

No. 432, S.]

[Published September 12, 1929.

CHAPTER 482.

AN ACT to amend section 61.45, subsection (1) of section 63.13, subsection (1) of section 63.155, section 133.01, section 200.06, subsection (4) of section 201.59, paragraph (e) of subsection (7) of section 226.02, section 226.10, subsections (1) and (5) of section 251.04, and the titles to chapters 203, 206 and 207 of the statutes; and to repeal sections 11.14, 352.365, and chapter 279, Laws of 1925, all for the purpose of correcting errors, reconciling conflicts, supplying omissions and for repealing obsolete and unconstitutional provisions.

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

SECTION 1. Section 11.14 of the statutes is repealed.

SECTION 2. Section 61.45 of the statutes is amended to read:

61.45 SEWERS AND DRAINS; SEWAGE PLANTS; STATUTES APPLICABLE. It shall be lawful for the president and trustees of any village whenever they shall deem it necessary for the public health, to cause sewers and drains to be made in any part of such village, and to order and direct the construction of either of the same, and to alter, repair or mend any sewer or drain heretofore, or hereafter, constructed within said village and to cause a main sewer for the purpose of an outlet for the branch sewers and drains to be constructed without the limits of said village when necessary; and to cause a sewage disposal plant to be constructed within, or without, the limits of the village pursuant to the provisions of sections 62.18, * * * 62.20 * * * and 62.21, which shall govern the construction, alteration and repair of sewers and drains in villages to the same extent as if villages were cities so far as said provisions are applicable and powers and duties conferred therein upon the common council and board of public works shall be exercised by the president and trustees and those conferred upon the mayor by the president and those conferred upon the city clerk or comptroller by the village clerk. In villages in which no newspaper is published notices required by said sections to be published in the official paper of the city shall be published in like manner in some newspaper published in the county in which the village or some part thereof is located.

SECTION 3. Subsection (1) of section 63.13 is amended to read: (63.13) (1) Any city which shall have adopted the provisions of this chapter may abandon the same and reorganize under the provisions of chapter * * * 62 or 64, or under a home rule charter by proceeding in accordance with the provisions of section 63.01.

SECTION 4. Subsection (1) of section 63.155 of the statutes is amended to read:

(63.155) (1) Any city described in section * * * 63.15 may, in the manner therein provided, vote on the question of changing from a mayor and two councilmen to a mayor and one alderman for each four thousand or major fraction thereof of population to be elected at large, the mayor to receive a salary of not to exceed thirty-six hundred dollars per annum and each alderman to receive a salary of not to exceed one hundred dollars per month. The question to be submitted shall be substantially as follows: "Shall the council of the city of be increased from a mayor and two councilmen to a mayor and one alderman for each four thousand or major fraction thereof of population in accordance with the provisions of section 63.155 of the statutes?"

SECTION 5. Section 113.01 of the statutes is amended to read: 113.01 DEFINITIONS. In this * * * *chapter*, unless otherwise expressly stated, "obligation" includes a liability in tort; "obligor" includes a person liable for a tort; "obligee" includes a person having a right based on a tort; "several obligors" means obligors severally bound for the same performance.

SECTION 6. Section 200.06 of the statutes is amended to read: 200.06 RESTORATION OF CAPITAL. Any insurance corporation which shall have been directed to require its capital to be made good, as required in * * * *section 200.04* shall forthwith call upon its stockholders for the necessary amount, and in case any stockholder of such corporation organized under the laws of this state shall refuse to pay the amount so called for, after notice personally given or by advertisement in such time and manner as the commission of insurance shall prescribe such corporation may require the return of the original certificate of stock held by him and in lieu thereof issue new certificates for such number of shares as the said stockholders may be entitled to in the proportion that the ascertained value of the

funds of such corporation may be found to bear to the original capital; the value of such shares for which new certificates shall be issued to be ascertained under the direction of said commissioner, the corporation paying for the fractional parts of shares; and the directors may create new stock and dispose of the same to an amount sufficient to make up the original capital; and in the event of any additional losses accruing from new risks taken after the expiration of the period limited by said commissioner for the filling up of the deficiency in the capital, and before such deficiency shall have been made up, the directors or trustee shall be individually liable to the extent thereof. The transfer of the stock of any such corporation, made during the pending of such investigation, shall not release the party making the transfer from his liability for losses which may have occurred previous to such transfer.

SECTION 7. Subsection (4) of section 201.59 of the statutes is amended to read:

(201.59) (4) No city, village or town shall be paid any fire department dues for any year unless the industrial commission shall have certified to the commissioner of insurance that the requirements of section * * * 101.29 have been complied with as to such city, village or town, and any fire department dues paid into the state treasury for any city, village or town not entitled to receive the same may be expended by the industrial commission for making the necessary inspections within any such city, village or town. In any case where such fire department dues shall be withheld from any city, village or town where, under the statutes, the same shall be payable into any firemen's pension fund or other special funds for the benefit of disabled or superannuated firemen, an amount equal to the fire department dues so withheld shall be paid into such pension fund from any fund of such city, village or town available therefor, and if no such fund be so available, the same shall be included in and paid out of the next taxes levied and collected for any such city, village or town.

SECTION 8. Paragraph (e) of subsection (7) of section 226.02 of the statutes is amended by striking out the word "authorized" whenever said word appears in the paragraph.

SECTION 8a. Section 226.10 of the statutes is amended to read: 226.10 (1) Any corporation organized otherwise than under the laws of this state, having acquired, or attempted to ac-

quire, legal title by deed, or lease to any real property in this state, before complying with the terms of section 226.02 of the statutes and which is now not required to comply with said section or which has thereafter, and before * * * *the first day of August, 1929*, complied with said section, shall be and is hereby relieved from any disability provided in said statute or prohibition therein contained, so far as said section relates to the acquisition and holding of the property so acquired, or attempted to be acquired, and the title so acquired, or attempted to be acquired, is hereby confirmed. Any corporation required but which failed to comply with section 226.02 of the statutes and which has heretofore transferred any real property directly or by mesne conveyances to any person or corporation not required to comply, or which at the time of said conveyances to it shall have complied with said section, shall be and hereby is relieved from any disability provided in said statute as to, but only as to, the property so transferred, and the title so transferred or attempted to be transferred, is hereby confirmed.

(2) Any person claiming that the legal title of any corporation or of any person claiming by, through, or under such corporation, to any real property acquired, or attempted to be acquired, is invalid by reason of the failure of any corporation coming within the terms of subsection (1) of this section, to comply with section 226.02 of the statutes, shall commence action to recover the property, or to declare the legal title of said corporation void, or interpose a defense on such grounds, * * * *Prior to the first day of January, 1930*, and in case of failure to do so his right of action or defense, based upon the failure to comply with said section by any such corporation, shall be deemed to have expired; provided, that this subsection shall not affect any action now pending.

SECTION 9. Subsections (1) and (5) of section 251.04 of the statutes are amended to read:

(251.04) (1) Each justice of the supreme court may appoint a * * * *secretary* to render such assistance in the performance of his duty as may be required, and may remove the person so appointed at pleasure and appoint another in the place of the one so removed.

(5) The compensation of such * * * *secretaries* and messengers shall be paid on warrants drawn by the secretary of

state. The trustees of the state library may appoint one or more janitors for service in and about the library and rooms of the justices of the supreme court. Such appointments and the compensation fixed shall be certified to the secretary of state by the chief justice and paid as aforesaid.

SECTION 10. Section 352.365 of the statutes and chapter 279, Laws 1925, which created said section, are repealed.

SECTION 11. The titles to chapters 203, 206 and 207 of the statutes are amended to read: CHAPTER 203 FIRE INSURANCE; CHAPTER 206 LIFE INSURANCE; CHAPTER 207 LIFE INSURANCE (Continued).

SECTION 12. This act shall take effect upon passage and publication.

Approved September 10, 1929.

No. 454, S.]

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CHAPTER 483.

AN ACT to amend section 340.26 and to create section 340.275, relating to manslaughter in the fourth degree, providing for the crime of negligent homicide, and providing a penalty.

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

SECTION 1. Section 340.26 of the statutes is amended to read: 340.26 Every other killing of a human being by the act, procurement or * * * gross negligence of another, where such killing is not justifiable or excusable, or is not declared in this chapter murder or manslaughter of some other degree, shall be deemed manslaughter in the fourth degree.

SECTION 2. This act shall take effect upon passage and publication.

Approved September 10, 1929.