

[No. 405, A.]

[Published March 7, 1879.]

CHAPTER 194.

AN ACT relating to the revised statutes and amending the same.

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

Printing and publication of revised statutes.

SECTION 1. The printing and publication of the revised statutes, as the same have been done under the persons appointed to supervise the same, by authority of chapter three of the laws of the extra session in June, 1878, are hereby approved and ratified; and the one hundred copies of the revised statutes which were printed in full and duly delivered to the secretary of state prior to the first day of November, 1878, are hereby declared a correct, complete and sufficient publication thereof, and conclusive evidence of the contents of the revised statutes as originally enacted; and the two copies thereof which have been certified and are deposited in the office of the secretary of state, pursuant to section nine of said chapter three of the laws of said extra session, shall be conclusively held by all courts and officers, and for all purposes whatsoever, to be the original revised statutes as adopted by the legislature. All other copies of the revised statutes which have been published under authority of said chapter three shall be presumptive evidence of the contents of the original enactment.

Amendment.

SECTION 2. The revised statutes are amended as follows: 1. Section one hundred and eleven, is amended by inserting the words "and employes" in the first line after the words "the officers," and also in the ninth line after the words "the officers."

Amendment.

2. Section one hundred and seventy-two is amended by inserting the words "and not directed to be paid out of some other fund" in the fourth line after the words "state treasury" at the end of the first sentence of said section.

Women as notaries public.

3. Section one hundred and seventy-three is amended by inserting the words "or females of the age of twenty-one years or upwards," after the word "electors," where it occurs in the third line.

Amendment.

4. Section one hundred and eighty-six is amended by inserting the words "or lesser," in the eleventh line after the word "great," and before the word "seal."

Historical society to report triennially.

5. Section three hundred and seventy-six is amended by striking out the word "biennially," in the first

line of the seventh subdivision, and inserting instead thereof the word "triennially."

6. Section six hundred and sixty-one *a*, is amended Amendment. by striking out the word "last" in the second line of the second subdivision and inserting instead thereof the words "first subdivision of this" before the word "section;" and also by inserting the words "subdivision of this" in the second line of the fifth subdivision after the word "preceding" and before the word "section;" and also by striking out the words "section eight of this act," in the fifth and sixth lines of the fifteenth subdivision, and inserting instead thereof the words "the eighth subdivision of this section."

7. Section one thousand one hundred and eighty-one is amended by striking out the words "married woman, widowed woman" in the next to the last line. Amendment.

8. Section one thousand one hundred and ninety-one is amended by striking out the words "married woman, widowed woman" in the next to the last and the last lines. Amendment.

9. Section one thousand two hundred and eight is amended by striking out the words "married woman, widowed woman" in the seventh line. Amendment.

10. Section one thousand three hundred and four is amended by inserting the words "any such order laying out, altering, widening or discontinuing any such highway, and from any" in the first line after the words "appeals from;" and also by inserting the words "orders and determinations and" in the third line after the word "similar." Of laying out or widening highways.

11. Section one thousand five hundred and eighty-three is amended by adding the following words: "except as otherwise provided in section one thousand five hundred and eighty-four *a*, and section one thousand five hundred and eighty-four *b*." Amendment.

12. Section one thousand six hundred and seventy-five is amended by inserting the words "or any sum of money payable in currency, in current funds or in current bank notes; and all bills of exchange, drafts or orders drawn by any person or for any corporation whereby shall be directed the payment to any person, or order, or unto the bearer, of any sum of money in currency, in current funds, or in current bank notes" in the fifth line after the words "therein mentioned." Payment of moneys.

13. Section one thousand seven hundred is amended by adding at the end thereof the following words: "But before making any dividend the assignee shall" Duty of assignees.

pay all taxes assessed upon the property assigned which remain unpaid."

Amendment.

14. Section one thousand nine hundred and fifty-six is amended by striking out the words, "secretary of state," in the second and in the ninth lines, and inserting instead thereof in both places the words "commissioner of insurance."

Interpretation of act.

15. Amend section two thousand and twenty-four by striking out the note to section twenty-three of chapter four hundred and seventy-nine of the laws of 1852, as printed on page six hundred and one of the revised statutes, and inserting instead thereof the following: Note—Section twenty-three, as originally adopted, was written in revised statutes of 1858, as section forty-one, chapter seventy-one, and was there erroneously copied and printed; but it was amended under its original designation by the tenth subdivision, section one, chapter ninety-eight, general laws of 1858, to read as above, if, as was undoubtedly the intention of the amendment of 1858, the words "the official state paper," are correctly inserted, instead of the words "some newspaper," where the latter words occur for the second time in the original section, without changing them where they first occur.

Amendment.

16. Section two thousand two hundred and twenty is amended by striking out the words, "section two thousand two hundred and sixteen," in the third line, and inserting instead thereof the words, "sections two thousand two hundred and sixteen and two thousand two hundred and seventeen."

Amendment.

17. Section two thousand two hundred and twenty-five is amended by inserting the words, "or presiding judge," in the tenth line, after the words "such court"; also by inserting the words "or the presiding judge," in the sixteenth line, after the words, "the court."

Amendment.

18. Section two thousand two hundred and eighty-three is amended by striking out the word "effect" in the third line and inserting instead thereof the word "affect."

Sessions of court on legal holidays.

19. Section two thousand five hundred and seventy-six is amended by inserting the words, "unless it be for the purpose of instructing or discharging a jury, or of receiving a verdict," in the second line after the words, "legal holiday." And this amendment shall relate back two and take effect from the first day of November, 1878.

Amendment.

20. Section two thousand six hundred and eighty-one is amended by inserting the word "presiding," in

the second line after the words, "or the" and before the word "judge."

21. Section two thousand six hundred and eighty-two is amended by inserting the word "presiding," in the third line after the words "court or" and before the word "judge." Amendment.

22. Section two thousand six hundred and eighty-three is amended by inserting the word "presiding," in the third line after the words "court or" and before the word "judge;" and also by inserting the words "or pre-iding judge" in the sixth line, after the words "the court," and before the words "may require."

23. Section two thousand six hundred and eighty-four is amended by inserting the words, "or presiding judge," at the end of the second line after the words "and the court." Amendment.

24. Section two thousand eight hundred and fifteen is amended by striking out the words, "whereby the court or a presiding judge thereof," in the third line, and inserting instead thereof the words, "where these statutes authorize an order or proceeding to be made or taken by the presiding judge, or by the circuit judge, using such words of designation"; this amendment shall not be taken or construed to be an alteration of said section two thousand, eight hundred and fifteen, but as an interpretation thereof. Construing of amendment.

25. Section two thousand nine hundred and sixty-nine is amended by inserting the words "or in section three thousand seven hundred and seventy-one" in the fourteenth line of the sixth subdivision after the words "two thousand, eight hundred and eighty-nine"; and also by striking out the word "surety," in the thirteenth line of the same subdivision, and inserting instead thereof the word "sureties;" and also by striking out the word "section," in the last line of the same subdivision, and inserting instead thereof the words "sections respectively." Amendment.

26. Section three thousand one hundred and fifty-nine is amended by striking out the word "complainant" therefrom, and inserting instead the word "plaintiff." Amendment.

27. Section three thousand, six hundred and twelve is amended by inserting the following words: "Sections two thousand six hundred and five to two thousand six hundred and nine, inclusive, shall apply to actions in justice's court," as a separate sentence at the beginning of the section. Actions in justice's court.

28. Section four thousand and fifty-three is amend- Attendance of

witnesses and
production of
evidence.

ed by amending the first subdivision thereof, so that it will read of follows: 1. By any judge, or clerk of a court of record or court commissioner, or justice of the peace, municipal judge or police justice within the territory in which such officer, or the court of which he is such officer has jurisdiction, to require the attendance of witnesses and their production of lawful instruments of evidence in any action, matter or proceeding pending or to be examined into before any court, magistrate, officer, arbitrator, board, committee or other person authorized to examine witnesses or hear testimony, in the state."

Newspaper by
legislative
enactment.

29. Section four thousand two hundred and seventy-six is amended by adding thereto the following sentence, viz: "The Wisconsin Legal News, a paper published at the city of Milwaukee, shall be deemed a newspaper within the meaning of the statutes."

Duty of as-
signees.

30. Section four thousand three hundred and four is amended by striking out the words "and distribute the same" in the third line, and by inserting instead thereof the words "and shall pay all taxes assessed upon the property assigned which remain unpaid, and distribute the residue."

Computation of
time in legal af-
fairs.

31. Section four thousand nine hundred and seventy-one is amended by adding thereto a twenty-fourth subdivision as follows, viz: "24. The time within which an act is to be done as provided in any statute, when expressed in days shall be computed by excluding the first day and including the last, except that if the last day be Sunday, it shall be excluded; and when any such time is expressed in hours, the whole of Sunday, from midnight to midnight, shall be excluded."

Re-enacted.

SECTION 3. The first and second sections of chapter one hundred and fifty-one of the general laws of 1867, and the first five sections of chapter one hundred and twenty-three of the laws of 1873, are hereby re-enacted; except that the words "general or" where they occur in the first section of each of said chapters, are struck out; and the provisions so re-enacted shall only extend and apply to villages incorporated and existing under special laws heretofore passed, and not to any village incorporated or existing under any general statute.

Approved March 4, 1879.