

order for laying out, widening or altering a highway, shall be more than one-tenth of one per cent on the taxable property of the town, as shown by the last assessment, and shall also exceed the sum of * * * *two thousand* dollars, such highway shall not be opened, widened or altered nor liability for damages exist, unless such order and the award or damages be approved, and such highway be accepted by a majority of the qualified electors of the town liable to such damages voting thereon at the next annual town meeting or some special town meeting sooner called therefor.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 17, 1919.

No. 2, S.]

[Published April 21, 1919.

CHAPTER 93.

AN ACT to amend the title of chapter 19 of the statutes, relating to actions on official bonds, to renumber section 19.01 of said chapter, to add a new section thereto, relating to official oaths and bonds, and to amend or repeal certain other sections relating to that subject.

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

SECTION 1. The title of chapter 19 of the statutes is amended to read:

CHAPTER 19.

* * * Official Oaths and Bonds.

SECTION 2. Section 19.01 of the statutes is renumbered to be section 19.015.

SECTION 3. A new section is added to the statutes to read:

FORM, OBLIGATION, FILING.

19.01 OATHS AND BONDS. (1) FORM OF OATH. Every official oath required by section 28 of article IV of the constitution or by any statute shall be in writing, subscribed, sworn to, and except as provided otherwise by sections 2564m, and 2586a, shall be in substantially the following form:

County of ——— }
STATE OF WISCONSIN } ss.

The undersigned, who has been elected (or appointed) to the office of ———, but has not yet entered upon the duties thereof,

swears (or affirms) that he will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of his ability.

Subscribed and sworn to before me this — day of —, 19—.

(Signature)

(2) **FORM OF BOND.** Every official bond required of any public officer shall be in substantially the following form:

We, the undersigned, jointly and severally undertake and agree that — —, who has been elected (or appointed) to the office of —, will faithfully discharge the duties of his said office according to law, and will pay to the parties entitled to receive the same, such damages, not exceeding in the aggregate — dollars, as may be suffered by them in consequence of his failure so to discharge such duties.

Dated — —, 19—.

(Principal)

(Surety)

Any further or additional official bond lawfully required of any public officer shall be in the same form and it shall not affect or impair any official bond previously given by him for the same or any other official term.

(3) **OFFICIAL DUTIES DEFINED.** The official duties referred to in subsections (1) and (2) include performance to the best of his ability by the officer taking the oath or giving the bond of every official act required, and the nonperformance of every act forbidden, by law to be performed by him; also, similar performance and nonperformance of every act required of or forbidden to him in any other office which he may lawfully hold or exercise by virtue of his incumbency of the office named in his official oath or bond. The duties mentioned in any such oath or bond include, further, the faithful performance by all persons appointed or employed by such officer either in his principal or his said subsidiary office, of their respective duties and trusts therein.

(4) **WHERE FILED.** Official oaths and bonds shall be filed,

(a) In the office of the secretary of state: Of all members and officers of the legislature; of the governor, lieutenant governor and state superintendent; of the justices, reporter and clerk of the supreme court; of the judges and reporters of the circuit courts; of all notaries public; of every officer, except

the secretary of state, state treasurer, attorney-general and superintendent of public property, whose compensation is paid in whole or in part out of the state treasury, including every member or appointee of a board or commission whose compensation is so paid; and of every deputy or assistant of an officer who files with the secretary of state;

(b) In the executive office: Of the secretary of state, state treasurer, attorney-general and superintendent of public property;

(c) In the office of the clerk of the circuit court of any county: Of the county judge, of all court commissioners, of all justices of the peace, and of all other judges or judicial officers elected or appointed in and for such county, or whose jurisdiction is limited thereto;

(d) In the office of the county clerk of any county: Of all county officers elected or appointed in and for such county, other than those enumerated in subsection (c), and of all officers whose compensation is paid out of the treasury of such county. But the official bond required of any county officer mentioned in chapter 59 shall, before filing, be recorded at his own cost in the office of the register of deeds of his county. The members of the governing board, and the superintendent and other officers of any joint county school, county hospital, county sanatorium, county asylum or other joint county institution shall file in the county in which the buildings of such institution are located;

(e) In the office of any town clerk: Of all officers elected or appointed in and for such city except the city clerk who shall file in the office of the town treasurer;

(f) In the office of any city clerk: Of all officers elected or appointed in and for such city except the city clerk who shall file in the office of the city treasurer;

(g) In the office of any village clerk: Of all officers elected or appointed in and for such village, except the village clerk who shall file in the office of the village treasurer;

(h) The official oath and bond of any officer of a school district or of an incorporated school board shall be filed with the clerk of such school district or the clerk of such incorporated school board.

(5) TIME OF FILING. Every public officer required to file an official oath or an official bond shall file the same before entering upon the duties of his office; and when both are required, both shall be filed at the same time.

(6) CONTINUANCE OF OBLIGATION. Every such bond con-

tinues in force and is applicable to official conduct during the incumbency of the officer filing the same and until his successor is duly qualified and installed.

(7) **INTERPRETATION.** This section shall not be construed as requiring any particular officer to furnish or file either an official oath or an official bond. It is applicable to such officers only as are elsewhere in these statutes required to furnish such an oath or bond.

(8) **WHO MAY ADMINISTER AND CERTIFY; WHEN WITHOUT FEE.** Except as provided otherwise by section 13.03 any official oath may be administered and certified by any officer authorized by section 4080 to administer and certify oaths. But no fee shall be charged for administering and certifying the official oath of any town, village or school officer.

SECTION 4. Section 113.02 of the statutes is renumbered to be subsection (1) of section 2564m and amended to read:

FORM OF JUDICIAL OFFICERS' OATH. SECTION 2564m.

(1) * * * Every person elected or appointed *justice of the supreme court, or judge of the circuit court, or judge of a county court, or judge of a superior or municipal court, or judge of the district court or civil court of Milwaukee county, or judge of any other court of record*, shall * * * take, subscribe, and file the following oath:

STATE OF WISCONSIN }
County of —, } ss.

I, *the undersigned, who have been elected (or appointed) to the office of —, but have not yet entered upon the duties thereof*, do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin; that I will administer justice without respect to persons and will faithfully and impartially discharge the duties of * * * *said office* * * * to the best of my ability * * *.

Subscribed and sworn to before me this — day of —, 19—.

(Signature)

SECTION 5. Section 2523—22 of the statutes is renumbered to be subsection (2) of section 2564m and is amended to read:

(2564m) (2) * * * *The judge of any court of record in this state shall be ineligible to * * * hold any office of public trust, except a judicial office, during the term for which he * * * was elected, and all votes cast for any such judge for any office, except a judicial office, shall be void.*

SECTION 6. Subsection 4 of section 2564 of the statutes is renumbered to be subsection (3) of section 2564m.

SECTION 7. Sections 2398, 2442 and 2523—4 of the statutes are repealed.

SECTION 8. Subsection (2) of section 16.02 of the statutes is amended to read:

(16.02) (2) Each commissioner shall * * * *take and file the official oath* * * *.

SECTION 9. Section 23.05 of the statutes is amended to read:

23.05 CHIEF CLERK; ASSISTANT; CLERKS; APPOINTMENTS; DUTIES; OATH. The commissioners shall appoint from the competitive class pursuant to the provisions of chapter 16 of the statutes, a chief clerk and an assistant chief clerk who shall, during the absence of the chief clerk, have all the authority given by law to the chief clerk; and such other clerks as provided in subsection (1) of section 20.73. Such appointments shall be filed in the office of the secretary of state. Every such clerk shall * * * take and * * * *file the official oath* * * *.

SECTION 10. Subsection (4) of section 23.09 of the statutes is amended to read:

(23.09) (4) * * * Each of said commissioners shall take and * * * *file the official oath* * * *.

SECTION 11. Subsection (2) of section 33.02 of the statutes is amended to read:

(33.02) (2) Said officer shall * * * take and *file* * * * the *official oath* * * * and * * * *execute and file an official bond* * * * in the sum of fifteen thousand dollars with not less than four sureties, who shall be resident freeholders of this state * * *. Said bond shall be approved by the governor * * *.

SECTION 12. Subsection (4) of section 38.01 of the statutes is amended to read:

38.01 (4) * * * Each member of said board shall take and * * * *file the* * * * *official oath* * * *.

SECTION 13. The sentence in subsection (6) of section 38.01 of the statutes which relates to an official bond is amended to read:

(38.01) (6) * * * The board shall require * * * *an official bond* of the secretary and may require *official bonds* of such other subordinates and employes as it shall deem expedient to bond, the amounts of which shall be fixed by the board.
* * *

SECTION 14. The first sentence of subsection (1) of section 40.19 of the statutes is amended to read:

40.19 BOND AND DUTIES OF TREASURER. (1) The treasurer shall, within ten days after his election or appointment, execute * * * and file * * * *an official* bond, in double the amount, as nearly as can be ascertained, of all the moneys of the district to come into his hands, with sufficient sureties * * * approved by the director and clerk. * * *

SECTION 15. The two sentences of section 41.37 of the statutes relating to official oaths and bonds are amended to read: (41.37)

* * * Each person appointed or created a member of the county training school board shall within ten days after the notice of such appointment, take and * * * *file* * * * *the official* oath * * * *and execute and file an* * * * *official* bond in such sum as may be fixed by the county board * * * .

SECTION 16. The two sentences in section 41.44 of the statutes relating to an official bond are amended to read:

(41.44) * * * Such treasurer shall * * * *execute and file an official* bond * * * in the sum of fifteen thousand dollars * * * *with* three or more sureties approved by said board; or * * * in lieu of * * * *such* bond * * * may give a surety company's bond * * * approved by said board and the cost * * * thereof may be paid * * * out of the funds of said joint training school, in the discretion of the board. * * *

SECTION 17. The two sentences of section 41.48 of the statutes relating to official oaths and bonds are amended to read:

(41.48) * * * Each person appointed or created a member of the county school board, shall within ten days after the notice of such appointment, take and * * * *file* * * * *the official* oath * * * *and execute and file* * * * *an official* bond in such sum as may be fixed by the county board * * * .

SECTION 18. The first two sentences of section 43.02 of the statutes relating to an official bond are amended to read:

43.02 STATE LAW LIBRARIAN, ASSISTANT AND CLERICAL FORCE. The board of trustees shall appoint a librarian, who shall serve at its will and under such conditions as shall be fixed by said board. * * * He shall * * * *execute and file an official* bond * * * with good and sufficient surety in the sum of ten thousand dollars to be approved by the trustees. * * *

SECTION 19. The first sentence of section 174 of the statutes is amended to read:

NOTARIES PUBLIC; BOND BY SURETY COMPANY; APPROVAL. SECTION 174. Every notary public * * * shall take and * * * *file the official oath* and * * * *execute and file an official bond* * * * in the sum of five hundred dollars, with surety to be approved by the county judge or clerk of the circuit court of his county, or, when executed by a surety company * * * approved by the secretary of state * * *.

SECTION 20. Section 182 of the statutes is amended to read:

APPOINTMENT, TERM, OATH, SEAL. SECTION 182. The governor shall have power to appoint one or more commissioners in any of the United States, or of the territories belonging to the United States and in foreign countries, who shall hold his office for the term of four years unless sooner removed. Every such commissioner * * * shall take * * * *the official oath* * * * before a judge or clerk of one of the courts of record of the state or territory or country in which he shall reside, * * * *and file the same*, with an impression of his seal of office and a statement of his post-office address, * * * in the office of the secretary of state, and shall at the same time pay into the treasury the sum of five dollars; and thereupon his commission shall issue.

SECTION 21. The first sentence of subsection (4) of section 1087m—8 of the statutes is amended to read:

(Section 1087m—8) (4) * * * Such assessor of incomes shall * * * *take and file the official oath* * * *.

SECTION 22. Section 1087—35 of the statutes is amended to read:

OATH. SECTION 1087—35. Each commissioner, within thirty days after notice of his appointment, * * * shall take * * * and file * * * *the official oath* * * *.

SECTION 23. The first sentence of section 1230 of the statutes is amended to read:

HIS BOND. SECTION 1230. Each superintendent of highways, * * * *whenever* required so to do by the town board, shall, * * * within ten days thereafter, execute * * * *and file an official bond*, in such amount as shall be required and with such sureties as shall be approved by said board * * *.

SECTION 24. Subsection 2 of section 1410c of the statutes is amended to read:

(SECTION 1410c) OATH. 2. Each member shall * * * *take and file* * * * *the official oath* * * *.

SECTION 25. Section 1421*b* of the statutes is amended to read:

OATH AND BOND. Section 1421*b*. The person appointed such supervisor shall * * * take *and file* the * * * *official* oath * * * and execute * * * *and file an official* bond * * * in the sum of five thousand dollars, with such sureties as shall be approved by the secretary of state * * *.

SECTION 26. Subsection 1 of section 1421*d* of the statutes is amended to read:

DEPUTIES; OATH; BOND; DUTIES. Section 1421*d*.
1. Every deputy inspector shall * * * take * * * *and file the official* oath * * * and execute * * * *and file an official* bond * * * in a sum not exceeding five thousand dollars nor less than five hundred dollars * * * fixed * * * by the said supervisor with the approval of the governor, * * * and a certified copy * * * *of such bond shall be filed* in the office of the county clerk *of the county* wherein the deputy inspectors executing the same shall reside. * * *

SECTION 27. Subsection 3 of section 1458 of the statutes is amended to read:

(Section 1458) 3. * * * Said commissioner shall take and * * * *file* the * * * *official* oath * * * and shall in addition thereto swear or affirm that he holds no other public position, nor any position under any political party or committee * * *.

SECTION 28. That sentence in section 113.18 of the statutes which requires an official oath of court reporters is amended to read:

(113.18) * * * Every person so appointed as reporter or assistant reporter is an officer of the court and * * * shall take and * * * *file* the * * * *official* oath * * *.

SECTION 29. Subsection 6 of section 1661 of the statutes is amended to read:

(Section 1661) BOND. 6. The city sealer of weights and measures shall forthwith on his appointment * * * *execute and file an official* bond, with sureties * * * approved by the appointing power * * *.

SECTION 30. Paragraph (e) of section 1797—1 of the statutes is amended to read:

(Section 1797—1) (e) * * * Each of said commissioners shall take and * * * *file* the * * * *official* oath * * * and shall in addition thereto swear or affirm that he is

not pecuniarily interested in any railroad in this state or elsewhere, and that he holds no other office of profit, nor any position under any political committee or party; which oath or affirmation shall be filed in the office of the secretary of state.

SECTION 31. Paragraph (i) of section 1797—1 of the statutes is amended to read:

(Section 1797—1) (i) The secretary shall take and * * * file the official oath * * * and shall keep full and correct records of all transactions and proceedings of the commission, and shall perform such other duties as may be required by the commission. Any person ineligible to the office of commissioner shall be ineligible to the office of secretary.

SECTION 32. The first sentence of section 1967 of the statutes is amended to read:

OATH, BOND, ETC. SECTION 1967. * * * The commissioner of insurance shall take and * * * file the official oath * * * and execute * * * and file an official bond * * * in the penal sum of one hundred thousand dollars, with six or more good and sufficient sureties or a surety company, * * * which bond * * * shall be * * * approved by the governor, * * * and in event that the commissioner of insurance elects to give a surety bond as provided herein, the cost of the same shall be borne by the state providing the same does not exceed one-fourth of one per cent per annum on the amount of said bond.

SECTION 33. Section 1967a of the statutes is amended to read:

DEPUTY; EMPLOYEES; APPOINTMENT; FILING. Section 1967a. The commissioner of insurance may appoint a deputy who shall be known as deputy commissioner of insurance, and who shall take and file the * * * official oath * * * and give such bond to the commissioner as he may prescribe. The * * * deputy * * * shall have the same power over all matters connected with the office of the commissioner of insurance as the commissioner has whenever detailed by him to do special acts, or in case of the sickness or absence of the commissioner from the capitol.

SECTION 34. The first two sentences of subsection 6 of section 2016 of the statutes are amended to read:

(2016) BOND; OFFICE SUPPLIES. 6. The said commissioner of banking and his deputy shall each * * * execute and file an official bond in the penal sum of twenty-five thousand dollars, with two or more sureties, or a surety company, * * * approved by the governor * * *. The examiners shall each,

in like manner, * * * *execute and file an official bond* in the sum of ten thousand dollars.

SECTION 35. The sentence in section 2394—42 of the statutes, relating to the official oath is amended to read:

(Section 2394—42) * * * Each member of the board * * * shall take *and file the official oath* * * *.

SECTION 36. The two sentences in section 2533a of the statutes relating to the official oath are amended to read:

(Section 2533a) * * * Each commissioner shall * * * take and * * * *file the official oath* * * *.

SECTION 37. This act shall take effect upon passage and publication.

Approved April 18, 1919.

No. 178, S.]

[Published April 21, 1919.

CHAPTER 94.

AN ACT to amend section 1 of chapter 629, laws of 1911, authorizing cities of the first class to negotiate a loan for the purpose of creating an insurance fund for school buildings.

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

SECTION 1. Section 1 of chapter 629, laws of 1911, is amended to read: (Ch. 629, laws of 1911) Section 1. Hereafter the common council of any city of the first class shall have authority, upon request of the board of school directors, to negotiate and make a loan in such amount as the board of school directors shall request, for the purpose of making good any loss or damage occasioned by the burning or destruction of school buildings. The interest on said loan shall not exceed six *per cent per annum*. The board of school directors * * * shall discharge such debt in such sums per annum as may be agreed at the time of requesting such loan, out of any funds at the disposal of the board of school directors. Such loan * * * shall be secured by school property only.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 18, 1919.