

No. 643, S.]

[Published July 7, 1917.

CHAPTER 566

AN ACT to repeal expressly certain sections of the statutes that have been either superseded or repealed by implication; to repeal certain sections of the statutes that are duplicates of other sections; to repeal certain sections of the statutes and certain session laws that have been declared invalid by the supreme court; to strike out or remove obsolete and dead matter from certain sections of the statutes; to renumber and relocate certain sections of the statutes that have been improperly classified; to correct in certain sections of the statutes mistaken references to other sections; and to correct typographical errors, misprints and other errors in certain sections of the statutes.

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

SECTION 1. The title of PART I of the statutes is amended to read:

PART I.

THE SOVEREIGNTY, JURISDICTION, DIVISIONS, CIVIL POLITY AND INTERNAL ADMINISTRATION OF THE STATE.

SECTION 2. TITLE I of the statutes is amended to read:

TITLE I.

THE SOVEREIGNTY, JURISDICTION AND CIVIL DIVISIONS OF THE STATE.

SECTION 3. Section 1 of territorial act No. 11 of the laws of 1836 is renumbered, incorporated into the statutes and amended to read: 1.09 SEAT OF GOVERNMENT. * * * Be it enacted by the council and house of representatives of the territory of Wisconsin, That the seat of government of the territory of Wisconsin, be and the same is hereby located and established at the town of Madison, between the third and fourth of the four lakes, on the corner of sections thirteen, fourteen, twenty-three and twenty-four in township seven, north, of range nine, east.

SECTION 4. Subsection (3) of section 5.15 of the statutes is amended by striking therefrom the figure "5" immediately following the word "chapter" and by inserting in place thereof the figure "6."

SECTION 5. Subsection (5) of section 5.15 of the statutes is

amended by striking therefrom the subsection designation “(5)” immediately following the word “subsection” and by inserting in place thereof the subsection designation “(4)”.

SECTION 6. Section 6.24 of the statutes is amended by striking therefrom the words “except to the extent allowed by subsection (1) of section 5.06.”

SECTION 7. Section 6.81 of the statutes is repealed.

SECTION 8. Section 7.02 of the statutes is amended by striking from subsection (1) thereof the words “or a member of the county board of education.”

SECTION 9. Section 12.05 of the statutes is repealed.

SECTION 10. Section 12.14 of the statutes is amended by striking from the second line of subsection (2) thereof the word “herein” and by inserting in place thereof the word “therein”.

SECTION 11. Subsection (3) of section 12.23 is amended to read: (12.23) (3) All such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the same shall be tried and determined the same as * * * civil actions *are tried and determined* * * *

SECTION 12. Sections 1, 2, 3, 4 and 5 of chapter 624 of the laws of 1915 are renumbered to be respectively subsections (1), (2), (3), (4) and (5) of a new section of the statutes numbered 24.40.

SECTION 13. Section 1192 of the statutes is amended by inserting the subsection designation “(1)” between the sections number and the first word of the section; and section 664 and section 1192 are amended by transferring from the former to the latter as subsection (2) thereof the following matter:

(Section 1192) (2) No county board shall, at any session thereof, sell, convey or transfer, or order or direct the sale, conveyance or transfer of any tax certificates owned or held by the county at less than the face value thereof unless such board shall have previously directed the county clerk to give notice of their intention so to do by publication thereof for four successive weeks in some newspaper published in the English language in such county and having a general circulation therein, and such notice has been so given. Any and all sales, conveyances or transfers of such tax certificates made in violation of these provisions shall be null and void.

SECTION 14. Subsection (10) of section 669 of the statutes is repealed.

SECTION 15. Subsection (13) of section 670 of the statutes is amended by striking therefrom the figures and letter “694b” and by inserting in place thereof the figures and letter “694f”.

SECTION 16. Section 925d of the statutes is amended by striking therefrom the words: "in like manner and with like effect as is prescribed in section 908n".

SECTION 17. Subsection (1) of section 959—117 of the statutes is amended by adding at the end thereof the following sentence: "A fee for admission to said concerts may be charged for the purposes of defraying the expenses thereof in whole or in part".

SECTION 18. Subsection or subdivision (11) of section 1050 of the statutes is repealed.

SECTION 19. Subsection 2 of section 1317m—5 of the statutes is amended by striking from the first line thereof the figure "5" and by inserting in place thereof the figure "4".

SECTION 20. Section 1436a of the statutes is repealed.

SECTION 21. Section 1436f—13 of the statutes is amended by striking from the second line thereof the section designation "1435f—12" and by inserting in place thereof the section designation "1436f—12".

SECTION 22. Section 1436f—15, section 1436f—18, section 1436f—19, section 1436f—20, section 1436f—21, section 1436f—22 and section 1436f—24 of the statutes are each severally amended by striking from each thereof wherever they appear the section designations "1435f—12 to 1435f—24" and by inserting in each place thereof the section designations "1436f—12 to 1436f—24".

SECTION 23. Subsection 1 of section 1436f—22 of the statutes is amended by striking therefrom the section designation "1435f—23" and by inserting in place thereof the section designation "1436f—23".

SECTION 24. Section 1436f—23 of the statutes is amended by striking therefrom the section designation "1436f—23" and by inserting in place thereof the section designation "1436f—22".

SECTION 25. The first sentence of section 1565b of the statutes is amended to read:

(Section 1565b) The ballots upon the question so submitted shall be deposited in a separate ballot box in each town and election district and shall contain the words "For License" • • • and "Against License" and shall otherwise conform to the provisions of subsection (3) of section 6.23.

SECTION 26. A new chapter number and title are added to the statutes to read:

CHAPTER 78n.
UNIFORM BILLS OF LADING ACT.

And said chapter shall contain all of sections 1684n—1 to 1684n—55 which were added to the statutes by chapter 179 Laws of 1917.

SECTION 27. Section 1684t—14 of the statutes is amended to read: Section 1684t—14. Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods *corresponds with the sample if the goods do not also* correspond with the description.

SECTION 28. Subsection (2) of section 1684t—22 of the statutes is amended to read:

(1684t—22) (2) Where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might *not* have occurred but for such fault.

SECTION 29. Section 1724m—36 of the statutes is amended by striking therefrom the fourth word from the beginning, namely, the word "partnership" and by inserting in place thereof the word "partner".

SECTION 30. Section 1727 of the statutes is repealed.

SECTION 31. Section 1770f of the statutes is repealed.

SECTION 32. Section 1797—10m of the statutes is repealed.

SECTION 33. Section 1816m of the statutes is repealed.

SECTION 34. Section 1959—22n of the statutes is renumbered to be subsection 22n of section 1959 of the statutes.

SECTION 35. Section 2069 of the statutes is amended to read as follows: Section 2069. The preceding section shall not apply to mortgages, nor to devises * * * or grants made in trust, or made to executors, or to husband and wife.

SECTION 36. Subsection 2 of section 2216 of the statutes is amended to read: (2216) 2. When such conveyances are of lands or any interest therein, owned by a corporation organized under any law of this state, they shall be signed by the president or other authorized officers of the corporation, sealed with the corporate seal, if any, otherwise as provided in section 2215, and countersigned by the secretary, assistant secretary, *cashier* or assistant cashier, or clerk thereof; and all corporate conveyances so executed prior to the taking effect of these statutes shall be valid.

SECTION 37. The fifth line of the form given in section 2213

of the statutes for a deed by a special guardian authorized by the circuit court or circuit judge is amended to read: "to be had upon such application and gave and filed a duly approved bond to * * * *the judge of said court.*"

SECTION 38. Section 2220a of the statutes is amended to read: Section 2220a. All deeds and other written instruments heretofore executed and proved or acknowledged in accordance with the provisions of sections 2217, 2218, 2219 and 2220 of the * * * statutes * * * shall be entitled to be read in evidence and to be recorded, and all records of such deeds or other written instruments shall have the same force and effect as though they had been executed and properly acknowledged within this state.

SECTION 39. Section 2255 of the statutes is repealed.

SECTION 40. Section 113.01 of the statutes is amended by striking out the figures "1916" which designate the year in which the term of the incumbent of the sixth branch of the circuit court of the second circuit began, and by inserting in place thereof the figures "1917".

SECTION 41. Section 113.15 and section 113.21 of the statutes are consolidated and renumbered, the former to be subsection (1) and the latter to be subsection (2) of section 113.15 of the statutes.

SECTION 42. Section 2577 of the statutes is amended by inserting in the first line thereof immediately after the word "January" the words "the twelfth day of February."

SECTION 43. The third subdivision or paragraph of section 2921 of the statutes is amended by striking therefrom the words "demurrer to evidence, and cases".

SECTION 44. Section 2940m of the statutes is amended by striking therefrom the figures and letter "2619a" and by inserting in place thereof the words and figures "subsection eighth of section 2619".

SECTION 45. Section 3347 of the statutes is amended by striking therefrom the word "four" in the second line and by inserting in place thereof the word "five".

SECTION 46. The third sentence of section 3452 of the statutes is amended to read: (Section 3452) In any proceedings by mandamus against any board of canvassers in the supreme court to compel the execution and delivery of a certificate of election to any person claiming to have been elected to the office of state senator or member of the assembly, or member of *the senate* or the house of representatives of the congress of the United States, or presidential elector, by the qualified electors of this state, the

court may, if it is deemed necessary to promote the ends of justice, inquire into the facts of such election, irrespective of the election returns, and determine who was in fact entitled to the certificate of election to such office by the greater number of legal votes cast, and the certificate issued in pursuance of such determination shall be taken as the true and only lawful certificate of election to such office, and any other certificate of election to the same office issued by any board of canvassers shall be null and void.

SECTION 47. Section 3727a of the statutes is amended by inserting in the sixth line immediately after the word "satisfaction" the word "of"; and is also amended by striking out the word "of" in the last line of the section which immediately follows the word "appeal" and by inserting in place thereof the word "or".

SECTION 48. Section 3847 of the statutes is amended by striking from the seventh line thereof the words: "or commissioners".

SECTION 49. Subsection (2) of section 3873a of the statutes is amended by striking from the third line thereof the words: "appointed by the court".

SECTION 50. Section 3873c of the statutes is amended by striking from the twelfth line thereof the words: "of the annotated statutes".

SECTION 51. Section 4041 of the statutes is amended by striking from the second and third lines thereof the words: "or before commissioners appointed by the county court".

SECTION 52. Section 4052c of the statutes is amended by striking therefrom the figure "1" appearing immediately after the word "section" and by inserting in place thereof the figures and letter "4052c".

SECTION 53. Section 4603a of the statutes is repealed.

SECTION 54. Section 4736 of the statutes is amended by inserting the words "such person" in the third line from the end thereof immediately before the words "may be punished".

SECTION 55. Section 4737 of the statutes is amended by inserting the words "such person" in the third line from the end thereof immediately before the words "may be punished."

SECTION 56. Section 4793m of the statutes is renumbered to be section 4724b and placed in chapter 192 of the statutes.

SECTION 57. That part of section 79 of chapter 594 of the Laws of 1915 which enumerates the chapters of the Laws of 1915 that were by said section repealed, is amended by striking therefrom the chapter number "297" as one of the chapters so repealed and by inserting in place thereof the chapter number

“299”; and chapter 297 of the Laws of 1915 is reenacted. Such reenactment shall not impair or in any way affect any amendment of section 4438h of the statutes subsequent to 1915.

SECTION 58. Chapter 100 of the Laws of 1917 is amended by inserting the subsection designation “(1)” immediately after the section number “1636—54a”; also by striking out the word and figure “Section 2” and by inserting in place thereof the subsection designation “(2)”.

SECTION 59. This act shall take effect upon passage and publication.

Approved July 3, 1917.

No. 662, S.]

[Published July 7, 1917.

CHAPTER 567

AN ACT to amend paragraph (a) and to create a new paragraph of subsection (9) of section 20.17 of the statutes, relating to the tuberculosis camp, and making an appropriation.

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

SECTION 1. Paragraph (a) of subsection (9) of section 20.17 of the statutes, is amended to read:

(20.17) (9) (a) Annually, beginning July 1, 1917, nine thousand eight hundred sixty dollars, for operation. *In addition thereto on July 1, 1918, eight thousand one hundred forty dollars, for operation; provided, however, that the last appropriation shall not be available except in case of an increase in the population of the camp prior to July 1, 1919.*

SECTION 2. There is added to subsection (9) of section 20.17 of the statutes, a new paragraph to read:

(20.17) (9) (d) On July 1, 1917, fifteen thousand seven hundred dollars, in sums allotted as follows:

For a double deck cottage, twelve thousand dollars,

For a workshop and storehouse, two thousand five hundred dollars,

For an addition to the electric plant, twelve hundred dollars; and on July 1, 1918, fifteen thousand dollars, for a refectory and employes' building.

SECTION 3. This act shall take effect upon July 1, 1917.

Approved July 3, 1917.