

s. 50; Supl. 1906 s. 649—10; 1917 c. 537 s. 1; Stats. 1917 s. 21.60.

21.61 History: 1901 c. 241 s. 1, 2, 3, 4; Supl. 1906 s. 649—19b, 649—19c, 649—19d, 649—19e; 1917 c. 537 s. 1; Stats. 1917 s. 21.61; 1919 c. 598; 1919 c. 702 s. 53d; 1965 c. 66 s. 7.

On revenue bonds for counties and cities see notes to 66.51.

This section applies to armories financed under ch. 395, Laws 1939. 28 Atty. Gen. 663.

21.612 History: 1949 c. 9; Stats. 1949 s. 21.612; 1969 c. 276 s. 586 (3).

21.615 History: 1919 c. 324; 1919 c. 702 s. 6; Stats. 1919 s. 21.615; 1921 c. 118, 120, 499; 1923 c. 351; 1927 c. 46; 1939 c. 535; 1943 c. 271; 1951 c. 261 s. 10; 1955 c. 68; 1957 c. 528; 1961 c. 316; 1965 c. 66 ss. 5, 7; 1969 c. 276 ss. 143, 144, 586 (3).

See note to 289.01, on priority of liens, citing *Fulton v. State A. & I. Board*, 204 W 355, 236 NW 120.

The state armory board, established by 21.615, Stats. 1967, and expressly made a body politic and corporate, empowered (a) to sue and be sued, (b) to convey real estate and to dispose of personal property without authority from the state, (c) to hold and disburse its funds independent of state warrants, and (d) to borrow money and issue and sell bonds and other evidences of indebtedness to accomplish its purposes, constitutes an independent body politic and is not an arm of the state, and hence can be sued to enforce liability for its torts. *Majerus v. Milwaukee County*, 39 W (2d) 311, 159 NW (2d) 86.

The state armory board and state quarter-master-general have no power to enter into a lease for quarters to be occupied by a company of the Wisconsin national guard, and no power to take an assignment and pay rent under the existing lease entered into for such quarters. 9 Atty. Gen. 201.

The state armory board cannot accept a deed to armory property, from a city to which it was deeded upon condition for a reversion under circumstances stated and subject to a lease, unless there is first obtained a quit-claim deed from the holders of the reversionary interest and from the lessees. 10 Atty. Gen. 53.

A state board, authorized to purchase encumbered property, has no power to agree to pay the encumbrance. The power to purchase encumbered property in fee does not include the power to accept a conditional fee. 10 Atty. Gen. 777.

Under the authority to use certain funds for the "acquisition" of armories, the armory board may use such funds to pay off the encumbrances on armories already owned by the state. 10 Atty. Gen. 812.

A deed containing the words "to be used as armory site" cannot be accepted by the state. 11 Atty. Gen. 524.

A statement in a deed that it is given for the purpose of providing an armory does not create a condition subsequent and such deed can be accepted by the state. Upon failure of the state to maintain an armory, title does not revert to the grantors but remains in the state. The armory board under certain conditions is empowered to re-convey property to grantors. 13 Atty. Gen. 596.

Razing of a condemned armory and sale or lease of the site are discussed in 29 Atty. Gen. 172.

A municipality has no power to levy special assessments against national guard armory property owned by the state armory board. 39 Atty. Gen. 246.

Under 21.615 (4), Stats. 1965, the leasing of property owned by the state armory board to private individuals would not affect the tax-exempt status. 55 Atty. Gen. 259.

21.616 History: 1953 c. 474; Stats. 1953 s. 21.616; 1955 c. 68; 1969 c. 276 s. 586 (1).

21.62 History: 1899 c. 200 s. 7; 1901 c. 228 s. 61; Supl. 1906 s. 649—21; 1917 c. 537 s. 1; Stats. 1917 s. 21.62.

21.63 History: 1899 c. 200 s. 22, 23; 1901 c. 228 s. 55; Supl. 1906 s. 649—15; 1917 c. 537 s. 1; Stats. 1917 s. 21.67; 1955 c. 68 s. 50; Stats. 1955 s. 21.63.

CHAPTER 22.

Department of Local Affairs and Development.

22.03 History: 1967 c. 211; Stats. 1967 s. 22.03; 1969 c. 276.

22.04 History: 1967 c. 211; Stats. 1967 s. 22.04; 1969 c. 276.

22.05 History: 1967 c. 211; Stats. 1967 s. 22.05; 1969 c. 276.

22.06 History: 1967 c. 211; Stats. 1967 s. 22.06; 1969 c. 276.

22.11 History: 1967 c. 211; Stats. 1967 s. 22.11; 1969 c. 276.

22.13 History: 1961 c. 427 s. 13; Stats. 1961 s. 109.05 (3); 1965 c. 433 s. 121; 1967 c. 211 ss. 13, 15, 20; Stats. 1967 s. 22.13; 1969 c. 154; 1969 c. 353.

22.14 History: 1967 c. 211; Stats. 1967 s. 22.14; 1969 c. 276.

22.16 History: 1959 c. 628; Stats. 1959 s. 22.01; 1961 c. 33; 1965 c. 66 s. 5; 1965 c. 364; 1965 c. 433 s. 121; 1967 c. 5; 1967 c. 211 ss. 11, 12, 20, 21; 1967 c. 226 s. 8; 1967 c. 291 s. 14; 1967 c. 350 s. 1; Stats. 1967 s. 22.16; 1969 c. 276, 441.

Mutual aid contracts between counties and municipalities are discussed in 45 Atty. Gen. 100.

The subject of martial law is discussed in 46 Atty. Gen. 33.

The subject of workmen's compensation coverage is discussed in 46 Atty. Gen. 298.

22.165 History: 1969 c. 349; Stats. 1969 s. 22.165.

22.17 History: 1959 c. 528; Stats. 1959 s. 22.04; 1967 c. 211 ss. 11, 20, 21; Stats. 1967 s. 22.163; 1969 c. 276 ss. 159, 160; Stats. 1969 s. 22.17.

22.18 History: 1959 c. 552; Stats. 1959 s. 22.05; 1967 c. 211 s. 11, 20, 21; Stats. 1967 s. 22.164; 1969 c. 276 ss. 159, 160; Stats. 1969 s. 22.18.

22.19 History: 1959 c. 529; Stats. 1959 s.

22.06; 1967 c. 211 s. 11; Stats. 1967 s. 22.165; 1969 c. 276 ss. 159, 160; Stats. 1969 s. 22.19.

22.20 History: 1961 c. 435; Stats. 1961 s. 22.08; 1967 c. 211 s. 11; Stats. 1967 s. 22.166; 1969 c. 276 ss. 159, 160; Stats. 1969 s. 22.20.

22.21 History: 1963 c. 293; Stats. 1963 s. 22.10; 1967 c. 211 s. 11; Stats. 1967 s. 22.167; 1969 c. 276 ss. 159, 160; Stats. 1969 s. 22.21.

22.22 History: 1959 c. 551, 664; Stats. 1959 s. 22.03; 1967 c. 5; 1967 c. 211 s. 11; Stats. 1967 s. 22.162; 1969 c. 276 ss. 158, 161; Stats. 1969 s. 22.22.

22.30 History: 1967 c. 211; Stats. 1967 s. 22.17; 1969 c. 276 s. 159; Stats. 1969 s. 22.30.

22.31 History: 1967 c. 211; Stats. 1967 s. 22.18; 1969 c. 276 ss. 159, 162; Stats. 1969 s. 22.31.

22.32 History: 1967 c. 211; Stats. 1967 s. 22.19; 1969 c. 276 ss. 159, 610; Stats. 1969 s. 22.32.

22.33 History: 1967 c. 211; Stats. 1967 s. 22.20; 1969 c. 276 s. 159; Stats. 1969 s. 22.33.

22.40 History: Stats. 1959 ss. 94.08 to 94.13; 1961 c. 149 ss. 3, 5, 6; 1961 c. 621, 622; Stats. 1961 s. 27.30; 1965 c. 29, 249, 252; 1965 c. 433 ss. 53, 121; 1965 c. 591, 592; 1967 c. 43; 1967 c. 291 s. 14; 1969 c. 24; 1969 c. 154 s. 377; 1969 c. 276 ss. 188, 189; 1969 c. 392 ss. 12, 84; Stats. 1969 s. 22.40.

Editor's Note: Questions concerning liability for negligent acts or omissions at State Fair Park were considered in *Morgan v. Fisher*, 160 W 621, 151 NW 475, and in an opinion published in 32 Atty. Gen. 245. On the authority of municipal governments at State Fair Park see opinions published in 20 Atty. Gen. 506 and 28 Atty. Gen. 325.

The Wisconsin exposition department, created by statute, is not set up expressly as a separate corporate or politic body or given the power to sue or be sued, and the powers granted do not constitute the department a *sui juris* entity; hence it is not subject to suit as a separate entity. *Townsend v. Wisconsin Desert Horse Assn.* 42 W (2d) 414, 167 NW (2d) 425.

State aid for agricultural fairs on the basis of premiums actually paid is confined to cash premiums and first cost of premiums other than cash possessing intrinsic value; it does not include cost of ribbons, badges, banners and the like used to designate award of premiums to particular exhibits or exhibitors. 13 Atty. Gen. 428.

State aid for agricultural fairs does not include the cost of grand champion pennants awarded to exhibitors of grand champion livestock. 13 Atty. Gen. 519.

In the requirement that fairs to receive state aid shall report all cash premiums, time is directory and aid may be paid where reports are made later. 20 Atty. Gen. 1214.

22.41 History: 1961 c. 149; Stats. 1961 s. 27.30 (3) (c); 1965 c. 591; Stats. 1965 s. 27.305; 1969 c. 276 ss. 190, 191; 1969 c. 392 s. 87 (2); Stats. 1969 s. 22.41.

22.42 History: 1969 c. 276; 1969 c. 392 s. 84; 1969 c. 424 s. 26; Stats. 1969 s. 22.42.

22.43 History: 1965 c. 258, 529; Stats. 1965 s. 14.84; 1967 c. 26; 1969 c. 154 s. 124; 1969 c. 276 s. 60; Stats. 1969 s. 22.43.

22.76 History: 1969 c. 491; Stats. 1969 s. 22.76.

CHAPTER 23.

Public Lands and Conservation.

23.01 History: 1917 c. 456 s. 3; Stats. 1917 s. 23.01; 1969 c. 276.

On commissioners of the public lands see notes to sec. 7, art. X.

23.02 History: 1917 c. 456 s. 3; Stats. 1917 s. 23.02; 1969 c. 276 s. 588 (2).

On sale of public lands see notes to sec. 8, art. X.

The state has no title to swamp and overflowed lands until a patent has been issued to it; and the commissioners cannot be compelled to receive money and grant patents therefor before title is obtained. *State ex rel. Parsons v. Commissioners*, 9 W 236.

The commissioners are alone authorized to execute conveyances or patents; their power cannot be delegated. *McCabe v. Mazzuchelli*, 13 W 478.

Their decisions are subject to review by the courts. *Gough v. Dorsey*, 27 W 119.

One who holds the certificate of sale of land by the commissioners, which has been set aside by them, may show that their action was unlawful. If the commissioners attempt to annul a certificate where they have no legal right to do it, their act is void, and the court will adjudge a patent subsequently issued void. *Gunderson v. Cook*, 33 W 551.

Where the commissioners upon investigation are satisfied that the state has no valid claim to the island created by the federal government they may lawfully grant a quitclaim deed to a city for the purpose of clearing title. 20 Atty. Gen. 477.

The Swamp Land Act of 1850, ch. 84, 9 Stat. 519, granting to the several states the swamp and overflowed lands therein operated in praesenti but does not pass legal title until such lands have been surveyed, selected by the state, approved by the secretary of the interior and a patent issued, whereupon fee simple title vests in the state and its inchoate or equitable title becomes perfect as of the date of the act. Even though a patent has not been issued to the state it may protect its equitable interest in such lands against a trespasser cutting timber thereon by appropriate legal proceedings upon proof that the lands in question were of swamp and overflowed character as of the date of the act so as to be subject thereto. 36 Atty. Gen. 346.

23.03 History: R. S. 1878 s. 185; 1879 s. 175; Ann. Stats. 1889 s. 185, 237a; 1895 c. 242; Stats. 1898 s. 185; 1913 c. 772 s. 78; 1917 c. 456 s. 4; Stats. 1917 s. 23.03; 1937 c. 181 s. 2, 5; 1969 c. 276.

Expense of a survey to determine corners and lines of land on which school fund timber stands may be charged to the school fund. Expense of survey to secure portion of land given state in original swamp land grant may be charged to normal school fund. The land commission may not charge witness fees in tres-