

accepted if they shall justify severally in sums which aggregate double the sum named in the bond.

Approved May 19, 1947.

No. 283, S.]

[Published May 21, 1947.

CHAPTER 143.

AN ACT to amend, revise and renumber various provisions of the statutes, for the purpose of correcting errors, correcting references and names of institutions, clarifying language, renumbering for better location, reconciling conflicts, supplying omissions, and eliminating duplications and obsolete and unconstitutional provisions.

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

SECTION 1. The first line of the form in 6.32 (4) (g) is amended to read: "I, A. B., of election in the of, county of, do hereby solemnly swear".

SECTION 2. 29.565 (2) is amended by substituting "American Legion" for "Minnewawa" in the 4th line.

SECTION 3. 38.24 (14) (c) is amended by substituting "section" for "subsection" in the second reference to "925-xx".

SECTION 4. The first sentence of 49.26 (11) (b) is amended to read:

49.26 (11) (b) (first sentence) If such special administrator * * * is not * * * satisfied with the justness of any such claim he may object thereto and the matter *shall be* heard before the court upon proper notice.

SECTION 5. 59.51 (11) is amended by striking out the word "To" at the beginning of the first line and by substituting "sale" for "sales" at the beginning of the second line; and 59.51 (12) is amended by striking out the words "Every register of deeds shall" at the beginning of the first line.

SECTION 6. 59.55 (1) is amended by substituting "of" for "to" after the word "description" in the second line.

SECTION 7. 60.06 (5) is amended to read:

60.06 (5) The credits and indebtedness as between the town so created and the town or towns of which it was formerly a

part shall be apportioned according to the provisions of * * * section 66.03.

SECTION 8. 62.20 and 62.21 need not be printed in the 1947 Wisconsin Statutes or subsequent editions.

SECTION 9. 66.406 (9) (a) is amended by inserting the word "in" at the beginning of the third last line.

SECTION 10. 72.75 (7) (c) is amended by substituting "paragraph" for "subsection" in the last sentence.

SECTION 11. 74.19 (3) and (4) are amended to read:

74.19 (3) (a) All taxes * * * returned delinquent and postponed shall be collected by the county treasurer, with the interest thereon; and all actions and proceedings commenced and pending for the collection of any personal property tax shall be thereafter prosecuted and judgments therein be collected by the county treasurer.

(b) Any town, city or village may retain for collection the delinquent personal property taxes by including the same as fully paid in arriving at the proportions to be paid as provided * * * in section 74.03 (5). All laws applicable to the collection of personal property taxes prior to the return of the tax roll to the county treasurer shall apply to the collection of the delinquent personal property taxes * * * retained.

(4) * * * Upon charging back * * * the delinquent personal property taxes pursuant to section 74.31, any town, city or village may * * * collect such * * * taxes under sections 74.10, 74.11 and 74.12 by commencing a new action, or by proceeding with an action already commenced in which case the town, city or village shall be substituted as the party plaintiff.

SECTION 12. 75.36 (8) is amended by substituting "subsection (7) (a), (b), (c) and (d)" for "paragraphs (a), (b), (c) and (d)".

SECTION 13. 102.06 is amended to read:

102.06 An employer shall be liable for compensation to an employe of a contractor or subcontractor under him who is not subject to this chapter, or who has not complied with the conditions of section 102.28 (2) in any case where such employer would have been liable for compensation if such employe had been working directly for him, including also work in the

erection, alteration, repair or demolition of improvements or of fixtures upon premises of such employer which are used or to be used in the operations of such employer. The contractor or subcontractor (*if he is subject to the workmen's compensation act*) shall also be liable for such compensation * * *, but the employe shall not recover compensation for the same injury from more than one party. In the same manner, under the same conditions, and with like right of recovery, as in the case of an employe of a contractor or subcontractor, described above, an employer shall also be liable for compensation to an employe who has been loaned by him to another employer. The employer who * * * becomes liable for and pays such compensation may recover the same from such contractor, subcontractor or other employer * * * for whom the employe was working at the time of the injury *if such contractor, subcontractor or other employer was an employer as defined in section 102.04.*

SECTION 14. 133.25 (3) (introductory paragraph) is amended to read:

133.25 (3) (introductory paragraph) Except as provided in subsections (4) and (6), no contract relating to the sale or resale of a commodity which bears, or the label or * * * container of which bears, the trade-mark, brand or name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others, shall be deemed a contract or combination in the nature of a trust or conspiracy in restraint of trade or commerce by reason of any of the following provisions contained in such contract:

SECTION 15. 146.12 (18) (b) is amended to read:

146.12 (18) (b) Every person aggrieved by an order or determination of the state board of health may have a judicial review thereof in the circuit court of the county where the cause of action arose or in the county where the principal place of operating the business is located * * * as provided by chapter 227.

SECTION 16. 180.025 is amended by substituting "286.35" for "286.33".

SECTION 17. 189.17 (8) is amended by substituting "288" for "188" in the last line.

SECTION 18. 194.10 is amended to read:

194.10 NONRESIDENT CARRIERS; APPOINTMENT OF AGENT. If any common motor carrier of property or of passengers, any contract motor carrier, or any private motor carrier, subject to * * * this chapter, * * * is a non-resident of this state, he shall, prior to operating under * * * this chapter, appoint an agent in this state upon whom process in any or all legal proceedings, arising out of its operation within this state or under * * * this * * * chapter, may be served and shall forthwith notify the motor vehicle department of such appointment and of the name and address of such agent, and such nonresident * * * carrier shall, so long as he continues to operate in this state, maintain such an agent. Unless such an agent is appointed by the time the certificate, license or permit is issued, authorizing such nonresident * * * carrier to operate in this state under * * * this chapter, or if at any time thereafter, so long as * * * he * * * continues to operate in this state under * * * this chapter, he * * * does not maintain such an agent in this state, * * * he shall be deemed to have authorized the * * * commissioner of the motor vehicle department to act as his agent for the service of process in * * * the legal proceedings above set forth. * * * The commissioner, while he is such agent shall, upon being served with process as the agent of such nonresident * * * carrier, forthwith * * * mail to him the papers so served * * *.

SECTION 19. The first sentence of 230.455 is amended to read:

230.455 (first sentence) No real estate mortgage, chattel mortgage, conditional sales contract, lien effected pursuant to the provisions of chapter 289 or other lien or charge upon the joint tenancy interest of a joint tenant to any joint tenancy shall * * * defeat the right of survivorship in such joint tenancy, but the joint tenancy interest of such joint tenant to which upon his death the surviving joint tenant succeeds shall be subject to such real estate mortgage, chattel mortgage, conditional sales contract, lien effected pursuant to the provisions of chapter 289 or other lien or charge.

SECTION 20. 235.59 (1) is renumbered 235.59 and 235.59 (2) is renumbered 278.18 and revised to read:

278.18 TARDY CONFIRMATION OF SALE. In all cases where a mortgage foreclosure sale has been made but not con-

firmed and the purchaser or his successor or assign has taken possession of the land by virtue of said sale, and occupied it for 6 years from and after said sale, he may apply for and the court may enter an order confirming said foreclosure sale with the same force and effect as if said confirmation was made as otherwise provided by law.

SECTION 21. 241.10 is amended by substituting "office of register of deeds" for "recorder's office" in the second sentence.

SECTION 22. 245.25 is renumbered 245.25 (1); and 245.24 (4) is renumbered 245.25 (2).

SECTION 23. The last sentence of 289.535 (3) is amended to read:

289.535 (3) (last sentence) But no payment shall be made until 30 days after the * * * creditor has filed with such officers proof that the contractor had been notified of such filing of a copy of the judgment against him.

SECTION 24. 295.01 (introductory paragraph) is amended by substituting "pending" for "depending" after "proceeding" in the 4th line.

SECTION 25. The title to chapter 300 of the statutes shall read: GENERAL PROVISIONS AND JURISDICTION OF JUSTICES IN CIVIL ACTIONS.

SECTION 26. 316.37 is amended to read:

316.37 After a hearing upon such petition, if the court * * * is satisfied from the evidence that * * * a conveyance of the real estate described in * * * the petition *should be made*, it shall order the executor or administrator to make and execute a conveyance thereof to * * * the *person entitled to it* and may direct the reasonable expenses of such application and conveyance to be paid out of the estate of such deceased person.

SECTION 27. 324.17 (5) is amended by substituting "255.04" for "255.03".

SECTION 28. 353.27 (2) is amended by substituting "Wisconsin" for "industrial" in the phrase, "the industrial home for women".

Approved May 19, 1947.