

annum from the times of payment until the said money be so paid into court; and in default of such payment within the time so fixed the defendant shall have judgment in the action. This provision as to the payment into court to be made by the plaintiff shall apply to all actions brought to cancel any tax deed, or to remove the cloud upon any title created by any tax certificate or tax deed where the action impeaches the tax deed or tax certificate upon any grounds whatever not affecting the groundwork of the tax for the non-payment of which such deed or tax certificate was issued.

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

Approved May 20, 1903.

No. 578, A.]

[Published May 25, 1903.

CHAPTER 358.

AN ACT, to amend sections 693 and 717 of the statutes of 1898, relating to county depositories.

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

County depositories, how designated; bonds. SECTION 693 of the statutes of 1898 is hereby amended by adding after the word "provided" where it occurs in the tenth line of said section the following: "except that in counties having a population of two hundred thousand inhabitants or over, the county board shall designate two or more depositories to receive the funds of the county, and such depositories shall be required to give a good and sufficient bond in the penal sum of twice the amount of the maximum deposit to be placed with such depository." And by adding after the word "depository" where it occurs in the thirty-fourth line of said section the words, "or depositories." And by adding at the end of said section the following clause: "In every case the depository or depositories so designated by the county board may, in lieu of the bond hereinbefore mentioned, file a surety company bond in the same penal sum." So that said section when so amended shall read as follows.

Section 693. The county board of every county may, upon compliance with the conditions hereinafter expressed, designate any bank, banking institution or trust company, organized and doing business under the laws of this state, a county depository. Every such bank, institution or company shall, before it shall be entitled to receive any moneys, of any county, file with the county clerk, on or before the first day of December, a good and sufficient bond in the same penal sum as the bond of the treasurer of such county, conditioned for the payment, upon demand, to such treasurer, or his order of all moneys deposited by him with it and interest thereon at the rate agreed upon as hereinafter provided; except that in counties having a population of two hundred thousand inhabitants or over, the county board shall designate two or more depositories to receive the funds of the county, and such depositories shall be required to give a good and sufficient bond in the penal sum of twice the amount of the maximum deposit to be placed with such depository. Such bond shall be signed with not less than three sureties, residents and freeholders of this state, who shall together be worth in property therein, not exempt from execution and over and above their debts and liabilities, double the amount of the penalty of the bond, and who shall justify their responsibility by their several affidavits. Said bond and the sureties thereon shall, before being so filed, be approved by the county board. Before any such bank, institution or company shall be designated as such depository, the following directions shall be complied with, viz.: every county clerk shall annually advertise, in one or more newspapers published in his county, or, if the public interest requires it, in one or more newspapers published elsewhere in this state, for at least two weeks before the annual meeting of the county board, for proposals to receive the county funds on deposit for one year from the first day of the following January. Said proposals shall be filed with said clerk at least one day before such meeting of said board, shall state the rate of interest the bidder will pay on daily balances, that such interest will be computed and credited to the county at the end of each month, and that such deposits and accrued interest will be held subject to draft and payment at all times on demand. If no such advertisement shall be made, said board may nevertheless consider any such proposals regularly filed; but if no proposal shall be filed the county board shall at its annual meeting serve written notice upon each such bank, institution or company in the county that such proposals will be received during such session; any proposals so received shall be considered by such board. After opening any proposals such board shall,

in its discretion, designate a county depository or depositories. If at any time after a designation is made the board shall, for good and sufficient reasons, deem the security given insufficient, it may require a new bond, and if, in its opinion, the public interest requires it, may vacate, revoke or modify such designation, and may at any special session, after giving written notice as herein required, again designate a depository for the remainder of the current calendar year, subject to the approval of the bond as hereinbefore required. In every case the depository or depositories so designated by the county board may, in lieu of the bond hereinbefore mentioned, file a surety company bond in the same penal sum.

Deposit of funds. SECTION 2. Section 717 of the statutes of 1898 is hereby amended by adding thereto the following: "Provided that in all counties having a population of two hundred thousand inhabitants or over, there shall be not less than two depositories," so that said section when so amended shall read as follows: Section 717. Whenever any county board shall have designated a county depository in accordance with the provisions of section 693, it shall be the duty of the county treasurer, as soon as the bond required by that section has been approved and filed, to deposit as soon as received all funds that come to his hands in that capacity in excess of the sum he is authorized by such board to retain in such depository, and any sum so on deposit shall be deemed to be in the county treasury, and such treasurer shall not be liable for any loss thereon resulting from the failure or default of such depository without fault or neglect on his part. Every such depository shall on the first business day of each month, and oftener when required, file with the county clerk a statement of the amount of county money deposited with it during the preceding month, and the treasurer shall at the same time file with such clerk a statement showing the amount of moneys received and disbursed by him during the previous month. The county board may fix the amount of money which may be retained by the treasurer but in no case shall the sum exceed three thousand dollars, provided, that in all counties having a population of two hundred thousand inhabitants or over, there shall not be less than two such depositories.

Section 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1903.