

No. 611, S.]

[Published August 1, 1919.

CHAPTER 679.

AN ACT to repeal expressly certain sections of the statutes that have been either superseded or repealed by implication; to repeal certain sections of the statutes that are duplicates of other sections; to repeal certain sections of the statutes and certain session laws that have been declared invalid by the supreme court; to strike out or remove obsolete and dead matter from certain sections of the statutes; to renumber and relocate certain sections of the statutes that have been improperly classified; to correct in certain sections of the statutes mistaken references to other sections; and to correct typographical errors, misprints and other errors in certain sections of the statutes.

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

SECTION 1. Section 14.58 of the statutes is amended by striking therefrom the word "as" where said word appears the second time in the last line.

SECTION 2. Section 15.14 of the statutes is amended by striking therefrom the figures "14.56" and by inserting in lieu thereof the figures "14.66."

SECTION 3. The last sentence of subsection (3) of section 19.01 (enacted by section 3 of chapter 93, laws of 1919) is amended to read: "*Except as provided otherwise by subsection (3) of section 59.22 the duties mentioned in any such oath or bond include, further, the faithful performance by all persons appointed or employed by such officer either in his principal or his subsidiary office, of their respective duties and trusts therein.*"

SECTION 4. Paragraph (d) of subsection (4) of section 19.01 of the statutes (created by chapter 93, laws of 1919), is amended by striking therefrom the word "subsection" and by inserting in lieu thereof the word "paragraph".

SECTION 5. Sections 959z—1 to 959z—11 of the statutes, created by chapter 289, laws of 1919, are renumbered to be respectively subsections (1) to (11), inclusive, of section 30.085: and the several subsections of said sections are renumbered as follows:

Subsections 1, 2 and 3 of said section 959z—2 are renumbered to be paragraphs (a), (b) and (c) of said new subsection (2).

Subsections 1 and 2 of said section 959z—5 are renumbered to be paragraphs (a) and (b) of said new subsection (5).

Subsections 1, 2, 3, 4 and 5 of said section 959z—6 are

renumbered to be paragraphs (a), (b), (c), (d), and (e) of said new subsection (6).

Subsections 1, 2 and 3 of said section 959z—9 are renumbered to be paragraphs (a), (b) and (c) of said new subsection (9).

Subsections 1, 2, 3 and 4 of said section 959z—11 are renumbered to be paragraphs (a), (b) (c) and (d) of said new subsection (11).

SECTION 6. Subsection (2) of section 1977a of the statutes is repealed.

SECTION 7. The sentence in section 35.01 which defines printing of the second class is amended to read:—"Second, Wisconsin session laws, town laws, statutes, annotations and blue book".

SECTION 8. Section 36.25 of the statutes is amended by striking out the words, "the president of the commissioners of fisheries".

SECTION 9. Subsection (5) of section 37.11 of the statutes is amended by striking therefrom the words "as amended by this act".

SECTION 10. Subsection (2) of section 13.05 of the statutes, as renumbered by section 35 of chapter 328, laws of 1919, is repealed; and section 562b of the statutes, as enacted by section 3 of chapter 389, laws of 1919, is renumbered to be subsection (2) of section 13.05.

SECTION 11. Subsection (8) of section 38.01 of the statutes is amended by striking therefrom the words "continuation, commercial, industrial and evening" and by inserting in lieu thereof the word "vocational".

SECTION 12. Subsection (13) of section 38.01 is repealed.

SECTION 13. Subsection (3) of section 40.01 is amended by striking out the word "one" where it first occurs and inserting in place of it the word "two".

SECTION 14. Subsection (19) of section 40.09 is amended by striking out the word "the" and inserting in place of it the word "their".

SECTION 15. Paragraph (b) of subsection (1) of section 40.16 is amended by striking out the phrase "sections 430—5, 430—6 and 430—9, of the statutes" and inserting in place thereof the phrase "subsections (5), (6) and (9) of this section".

SECTION 16. Subsections (3) and (7) of section 40.16 are amended by striking out the phrase "this section" wherever it occurs and inserting in each place thereof the phrase "this subsection"; and paragraph (d) of said subsection (7) is further amended by striking out the phrase "and acts amendatory thereof".

SECTION 17. Paragraph (b) of subsection (6) of section 40.30 is amended by striking out the word "section" and inserting in place thereof the word "subsection".

SECTION 18. Subsections (1), (2) and (4) of section 40.36 are amended by striking out from each the phrase "this act" and inserting in place thereof, in each place, the phrase "this section".

SECTION 19. Subsection (3) of section 40.39 is amended by striking out the phrase "this act" and inserting in place thereof the phrase "this section".

SECTION 20. Subsection (4) of section 40.51 is amended by striking out the phrase "according to the provisions of this act relating to the election" and inserting in place thereof the phrase "in the manner provided".

SECTION 21. Subsection (5) of section 40.60 is amended by striking out the phrase "by any high school district board in conformity to the provisions of this act shall be valid claims" and inserting in place thereof the phrase "shall be a valid claim".

SECTION 22. Subsection (7) of section 40.60 is repealed.

SECTION 23. Subsection (3) of section 40.61 is amended by striking out the phrase "this act" and inserting in place thereof the phrase "this section".

SECTION 24. Section 40.68 is amended by striking out the phrase "section 490" and inserting in lieu thereof the phrase "section 40.43".

SECTION 25. Section 40.72 is amended by striking out the phrase "this act" and inserting in place thereof the phrase "this section".

SECTION 26. Subsection (1) of section 40.73 is amended by striking out the phrase "this act" in two places, and the phrase "this section" in six places, and inserting in each such place the phrase "this subsection".

SECTION 27. Subsection (2) of section 40.73 is amended by striking out the phrase "this section" and inserting in place thereof the phrase "subsection (1)".

SECTION 28. Subsection (5) of section 40.73 is amended by striking out the phrase "this act" where it first occurs and inserting in place thereof the phrase "subsection (4)"; and by striking out the phrase "section 1 of this act" and inserting in place thereof the phrase "subsection (4)".

SECTION 29. Subsection (6) of section 40.73 is amended by striking out the phrase "this act" and inserting in place thereof the phrase "subsections (4) and (5)".

SECTION 29a. Subsection (7) of section 40.73 is amended by

striking out the phrase "this act" in two places and inserting in each place the phrase "subsections (4), (5) and (6)".

SECTION 30. Subsection (3) of section 40.74 is amended by striking out the phrase "specified in this act" where it occurs in paragraph (e); further by striking out the phrase "this act" at the end of paragraph (e) and inserting in place thereof the phrase "this section"; and further by striking out the phrase "this act" at the end of paragraph (b), and the phrase "this section" wherever it occurs in paragraphs (e) and (f) and inserting in each place the phrase "this subsection".

SECTION 31. Paragraph (a) of subsection (4) of section 40.74 is amended by striking out the phrase "the preceding sections" and inserting in place thereof the phrase "subsection (3)".

SECTION 32. Section 41.11 is amended by striking out the phrase "this act" and inserting in place thereof the phrase "sections 41.05 to 41.12, inclusive".

SECTION 33. Section 41.19 is amended by striking out the phrase "under the provisions of this act".

SECTION 34. Section 41.21 of the statutes is amended to read:

41.21 * * * Nothing in * * * *sections 41.13 to 41.21, inclusive*, shall be construed to interfere in any manner with trade schools established by *any city or school district* under sections 41.04 to 41.12, * * * *inclusive*, unless the school board of any such city or school district shall * * * adopt the provisions of sections 41.13 to 41.21, *inclusive*, and shall proceed * * * *pursuant thereto*.

SECTION 35. Section 41.34 is amended by striking out its last sentence.

SECTION 36. Section 41.38, subsection (2) of section 41.42, and section 41.43 are amended by striking out the phrase "this act" and inserting in place thereof the phrase "sections 41.36 to 41.46, inclusive".

SECTION 37. Paragraph (b) of subsection (2) of section 45.07 of the statutes is amended by striking therefrom the word "subsection" and by inserting in lieu thereof the word "paragraph".

SECTION 38. Section 50.06 is amended to read:

50.06 Every county may, pursuant to section 46.17, establish a county tuberculosis hospital or sanatorium, for the treatment of persons afflicted with pulmonary tuberculosis. In counties whose population is two hundred and fifty thousand or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19 and 46.20; but the superintendent shall be either a graduate

trained nurse or a regular licensed physician, and if a trained nurse is appointed the trustees shall also appoint and fix the compensation of a visiting physician, and may also appoint *and fix the compensation of a business manager other than the superintendent, * * * and a director of occupational therapy, the latter of whom may be employed on a part time basis jointly with other county or state institutions*; and the trustees shall receive the same compensation as is allowed to members of the county board.

SECTION 39. Subsection (6) of section 51.01 is amended by striking out the question numbers “(1)” to “(35)”, inclusive, and inserting in place thereof, respectively, in alphabetical sequence, the letters “(a)” to “(zi)” inclusive.

SECTION 40. Section 661i, renumbered by chapter , laws of 1919 (Bill No. 565—S) to be section 4151k, is amended by striking from the form of notice contained therein the words and figures “chapter 35 of the Wisconsin statutes of 1898” and by inserting in lieu thereof the words and figures “sections 4151e to 4151q of Wisconsin statutes”.

SECTION 41. Section 925—34 of the statutes is amended to read:

OATH OF OFFICE. Section 925—34. Every person elected or appointed to any office shall * * * take and * * * file the official oath * * * within ten days after notice of his election or appointment; * * * .

SECTION 42. Section 925—35 of the statutes is amended to read:

BONDS. Section 925—35. The treasurer, comptroller, justices of the peace, constables and such other officers as the council may direct shall * * * execute and file an official bond in such sum as the council may determine, with two or more sureties * * *. The council may at any time require new and additional bonds of any officer. All official bonds must be approved by the mayor, and when so approved shall be filed * * * within ten days after the officer executing the same shall have been notified of his election or appointment, and when so approved and filed shall be recorded by the city clerk in a book kept for that purpose; such clerk shall annex to each such record a certificate that the same is a true copy of the original, and such record shall be prima facie evidence of the contents of such bond and in the absence of the original may be used as evidence in all courts. * * *

SECTION 43. Subsection (9) of section 925—133 of the statutes is amended by striking therefrom at each of the places

therein where they appear the figures "517" and by inserting in lieu thereof at each such place the figures "39.02".

SECTION 44. Subsection 2 of section 927—1m of the statutes is amended by striking therefrom the figures "51.43" and "51.49" and by inserting in place thereof respectively the figures "1211—47" and "1211—53".

SECTION 45. Section 959—8p of the statutes is repealed.

SECTION 46. Section 959—46ug of the statutes is amended to read:

Section 959—46ug. The said board shall, in accordance with such needful rules and regulations as it may establish therefor, hear and * * * *determine* all applications for relief or pension under * * * *sections 959—46ua to 959—46uo, inclusive.*

SECTION 47. The last sentence of section 959—46uk of the statutes is amended to read:

(Section 959—46uk) (Last sentence) No person shall be entitled to receive any benefit from any such pension fund other than *that* prescribed by * * * *sections 959—46a to 959—46uo, inclusive.*

SECTION 48. Section 959—46ul of the statutes is amended by striking therefrom the words "in this chapter" and by inserting in lieu thereof the words and figures "by sections 959—46a to 959—46uo, inclusive".

SECTION 49. Section 959z of the statutes is repealed.

SECTION 50. Section 1022—19 of the statutes is amended to read:

REGISTRATION; PHYSICIANS; MIDWIVES;

UNDERTAKERS.

Section 1022—19. Each physician, midwife and undertaker shall * * * *before acting or practicing as such in any district* register his or her name, address, and occupation with the local registrar of the district in which he or she resides or may thereafter establish a residence and shall thereupon be supplied by the local registrar with a copy of this * * * *chapter*, together with such rules and regulations as may be prepared by the state registrar relative to its enforcement.

SECTION 51. Subsection 6 of section 1061 of the statutes is amended to read:

(1061) 6. No person shall be allowed in any action or proceeding to question the amount or valuation of personal property assessed to him unless in person or by agent he shall have first presented his objections thereto before the board

of review of the district in which such assessment was made and in good faith presented evidence to such board in support of such objections and made full disclosure before said board, under oath, of all his personal property liable to assessment in such district and the value thereof, except when prevented from making such presentation and disclosure by * * * omission of duty on the part of the assessor or of such board.

SECTION 52. Subsection 1 of section 1074 is amended by striking out the phrase "section 703" and inserting in place thereof the phrase "section 39.05".

SECTION 53. Section 1084 is amended by striking out the last sentence thereof.

SECTION 54. Section 1087a is repealed; section 1211—47 is renumbered to be subsection (1) of said section; and a new subsection is added to section 1211—47, to read:

(1211—47) (2) Any of said property shall be subject to reassessment for reasons stated, and in the manner provided in section 1087.

SECTION 55. Section 697—10m of the statutes, created by chapter 311 of the laws of 1919, is renumbered to be section 1411n and is amended by enclosing its subsection numbers in parentheses.

SECTION 56. Section 1132a is repealed.

SECTION 57. Section 1141a is amended by striking therefrom the word and figures "of 1898".

SECTION 58. Subsection (3) of section 1211—30 is repealed.

SECTION 59. The last sentence of section 1265 of the statutes is amended to read:

(Section 1265) (last sentence). "Provided, however, that the provisions of this * * * section shall not affect any bridge or bridges to be erected or repaired on any highway heretofore laid out and opened."

SECTION 60. Subsection 2 of section 1317m—2 is amended by striking out the phrase "sections 990—1 to 991—32, inclusive of the statutes" and inserting in place thereof the phrase "the state civil service law".

SECTION 61. The second sentence of paragraph (c) of subsection 1 of section 1317m—3 of the statutes is amended to read:

(Section 1317m—3. 1. (c) Second sentence). Each city clerk shall, after the * * * enactment of this section, file with the county clerk of his county, three plats of the city showing distinctly marked thereon all principal streets and roads of the city.

SECTION 62. Paragraph (e) of subsection 1 of section 1317m—5 of the statutes is repealed.

SECTION 63. Section 1317m—16 is repealed.

SECTION 64. Section 1410d—3 of the statutes is amended by striking therefrom the first six words thereof, namely: "After the passage of this act".

SECTION 65. Section 1411m of the statutes is amended by striking therefrom the words and figures "sections 925m—301 to 925m—319, inclusive" and by inserting in lieu thereof the word and figures, "chapter 63".

SECTION 66. Section 1411—5 of the statutes, created by chapter 159 laws of 1919, is amended by striking out the word "township" and by inserting in lieu thereof the word "town".

SECTION 67. Subsection 1 of section 1421d of the statutes, as amended by section 26 of chapter 93, laws of 1919, is further amended by adding thereto the following matter: "The sureties on the bond of each deputy shall be approved by the county judge of the county in which the deputy executing the same shall reside, and the bond of the supervisor and of each deputy shall be approved by the governor. Every deputy inspector shall examine and test all oils, gasoline, benzine, naphtha, and other like products of petroleum, offered for sale or used for illuminating, heating, or power purposes, by any person in the district assigned him, and not having been previously tested and stamped, sealed, or branded by a deputy inspector of this state".

SECTION 68. Subsection (3) of section 1458 of the statutes, as amended by section 27 of chapter 93, laws of 1919 is further amended by inserting immediately after the word "position" where it appears for the first time in said subsection, the two words "or office".

SECTION 69. The last sentence of section 1494—31 of the statutes is amended to read:

(Section 1494—31) (Last sentence). The word "stallion" wherever used in this * * * *chapter* shall be construed to include the word "Jack".

SECTION 70. Sections 1494—121, 1494—122, 1494—123 and 1494—124 of the statutes are repealed.

SECTION 71. Section 1494—125 of the statutes is repealed.

SECTION 72. Section 1584j of the statutes, and chapter 490 laws of 1905 are repealed.

SECTION 73. Section 1636—19 is amended by striking out the phrase "provisions of sections 990—1 to 990—32, inclusive.

of the statutes” and inserting in lieu thereof the phrase “state civil service law”.

SECTION 74. Section 1636—75 is amended by striking out the phrase “section 1 of this act” and inserting in lieu thereof the phrase “section 1636—71”.

SECTION 75. Section 1636—275 of the statutes is renumbered to be section 34.10 CEMENT PURCHASES BY THE STATE. Said section is amended by striking therefrom the last word, namely, the word “act” and by substituting in place of said word the word “section”. And section 20.125 of the statutes is amended by striking from the text thereof the figures “1636—275” and inserting in lieu thereof the figures “34.10”.

SECTION 76. Section 1636p of the statutes is repealed.

SECTION 77. Sections 1675—1a, 1675—1b and 1675—1c of the statutes are amended by striking from each thereof, at whatever places therein they may be found, the words, “patent, patent right”.

SECTION 78. Section 1729s—8 is amended by striking out the phrase “sections 2377 to 2386, inclusive, of the statutes” and inserting in place thereof the phrase “section 2377”.

SECTION 79. Section 1747a—2 is amended by striking out the phrase “section 1 of this act” and inserting in place thereof the phrase “section 1747a—1”.

SECTION 80. The second sentence of section 1789 of the statutes is amended by striking therefrom the word “correspondent” and by inserting in place of said word, the word “corresponding”.

SECTION 81. Section 1791n of the statutes is repealed.

SECTION 82. The first sentence of section 1797—35 of the statutes is repealed.

SECTION 83. Section 1797—36 of the statutes is repealed. Section 1795 of the statutes is renumbered to be section 1797—36 and is amended by striking out the third word, namely, the word “commissioner” and by inserting in place of said word, the word “commission”.

SECTION 84. Section 1797m—86m of the statutes is repealed.

SECTION 85. Section 1801 of the statutes is amended to read:

STATIONS TO BE MAINTAINED; TRAIN STOPPAGE
Section 1801. Every corporation operating a railroad shall maintain a station at every village, whether incorporated or not, having a post office and containing two hundred inhabitants or more, through or within one-eighth of a mile of which its line * * * of road runs, and shall provide the necessary arrangements, receive and discharge freight and passengers,

and shall stop at least one passenger train each day each way at such station, if trains are run on such road to that extent * * *. Every such corporation neglecting or refusing fully to comply with this section, after demand therefor by any resident of such village, shall forfeit not less than twenty-five nor more than fifty dollars for each and every day such neglect or refusal shall continue, one-half to the use of the person prosecuting therefor.

SECTION 86. Subsection 8 of section 1958 of the statutes is amended by striking therefrom the figure "6" and by substituting in place thereof the figure "7".

SECTION 87. Section 1986 of the statutes is amended by striking from the end thereof the figures "40" and by substituting in lieu thereof the figures "61".

SECTION 88. Sections 2001—6, 2001—7, 2001—8 and 2001—9 are each amended by striking out the phrase "sections 2001—1 and 2001—9, inclusive" and inserting in place thereof the phrase "sections 2001—1 to 2001—9, inclusive".

SECTION 89. Section 2001—10 is amended by striking out the phrase "such as are contained in this and the seven next following sections" and inserting in place thereof the phrase "sections 2001—10 to 2001—17, inclusive".

SECTION 90. Section 2001—16a is amended by striking out the phrase "section 2001 subdivisions 10 to 17, both inclusive" and inserting in place thereof the phrase "sections 2001—10 to 2001—17, inclusive".

SECTION 91. Section 2339n—8 of the statutes is amended by striking therefrom the section number "2330n—27" and by inserting in lieu thereof the section number "2339n—27".

SECTION 92. Subdivision (2) of the second division of section 2619 is amended by striking out the phrase "sections 7 and 8" and inserting in place thereof the phrase "sections 2.03 and 2.04".

SECTION 93. Subsection (9) of section 2637 is amended by striking out the phrase "sections 1915, 1953 or 1966—32" and inserting in place thereof the phrase "section 1915".

SECTION 94. Subsection (12) of section 2637 is amended by striking out the word "to" where it occurs the second time and inserting in place thereof the word "upon".

SECTION 95. Section 2890 of the statutes is amended by striking out the figures "44" and by substituting for said figures, the figures "19".

SECTION 96. Section 3103 is amended by striking out the word "individual" and inserting in place thereof the word "undivided".

SECTION 97. Section 3336 of the statutes is repealed.

SECTION 98. Section 3347 of the statutes is amended by striking therefrom the words "the five last sections" and by inserting in lieu thereof the following words and figures: "sections 3345 to 3346t, inclusive".

SECTION 99. Section 3730 is amended to read:

Section 3730. In all actions brought by the defendant against the garnishee for the recovery of any property, credit, money, indebtedness or effects delivered up or paid on the order of the justice or * * * on any judgment rendered under this chapter, except for costs * * * taxed against the garnishee, such order or judgment may be pleaded in bar and * * * shall be conclusive between such parties and those claiming under them, as in other cases.

SECTION 100. Section 3821 of the statutes is amended by striking therefrom the phrase "by the widow" and by inserting in lieu thereof the phrase "to the widow".

SECTION 101. Section 3865 is amended by striking out the word "signed" and inserting in place thereof the word "assigned".

SECTION 102. Section 3981b is amended by striking out from the end of the first sentence the phrase "in accordance with the provisions of section 640e of these statutes"; and further by striking out from the last sentence the phrase "when so certified, shall be audited by the county board and paid out of the county treasury of the county of his residence" and inserting in place thereof the phrase "shall be charged and adjusted as provided in section 51.08".

SECTION 103. Section 4052d is amended by striking out its last sentence, changing the period after the first sentence to a comma, and adding the phrase "payable out of the county treasury".

SECTION 104. Section 4151a is amended by striking out the phrase "section 186" and inserting in place thereof the phrase "in section 23.04."

SECTION 105. Section 4220 is amended by striking out the phrase "sections 984, 3968 and 4222" and inserting in place thereof the phrase "sections 19.015, 3968 and 4222 and sub-section (2) of section 4223".

SECTION 106. Section 4229 is amended to read:

Section 4229. A civil action to recover a penalty or forfeiture accruing wholly or in part to the state must be commenced within six years after the cause of action therefor has accrued. Any forfeiture action or proceeding begun by the attorney-

general under the provisions of section * * * 1211—4 must be commenced within six years after such action or proceeding accrued. Any other action in favor of the state, whether created by statute or otherwise, must be commenced within ten years after the cause of action therefor has accrued. No cause of action in favor of the state for relief on the ground of fraud, whether in equity or at law, shall be deemed to have accrued until the discovery on the part of the state of the facts constituting the fraud. But no person can obtain a title to real property belonging to the state by adverse possession, prescription or user unless such adverse possession, prescription, or user shall have been continued uninterruptedly for more than forty years.

* * *

SECTION 107. The last sentence of section 4391m of the statutes is amended by striking therefrom the word "act" and by inserting in lieu thereof the word "section".

SECTION 108. Subsections (3), (4) and (5) of section 4607a of the statutes are amended by striking from each thereof its fourth word, namely, the word "act", and by inserting in place of each said word the word "section".

SECTION 109. Section 1 of chapter 435, laws of 1913, is renumbered to be section 959—60m of the statutes; and chapter 482, laws of 1911 and said chapter 435, laws of 1913, are repealed.

SECTION 110. Chapter 6, laws of 1915 is repealed.

SECTION 111. Chapters 518 and 589, laws of 1915, are repealed.

SECTION 112. Chapters 47, 128, 166, 451, 460, 461, 462 and 463 of the laws of 1917 are repealed.

SECTION 113. This act shall take effect upon passage and publication.

Approved July 29, 1919.