

No. 628, S.

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CHAPTER 429

AN ACT to renumber and amend various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting titles of departments, correcting references, renumbering for better location and arrangement, eliminating unnecessary provisions and reconciling conflicts.

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

SECTION 1. 20.380 (1) of the statutes is amended by striking the word and numeral "and (3)" at the end of the subsection.

SECTION 2. 20.530 (23) of the statutes, as renumbered from 20.380 (3) by chapter 149, Laws 1963 (Bill 547, S.), is renumbered 20.530 (26).

SECTION 3. 20.530 (23) of the statutes, as created by Chapter 153 (Bill 332, S.), Laws 1963, is renumbered 20.530 (27).

SECTION 4. 29.06 (1) (first sentence) of the statutes, as amended by ch. 75, Laws 1963 (Bill 67, A.) is amended to read:

29.06 (1) (first sentence) All confiscated wild animals, or carcasses or parts thereof, and all confiscated apparatus, appliances or devices shall, if not destroyed as authorized by law, be sold at the highest price obtain-

able, by the state conservation commission or its deputies, or by an agent * * * on commission under the written authority and supervision of the state conservation commission or its deputies.

SECTION 5. The term "statutory revision bureau" is substituted for "revisor of statutes" in section 35.84 (line 29).

SECTION 6. 38.28 (4) of the statutes is amended to read:

38.28 (4) * * * The funds required for the support and maintenance of said senior and junior trade schools shall be included *annually* in the general educational fund provided for in s. 38.16 (1) (a) * * * *and* (b) * * * with other funds provided and placed at the disposal of said city for such purposes.

SECTION 7. 71.19 (6) of the statutes, as created by Chapter 120, Laws 1963 (Bill 420, S.), is renumbered to be 71.19 (1) (m).

SECTION 8. 101.305 of the statutes, as created by Chapter 138, Laws 1963, is renumbered to be 101.306.

SECTION 9. 102.23 (1) (intro., seventh sentence) of the statutes is amended, effective September 1, 1963, to read:

102.23 (1) (intro., seventh sentence) Such return of the commission when filed in the office of the clerk of the circuit court shall, with the papers mentioned in * * * *supreme court Rule 251.25*, constitute the record and it shall not be necessary to * * * *have a transcript approved*.

SECTION 10. 241.03 (1) of the statutes, as amended by Chapter 158, Laws 1963 (Bill 1, S.), is amended to read:

241.03 (1) No land owner-cropper contract is valid, except between the parties thereto, unless the contract, subscribed by the parties, describing the premises and containing the entire agreement between the parties, or a copy thereof, has been filed with the register of deeds of the county where such premises are located. The register of deeds shall file, indorse, enter and index croppers' contracts filed with him in substantially the same manner as provided for financing statements covering security interests in fixtures.

SECTION 11. 247.39 of the statutes is amended, effective September 1, 1963, to read:

247.39 Alimony or other allowance for the wife or children when an appeal of a divorce or legal separation action is pending before the supreme court may be allowed under * * * *Supreme Court Rule 251.72*.

SECTION 12. 270.35 of the statutes is amended to read:

270.35 POWERS OF REFEREE. The trial by referee shall be conducted in the same manner as a trial by the court. They shall have the same power to grant adjournments and allow amendments to any pleadings as the court upon such trial, upon the same terms and with the like effect. They shall also have the same power to preserve order and punish all violations thereof upon such trial, and to compel the attendance of witnesses before them by attachment and to punish them as for a contempt for non-attendance or refusal to be sworn or testify, as is possessed by the court; and they shall give to the parties or their attorneys at least 8 days' notice of the time and place of trial; they must state the facts found and conclusions of law separately and report their findings, together with all the evidence taken by them and all exceptions taken on the hearing, to the court; and the court may review such report and on motion enter judg-

ment thereon or set aside, alter or modify the same and enter judgment upon the same so altered or modified, and may require the referees to amend their report when necessary. The judgment so entered by the court may be appealed from * * * as * * * in other cases, and the report of the referees * * * shall be incorporated * * * in the appeal record. When the reference is to report the facts the report shall have the effect of a special verdict.

SECTION 13. 270.50 of the statutes, as amended by Supreme Court rule effective September 1, 1963, is amended effective September 1, 1963 to read:

270.50 A motion for a new trial founded upon newly discovered evidence may be heard upon affidavits and the papers in the action. * * * Such a motion may be made at any time within one year from the verdict or finding.

SECTION 14. 274.13 of the statutes is amended, effective September 1, 1963, to read:

274.13 Upon an appeal being perfected the clerk of the court from which it is taken shall, at the expense of the appellant, forthwith transmit to the supreme court, the appeal record containing the items specified in * * * Supreme Court Rule 251.25. The court may * * *, in each case, direct copies to be sent in lieu of the originals.

SECTION 15. 343.30 (2n) of the statutes, as created by chapter 144, Laws 1963 (Bill 10, S.), is renumbered to be 343.30 (6) (b).

SECTION 16. 343.30 (6) of the statutes, as created by chapter 143, Laws 1963 (Bill 8, S.), is renumbered 343.30 (6) (a).

SECTION 17. 402.201 (2) of the statutes, as created by Chapter 158, Laws 1963 (Bill 1, S.), is amended to read:

402.201 (2) Between merchants if within a reasonable time a writing in confirmation of the contract and sufficient against the sender is * * * received and the party receiving it has reason to know its contents, it satisfies the requirements of sub. (1) against such party unless written notice of objection to its contents is given within 10 days after it is received.

SECTION 18. 402.312 (1) (b) of the statutes, as created by Chapter 158, Laws 1963 (Bill 1, S.), is amended to read:

402.312 (1) (b) The goods shall be delivered *free* from any security interest or other lien or encumbrance of which the buyer at the time of contracting has no knowledge; and

SECTION 19. 403.306 (2) of the statutes, as created by Chapter 158, Laws 1963 (Bill 1, S.), is amended to read:

403.306 (2) All defenses of any party which would be available in * * * an action on a simple contract; and

SECTION 20. 405.114 (3) of the statutes, as created by Chapter 158, Laws 1963 (Bill 1, S.), is amended to read:

405.114 (3) Unless otherwise agreed an issuer which has duly honored a draft or demand for payment is entitled to immediate reimbursement of any payment made under the credit and to be put in effectively available funds no later than the day before maturity of any acceptance made under the credit.

SECTION 21. 406.104 (1) (intro. par.) and (a) of the statutes, as created by Chapter 158, Laws 1963 (Bill 1, S.), is amended to read:

406.104 (1) Except as provided with respect to auction sales (s. 406.108), a bulk transfer subject to this chapter is ineffective against any creditor of the transferor unless:

(a) The transferee requires the transferor to furnish a list of his * * * existing creditors prepared as stated in this section; and

SECTION 22. 408.301 (3) of the statutes, as created by Chapter 158, Laws 1963 (Bill 1, S.), is amended to read:

408.301 (3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased.

Approved December 12, 1963.
