

terms and conditions as will in his judgment be most favorable to the state, and secure efficient and economical service.

(12) To keep full and correct accounts of all official receipts and expenditures and make all such charges and credits as are contemplated by section 20.10.

SECTION 6. Section 291 of the statutes is renumbered to be section 33.04.

SECTION 7. All those parts of sections 286 to 296, inclusive, of the statutes which have not been incorporated in sections 33.01 to 33.04, both inclusive, or in section 20.10 of the statutes are repealed.

SECTION 8. Chapter 238 of Wisconsin session laws of 1864 and chapter 35 of Wisconsin session laws of 1899 and chapter 418 of Wisconsin session laws of 1901 and chapter 21 of Wisconsin session laws of 1903 and chapter 245 of Wisconsin session laws of 1905 and chapter 438 of Wisconsin session laws of 1911 and chapter 760 of Wisconsin session laws of 1913 are added to section 4978 of the statutes at appropriate places according to their number and date as further acts repealed by said section.

SECTION 9. This act shall take effect upon passage and publication.

Approved May 8, 1917.

No. 133, S.]

[Published May 11, 1917.

CHAPTER 178

AN ACT to renumber and revise chapter 43 of the statutes of 1915 and the sections contained therein, and to consolidate therewith certain other sections and parts of sections of the statutes, relating to the custody of official property and proceedings to compel the delivery thereof by public officers to their successors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 43 of the statutes of 1915 is renumbered and the title thereof revised to read:

CHAPTER 18.

CUSTODY OF OFFICIAL PROPERTY AND PROCEEDINGS TO COMPEL THE DELIVERY THEREOF

BY PUBLIC OFFICERS TO THEIR SUCCESSORS.

SECTION 2. Subsection (6) of section 157; subsection (8) of section 163; all after the first semi-colon of section 20.86; the last sentence of section 444; subsection (15) of section 709; sub-

section (9) of section 715; section 716; subsection (1) of section 758; subsection (3) of section 768; subsection (6) of section 836; and sections 889 (888) and 977 of the statutes; and those parts of sections 138, 153, 186, 486m and 705, subsection 1 of section 710, section 720, subsection (5) of section 725, sections 740 and 749, subsection 1 of section 755, subsections 1 and 2 of section 762m, sections 832 and 849, subsection (5) of section 880, and section 881 of the statutes, which relate to the custody of money, books, records and other property by officers, and the delivery thereof to their successors, are consolidated and renumbered to be section 18.01 of the statutes and revised to read:

18.01 CUSTODY, PRESERVATION, AND DELIVERY OF OFFICIAL PROPERTY AND RECORDS. (1) Each and every officer of the state, or of any county, town, city, village, school district, or other municipality or district, is the legal custodian of and shall safely keep and preserve all property and things received from his predecessor or other persons and required by law to be filed, deposited, or kept in his office, or which are in the lawful possession or control of himself or his deputies, or to the possession or control of which he or they may be lawfully entitled, as such officers.

(2) Except as expressly provided otherwise, any person may with proper care, during office hours and subject to such orders or regulations as the custodian thereof may prescribe, examine or copy any of the property or things mentioned in subsection (1).

(3) Upon the expiration of his term of office, or whenever his office becomes vacant, each such officer, or on his death his legal representative, shall on demand deliver to his successor all such property and things then in his custody, and his successor shall receipt therefor to said officer, who shall file said receipt, as the case may be, in the office of the secretary of state, county clerk, town clerk, city clerk, village clerk, school district clerk, or clerk or other secretarial officer of the municipality or district, respectively; but if a vacancy occurs before such successor is qualified, such property and things shall be delivered to and be receipted for by such secretary or clerk, respectively, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(4) Any person who violates any of the provisions of this section shall, in addition to any other liability or penalty, civil or criminal, forfeit not less than twenty-five nor more than two thousand dollars; such forfeiture to be enforced by a civil action on behalf of, and the proceeds to be paid into the treasury of the state, municipality, or district, as the case may be.

SECTION 3. Sections 978 to 983, inclusive, of the statutes are consolidated and renumbered to be section 18.02 and revised to read:

18.02 PROCEEDINGS TO COMPEL THE DELIVERY OF OFFICIAL PROPERTY. (1) If any public officer refuses or neglects to deliver to his successor any official property or things as required in section 18.01, or if such property or things shall come to the hands of any other person who refuses or neglects, on demand, to deliver the same to the successor in such office, such successor may make complaint thereof to any judge of a court of record for the circuit or county where the person so refusing or neglecting resides. If such judge be satisfied by the oath of the complainant and such other testimony as may be offered that any such property or things are withheld he shall grant an order directing the person so refusing to show cause before him, within some short and reasonable time, why he should not be compelled to deliver the same.

(2) At the time appointed, or at any other time to which the matter may be adjourned, upon due proof of service of such order, if the person complained against makes affidavit before such judge that he has delivered to such successor all the official property and things in his custody or possession pertaining to such office, within his knowledge, the person complained against shall be discharged and all further proceedings in the matter before such judge shall cease.

(3) If the person complained against does not make such affidavit the matter shall proceed as follows:

(a) The judge shall inquire further into the matters set forth in the complaint, and if it appears that any such property or things are withheld by the person complained against the judge shall by warrant commit him to the county jail, there to remain until the delivery of such property and things to the complainant or until he be otherwise discharged according to law.

(b) If required by the complainant the judge shall also issue his warrant, directed to the sheriff or any constable of the county, commanding him in the daytime to search such places as shall be designated in such warrant for such official property and things as were in the custody of the officer whose term of office expired or whose office became vacant, or of which he was the legal custodian, and seize and bring them before the judge issuing such warrant.

(c) When any such property or things are brought before the judge by virtue of such warrant, he shall inquire whether the same pertain to such office, and if it thereupon appears that

they pertain thereto he shall order their delivery to the complainant.

SECTION 4. A new section is added to the statutes to read:

18.03 TRANSFER OF RECORDS TO STATE HISTORICAL SOCIETY. Any public records, in any state office, that are not required for current use may, in the discretion of the custodian thereof, be transferred into the custody of the state historical society, as provided in section 376m of the statutes.

SECTION 5. This act shall take effect upon passage and publication.

Approved May 8, 1917.

No. 142, S.]

[Published May 11, 1917.

CHAPTER 179

AN ACT to repeal sections 4194 and 4425 of the statutes; to amend sections 1675—1, 1675—51, 1676—19, 1684t—30, 1684t—32, 1684m—42; to create sections 1684n—1 to 1684n—55, inclusive, of the statutes, in a new chapter to be numbered 78n; relating to bills of lading and other documents of title and negotiable instruments and promoting uniformity between the states in reference thereto, and providing penalties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 4194 and 4425 of the statutes are repealed.

SECTION 2. Sections 1675—1, 1675—51, 1676—19, 1684t—30, 1684t—32 and 1684m—42 of the statutes, are amended to read:

Section 1675—1. An instrument to be negotiable must conform to the following requirements:

- (1) It must be in writing and signed by the maker or drawer.
- (2) Must contain an unconditional promise or order to pay a sum certain in money.
- (3) Must be payable on demand or at a fixed or determinable future time.
- (4) Must be payable to order or to bearer.
- (5) Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

But no order drawn upon or accepted by the treasurer of any county, town, city, village, or school district, whether drawn by any officer thereof or any other person, and no obligation nor instrument made by any such corporation, or any officer thereof, unless expressly authorized by law to be made negotiable, shall