

state capitol building and state property therein because of fire hazard, no building or structure hereafter erected in the blocks, or any part thereof, surrounding state property included in the capitol park in the city of Madison, namely, blocks seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, eighty-three, eighty-four, eighty-nine, ninety, ninety-nine, one hundred, one hundred one, one hundred two, one hundred three or one hundred four shall exceed ninety feet in height, and exclusive of chimneys and elevator houses erected thereon, measuring from the highest point of the curb line immediately in front of any lot or lots upon which such building or structure is erected; and no building now erected or in process of erection in any such block or any part thereof shall be altered or reconstructed so that the same when completed will exceed ninety feet in height when measured as above provided.

2. Any person, firm or corporation who shall cause, allow or permit any building or structure to be erected, altered or reconstructed in violation of the provisions of this section shall forfeit the sum of twenty-five dollars for each day such violation continues.

3. The attorney-general shall enforce the provisions of this section and shall institute proper proceedings to restrain violations thereof.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 23, 1921.

No. 491, S.]

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CHAPTER 422.

AN ACT to repeal expressly certain sections of the statutes that have been either superseded or repealed by implication; to repeal certain sections of the statutes that are duplicates of other sections; to strike out or remove obsolete and dead matter from certain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. Subsection (4) of section 5.08 of the statutes is amended by adding at the end thereof the following sentence: "The fee for such publication shall be as provided in subsection (4) of section 6.22."

SECTION 2. Subsection (2) of section 5.12 of the statutes is amended to read:

(5.12) (2) The fees for publishing notices of primary elections and for publishing all other matters relating to primary elections shall be sixty cents per folio for the first insertion and thirty-five cents per folio for the subsequent insertion. * * *

SECTION 3. Section 6.11 of the statutes is amended by adding at the end thereof the following sentence: "The fee for such publication shall be the same as provided in subsection (2) of section 5.12."

SECTION 4. The third sentence of subsection (8) of section 6.23 of the statutes is amended to read:

(6.23) (8) (Third sentence) Underneath said words, and in plain, legible type shall appear the following instructions to voters: "If you desire to vote for any question, make a cross (X) or other mark * * * *in* the square after the word 'yes,' underneath such question; and if you desire to vote against any question make a cross (X) or other mark in the square after the word 'no' underneath such question."

SECTION 5. Subsection (10) of section 14.29, as created by chapter 94 of the Laws of 1921, is amended by inserting after the word "publish" in the first line the following: "the laws as provided by section 35.64 and to publish."

SECTION 6. A new subsection is added to section 17.27 of the statutes to read:

(17.27) (4) ANY OTHER VACANCY. In case of a vacancy in any office in the state where no other provision is made for filling the same, it shall be filled by appointment by the governor.

SECTION 7. The first sentence of paragraph (a) of subsection (3) of section 20.04 of the statutes is amended to read:

(20.04) (3) (a) (First sentence) One-fourth to the county treasurers of the several counties, annually, in the proportion in which such registration fees shall have been received from residents of said several counties to be used for repairing and maintaining state highways and roads on the * * * prospective state highways system in said counties under the direct supervision of the county highway commissioner.

SECTION 8. The first clause of subsection (1) of section 30.02 of the statutes is amended to read:

(30.02) (1) (First clause) Every municipality, except every county wherein there is * * * *an* incorporated city or village, may, by ordinance, resolution or by-law establish, and from time to time may change and re-establish dock or wharf lines upon existing navigable waters, or upon such waters thereafter to be created, within their respective boundaries;

SECTION 9. Section (30.19), subsection 11 of section 670, of the statutes is repealed.

SECTION 10. Subsection (1) of section 31.33 of the statutes is amended by inserting after the figures "1858" in the fifth line, the following: "chapter 146, R. S. 1878,"

SECTION 11. Section 35.27 of the statutes is amended by adding at the end of the tabulation thereof the following: "Of the state highway commission ! ! "

SECTION 12. Subsection (4) of section 35.30 of the statutes is amended to read:

(35.30) (4) * * * Of the annual transactions of the state conference of social work, not more than two thousand copies, containing not more than two hundred fifty pages.

SECTION 13. The twenty-third line after the introductory paragraph of subsection (5) of section 35.37 of the statutes is stricken out and the following substituted: "Transactions of the State Conference of Social Work, five hundred copies."

SECTION 14. The third line under the subdivision "Ruling" of section 35.43 is amended to read:

"No extra charge for different color * * * *ruled* lines * * * *or* double or triplicate lines."

SECTION 15. Paragraph (2) of subsection (16a) of section 35.84 of the statutes is renumbered to be subsection (5) REPORTS FOR JUDGES, of section 20.10.

SECTION 16. The first clause of subsection (3) of section 40.29 of the statutes is amended to read:

(40.29) (3) (First Clause) The school board of any school district or the board of education of any city may make all rules needful for the organization, * * * *gradation* and government of the school or schools under their jurisdiction, such rules to take effect when a copy signed by a majority of the board is filed with the clerk;

SECTION 17. The last sentence of subsection (10) of section 41.15 of the statutes is amended to read:

(41.15) (10) (Last sentence) The said board shall have the power to demand of such bidders and contractors that all contracts shall be let subject to the provisions of chapter 110a of the * * * statutes * * * to the end that said board and such city may be held harmless.

SECTION 18. Subsection (5) of section 42.01 of the statutes is repealed.

SECTION 19. Section (45.23), section 670 subsection (16) (a), of the statutes is renumbered to be subsection (14a) of section 59.07.

SECTION 20. A new subsection is added to section 59.15 of the statutes to read:

(59.15) (7) When a salary has been fixed for any county officer in lieu of fees such officer shall keep an accurate account of all fees collected by him and pay the same over to the county treasurer. He shall also make a quarterly statement duly verified of all such fees collected and file such statement with the county clerk.

SECTION 21. Section (59.94), section 764b subsection (3), of the statutes is repealed.

SECTION 22. Subsection (4) of section 59.74 of the statutes is amended to read:

(59.74) (4) If at any time after a designation is made the board shall, for good and sufficient reasons, deem the security given insufficient, it may require a new bond, and if, in its opinion, the public interest requires it, may vacate, revoke or modify such designation, and may at any special session, after giving written notice as herein required, again designate a depository or depositories for the remainder of the current calendar year, *subject to* the approval of the bond as required by subsection (3).

SECTION 23. Paragraphs (a) to (i) of subsection (2) of section 59.87 of the statutes are amended by striking out the first word of each paragraph, namely, the word "To."

SECTION 24. The paragraph following subdivision 5 of paragraph (a) of subsection (7) of section 59.92 is numbered to be 6, and is amended by striking out the figures "19" where they occur in the last line and by inserting in place thereof the figures "(17)".

SECTION 25. Subsection (8) of section 59.92 of the statutes is amended by striking out the figure "9" and by inserting in place thereof the figure "(7)".

SECTION 26. Subsection (13) of section 59.92 of the statutes is amended by striking out the figure "9" and by inserting in place thereof the figure "(7)".

SECTION 27. Paragraph (a) of subsection (16) of section 59.92 of the statutes is amended by striking out the figures "19" and by inserting in place thereof the figures "(17)".

SECTION 28. Subsection (13) of section 61.34 of the statutes is amended to read:

(61.34) (13) To restrain the running at large of cattle, horses, mules, sheep, swine, poultry and other animals and to authorize the distraining, impounding and sale of same; to establish pounds and regulate and protect the same; to require the owners or drivers of horses, oxen or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of the village; to prohibit the hitching of horses, teams or animals to any fence, tree or pump, and to prevent injury to the same; to regulate and control the running of engines and cars through the village and the rate of speed of the same; * * * and license public porters, solicitors or runners, cartmen, hackmen, omnibus drivers and guides, and to establish rules and regulations in regard to their conduct as such; and to prevent any unnecessary noise or disturbance during the arrival or departure of persons in public conveyances.

SECTION 29. Subsection (5) of section 61.41 of the statutes is amended to read:

(61.41) (5) The provisions of sections * * * 75.56, * * * 75.57, 75.58, * * * 75.59, * * * 75.60 and * * * 75.61 * * * relating to reassessment of special assessments shall apply to villages.

SECTION 30. Subsection (14) of section 70.30 of the statutes is renumbered to be subsection (15) of said section. Subsection (16b) of section 1050 of the statutes, created by chapter 215, Laws of 1921, is renumbered to be subsection (14) of section 70.30 and is amended by adding "The" as the first word of said subsection.

SECTION 31. Section 70.60 of the statutes is amended to read:
70.60 STATEMENT OF ADDITIONAL TAX. In every such case the secretary of state shall make a statement showing

the amount of additional tax levied as above provided and the estimates upon which the same was based, which he shall place on record in his office and include in and publish with his * * * *biennial* report to the governor.

SECTION 32. Section 74.44 of the statutes is repealed.

SECTION 33. Section 959—131 of the statutes is renumbered to be section 1347u.

SECTION 34. Subsection (11) of section 1038 of the statutes, as amended by chapter 215, Laws of 1921, is renumbered to be subsection (11) of section 70.11.

SECTION 35. Section 1090 of the statutes of 1919, renumbered to be subsection (1) of section 74.03 by chapter 17, Laws of 1921, is reenacted to take effect January 1, 1922, and chapter 6 of the Laws of 1921, amending said section 1090, shall not be included in the Statutes of 1921.

SECTION 36. Subsection 3 of section 1299g—4 of the statutes is amended by striking out the figure "1" and by inserting in place thereof the figures "1299g—1."

SECTION 37. Paragraph (c) of subsection 7 of section 1315 of the statutes is amended to read:

(1315) (7) (c) If it shall be necessary to condemn any lands, quarries, or gravel pits, such may be taken by the county by proceeding in accordance with the provisions of * * * *chapter 32* of the statutes.

SECTION 38. The first sentence of subsection 1e of section 1317m—5 of the statutes is amended to read:

(Section 1317m—5. 1e. first sentence) Whenever, it has been determined in accordance with the provisions of sections 1317m—1 to 1317m—15, inclusive, or of sections 1312 to 1317, inclusive, to improve a road or street in any village, the village board may determine to improve at the same time an additional width of pavement and pay for the same either out of the general funds of the village or to assess a part or all of the cost of the widening to the abutting property, in general accordance with the provisions of sections * * * *61.40 and 61.41.*

SECTION 39. Subsection 7 of section 1317m—5 of the statutes is amended to read: (Section 1317m—5. 7.) The county boards are empowered to acquire, purchase, hold, sell, and convey for public use any property, real or personal, and to make any contract necessary to the discharge of their duties under sections 1317m—1 to 1317m—15, inclusive. Whenever, for any reason,

the county board cannot agree with the owner of such property upon the amount of compensation to be paid therefor, they may take such property by condemnation proceedings according to * * * *chapter 32* of the statutes.

SECTION 40. The last sentence of subsection 9 of section 1317m—9 of the statutes, namely: "The provisions of section 692 of the statutes shall not apply to work performed by a town chairman under the provisions of this subsection." is stricken out.

SECTION 41. Subsection 1 of section 1321a of the statutes is amended by striking out the following: "895 to 904, inclusive, of the statutes" and by inserting in place thereof the following: "61.36, 61.37 and 61.38."

SECTION 42. Section 1325i of the statutes is repealed.

SECTION 43. Subsection 1 of section 1329a of the statutes is amended to read:

(Section 1329a) 1. Any person, firm or corporation may, with the written consent of the supervisors of the town, construct and operate a line of telegraph, telephone or electric wires for the purpose of transmitting *messages*, light or power along or within the limits of any highway, subject to the restrictions and conditions herein contained.

SECTION 44. Paragraph (e) of subsection (1) of section 1368—8 of the statutes is amended to read:

(Section 1368—8. 1.) (e) Assess the cost of construction *against* the benefited lands and corporations in proportion to the benefits received;

SECTION 45. Section 1384 of the statutes is amended by striking out the words and figures "as provided in section 1369."

SECTION 46. The second paragraph of section 1407 of the statutes is renumbered to be section 1407—1 and section 1407—1 is renumbered to be section 1407—2.

SECTION 47. Subsection 13 of section 1417m of the statutes, as amended by chapter 152, Laws of 1921, is amended to read:

(Section 1417m). 13. It * * * *shall* be unlawful for any person having the supervision or control of any public place to display or permit to be displayed any sign, poster, advertisement or prescription to be used in connection with the prevention or treatment of any venereal disease. This * * * *section* shall not apply to publications, advertisements, or notices of the United

States government, the state of Wisconsin or of any city, incorporated village or town.

SECTION 47a. Section 1753—10 of the statutes, as amended by chapter 241, Laws of 1921, is amended by striking out the word “such” where it appears in line 4 of said chapter and inserting in place thereof the word “any.”

SECTION 48. Section 4382 of the statutes is amended to read:

Section 4382. Any person over eighteen years of age who shall unlawfully and carnally know and abuse any female under the age of * * * *eighteen* years shall be punished by imprisonment in the state prison not more than thirty-five years nor less than one year, or by a fine not exceeding two hundred dollars; and any person of the age of eighteen years or under who shall unlawfully and carnally know and abuse any female under the age of eighteen years shall be punished by imprisonment in the state prison not more than ten years nor less than one year, or by fine not exceeding two hundred dollars.

SECTION 49. Chapter 26, Laws of 1921, is amended by striking out the subsection designation “(1)” where it occurs in the title and also in lines 1 and 2 of section 1 and insert in each place thereof the subsection designation “(1m)”.

SECTION 50. Chapter 96, Laws of 1921, is amended by striking out the figures and letter “1138m” where they occur in said chapter and by inserting in place thereof the figures “74.44.”

SECTION 51. Chapter 137, Laws of 1921, is amended by striking out the figures “1060” where they occur in the title and in the first and second lines of section 1 and by inserting in each place thereof the figures “70.46”. Said chapter is further amended by striking out the figures “1061” and by inserting in place thereof the figures “70.47”.

SECTION 52. Chapter 184 of the Laws of 1921 is amended by striking out the figures “2261c” where they occur in section 1 and by inserting in place thereof the figures “2261o”.

SECTION 53. This act shall take effect upon passage and publication.

Approved June 24, 1921.