

before the board, and for the confirmation and enforcement of the order in the circuit court, authorized solely by provisions in the act of 1937, were neither "criminal prosecutions" nor "actions at law or in equity," so as to preserve, by operation of 370.04, Stats. 1937, the union's right to have the board's order confirmed and enforced notwithstanding the repeal of the act of 1937 and the abolition of the board. *Metropolitan Life Ins. Co. v. Wisconsin L. R. Board*, 237 W 464, 297 NW 430.

370.04, Stats. 1939, does not apply to a repealing act on policy and has no reference to a permanent tenure status acquired by a teacher before the repeal of the teachers' tenure statute. *State ex rel. McKenna v. District No. 8*, 243 W 324, 10 NW (2d) 155.

The general rule is that the repeal of a statute does not operate to impair or otherwise affect rights which have been vested or accrued while the statute was in force; and even where no question of vested rights is involved, the presumption is that the repeal of a statute does not invalidate the accrued results of its operative tenure, and it will not be thus retroactively construed as undoing accrued results if not clearly required by the language of the repealing act. *Waddell v. Mamat*, 271 W 176, 72 NW (2d) 763.

990.04, Stats. 1955, does not preserve a defendant's rights to a form of trial or burden of proof under statutes governing paternity proceedings, where such statutes were amended or created, and not repealed. *State ex rel. Sowle v. Brittich*, 7 W (2d) 353, 96 NW (2d) 337.

Where a cause of action arose under 88.38 (2) prior to its repeal in 1963, an action can be commenced thereafter. *Niesen v. State*, 30 W (2d) 490, 141 NW (2d) 194.

990.05 History: R. S. 1849 c. 4 s. 4; R. S. 1858 c. 5 s. 4; R. S. 1878 s. 4975; Stats. 1898 s. 4975; 1907 c. 5, 464; 1925 c. 4; Stats. 1925 s. 370.05; 1941 c. 16; 1955 c. 660 s. 14; Stats. 1955 s. 990.05.

On time when statutes take effect see notes to sec. 21, art. VII.

The improper classification of laws, as publishing a general law in the volume of private and local laws, does not vitiate the publication. The date of the certificate of the secretary of state in the volume of laws is prima facie evidence of the date of publication. In re *Boyle*, 9 W 264.

Courts are bound to take notice of the time when public acts go into operation. *State v. Foote*, 11 W 14.

The date of approval prevails over the date of publication in determining priority of statutes. *Mead v. Bagnall*, 15 W 156.

The rule that general laws must be published before they can take effect "does not make the printer a part of the law-making power, nor enable him, by delaying the publication of one law longer than another which was passed at the same time, to change the relations of the 2 upon the point of priority of legislative action." *Mead v. Bagnall*, 15 W 156.

A presumption that a law was enacted conformably to the constitution is raised by its publication in the volume of session laws. *Bound v. Wisconsin C. R. Co.* 45 W 543.

If a bill expressly declares the time of its taking effect, and such time is an impossible one, it becomes effective upon publication. 18 Atty. Gen. 449.

990.06 History: R. S. 1878 s. 4976; Stats. 1898 s. 4976; 1925 c. 4; Stats. 1925 s. 370.06; 1955 c. 660 s. 14; Stats. 1955 s. 990.06.

The amendment of 289.06 by ch. 75, Laws 1933, enlarging the period for filing a complaint to enforce a lien thereunder from one year to 2 years, but not providing that the amendment should be applicable to periods of limitation which had theretofore commenced to run, is inapplicable to a period of limitation which had commenced to run before the enactment of the amendment. *Augustine v. Congregation of the Holy Rosary*, 213 W 517, 252 NW 271.

A statute enlarging the time for filing an affidavit of renewal of a chattel mortgage did not apply to mortgages on file when the statute was enacted. *Pierce v. Westby S. Bank*, 218 W 648, 261 NW 752.

49.10, Stats. 1919, contains no indication of an intent to have the statute operate retroactively and, therefore, 370.06 operates to preserve the old limitation as to all causes which had accrued prior to the enactment of the first named section. In re *Tinker's Estate*, 227 W 519, 279 NW 83.

A claim of the state against the estate of an incompetent who died in 1941 for maintenance furnished in a public institution from 1919 to 1931 was not barred by the 10-year statute of limitations, 330.18 (6), Stats. 1941, because a legislative amendment of 1941, which removed from 46.10 (7) the disability to plead the statute of limitations, and had the legal effect of restoring the limitation on claims in favor of the state against estates of incompetent inmates, could not cut off the claim of the state completely and without providing for a reasonable time in which an action might be begun. *Estate of Heller*, 246 W 438, 17 NW (2d) 572.

See note to 893.01, citing *Casey v. Trecker*, 268 W 87, 66 NW (2d) 724.

990.07 History: Stats. 1898 s. 4977; 1911 c. 308; 1925 c. 4; Stats. 1925 s. 370.07; 1951 c. 261 s. 9; 1955 c. 660 s. 14; Stats. 1955 s. 990.07.

CHAPTER 991.

Time When Statutes Take Effect and of Repeal of Laws.

991.01 History: R. S. 1878 s. 4978; Stats. 1898 s. 4978; 1919 c. 329; 1925 c. 4; Stats. 1925 s. 371.01; 1955 c. 660 s. 14; Stats. 1955 s. 991.01.

991.02 History: R. S. 1849 c. 157 s. 5, 6; R. S. 1858 c. 191 s. 5, 6; R. S. 1878 s. 4979; Stats. 1898 s. 4979; 1925 c. 4; Stats. 1925 s. 371.02; 1955 c. 660 s. 14; Stats. 1955 s. 991.02.

991.03 History: R. S. 1849 c. 157 s. 2; R. S. 1858 c. 191 s. 2; R. S. 1878 s. 4980; Stats. 1898 s. 4980; 1925 c. 4; Stats. 1925 s. 371.03; 1955 c. 660 s. 14; Stats. 1955 s. 991.03.

991.07 History: R. S. 1858 c. 191 s. 13; R. S. 1878 s. 4984; Stats. 1898 s. 4984; 1925 c. 4;

Stats. 1925 s. 371.07; 1955 c. 660 s. 14; Stats. 1955 s. 991.07.

See note to 893.01, citing *Casey v. Trecker*, 268 W 87, 66 NW (2d) 724.

991.08 History: R. S. 1878 s. 4985; Stats. 1898 s. 4985; 1925 c. 4; Stats. 1925 s. 371.08; 1955 c. 660 s. 14; Stats. 1955 s. 991.08.

The only purpose of ch. 380, Laws 1897, was to give immediate effect to certain sections of the new revision of the statutes. It was not intended to repeal an existing law which was contained in the new revision. *Julien v. Model B., L. & I. Asso.* 116 W 79, 92 NW 561.

991.09 History: R. S. 1858 c. 191 s. 14; R. S. 1878 s. 4986; Stats. 1898 s. 4986; 1925 c. 4; Stats. 1925 s. 371.09; 1955 c. 660 s. 14; Stats. 1955 s. 991.09.

991.10 History: R. S. 1878 s. 4987; Stats. 1898 s. 4987; 1925 c. 4; Stats. 1925 s. 371.10; 1955 c. 660 s. 14; Stats. 1955 s. 991.10.

371.10, Stats. 1937, is not a general statutory rule of construction but is limited to construing the revised statutes in which it is found. 28 Atty. Gen. 47.

CHAPTER 992.

Curative Acts.

Revisor's Note, 1933: The purpose of this chapter is (1) to assemble curative or validating provisions which are now scattered all through the statutes; (2) to furnish a proper location for future enactments of that kind; (3) to facilitate finding such laws by having a regular fixed place for putting them; and (4) to economize space by repealing many validating acts and at the same time preserving a reference to them and emphasizing the fact that the repeal has not impaired the validation. (Bill 184-S, s. 1)

992.01 History: 1933 c. 436 s. 2; Stats. 1933 s. 372.01; 1955 c. 660 s. 14; Stats. 1955 s. 992.01.

992.02 History: 1933 c. 436 s. 3; Stats. 1933 s. 372.02; 1955 c. 660 s. 14; Stats. 1955 s. 992.02.

992.03 History: 1923 c. 315; Stats. 1923 s. 62.225; 1925 c. 51; 1933 c. 436 s. 4; Stats. 1933 s. 372.03; 1955 c. 660 s. 14; Stats. 1955 s. 992.03.

992.04 History: 1923 c. 277; Stats. 1923 s. 67.18; 1925 c. 385 s. 6; 1933 c. 436 s. 5; Stats. 1933 s. 372.04; 1955 c. 660 s. 14; Stats. 1955 s. 992.04.

992.05 History: 1903 c. 183 s. 1; Supl. 1906

s. 2342a; 1911 c. 663 s. 422; 1925 c. 4; Stats. 1925 s. 246.04; 1933 c. 436 s. 6; Stats. 1933 s. 372.05; 1955 c. 660 s. 14; Stats. 1955 s. 992.05.

Prior to March 23, 1895, an absolute conveyance from husband to wife did not pass the legal title, unless the property was purchased by her separate estate, and the burden of proof was upon him alleging it was so purchased. *Wallace v. Pereles*, 109 W 316, 85 NW 371.

992.06 History: 1893 c. 80; Stats. 1898 s. 1772a; 1903 c. 42 s. 1; Supl. 1906 s. 1772b; 1915 c. 82; Stats. 1915 s. 1772a, 1772b, 1772m; 1923 c. 291 s. 3; Stats. 1923 s. 180.05; 1927 c. 534 s. 37; Stats. 1927 s. 180.33; 1933 c. 436 s. 7; Stats. 1933 s. 372.06; 1955 c. 660 s. 14; Stats. 1955 s. 992.06.

992.07 History: 1872 c. 144 s. 27; 1872 c. 146 s. 14; 1875 c. 221; R. S. 1878 s. 1791; 1883 c. 118; Ann. Stats. 1889 s. 1791; Stats. 1898 s. 1791; 1923 c. 291 s. 3; Stats. 1923 s. 180.38; 1927 s. 534 s. 36; Stats. 1927 s. 180.32; 1933 c. 436 s. 8; Stats. 1933 s. 372.07; 1955 c. 660 s. 14; 1955 c. 661 s. 41; Stats. 1955 s. 992.07.

992.08 History: 1885 c. 319; Ann. Stats. 1889 s. 1191a; Stats. 1898 s. 1191a; 1921 c. 18 s. 34; Stats. 1921 s. 75.33; 1933 c. 436 s. 9; Stats. 1933 s. 372.08; 1955 c. 660 s. 14; Stats. 1955 s. 992.08.

992.09 History: 1919 c. 69; Stats. 1919 s. 2014—5b; 1923 c. 291 s. 3; Stats. 1923 s. 215.17; 1931 c. 171 s. 1; 1933 c. 436 s. 10; Stats. 1933 s. 372.09; 1955 c. 660 s. 14; Stats. 1955 s. 992.09.

992.10 History: 1933 c. 436 s. 11; Stats. 1933 s. 372.10; 1955 c. 660 s. 14; Stats. 1955 s. 992.10.

992.11 History: 1865 c. 186; 1871 c. 74 s. 2; R. S. 1878 s. 2339; Stats. 1898 s. 2339; 1925 c. 4; Stats. 1925 s. 245.09; 1933 c. 436 s. 12; Stats. 1933 s. 372.11; 1955 c. 660 s. 14; Stats. 1955 s. 992.11.

992.12 History: 1933 c. 436 s. 13; Stats. 1933 s. 372.12; 1955 c. 660 s. 14; Stats. 1955 s. 992.12.

992.13 History: 1923 c. 126; Stats. 1923 s. 25.01 (5); 1933 c. 436 s. 14; Stats. 1933 s. 372.13; 1955 c. 660 s. 14; Stats. 1955 s. 992.13.

992.14 History: 1933 c. 436 s. 15; Stats. 1933 s. 372.14; 1955 c. 660 s. 14; Stats. 1955 s. 992.14.

992.15 History: 1933 c. 436 s. 16; Stats. 1933 s. 372.15; 1955 c. 660 s. 14; Stats. 1955 s. 992.15.

992.16 History: 1961 c. 331; Stats. 1961 s. 992.16.