

this chapter. Any section of the Wisconsin statutes inconsistent with the provisions of this chapter is hereby repealed

(20.53) (1a) All moneys collected or received by each and every person for or on behalf of the state banking department pursuant to the provisions of chapter 214 of the statutes, shall be paid within one week into the state treasury and are appropriated to the state banking department for the purposes of carrying out the provisions of said chapter.

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

Deposited without approval August 13, 1927.

No. 619, S.]

[Published August 18, 1927.

## CHAPTER 541.

AN ACT to correct and reconcile conflicts in the acts of 1927; to expressly repeal statutory provisions which were repealed by implication, merely, or which were enacted through mistake or inadvertence; to re-enact statutory provisions which were repealed through mistake or inadvertence or unintended implication; to renumber sections of the statutes which were improperly numbered and classified; to correct mistaken statutory references and to correct clerical and typographical errors, all for the purpose of expressing with greater certainty and clearness the intent of this legislature.

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

SECTION 1. Subsection (2) of section 20.575, created by section 3 of Chapter 494, Laws of 1927, is amended by inserting the number "140.05" in place of the number "140.09."

SECTION 2. Subsection (2) of section 21.04 of the statutes is hereby re-enacted in the words in which it is printed in the Wisconsin Statutes of 1925.

SECTION 3. The last sentence of subsection (3) of section 26.12 of the statutes, created by Chapter 29, Laws of 1927, is amended to read: (26.12) (3) The provisions of chapter 16 of the statutes shall not apply to appointments under *this* subsection \* \* \* and subsection (1) of section 26.13. \* \* \*

SECTION 4. Subsection (4) of section 29.18, as amended by Chapter 472, Laws 1927, is amended to read: (29.18) (4) For

mink and muskrat there shall be an open season from January first to April tenth, in all counties excepting the counties of Calumet, Fond du Lac, Green Lake, Marquette, Outagamie, Shawano, Waushara, Waupaca, Marathon, Lincoln, Forest, Florence, Oneida, Langlade, Marinette and Winnebago, where the open season shall be from October twenty-fifth to April first. There shall be no open season in *Grant, Vernon, Crawford and Richland counties until January 1, 1929. There shall be no open season in Rock, Green, Monroe, Dodge, Barron, Lafayette, Kenosha, Dunn, Clark, Eau Claire, Polk, Racine, Wood, Chippewa, La Crosse, Bayfield, Pepin, Buffalo, Pierce, St. Croix, Marinette, Jackson, Dane, Lincoln, Burnett, Washburn, Oneida, Vilas, Iron, Forest, Florence, Ashland, Shawano, Langlade, Waukesha, Grant, Douglas, Sawyer, Rusk, Sauk, Iowa, Manitowoc, Sheboygan, and Taylor counties in odd numbered years, excepting land and lands and water in Freeman and Seneca townships in Crawford county, known as the Winneshiek bottoms owned by the United States government, where there shall be an open season each year for muskrat from January first to April tenth, and no close season for mink. There shall be no season for muskrat in Pike lake in the towns of Reid and Elderon, and in May Flower lake and Lake Gotoit, in the town of Norrie, Marathon county. On Horicon marsh in Dodge county there shall be no open season for mink and muskrat, including muskrat on so-called muskrat farms not legally operated or on muskrat farms established after July 1, 1927, until January 1, 1933. The taking of muskrat and mink shall be under the joint supervision of the state conservation commission and the superintendent of the upper Mississippi river wild life and fish refuge.*

SECTION 5. Chapter 86, Laws of 1927, is repealed, and a new subsection is added to section 29.197, created by Chapter 119, Laws of 1927, to be numbered subsection (8) and to read: (29.197) (8) No person shall take, catch or kill any fish of any variety in Pony Creek, Shawano county, prior to July 1, 1929.

SECTION 6. Subsection (1) of section 29.28 of the statutes, is amended to read: (29.28) (1) No person shall take, catch or kill fish of any variety through the ice on Pardeeville mill pond in the town of Wyocena, or on Dates mill pond in Columbia county or on Lake Wisconsin in Columbia and Sauk counties, in the artificial lake formed by the Cedar Falls dam in Dunn county,

in Lilly lake in Kenosha county; in *Pigeon lake and Little Pigeon lake in Manitowoc county*; in Whitewater lake, Lauderdale lakes, Lake Lulu, Cravath lake and in Round lake in Walworth county; in Eagle lake, in Waukesha county; in Spring lake in the village and town of Palmyra and in Upper lake in the town of Palmyra in Jefferson county; and in any waters in Dodge county; Pine lake, town of Hancock, and Fish lake, towns of Hancock and Deerfield; Pleasant lake in the town of Coloma, Waushara county; and in the town of Springfield, Marquette county; Lake Nocquebay in Marinette county; Lake Mason, commonly known as Briggsville pond, in the counties of Adams and Marquette, *and Goose lake in Adams county*; Easton pond in sections twenty-eight and twenty-nine of township sixteen, north of range six east, town of Easton, in Adams county; Shell lake in Washburn county; Silver lake in the town of West Bend, Washington county; Chain of Lakes in townships thirty-seven and thirty-eight north, of range twelve west, in Washburn county; Devil's lake and Mears lake, and tributary streams; the waters known as Koenig's mill pond in sections seven, eight, seventeen and eighteen of township nine north, of range six east, town of Prairie du Sac, and Mirror lake, in Sauk county; Pickerel and Rolling Stone lakes in Forest county; Twin lakes, in the town of Lincoln, and Pike lake in Polk county; *Spring lake in Ozaukee and Sheboygan counties*, any lake in the county of Langdale, any lakes in the counties of Portage and Marquette, except in Buffalo lake. The bag limit for cisco in any lake in Waukesha county shall be twenty-five each day. No person shall set, use or operate any fyke net or drop net in any waters within two miles from the shore line of Door county, excepting in that portion south of Limekiln bluff. There shall be a close season for large and small-mouthed black bass from March first to June twentieth in Sturgeon bay and Sawyer's harbor in Door county. The provisions of subsection (3) of section 29.14 shall not apply to Door county. *During the years of 1927 and 1928 no person shall take, catch or kill fish of any variety through the ice in Balsam lake, Polk county, nor in Lost lake, in Dodge county.*

SECTION 7. Section 40.37 of the statutes, created by section 76 of chapter 425, Laws 1927, is repealed. And sections 40.13 and 40.14 of the statutes as enacted by sections 53 and 54 of chapter 425, Laws 1927, are hereby re-enacted. And subsection (2) of section 40.05, enacted by section 46 of chapter 425, Laws 1927,

is hereby re-enacted and is amended by adding at the end thereof the following: "Failure to comply with this subsection shall cause the district to forfeit the right to share in the apportionment in that part of the public money which said district would otherwise receive from the public school fund income as provided by law." And the first paragraph of section 3 of chapter 536, Laws 1927, is amended to read: "SECTION 3. \* \* \* Subsection (1) of section 70.62 and subsection (1) of section 70.63 of the statutes are amended to read: \* \* \*

SECTION 8. Section 84 of Chapter 425, Laws 1927, and section 40.47 of the statutes thereby created are re-enacted.

And subsection (4) of said section 40.47 is amended by striking therefrom the phrase: "not exceeding two dollars per week".

And subsection (7) thereof is amended to read: (40.47) (7) STATE GRADED SCHOOL; NONRESIDENT TUITION. The school board of any district which maintains \* \* \* grades \* \* \* above the eighth shall admit nonresident pupils of school age to these grades whenever the facilities will warrant; providing such pupils shall satisfy the conditions of subsection (2). The school board shall fix the tuition of said nonresident pupils \* \* \*. And such tuition shall be collected and paid in the same manner as tuition is collected by and paid to high school districts for the attendance of nonresident pupils."

And a new subsection is added to read: (40.47) (11) Such tuition shall be determined by dividing the total salaries paid the teachers and principals and the high school cost of textbooks, supplies used in high school instruction, manual training and domestic science by the total enrollment for the year, but not to exceed the sum of three dollars per pupil per week, nor be less than two dollars per week per pupil. The clerk or secretary of any school board making the sworn statement concerning tuitions claimed, shall when requested so to do by the town, city or village to whom such statement is sent, furnish a sworn statement in detail of the salaries paid teachers and principals and the total enrollment for the year.

SECTION 9. Section 41.035 of the statutes of 1925, which was renumbered section 41.04, by section 116, Chapter 425 Laws of 1927, is repealed.

SECTION 10. Subsection (2) of section 51.08, as amended by chapter 537, Laws 1927, is amended to read: (51.08) (2) Whenever any insane person is committed or transferred to any state

hospital, or to any hospital or asylum in any county other than the county in which he has a legal settlement, he shall, in addition to the maintenance charge, be furnished with all necessary clothing. On his admission this shall not be less than the following: For a male, three new shirts, a new and substantial coat, vest, two pairs of pantaloons of woolen cloth, two undershirts, two pairs of drawers, three pairs of socks, a black or dark stock or cravat, two pocket handkerchiefs, a good hat or cap, a pair of new boots and shoes and a pair of slippers. For a female, in addition to the same quantity of undergarments, shoes and stockings, there shall be two woolen and two white petticoats or skirts, three good dresses, two nightgowns, cloak or shawl and a decent bonnet. Unless such clothing be delivered in good order the superintendent shall not be bound to receive the patient; but he may receive and furnish him with proper clothing; inmates shall also be furnished with necessary dental work but not to exceed thirty-five dollars for each person, *emergency surgical work may also be provided for inmates*, but before any expenditure is made for dental work, *or emergency surgical work*, an estimate of the cost shall be made by the visiting physician and the superintendent of the asylum and forwarded to the state board of control; if the board shall approve such expenditure then the necessary dental work, *or emergency surgical work*, shall be done. The expense of furnishing all clothing and dental, *and emergency surgical work*, shall be chargeable to the state, and chargeable over to the county, if any, in which such inmate has a legal settlement, and shall be adjusted as provided in section 46.10, and in addition to the clothing required on admission no county shall be liable for more than fifty-five dollars for clothing for any one patient in any one year.

SECTION 11. Subsection (2) of section 51.24 of the statutes is amended by striking out the date "December 1, 1923" and inserting in place thereof the date "December 31, 1923".

SECTION 12. Section 59.98 of the statutes, created by Chapter 106, Laws 1927, is renumbered subsection (10) of section 59.08 of the statutes and the subsections of this new section are renumbered to be paragraphs (a), (b) and (c) of subsection (10) of section 59.08.

SECTION 13. Subdivision 3 of paragraph (b) of subsection (9) of section 62.13, as amended by Chapter 297, Laws 1927, is amended to read:

(62.13) (9) (b) 3. The board shall have exclusive control and management of the fund. The moneys therein shall be paid out only upon warrant signed by the president and countersigned by the secretary of the board. No such warrant shall be drawn except upon order of the board duly recorded in its proceedings. The board may invest the fund or a part thereof in the name of the board in \* \* \* *such securities as are authorized by section 231.32 for investment of trust funds*, or in any bonds issued under the authority of \* \* \* *any* municipality whether the same create a general municipal *liability* or a liability of the property owners of such municipality for special improvements made therein and may sell such securities.

SECTION 14. Subsection (3) of section 71.03, as amended by Chapter 539, Laws 1927, is further amended by striking out the word "or" and inserting in place the word "of" where it occurs between the words "ownership" and "property" in the first sentence thereof.

SECTION 15. Paragraph (a) of subsection (1) of section 71.05 of the statutes, created by Chapter 539, Laws of 1927, is hereby repealed and paragraphs (b), (c), (d), (e), (f) and (g) of subsection (1) of section 71.05 are renumbered to be paragraphs (a), (b), (c), (d), (e) and (f), respectively, of subsection (1) of section 71.05.

SECTION 16. Paragraph (e) of subsection (1) of section 71.05 of the statutes, created by section 5 of Chapter 539, Laws of 1927, is amended to read:

(71.05) (1) (e) Income of \* \* \* mutual savings banks, \* \* \* mutual loan corporations, building and loan associations, and corporations or associations organized under sections 185.01 to 185.22, and of all religious, scientific, educational, benevolent or other corporations or associations of individuals not organized or conducted for pecuniary profit.

SECTION 17. Subsection (3) of section 71.06 of the statutes, created by Section 1 of Chapter 398, Laws of 1927, is amended to read:

(71.06) (3) (a) In assessing back taxes interest shall be added to such taxes at the rate of six per cent per annum from the twenty-second day of March following the year they first became assessable to the date on which such back taxes when subsequently assessed will become delinquent, if unpaid, except that in assessing back taxes on incomes which have been *averaged* \* \* \*

under the provisions of this chapter interest shall be added to such taxes at the rate of six per cent per annum from the date on which such back taxes if originally assessed would have become delinquent if unpaid, to the date on which such back taxes when subsequently assessed will become delinquent if unpaid.

(b) In crediting overpayments of income and surtaxes against underpayments or against taxes to be subsequently collected and in certifying refunds of such taxes, interest shall be added at the rate of six per cent per annum from the twenty-second day of March following the date of the payment of such taxes until the date on which such overpayment was certified on the tax roll, except that in crediting overpayments of taxes on incomes which have been *averaged* \* \* \* under the provisions of this chapter, interest shall be added at the rate of six per cent per annum from the date on which such taxes when assessed would have become delinquent if unpaid to the date on which such overpayment was certified on the tax roll.

SECTION 18. Subsection (4) of section 71.095 of the statutes, created by section 10 of Chapter 539, Laws of 1927, is amended to read:

(71.095) (4) All nondistributable, or contingently distributable income not distributed shall be assessed to the trustee in the same manner as income of persons other than corporations is assessed, except that the personal exemptions under \* \* \* section 71.05 (2) shall not be allowed to such trustee.

SECTION 19. Subsection (1) of section 76.38 of the statutes, as amended by Chapter 306, Laws of 1927, is amended by striking out the phrase "owning and" where the first occurs in said subsection.

SECTION 20. Subsection (2) of section 85.16 of the statutes, as amended by Chapter 251, Laws of 1927, is amended by adding at the end thereof the following: "and may erect and maintain elevated 'islands of safety' or may designate by mark or markers certain places in its streets as 'islands of safety' and may regulate and control traffic with reference to such 'islands of safety'." And Chapter 200 of the Laws of 1927 is repealed.

SECTION 21. Subsection (1) of section 94.16, as amended by Chapter 152, Laws 1927, is further amended by adding at the end thereof the following: "The indemnities herein provided for shall be paid to the owner of any steer, hereafter condemned and slaughtered pursuant to an area test, if such steer is less than two years of age and was bred and raised in this state."

SECTION 22. Section 142.01, as amended by chapter 537, Laws 1927, is amended to read:

142.01 A person having a legal settlement in any county in this state who is afflicted with a deformity or ailment which can probably be remedied or advantageously treated, if he or the person liable for his support is financially unable to provide proper treatment, *may be treated at the Wisconsin General Hospital at Madison.*

SECTION 23. Subsection (1) of section 142.07, as amended by Chapter 537, Laws 1927, is further amended by adding at the end thereof the following: "An emergency shall include cases where, by reason of unforeseen physical conditions, a patient is detained in the hospital longer than anticipated and is thereby financially unable to bear the expense of treatment."

SECTION 24. Paragraph (b) of subsection (3) of section 180.04 of the statutes, as amended by section 4 of Chapter 534, Laws 1927, is amended by substituting the word "ten" for the word "five" therein.

SECTION 25. Subsection (4) of section 180.05 of the statutes, created by Chapter 88, Laws of 1927, is hereby re-enacted in the language of said chapter 88, and is renumbered section 180.35 and the paragraphs thereof are numbered subsections (1), (2) and (3).

SECTION 26. Subsections (1), (2) and (3) of section 180.06 and section 180.10 of the statutes, as amended by Chapter 415, Laws of 1927, are hereby re-enacted.

SECTION 27. Sections 180.28 to 180.30 of the Statutes of 1925, amended and renumbered by section 25 of Chapter 534, Laws of 1927, are repealed.

SECTION 28. Section 180.31 of the statutes of 1925, as amended by Chapter 462, Laws of 1927, is renumbered section 180.25 of the statutes.

SECTION 29. Chapter 509, Laws 1927, is repealed. And subsection (1) of section 182.14, as amended by Chapter 415, Laws 1927, is further amended by adding after the second word thereof the following: "including a public service corporation," and as so amended is hereby re-enacted. And section 184.07 of the statutes, as amended by section 67 of Chapter 534, Laws 1927, is further amended by adding after the word "thereof" where it first occurs in said section the following: "or in case of stock without nominal or par value for such consideration as the com-



mission may approve and authorize", and as so amended is hereby re-enacted.

SECTION 30. Chapter 444, Laws of 1927, is repealed; and subsection (3) of section 184.09 of the statutes, as amended and numbered by section 69 of Chapter 534, Laws of 1927, is further amended by striking from said subsection (3) the words "such authority shall thereupon be granted and a certificate of authority issued stating" and inserting in lieu thereof the following: "and that the financial condition, plan of operation and proposed undertakings of the corporation are such as to afford reasonable protection to purchasers of the securities to be issued, it shall issue to the corporation a certificate of authority, stating:" and said subsection is further amended by adding at the end thereof the following: "If it shall appear to the commission reasonably necessary for the protection of the public, it may require such corporation to impound the funds obtained from the sale of the securities authorized and to furnish suitable bonds to guarantee the completion of the projects for the purpose for which the securities are issued, under such conditions as the commission shall find to be reasonable and shall specify in the certificate."

SECTION 31. Amend subsection (9) of section 215.33 by striking out the phrase "in the hands"; and to amend subsection (12) of said section by striking the phrase "to the people" from the third sentence, and by changing "associations" to "association".

SECTION 32. Section 327.22 of the statutes, as amended by section 82 of Chapter 523, Laws of 1927, is repealed, and section 327.22 of the statutes, as enacted by Chapter 316, Laws of 1927, is hereby re-enacted.

SECTION 33. Section 357.26 of the statutes is amended by inserting the words "and expenses" after the word "services" and by adding at the end of the section the following: "If appointment of counsel has not been so made as to include services upon appeal or writ of error, the supreme court or the chief justice, upon being satisfied of the inability of the defendant to pay counsel and that review is sought in good faith and that there are reasonable grounds for seeking review, may appoint counsel to prosecute an appeal or writ of error, and such counsel shall be paid such sum for services and expenses as the supreme court shall determine, to be certified to the county treasurer by the clerk of the supreme court".

SECTION 34. Section 358.06 of the statutes is amended by striking therefrom the following: "provided, such writ shall be applied for within two years from the date of such order."

SECTION 35. Section 2 of Chapter 138, Laws of 1927, (section 67.22) is amended by substituting the number "67.05" for the number "67.06".

SECTION 36. Chapter 199, Laws of 1927, is amended by striking from the fifth line the last word, namely, the word "of" and by inserting in place the word "to".

SECTION 37. Section 11 of chapter 473, Laws 1927, is repealed.

SECTION 38. Section 23 of chapter 473, Laws of 1927, is repealed.

SECTION 40. Subsection 1 of section 4 of chapter 459 of the laws of 1907, which was created by chapter 5 of the laws of 1911, is amended to read: (Laws 1907, Chapter 459) (Section 2) 1. Candidates for members of the board of school directors shall be nominated at a primary election which shall be held \* \* \* *three* weeks prior to the first Tuesday of April in each year in which members of the board of school directors are required to be elected. Except as otherwise provided in this section, the general law relating to nomination of candidates at city primary elections shall apply to and govern said primary election."

SECTION 41. This act shall take effect upon passage and publication.

Approved August 13, 1927.

No. 611, S.]

[Published August 19, 1927.

## CHAPTER 542.

AN ACT to repeal paragraph (ac) of subsection (1), paragraph (n) of subsection (3) all of section 20.40 of the statutes; paragraph (ac) of subsection (1), paragraph (n) of subsection (3), the introductory paragraph, and paragraphs (c), (d), (e), and (j) of subsection (10), all of section 20.41 of the statutes; to amend paragraphs (c), (d), and (g) of subsection (1), paragraphs (a), (b), (d), and (e) of subsection (2), paragraphs (a), (b), (d), (e), and (p) of subsection (3), subsections (7) and (9a), paragraph (b) of subsection (10), subsections (11) and (12), all of section 20.40 of the statutes;