 1957 c. 128; 1961 c. 280; 1967 c. 139; 1969 c. 255 s. 62; Stats. 1969 s. 979.20.

979.21 History: 1949 c. 200; Stats. 1949 s. 366.21; 1955 c. 660 s. 13; Stats. 1955 s. 966.21; 1969 c. 255 s. 62; Stats. 1969 s. 979.21.

CHAPTER 985.

Publication of Legal Notices; Public Newspapers; Fees.

985.01 History: 1961 c. 586 s. 19; Stats. 1961 s. 985.01, 985.05(2); 1965 c. 252 ss. 269, 275; Stats. 1965 s. 985.01.

985.02 History: 1961 c. 586 s. 19; Stats. 1961 s. 985.02; 1965 c. 252.

985.03 History: 1899 c. 319 s. 1; 1903 c. 78 s. 1; Supl. 1906 s. 4270a; 1919 c. 539; 1925 c. 4; Stats. 1925 s. 331.20; 1931 c. 143; 1939 c. 361; 1943 c. 145; 1959 c. 19; 1961 c. 586 s. 11; Stats. 1961 s. 985.03; 1965 c. 252.

See note to 74.33, citing *Dawley v. Callahan*, 178 W 1, 189 NW 149.

331.20(1), Stats. 1957, specifying the qualifications which a newspaper must possess in order to be eligible to receive compensation for the publication of legal notices, and requiring that it must have a paid circulation to actual subscribers of not less than 300 copies at each publication, cannot be construed as requiring the instant newspaper to have any particular circulation in a certain school district in order to make such newspaper a legal medium for publication of the notice of hearing in the instant proceedings for the reorganization of school districts. *Bartlett v. Joint County School Committee*, 11W (2d) 588, 106 NW (2d) 295.

Green County Herold, published in German, and *Green County Herald*, published in English, are one newspaper under 331.20, Stats. 1931, but all legal notices should be published in both editions. 22 Atty. Gen. 207.

A newspaper may be "published," within the meaning of 331.20, Stats. 1935, within a county even though the physical work performed in printing thereof is performed in another county. 26 Atty. Gen. 103.

Printing of official proceedings and legal notices of cities of the second and third class provided for in 62.10, Stats. 1935, in a foreign-language newspaper does not entitle the publisher thereof to compensation under 331.20. 26 Atty. Gen. 228.

Mere change of name of a newspaper does not create disqualification for publication of legal notices. Neither does change of its location from a village to a city in the same county. 25 Atty. Gen. 544; 27 Atty. Gen. 394.

A newspaper suspending publication for one or 2 weeks to give employes a vacation is eligible for publication of legal notices upon resuming regular publication, if it meets other requirements of 331.20, Stats. 1945. 35 Atty. Gen. 249.

Under 331.20, Stats. 1949, a newspaper without any paid circulation is not a qualified medium for publication of the notices required by 176.09. 39 Atty. Gen. 347.

985.04 History: 1860 c. 240; R. S. 1878 s. 344; 1895 c. 1; Stats. 1898 s. 344; 1911 c. 657; Stats. 1911 s. 20.63; 1915 c. 58; 1917 c. 336 s. 64; Stats. 1917 s. 35.63; 1919 c. 4; 1921 c. 23; 1933 c. 21; 1941 c. 3; 1959 c. 516; Stats. 1959 s. 35.63, 35.64; 1961 c. 586 ss. 3, 4; Stats. 1961 s. 985.04; 1965 c. 252.

Comment of Interim Committee on State Publications, 1959: Old 35.63 is reenacted with minor verbal changes. Old 35.64 and 35.65 are combined in new 35.64 with minor verbal changes. Old 35.66 is not reenacted, because it is obsolete. [617-S]

The change of the name of the official state paper from "The Evening Wisconsin" to "The Wisconsin News" and the consolidation therewith of other newspapers did not destroy its official character. 8 Atty. Gen. 107.

No heading is necessary to the publication of legislative acts, in the official newspaper, but "Official publication pursuant to section 35.64 of the statutes" is a proper caption. 8 Atty. Gen. 131.

Publication of laws may be had by letting work to the lowest bidder, if proper statutes

are enacted and if those at present controlling are repealed. 22 Atty. Gen. 23.

985.05 History: 1961 c. 586 s. 19; Stats. 1961 s. 985.05; 1965 c. 252; 1965 c. 433 s. 119; 1967 c. 92 ss. 20, 22.

Whether or not a statutory requirement (as in 40.025 (2), Stats. 1963) as a prerequisite for effectuating notice by publication in a newspaper of "general circulation" is satisfied does not hinge upon the number of people who receive the newspaper, but rather upon whether the news coverage is directed to the interests of a particular class of people. *Joint School District v. Joint County School Committee*, 26 W (2d) 580, 133 NW (2d) 317.

985.06 History: 1889 c. 326 s. 46, 47; Ann. Stats. 1889 s. 925h sub. 46, 47; 1895 c. 176 s. 1, 2; Stats. 1898 s. 925—46, 925—46a, 925—47; 1909 c. 2; 1913 c. 348; 1921 c. 242 s. 35; Stats. 1921 s. 62.10; 1945 c. 568; 1961 c. 586 ss. 7, 8; Stats. 1961 s. 985.06.

Editor's Note: Various statutory provisions in effect prior to the enactment of ch. 586, Laws 1961, which governed the publication of council proceedings and legal notices in official city newspapers were construed in the following cases: *Wright v. Forrestal*, 65 W 341, 27 NW 52; *Hall v. Milwaukee*, 115 W 479, 91 NW 998; *State ex rel. Baraboo v. Page*, 201 W 262, 229 NW 40; *Journal Print Co. v. Racine*, 210 W 222, 246 NW 425; and *Madigan v. Onalaska*, 256 W 398, 41 NW (2d) 206. See also 26 Atty. Gen. 228.

985.065 History: 1921 c. 526; Stats. 1921 s. 59.09 (5); 1965 c. 252 s. 55; Stats. 1965 s. 985.065.

985.07 History: 1965 c. 252; Stats. 1965 s. 985.07; 1967 c. 226; 1969 c. 118.

985.08 History: 1961 c. 586 s. 19; 1961 c. 657; Stats. 1961 s. 985.08; 1965 c. 252; 1967 c. 328.

985.09 History: 1856 c. 120 s. 330; R. S. 1858 c. 140 s. 52; R. S. 1878 s. 4273; Stats. 1898 s. 4273; 1925 c. 4; Stats. 1925 s. 331.23; Court Rule XXIV; Sup. Ct. Order, 212 W xxii; 1961 c. 586 s. 14; Stats. 1961 s. 985.09.

In the computation of time secs. 4273 and 4971 (24), Stats. 1915, are generally applicable. Earlier cases are reviewed. *Fletcher v. La-Crosse County*, 165 W 446, 162 NW 484.

A year "from the date" does not start to run until the date has expired. *De Forest Lumber Co. v. Potter*, 213 W 288, 251 NW 442.

985.10 History: 1879 c. 77; Ann. Stats. 1889 s. 4276a; Stats. 1898 s. 4276a; 1925 c. 4; Stats. 1925 s. 331.27; 1961 c. 586 s. 17; Stats. 1961 s. 985.10.

985.11 History: 1911 c. 125; Stats. 1911 s. 4595m; 1925 c. 4; Stats. 1925 s. 351.51; 1955 c. 696 s. 298; Stats. 1955 s. 331.275; 1961 c. 586 s. 18; Stats. 1961 s. 985.11.

985.12 History: R. S. 1849 c. 98 s. 62 to 65; R. S. 1858 c. 137 s. 67 to 70; R. S. 1878 s. 4173, 4174, 4175, 4176; Stats. 1898 s. 4173, 4174, 4175, 4176; 1913 c. 26; Stats. 1925 s. 328.19; 1927 c. 523 s. 101; 1961 c. 586 s. 9; Stats. 1961 s. 985.12; 1965 c. 252; 1967 c. 328.

Revisor's Note, 1927: The word "printer"

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.
- b. Save constitutionality.
- c. Clear and plain meaning; give effect to whole; acts in pari materia; rule of noscitur a sociis.
- d. Reasonable effect; prospective operation.
- e. General and special acts; inconsistent statutes; implied repeals.

f. Prior construction; amendments.

g. Preamble; history; remedial; change common law.

2. Number.

3. Time, how computed.

4. Statutory references.

5. Statute titles.

6. Revision.

7. Joint authority.

8. Severability.

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. Shinnery v. Grossman, 213 W 135, 250 NW 832.

In interpreting and applying statutes the court must look for their reasonable intent 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