

(3) INVESTMENTS. The bank or trust company operating such common trust fund may buy, sell, hold, invest and reinvest the funds and assets thereof in its discretion and shall not be limited or restricted by the provisions of chapter 320 or any amendment thereof, but the bank or trust company shall not invest the funds of any fiduciary account in any common trust fund unless every investment in such fund is one that would then be a permissible investment for such fiduciary account.

(4) UNIFORMITY OF INTERPRETATION. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(5) SHORT TITLE. This section may be cited as the "Uniform Common Trust Fund Act".

(6) TAXATION. No common trust fund established pursuant to this section shall be subject to taxation as a corporation, association, partnership or individual, but it shall be a fiduciary within the provisions of section 71.095 (3), (4) and (5). All income of such trust and all capital gains and losses shall be income received or loss realized, as the case may be, to the fiduciary account holding a participation in such common trust fund in accordance with its participation.

Approved June 10, 1943.

No. 40, S.]

[Published June 12, 1943.

CHAPTER 275.

AN ACT to amend, renumber, repeal and create various provisions of the statutes for the purpose of correcting errors, reconciling conflicts, repelling unintended repeals, clarifying language, renumbering for better location, and repealing obsolete and unconstitutional provisions.

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

SECTION 1. Section 5.04 (5) is renumbered to be 59.17 (20).

SECTION 2. Section 5.05 (6) (d) is amended by substituting "chapter" for "act".

SECTION 3. Section 6.22 (1) (c) is repealed and recreated to read:

(6.22) (1) (c) A voter may vote for an entire group of candidates for presidential electors by making a cross (X) or mark

in the square opposite the names of candidates for president and vice president for whose electors he desires to vote.

SECTION 4. Section 14.71 (4) is amended to read:

(14.71) (4) Each department, board or commission, upon written approval of the governor, may purchase necessary trucks and automobiles for its general use, of such style and make as it may determine. Such trucks and automobiles shall be purchased through the * * * *director of purchases*, pursuant to sections * * * 15.26 to 15.40.

SECTION 5. Section 16.055 is amended to read:

16.055 ASSISTANCE TO CITIES AND VILLAGES. The bureau of personnel shall, when requested by the proper authorities, render service in accordance with the provisions of this chapter to * * * cities and villages which have adopted civil service systems under the provisions of section 66.19* * * , and shall charge the cost of such service to the city *or* village * * * for which it is performed.

SECTION 6. Section 17.14 (4) is amended by substituting "272.10" for "272.11" in the phrase "in sections 272.01 to 272.11."

SECTION 7. Section 17.17 (5) is amended by substituting "subsection (3)" for "subsections (3) and (4)" in the second line.

SECTION 8. Section 17.20 (2) (c) is repealed.

SECTION 9. Section 25.08 (1) is amended by striking out the last sentence thereof, which reads: "Such statement shall accompany the statement made and certified under section 70.59."

SECTION 10. Section 25.17 (9) (e) is repealed and 25.17 (1) and (8) are amended to read:

(25.17) (1) To have exclusive control of the investment and collection of the principal and interest of all moneys loaned or invested from any of the following funds: The several funds of the state retirement system, the life fund, the state insurance fund, the soldiers' rehabilitation fund, * * * the funds created by sections 102.49 and 102.59, and all other funds of the state or of any state department or institution, except operating funds, all funds which by the constitution are required to be controlled and invested by the commissioners of public lands and any moneys in the university trust funds which must be

administered by the board of regents of the university in order to comply with the provisions made by the donor of such moneys.

(8) To utilize the services of the * * * *department of securities* to investigate any securities * * * *in* which they may contemplate making investments of any state funds. The cost of such investigation shall be charged to the fund from which such investments are proposed to be made.

SECTION 11. Section 34.026 is amended to read:

34.026 Where any part of funds deposited by any public depositor, as defined by subsection * * * (3) of section 34.01, shall consist of privately owned trust funds, the state, county, town, city or village, by appropriate action of its governing body, or the governing body of any other such public depositor defined by such section, may assume and pay, as an item of general expense, all interest charges collected from such trust fund by any public depository and paid to the state board of deposits under the provisions of this chapter.

SECTION 12. Section 38.08 (4) (g) is amended to read:

(38.08) (4) (g) To require that any pupil attending any public school shall be enrolled on the records of the school under the proper given name and surname of the pupil at the time of birth, or as said * * * *surname* is thereafter changed by a court of competent jurisdiction in any action, adoption proceeding or other proceeding.

SECTION 13. The first sentence of section 40.47 (6) is amended to read:

(40.47) (6) (first sentence) The municipal clerk shall enter upon the next tax roll such sums as may be due for such tuition from his municipality and the amount so entered shall be collected when and as other taxes are collected, and shall have the same priority as is accorded to school taxes under the provisions of subsection * * * (9) of section * * * 74.03, and shall be paid by the municipal treasurer to the treasurer of the high school district.

SECTION 14. Section 40.87 (6) is repealed and 40.87 (3) is amended to read:

(40.87) (3) For the purposes of subsection * * * (4) an elementary teacher is defined as one who devotes the whole or the major portion of his time to teaching grades below the ninth * * * and no substitute or part-time teacher shall be counted

in determining the amount to be distributed to the several school districts and cities, excepting only that substitute teachers or part-time teachers teaching continuously for the entire school year beginning in September and ending in June in cities of the first class shall be counted in determining the amount to be distributed to cities of the first class.

SECTION 15. Section 42.29 is amended to read:

42.29 The normal school retirement board and the university retirement board shall each consist of five * * * members * * *. The terms of two members of each board * * * shall expire in 1922, two in 1923 and one in 1924, and thereafter the terms of board members shall be three years. All terms shall expire on the first day of January.

SECTION 16. Section 43.105 of the statutes is repealed.

SECTION 17. The first sentence of section 43.34 (2) is amended to read:

(43.34) (2) (first sentence) * * * *Within 30 days after the conclusion of * * * the fiscal year of the municipality* the said library board shall make an annual report for the year.

SECTION 17a. 43.50 (6) of the statutes is amended to read:

(43.50) (6) The board may receive and expend for the purposes of this section any sums of money appropriated by the common council of such city for such purposes, and the common council may appropriate from the general *or a similar* fund to said board such sums of money as said council may deem expedient for the purposes of this section.

SECTION 18. The introductory paragraph of paragraph (a) and paragraph (am) of subsection (5) of section 48.01 are amended to read:

(48.01) (5) (a) (introductory paragraph) Except as otherwise provided in this paragraph *and paragraph (am)* the juvenile court shall have exclusive * * * jurisdiction of proceedings under this chapter involving:

(am) If in any of the cases in paragraph (a) of this subsection either the child or the parent, guardian or custodian is at the time of filing of petition present within some other county, but does not reside therein, the juvenile court of such other county shall have concurrent jurisdiction. In all cases of delinquent children over 16 years of age, the criminal courts shall have concurrent jurisdiction with the juvenile court, *and in cases*

wherein a male minor child between 18 and 21 years of age is charged with having unlawfully and carnally known and abused any female under the age of 18 years or with assault intending carnal knowledge and abuse the criminal court having jurisdiction thereof may, in any proper case where it shall appear that the public interests will be adequately protected and the welfare of such minor will be promoted, waive jurisdiction in favor of the juvenile court which shall then have jurisdiction to determine whether or not such minor is delinquent in the manner as charged and otherwise dispose of such case as provided in section 48.07. Nothing contained herein shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when such custody is incidental to the determination of causes pending in such courts.

SECTION 19. The first sentence of section 51.10 is amended by substituting "51.01" for "51.02" in the clause "the qualifications prescribed by section 51.02 (2)."

SECTION 20. Section 51.23 (1) is amended by inserting the word "and" between "(4)" and "(5)" and by striking out "and (6)", in the first sentence.

SECTION 21. Section 53.25 (3) is repealed.

SECTION 22. Section 59.074 is repealed.

SECTION 23. The introductory paragraph of section 59.15 (1) is amended to read:

(59.15) (1) (introductory paragraph) The county board at its annual meeting shall fix the annual salary for each county officer, * * * *except as provided in section 253.15*, to be elected during the ensuing year and who will be entitled to receive a salary payable out of the county treasury. The salary so fixed shall not be increased or diminished during the officer's term, and shall be in lieu of all fees, per diem and compensation for services rendered, except the following additions:

SECTION 24. Section 59.17 (20) is renumbered 59.17 (25).

SECTION 25. Section 61.41 (5) is amended by striking out "75.60".

SECTION 26. Section 62.115 (2) is amended to read:

(62.115) (2) Nothing in this * * * *section* contained, nor any action taken by any city or by any city attorney pursuant to the provisions of this * * * *section*, shall be construed to

impose any liability, either for costs, damages or otherwise, upon such city or city attorney.

SECTION 27. Section 65.90 is renumbered section 66.60.

SECTION 28. Section 69.60 (1) and (3) are amended by substituting "245.36" for "245.35".

SECTION 29. Section 70.60 is amended by striking out the words "and the rate as fixed by the governor pursuant to section 70.59" at the end of the first sentence.

SECTION 30. Section 74.035 (2) is amended to read:

(74.035) (2) The part-time treasurer of any town, city or village may designate banks to which taxpayers may pay such advance deposits. * * * *A notice containing the names and locations of the designated banks shall be posted in 5 public places in his town or village or be printed 2 times in a newspaper published in his city.* A receipt from any such bank * * * shall protect the taxpayer to the same extent as a receipt signed by the treasurer in person.

SECTION 31. Section 74.09 is amended to read:

74.09 Every such treasurer shall each year compare the stub book of receipts with the tax roll of his town, city or village as to the description of land or other property upon which taxes have or have not been paid and as to the amount of money received for taxes; and the * * * treasurer shall certify on such stub book that he has made such comparison, and that the stub book and tax roll correspond; and the stub book thus certified shall be returned with the tax roll to the county treasurer * * *. Such stub book or a certified copy thereof shall have the same effect as evidence as the original receipt.

SECTION 32. Section 75.28 (2) is amended to read:

(75.28) (2) The tax deed grantee or his assigns may, at any time after the tax deed is issued and recorded, serve a notice on the owner of record of the original title, stating that he holds a tax deed on the land of such original owner and giving a description of the land so deeded and a reference to the volume and page where such deed is recorded, which notice shall be served in the same manner as a summons in a court of record or by registered mail * * *, addressed to such owner of record and proof of which service shall be filed in the office of the county clerk of the county in which the lands are situated. If the *post-office address*

of the owner of record of the original title is * * * unknown, * * * such tax deed grantee, or his assigns, may, upon * * * filing in the office of such county clerk * * * his affidavit * * * that he is unable, with due diligence, to make *personal* service * * * of such notice or * * * to ascertain the post-office address of such former owner, * * * publish such notice in a newspaper published in the county where the land described in the tax deed is located, once a week for 6 successive weeks and proof of such publication shall be filed in the office of such county clerk.

SECTION 33. Section 77.02 (5) is amended by substituting "77.04 (2)" for "77.05" in the second sentence.

SECTION 34. Section 80.11 (7) is amended by substituting "80.01 (2)" for "80.32".

SECTION 35. The last sentence of section 85.01 (3) is amended to read:

(85.01) (3) (last sentence) In the case of a new motor vehicle being registered for the first time, no certificate * * * of title or registration shall be issued unless such application is signed by an enfranchised new car dealer authorized to sell such new motor vehicle.

SECTION 36. Section 85.08 (12) (b) and (14) are amended by substituting the word "officer" for the word "inspector".

SECTION 37. Section 85.91 (1) and (2) are amended to read:

(85.91) (1) Any person violating any provisions of section 85.11, subsections (2), (3), (4) and (6) of section 85.12, subsection (4) of section 85.15, subsections (1), (2) and (8) of section 85.16, subsections (1), (2), (4) and (5) of section 85.17, subsections * * * (1), (4) to (6) and (8) to (11) of section 85.18, * * * subsections (2), (3) and (4) of section 85.19, sections 85.21 to 85.23, 85.25 to 85.28, 85.31 and 85.33, subsections (1) and (2) of section 85.34, 85.35, subsections (1) and (2) of section 85.39, * * * sections 85.44, * * * 85.50, 85.61, 85.63 to 85.66, subsections (2) to (6) of section 85.67 and section 85.69 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$10 for the first offense and for the second or each subsequent conviction within one year thereafter, by a fine not to exceed \$25.

(2) Any person violating any of the provisions of *subsection (2) of section 85.14*, subsections (1), (2) and (3) of section 85.15,

subsections (3) to (7) and (9), (10) and (11) of section 85.16, subsection (7) of section 85.18, subsections (1), (5) and (9) of section 85.19, sections 85.20, 85.24, 85.29, 85.30 and 85.32, subsection (3) of section 85.34, sections 85.36 to 85.38, subsection (3) of section 85.39, subsections (6), * * * (10), (11) and (12) of section 85.40, subsection (2) of section 85.41, sections 85.45, 85.47, 85.48, 85.49, 85.51, 85.52, 85.54 to 85.60 and 85.62 and subsection (1) of section 85.67 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$25 for the first offense and for the second or each subsequent conviction within one year thereafter, by a fine not to exceed \$100 or by imprisonment in the county or municipal jail for not more than 30 days or by both such fine and imprisonment.

SECTION 38. Section 87.15 is amended by substituting "sections 196.26 to 196.29" for "195.17."

SECTION 39. Section 103.44 is amended by substituting "103.06 to 103.11 and 103.64 to 103.82" for "103.05 to 103.15".

SECTION 40. Section 103.67 (2) and 103.70 (1) are amended by substituting "103.31" for "103.36" in the reference to "103.21 to 103.36" in each of said subsections.

SECTION 41. The introductory paragraph of section 103.68 is amended by substituting "103.66" for "103.68" in the reference to "subsection (2) of section 103.68."

SECTION 42. Section 133.25 (8) is repealed.

SECTION 43. The first sentence of section 146.12 (11) (b) is amended to read:

(146.12) (11) (b) (first sentence) The transportation of dead animals or parts thereof, raw or unrendered, except green or salted hides, shall not be allowed into other states, except by reciprocal agreement with adjoining states * * * and under rules of the board.

SECTION 44. Section 159.01 (10) is amended by substituting "subsection (1)" for "paragraph (a)" wherever the reference to "paragraph (a)" occurs in said subsection (10).

SECTION 45. Section 160.02 (2) is repealed.

SECTION 46. Section 188.15 (3) is amended by substituting "188.15" for "188.11" at the end of the first sentence.

SECTION 47. Section 192.48 (1) and (3) are amended to read:
 (192.48) (1) Each steam and *each* interurban railroad company shall furnish to each county in which it operates, upon request of the county highway commissioner, a sufficient quantity of advance warning signs to enable the county and town to comply with this section. The county highway commissioner on roads maintained by the county and the town board on roads maintained by the town shall immediately install and thereafter maintain such signs in good condition, near each * * * grade crossing (other than state trunk highway crossings * * * and * * * crossings within the limits of * * * cities and *incorporated* villages). The town board shall requisition its needs for advance warning signs from the county highway commissioner. The cost of such installation and maintenance shall be paid out of moneys received by the county or town, as the case may be, for highway maintenance. The state highway commission shall provide, install and maintain advance warning signs at all railroad grade crossings on the state trunk highway system outside of * * * *cities and incorporated villages*. The public service commission, upon petition and upon investigation and finding * * * that such signs are impracticable or unnecessary on any highway, may release the town, county or state from the provisions of this section as to such highway.

(3) Such signs shall be placed in conspicuous locations beside every highway which crosses a railroad at grade (*outside of cities and incorporated villages*) as near as practicable to the traveled portion of the highway on each side of such crossing, at a location and in a manner to be prescribed by the state highway commission, the county highway commissioner * * * or the town board, or, if the crossing is so near city or village limits that the sign will be within such limits, by the city council or the village board, as the case may be.

SECTION 48. The first sentence of section 195.01 (11) is amended to read:

(195.01) (11) (first sentence) The words "commission" and "railroad commission," as used in chapters 184 * * * and 190 to 197, mean the public service commission of Wisconsin, unless a different meaning is manifest.

SECTION 49. Section 195.31 is amended by substituting "sections 196.26 to 196.29" for "section 195.17" wherever it occurs.

SECTION 50. Section 196.13 (3) is repealed.

SECTION 51. Section 200.23 is amended to read:

200.23 Any officer named in section 200.19 who neglects to comply with any of the requirements of sections 200.19 to * * * 200.25 or 200.03 (12) shall upon conviction be punished by a fine of not less than \$25 nor more than \$200 for each neglect or violation.

SECTION 52. Section 204.30 (2) is amended to read:

(204.30) (2) No such policy shall be issued or delivered in this state on or after September 1, 1925, by any company, unless there shall be contained within such policy a provision that notice given by or on behalf of the * * * *insured* to any authorized agent of the insurer within this state, with particulars sufficient to identify the insured, shall be deemed to be notice to the insurer, and also a provision that failure to give any notice required to be given by such policy within the time specified therein shall not invalidate any claim made by the insured if it shall be shown not to have been reasonably possible to give such notice within the prescribed time and that notice was given as soon as reasonably possible.

SECTION 53. Section 209.13 (1) is amended by substituting "section 201.02 (3) (g)" for "paragraph (b) of subsection (4) of section 201.02."

SECTION 54. Section 215.26 (1) is amended by substituting "on" for "or" in the 9th line of said subsection, in the clause "whether dividends shall be allowed or dues paid in advance."

SECTION 55. Section 216.02 is amended to read:

216.02 All provisions of said chapter 215 with respect to the supervision, control and conditions upon which foreign building and loan associations are permitted to do business in this state are hereby made applicable to and imposed upon persons, co-partnerships, associations or corporations described in * * * section * * * 216.01, the same as though they were foreign building and loan associations under said * * * chapter 215, so far as such supervision, control and conditions can be made applicable to the particular business done by such persons, co-partnerships, associations or corporations.

SECTION 56. Section 223.10 is amended to read:

223.10 *Except as provided in section 222.21*, no court of this state shall appoint * * * any corporation as trustee, execu-

tor, administrator, guardian, assignee, receiver, or in any other fiduciary capacity unless such corporation is organized * * * under * * * sections 223.01 to 223.09 * * * or * * * is a * * * state bank * * * entitled under * * * section 221.04 (6) to exercise fiduciary powers, or is a national bank with authority to exercise such powers.

SECTION 57. The last sentence of section 236.06 (1) (i) is amended to read:

(236.06) (1) (i) (last sentence) Said county highway committee, after said hearing, may require such changes in the plat as the committee may deem necessary as a result of the hearing, and said plat shall then be eligible to be recorded upon approval of the governing body empowered to supervise or administer the county plan as provided in * * * *paragraph (b) of this subsection*, which body in counties having a population of 500,000 or more shall be the county board of supervisors.

SECTION 58. Section 237.06 is amended by substituting "chapter 166" for "sections 166.01 to 166.16."

SECTION 59. The title of chapter 254 of the statutes is amended to read: "MUNICIPAL COURTS."

SECTION 60. Sections 264.10 and 264.20 are amended by substituting "section 264.02 (1) (c)" for "subsection (3) of section 264.02."

SECTION 61. The last sentence of section 269.12 is amended to read:

(269.12) (last sentence) Proceedings thereon shall be had as prescribed in sections 269.09 *and* 269.10 * * *, and judgment upon default or otherwise be entered, as the nature of the case demands.

SECTION 62. Section 276.35 is amended to read:

276.35 When the proceeds of a sale belonging to any tenant by the curtesy, for life or for years, shall be brought into court the clerk of the court shall act as the trustee thereof and the same shall be invested by him as provided by * * * *chapter 320* and the interest shall annually be paid to the party entitled to such estate during its existence, except as otherwise provided in section 276.36.

SECTION 63. Section 289.70 (6) is amended to read:

(289.70) (6) When the corporation, described in subsection (1) shall have so filed its claim for lien upon a lot it may fore-

close the same by action in the circuit court or any county court having jurisdiction thereof, and the provisions of sections 289.09, * * * 289.12, 289.13, 289.14 and 289.15 * * * shall apply to proceedings undertaken for the enforcement and collection of maintenance liens as herein described.

SECTION 64. Section 303.14 is amended to read:

303.14 When a judgment shall be obtained against joint debtors upon process which was not served upon all the defendants execution may be issued in form against all; but the justice shall indorse thereon the names of such of the defendants who did not appear in the action and were not served. Such execution shall not be served upon the persons of the defendants whose names are indorsed thereon nor shall it be collected from the sole property of any defendant who neither appeared in the action nor was served with such process; but it may be collected of the several property of any defendant who appeared or was served with process or of the joint or copartnership property of all the defendants * * *.

SECTION 65. Section 313.14 (3) is repealed, and 313.14 (2) is amended to read:

(313.14) (2) When an executor or administrator * * * dies or becomes incapable of discharging his trust and another administrator of the same estate * * * is appointed, the county court may for cause shown, without notice, extend the time for the payment of the debts and legacies and the settlement of the estate for 6 months beyond the time allowed the original executor or administrator, and may extend the time for a longer period, upon petition and notice as required in this section * * *.

SECTION 66. The last sentence of section 322.02 (1) is amended to read:

(322.02) (1) (last sentence) In case the parental rights of the natural parents of such child shall have been terminated by a juvenile or other court * * * of competent jurisdiction, the report shall contain a summary of such proceedings and shall note any irregularities therein.

SECTION 67. Section 357.11 (3) is amended to read:

(357.11) (3) If the defendant * * * is found by the jury "not guilty because insane" or "not guilty because feeble-minded," he shall forthwith be committed by the court to the central state hospital * * *, or to an institution designated

by the state * * * *department of public welfare*, there to be detained and treated until he shall be discharged according to law.

SECTION 68. Section 364.17 is amended to read:

364.17 If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge him or may recommit him for a further period not to exceed 60 days, *or* may again take bail for his appearance and surrender, as provided in section 364.16, but within a period not to exceed 60 days after the date of such new bond.

SECTION 69. Section 370.01 (30) is repealed and 370.01 (12) is amended to read:

(370.01) (12) The word "person" * * * extends and * * * *applies* to bodies politic and corporate * * *.

SECTION 70. Subsection (48) of section 370.01 is created to read:

(370.01) (48) STATUTE TITLES. The titles to subchapters, sections, subsections and paragraphs of the statutes constitute no part of the law.

Approved June 10, 1943.

No. 86, S.]

[Published June 12, 1943.

CHAPTER 276.

AN ACT to amend 16.08 (2) (d) and 66.19 (1) of the statutes, relating to the exemption of librarians from civil service.

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

SECTION 1. 16.08 (2) (d) of the statutes is amended to read:

16.08 (2) (d) All presidents, deans, principals, professors, instructors, research assistants, *librarians* and other teachers, *as defined in section 42.20*, in the university, state teachers colleges, Stout institute and the state school of mines.

SECTION 2. 66.19 (1) of the statutes is amended to read:

66.19 (1) Any city or village may proceed under * * * section 61.34 (1), * * * section 62.11 (5) or section 66.01 to establish a civil service system of selection, tenure and status,