

No. 360, S.]

[Published July 10, 1907.

CHAPTER 500.

AN ACT to amend section 131 of the statutes, relating to the employment of counsel for the state, and create section 162, and creating a new section of the statutes to be known as section 170a, relating to the attorney general and his assistants and fixing their salaries.

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

SECTION 1. Section 131 of the statutes is amended to read:

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SECTION 2. Section 162 of the statutes is amended to read:

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SECTION 3. There is created a new section of the statutes to be known as section 170a to read:

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Conflicting laws repealed. SECTION 4. All acts and parts of acts contravening or inconsistent with the provisions of this act are hereby repealed in so far as they contravene or are inconsistent with the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved July 9, 1907.

Special counsel for state; contract for compensation.

SECTION 131. Whenever in the opinion of the governor, the rights, interests or property of the state shall have been or shall be liable to be injuriously affected, he may require the attorney general to institute and prosecute any proper action or suit for the redress or prevention thereof; and whenever he shall receive notice of any action or proceeding between other parties by which the rights, interests or property of the state shall be liable to be injuriously affected, he shall inform the attorney general thereof and require him to make every legal and equitable defense against such action or proceeding; and in any such case, or in any action prosecuted or defended in behalf of the state, *he and the attorney general* may, if the public interests require it, and * * * *they shall deem it to be necessary*, employ * * * *special counsel* * * * to assist the attorney general in any such action or proceeding; *provided, that when any such special counsel shall be employed, a contract in writing shall be entered into between the state and such counsel, in which shall be fixed the compensation to be paid to such special counsel by the state, which contract shall be executed in behalf of the state by the governor and the attorney general and be filed in the office of the secretary of state.* In case * * * the attorney general shall be in any way interested adversely to the state in any action or proceeding, the governor may employ *special counsel* to act in his stead, the compensation for such counsel to be fixed *by contract*, by the governor, *in behalf of the state, in the manner aforesaid*, and paid out of the state treasury.

(Ch. 500, 1907.)

Authority of Secretary of State regarding General fund: [Section 144.] (Sec. 2, Ch. 428, 1907.)

Signing of warrants by agent of secretary of state. SECTION 146. The secretary of state shall draw his warrant on the state treasurer payable to the claimant for the amount allowed by him upon every claim or account audited as aforesaid, specifying from what fund to be paid and the particular act or part of act which authorizes the same to be paid out of the state treasury; and he shall not credit the treasurer for any sum of money paid out by him otherwise than upon such warrants. *Whenever for any reason it shall be impracticable for the secretary of state to sign his name personally to the warrants issued on the state treasury he may in his discretion designate*

within ten days after the first day of each January, April, July and October make a full statement of all deposits and payments of state moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, which interest shall thereupon be added to and become part of the deposit balance; such statement shall be accompanied by an affidavit of the president and cashier of such depository to the effect that it is in all respects true and correct, and that, except for the interest therein credited, neither said depository nor any officer, agent or employe thereof, nor any person in its behalf, has in any way whatsoever given, paid or rendered, or promised to give, pay or render to the state treasurer or to any other person any money, credit, service or benefit whatsoever by reason or in consideration of the deposit with it of any portion of the state moneys. Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury. The total interest by all depositories shall be apportioned by the state treasurer among, added to and become a part of the several funds as follows: That received from the general fund deposit to the general fund; that received from the school fund, and the school income deposits, to the school income fund; that received from the university fund and the university income fund deposits, to the university income fund; that received from the normal school fund and the normal school income fund deposits, to the normal school income fund; that received from the agricultural college fund and the agricultural college income fund, to the agricultural college income fund; *that received from the forest reserve fund and the forest reserve income fund to the forest reserve income fund*; according to the average amount of each such fund on hand the first day of each month.

(Ch. 406, 1907.)

***Attorney general's deputy, assistants and clerical force.**

SECTION 162. * * * *The attorney general may appoint a deputy attorney general and three assistants, to be designated respectively as first assistant attorney general, second assistant attorney general and third assistant attorney general. The said deputy attorney general and each of said assistants shall be an attorney at law admitted to practice in this state. The attorney general may also appoint a clerk, who shall also be a stenographer, and two stenographers. The said deputy attorney general shall give a bond to the state of Wisconsin in the sum of five*

*For salaries, see Sec. 170a.

thousand dollars, with good and sufficient sureties, to be approved by the governor, conditioned for the faithful performance of his duties as deputy attorney general. The said deputy attorney general may, in the absence or disability of the attorney general, do and perform all the acts provided by statute to be performed by the attorney general, and the attorney general shall be responsible for all acts of his deputy. The said appointees shall perform such duties as the attorney general may prescribe. The attorney general shall designate one of said appointees, whose special duty it shall be to attend to all matters pertaining to the enforcement of the statute in respect to the collection of the inheritance tax. Such appointments shall be made by writing filed in the office of the secretary of state, and all such appointees, except the clerk and stenographers, shall take the constitutional oath of office, which shall be so filed.

(Ch. 500, 1907.)

State aid: recipients' accounting. SECTION 169e—1. Every association, society, institute or other organization, that shall receive aid in any form through appropriations from the state shall on or before the first day of September of each year, make an annual report to the secretary of state. Such annual report shall contain a detailed statement of all receipts and expenditures of such association, society, institute or organization for each year ending June 30th and such portions as are of especial importance may be published in the report of the secretary of state as provided by section 335b, statutes of 1898.

(Ch. 303, 1907.)

***Salaries: secretary of state, assistant and clerks.** [SECTION 170.] 2. *Office of the secretary of state.* a. The secretary of state, five thousand dollars, which shall be in full for all services rendered by him in his official capacity, including his services as commissioner of public lands.
 b. The assistant secretary of state, two thousand *five hundred* dollars.
 c. The clerks and other employes in the office of the secretary

*Time of going into force. All increased salaries provided for in Sec. 170, subsections 2, 3, 10, 14, 18, 19, 20 and 21 and all positions discontinued therein take effect from and after Oct. 1, 1907. All salaries attached to new positions created therein from and after passage and publication.

(Sec. 8, Ch. 643, 1907.)

determine, provided, that not more than * * * *five thousand * * * one hundred sixty* dollars shall be expended for salaries, including the chief clerk and assistant chief clerk and the general clerk, in any one year.

(Ch. 643, 1907.)

Board of control: salary increases; additional clerk. [SECTION 170.] 22. The members of the state board of control of Wisconsin reformatory, charitable and penal institutions, each two thousand dollars.

Each member of said board shall also be reimbursed all the actual and necessary disbursements paid out in the discharge of his duties.

The secretary of the state board of control * * * *twenty-five hundred* dollars, and he shall also be reimbursed all actual and necessary disbursements paid out in the discharge of his duties.

The other persons employed in the office of the board of control the following sums: A chief clerk * * * *fifteen hundred* dollars, * * * *a first assistant chief clerk, * * * eleven hundred* dollars, *a second assistant chief clerk, nine hundred* dollars, an additional clerk, * * * *eight hundred dollars*, and a stenographer, * * * *eight hundred dollars*. . . .

(Ch. 377, 1907.)

***Attorney general's department: salaries and traveling expenses.** SECTION 170a. The attorney general shall receive five thousand dollars per annum, which shall be in full for all services rendered by him in his official capacity, including his services as commissioner of public lands. The assistants in the office of the attorney general shall receive the following annual salaries, viz.

The deputy attorney general, three thousand six hundred dollars.

The first assistant attorney general, three thousand dollars.

The second assistant attorney general, twenty-five hundred dollars.

The third assistant attorney general, two thousand dollars.

The clerk, twelve hundred dollars.

The stenographers, nine hundred dollars each.

Whenever the services of the attorney general, the deputy attorney general or any of the assistant attorneys general shall be required outside of the city of Madison, there shall be re-

*See Sec. 162.

funded to them all expenses actually and necessarily incurred in the discharge of their official duties while so absent.

(Ch. 500, 1907.)

Notaries public: bond by surety company; approval.

SECTION 174. Every notary public, before he enters upon the duties of his office, shall take and subscribe the constitutional oath and give a bond to the governor 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 may be approved by the secretary of state*, conditioned for the faithful discharge of the duties of his office. He shall also provide an engraved official seal, which shall make a distinct and legible impression on paper, giving his name, office and county, and shall deposit an impression of the same, together with his said oath and bond and a statement of his postoffice address, in the office of the secretary of state and pay into the treasury the sum of two dollars; and thereupon his commission shall issue, and the secretary of state shall deliver to such notary a certificate, of his appointment, stating the date when his commission will expire, which together with his autograph and an impression of his official seal, shall be filed in the office of the clerk of the circuit court of the county where he resides. Not less than thirty nor more than sixty days before the expiration of his commission the secretary of state shall notify by mail every notary public of the time when his commission will expire.

(Ch. 435, 1907.)

Public auction before private entry; withholding from sale; appraisal.

Section 207. All public lands not heretofore offered for sale shall, from time to time, in the discretion of said commissioners, be offered for sale at public auction as hereinafter provided; and no such lands, except mortgaged lands bid in by the state, shall be subject to private entry until they shall have first been offered for sale at public auction. All such sales shall be made at such times and public places as said commissioner shall designate; and they shall, previously to any such sale, cause a notice thereof, specifying the time and place of such sale, to be published once in each week for six successive weeks in one newspaper printed in the county where such lands are situated; but if there be no such newspaper, then in the newspaper printed nearest to the place where