

CHAPTER 372.*

CURATIVE ACTS.

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372.01 Repeal of curative laws, effect. The repeal of a curative or validating law does not impair or affect any cure or validation already affected thereby. [*1933 c. 436 s. 2*]

372.02 Notarial acts validated. Chapter 579 of the Laws of 1911, entitled "An act to create section 175m of the statutes, validating instruments made to or by corporations acknowledged before notaries public who were stockholders, directors, officers or employes of the corporation, and validating other acts done by said notary," approved July 6, 1911, and published July 7, 1911, and section 137.03 of the Statutes of 1931 (formerly numbered 175m) are repealed. [*1933 c. 436 s. 3*]

372.03 Alleys, curative act. All resolutions and proceedings for the alteration or vacation of public alleys in cities of the second, third or fourth class adopted, taken or had, prior to October 1, 1924, are validated, unless action was commenced or proceedings taken prior to October 15, 1925, to contest the validity thereof. [*Stats. 1931 s. 62.225; 1933 c. 436 s. 4*]

372.04 Municipal refunding bonds. Any bonds authorized prior to June 22, 1923, to be issued in accordance with the procedure provided by chapter 67 of the statutes by any municipality defined in said chapter for the purpose of refunding bonds or other existing legal indebtedness of such municipality issued or outstanding previous to January 1, 1922, shall be legal, valid and binding to the same extent as if such municipality, at the time of authorizing such issue, still had the power formerly possessed by it to issue refunding bonds. [*Stats. 1931 s. 67.18; 1933 c. 436 s. 5*]

372.05 Conveyances by husbands to wives before March 23, 1895, legalized. All conveyances made prior to March 23, 1895, in which a married man conveyed real property directly to his wife are declared to be legal and valid, and such conveyances and the records thereof shall have the same force and effect in all respects as is or may be provided by law in regard to conveyances in other cases. [*Stats. 1931 s. 246.04; 1933 c. 436 s. 6.*]

372.06 Corporations, curative provisions, articles, deeds, evidence. (1) Whenever in the organization of corporations under chapter 146 of the laws of 1872 there may have been a failure to verify a copy of the articles recorded in the office of the register of deeds of the proper county such failure shall not affect the validity of the corporation, and the same shall be a body corporate from and after the recording of such copy the same as though the copy had been duly verified. In any controversy as to the validity of such corporation it shall be presumed that the copy thus recorded is a true copy of the original articles, and such copy, or a certified copy of the record thereof, shall be prima facie evidence in all courts and places of the organization of such corporation.

(2) Whenever in the organization of corporations under chapter 146 of the laws of 1872, articles of association were made and adopted and signed by the persons forming such corporation, and there may have been a failure to make and record a verified copy thereof in the office of the register of deeds of the county in which such corporation is located, and such association, organization or corporation has in good faith carried on business and acted as a corporation for twenty-five years or more, such failure to make and

*The purpose of this chapter is (1) to assemble curative or invalidating provisions which are now scattered all through the statutes; (2) to furnish a proper location for future enactments of that kind; (3) to facilitate finding such laws by having a regular fixed place for putting them; and (4) to economize space by repealing many validating acts and at the same time preserving a reference to them and emphasizing the fact that the repeal has not impaired the validation. (Bill No. 184 S, s. 1)

record a verified copy of the articles of association shall not affect the validity of the corporation, but the same shall be a body corporate from and after the date of the making, adopting and signing of the articles of association, the same as though a verified copy had been duly made and recorded in the office of the register of deeds. Whenever any such corporation shall in good faith have attempted to change its corporate name, and shall in good faith have carried on and conducted its business under such changed name for a period of twenty-five years or more, and shall record its original articles of incorporation, or the copy thereof, with the register of deeds, of the county in which such corporation has its principal office, and in case the said original articles of incorporation, or a copy thereof, cannot be obtained, a certificate from the secretary of state showing that no such articles nor a copy thereof can be found in his office, its acts, doings and proceedings heretofore done or which shall hereafter be done in or under such changed name shall be as valid and binding and as good in law as though done in or under the name contained in its original articles of association.

(3) All transfers of real estate heretofore made to corporations, organized under the laws of this state, executed, delivered, filed and recorded between the date of the filing of the articles of organization in the office of the secretary of state and the date of the filing of a certified copy of said articles in the office of the register of deeds in the county wherein said corporation has its principal place of business, are hereby legalized, ratified, confirmed and validated. [*Stats. 1931 s. 180.33; 1933 c. 436 s. 7*]

372.07 Corporations; defects cured. Every corporation organized under any general law for any of the purposes embraced in section 180.01 and existing September 1, 1898, shall continue in existence in the same manner and have the same powers as if lawfully organized under this chapter and be governed by these statutes; and every joint-stock company organized under chapter 73 of the Revised Statutes of 1858, prior to the first day of January, 1875, shall be deemed legally organized and remain in existence and unaffected by the repeal thereof. Whenever articles of association have been filed since the enactment of the Revised Statutes of 1878, and prior to September 1, 1898, in the office of the secretary of state or the register of deeds for any of the purposes authorized by chapter 86 of the Revised Statutes of 1878, and an organization has been formed under said articles, such organization is hereby declared to be legal and the corporation to be duly organized. [*Stats. 1931 s. 180.32; 1933 c. 436 s. 8*]

372.08 Evidence as to county lands; minors. Whenever in any action it shall become material to any party to show that the title to any tract of land is vested in any county, under chapter 132 of the general laws of 1866, by having been bid in for such county for five successive years on sales for taxes and that the same remains unredeemed, the statement of such sales made by the county treasurer, or the record of such statement in the book kept for that purpose in his office, or the certificates of such sales executed by such treasurer to the county shall be prima facie evidence of the regularity of the tax proceedings from and including the valuation of any such tract of land up to and inclusive of the sale thereof and of the existence of all conditions precedent in any way affecting the validity of such sales, or requisite to make the title of such land absolutely vest in the county in which the same is situate; provided, nothing herein shall be so construed as to apply to any such lands if it shall be made to appear that they were owned at the time of such sales by minors or persons who were non compos mentis, insane or under guardianship. [*Stats. 1931 s. 75.33; 1933 c. 436 s. 9*]

372.09 Liberty bond investments validated. All investments made before April 14, 1919, by any association in United States liberty bonds and war savings stamps are hereby validated. [*1931 c. 171 s. 1; Stats. 1931 s. 215.17; 1933 c. 436 s. 10*]

372.10 Lis pendens; proceedings taken before November 7, 1901, for laying out, widening, extending or vacating any street, alley, water channel, parkway or other public place, defective because not filed, are validated. Chapter 276, Laws of 1901, entitled "An act to legalize actions of courts, county boards, common councils, village and town boards in laying out, widening, extending or vacating streets, alleys, highways, et cetera, under section 3187a of the Wisconsin Statutes of 1898, as amended by chapter 351 of the Laws of 1899," and section 281.05, Wisconsin Statutes 1931, are repealed. [*1933 c. 436 s. 11*]

372.11 Marriage by court commissioner legalized. All marriages solemnized within this state prior to April 2, 1871, by court commissioners shall be valid from the time of solemnization. [*Stats. 1931 s. 245.09; 1933 c. 436 s. 12*]

Revisor's Note, 1933: Section 245.09 was seven years old. The law was again enacted created by chapter 186, Laws 1865, effective by chapter 74, Laws 1871, effective April 2, May 4, 1865. "Heretofore" is, therefore sixty- 1871. (Bill No. 184 S, s. 12)

372.12 Municipal grants prior to May 17, 1903. Chapter 251, Laws of 1903, entitled "An act validating and legalizing in certain cases grants, privileges, powers, franchises

and immunities heretofore conferred upon individuals or corporations by municipalities," and section 193.03, Wisconsin Statutes 1931, thereby created are repealed. [1933 c. 436 s. 13]

372.13 School debts validated. Any debt incurred by any school district prior to May 17, 1923, for a lawful purpose and within the constitutional limitations, in pursuance of proceedings taken at a lawful meeting, is hereby declared the legal, valid, and binding obligation of such school district and refundable by loans from the state trust funds, notwithstanding the failure of such school district to conform to the statutes governing municipal borrowing and municipal loans. [Stats. 1931 s. 25.01(5); 1933 c. 436 s. 14]

372.14 Tardy registration of corporate articles prior to May 14, 1927. Chapter 88, Laws of 1927, entitled "An act to create subsection (4) of section 180.05 of the statutes, relating to curative provisions affecting the organization of corporations" and section 180.35, Wisconsin Statutes 1931, are repealed. [1933 c. 436 s. 15]

372.15 Town boundaries changed by defective ordinances prior to July 1, 1907. Chapter 163, Laws of 1907, entitled "An act to legalize the defective change of boundaries of towns by county boards" and acts amendatory thereof and section 60.67, Wisconsin Statutes of 1931, are repealed. [1933 c. 436 s. 16]