

TITLE XXXIV.

Construction of Statutes, Repeal of Existing Laws,
Curative Acts.

CHAPTER 370.

CONSTRUCTION OF STATUTES.

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370.01 Construction of statutes; rules for. In the construction of the statutes of this state the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislature; that is to say:

(1) **GENERAL RULE.** All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(2) **SINGULAR AND PLURAL NUMBERS; MALES AND FEMALES.** Every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only may extend and be applied to one person or thing as well as to several persons or things, and every word importing the masculine gender only may extend and be applied to females as well as to males.

(3) **JOINT AUTHORITY, HOW EXERCISED.** All words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

(4) **GRANTOR AND GRANTEE.** The word "grantor" may be construed as including every person from or by whom any freehold estate or interest passes in or by any deed; and the word "grantee" as including every person to whom any such estate or interest passes in like manner.

(5) **HIGHWAY.** The word "highway" may be construed to include all public ways and thoroughfares and all bridges upon the same.

(6) **INHABITANT.** The word "inhabitant" shall be construed to mean a resident in the particular locality in reference to which that word is used.

(7) **INSANE PERSONS.** The words "insane persons" shall be construed to include every idiot, non compos, lunatic and distracted person.

(8) **ISSUE.** The word "issue," as applied to descent of estates, shall be construed to include all the lawful lineal descendants of the ancestor.

(9) **LAND, REAL ESTATE AND REAL PROPERTY.** The word "land" or "lands," and the words "real estate" and "real property" shall be construed to include lands, tenements and hereditaments and all rights thereto and interests therein.

(10) **MONTH AND YEAR.** The word "month" shall be construed to mean a calendar month unless otherwise expressed; and the word "year" a calendar year unless otherwise expressed; and the word "year" alone shall be equivalent to the expression "year of our Lord."

(11) **OATH AND SWORN.** The word "oath" shall be construed to include "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in the like cases the word "sworn" shall be construed to include the word "affirmed."

(12) **PERSON.** The word "person" extends and applies to bodies politic and corporate.

(13) **PRECEDING AND FOLLOWING.** The word "preceding" and "following," when used by way of reference to any section of any statute of this state, shall be construed to mean the section next preceding or next following that in which such reference is made unless when some other section is expressly designated in such reference.

(14) **FOLIO AND SQUARE.** The word "folio," wherever it occurs, shall be construed to mean 100 words or figures. The word "square" shall be construed to mean one inch in length of a column and not more than a newspaper column in width. Any fraction of a square or folio shall be paid for as a full square or folio.

(15) **QUALIFIED.** The word "qualified," when applied to any person elected or appointed to office, shall mean the performance by such person of those things which are required by law to be performed by him previous to his entering upon the duties of his office.

(16) **SEAL.** In all cases in which the seal of any court or public officer shall be required by law to be affixed to any paper issuing from such court or officer the word "seal" shall be construed to include an impression of such official seal made upon the paper alone as well as an impression made by means of a wafer or of wax affixed thereto.

(17) **TOWN AND MUNICIPALITY.** The word "town" may be construed to include all cities, villages, wards or districts unless such construction would be repugnant to the provisions of any act specially relating to the same, and the word "municipality" may be construed to include "towns."

(18) **WILL.** The word "will" shall be construed to mean codicils as well as wills.

(19) **WRITTEN AND IN WRITING.** The word "written" and "in writing" may be construed to include printing, engraving, lithographing and any other mode of representing words and letters; but in all cases where the written signature of any person is required by law it shall always be the proper handwriting of such person or in case he is unable to write, his proper mark or his name written by some person at his request and in his presence.

(20) **ACTS BY AGENTS.** When a statute requires an act to be done which may by law as well be done by an agent as by the principal such requisition shall be construed to include all such acts when done by an authorized agent.

(21) **TENSES.** The use of any verb in the present tense shall include the future when applicable.

(22) **HERETOFORE AND HEREAFTER.** Whenever the word "heretofore" occurs in any statute it shall be construed to mean any time previous to the day when such statute shall take effect; and whenever the word "hereafter" occurs it shall be construed to mean the time after the statute containing such word shall take effect.

(23) **STATE AND UNITED STATES.** The word "state," when applied to different states of the United States, shall be construed to extend to and include the District of Columbia and the several territories organized by congress; and the words "United States" shall be construed to include the said district and territories.

(24) **TIME, HOW COMPUTED.** 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 or a legal holiday the act may be done on the next secular day; and when any such time is expressed in hours the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded.

(25) **WEEK.** The word "week" shall be construed to mean seven days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week; and all publications heretofore made in accordance with the terms of this subdivision are hereby validated.

(26) **ACQUIRE.** The word "acquire," when used in connection with a grant of power to any person, includes the acquisition by purchase, grant, gift or bequest. It includes the power to condemn in the cases specified in section 32.02.

(27) **POPULATION.** The word "population," when used in connection with a classification of towns, villages, cities or counties for the exercise of their corporate powers or for convenience of legislation, means the population of such towns, villages, cities or counties according to the last national census.

(28) **STATUTORY REFERENCES.** When a statute refers, by number, to more than one chapter, section, subsection or paragraph of the statutes, the reference includes both the first and the last numbers mentioned.

(29) **SHALL HAVE BEEN.** The words "shall have been" include past and future cases.

(31) **PERSONAL PROPERTY.** The words "personal property" include money, goods, chattels, things in action and evidences of debt.

(32) **PROPERTY.** The word "property" includes property real and personal.

(33) **VILLAGE.** The word "village" imports only a municipal corporation organized by some special act or under some general law, except when a different definition shall be expressly given to the same.

(34) **COUNTY BOARD AND TOWN BOARD.** The words "county board" and "town board" import respectively the county board of supervisors and the town board of supervisors unless otherwise clearly indicated.

(35) **COUNTY, TOWN, CITY, VILLAGE.** Whenever a county, town, city or village is mentioned without any particular description it imports the particular county, town, city or village appropriate to the matter.

(36) **LIABILITY OF SURETIES.** When an officer is declared to be liable on his official bond for any act it imports that his sureties on such bond shall also be so liable.

(37) **OATH.** When any oath or affirmation is required to be taken by any person it imports that such oath or affirmation shall be taken before and administered by some officer authorized by the laws of this state to administer oaths, at the place where the same is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer.

(38) **ACKNOWLEDGMENT.** When an instrument in writing is required or directed to be acknowledged such requirement or direction shall import that such acknowledgment be made before some officer authorized by the laws of this state to take the acknowledgments of deeds at the place where the same is required to be or may be made, and certified in the manner prescribed for the acknowledgment of conveyances of land. [See chapters 235 and 329 of the Statutes]

(39) **RECORDED.** When any instrument in writing is required to be recorded by any officer or in any office such requirement imports that it must be recorded in a suitable book kept for that purpose unless otherwise expressly directed.

(40) **COPY AS EVIDENCE.** When a certified copy of any record, paper or instrument of any kind is made receivable in evidence such copy shall have the same effect as evidence as the original.

(41) **PHYSICIAN, SURGEON OR OSTEOPATH.** The words "physician," "surgeon" or "osteopath" mean a person holding a license or certificate of registration from the state board of medical examiners.

(42) **RAILROAD CORPORATION.** The phrases "railroad corporation" and "railroad company" may be taken to embrace any company, association, corporation or person managing, maintaining, operating or in possession of a railroad, whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

(43) **OFFICERS.** "Officers" when applied to corporations include directors and trustees.

(44) **LEGACY, BEQUEST, DEVISE.** The words "legacy" and "bequest" include a devise; and "legatee" includes a devisee; and "bequeath" includes devise.

(45) **EXECUTOR.** The word "executor" in these statutes relating to probate proceedings shall be construed to include an administrator with the will annexed.

(46) **HOMESTEAD.** (a) The word "homestead" means the dwelling and so much of the land surrounding it as is reasonably necessary for use of the dwelling as a home, but not less than one-fourth acre (if available) and not exceeding 40 acres.

(b) The amendment effected September 1, 1949 by chapter 245, laws of 1949 shall not affect liens of creditors attaching prior thereto nor rights of devisees or heirs of persons dying prior thereto.

(47) **EXEMPT HOMESTEAD.** The words "exempt homestead" mean that part of the homestead within the limitation as to value set forth in section 272.20, except as to liens attaching before September 1, 1949 or rights of devisees or heirs of persons dying before September 1, 1949.

(48) **STATUTE TITLES.** The titles to subchapters, sections, subsections and paragraphs of the statutes constitute no part of the law.

(49) **CONSTRUCTION OF REVISED STATUTES.** A revised statute is to be understood in the same sense as the original unless the change in language indicates a different meaning so clearly as to preclude judicial construction. And where the revision bill contains a note which says that the meaning of the statute to which the note relates is not changed by the revision, the note is indicative of the legislative intent.

(50) **CHIROPRACTOR.** "Chiropractor" means a person holding a license issued by the state board of examiners in chiropractic.

(51) **ADULT AND MINOR.** An adult is a person who has attained the age of 21 years. A minor is a person who has not attained the age of 21 years.

370.015 Nighttime. The term "nighttime," when used in any statute, ordinance, indictment or information shall be construed to mean the time between one hour after the setting of the sun on one day and one hour before the rising of the same on the following day; and the time of sunset and sunrise shall be ascertained according to the mean solar time of the ninetieth meridian west from Greenwich, commonly known as central time, as given in any published almanac.

370.02 Rules for these statutes. In addition to the rules of construction specified in section 370.01 the following rules shall be observed in the construction of these statutes:

(1) All references to titles, chapters or sections are to the titles, chapters and sections of these statutes.

(2) If the provisions of different chapters of these statutes conflict with or contravene each other the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

(3) If conflicting provisions be found in different sections of the same chapter the provisions of the section which is last in numerical order shall prevail unless such construction be inconsistent with the meaning of such chapter.

370.03 Effect of repeals. (1) No law repealed by a subsequent act of the legislature is revived or affected by the repeal of such repealing act.

(2) The repeal of a curative or validating law does not impair or affect any cure or validation previously effected thereby.

(3) No section, subsection or paragraph of Wisconsin Statutes is repealed or affected by the repeal of any session law from which it was in whole or in part derived.

(4) The repeal, express or implied, of any law already repealed, expressly or by implication, does not constitute or supply a declaration or implication that such law was in force or was valid for any purpose at any time subsequent to such prior repeal.

370.04 Actions pending not defeated by repeal of statute. The repeal of a statute hereafter shall not remit, defeat or impair any civil or criminal liability for offenses committed, penalties or forfeitures incurred or rights of action accrued under such statute before the repeal thereof, whether or not in course of prosecution or action at the time of such repeal; but all such offenses, penalties, forfeitures and rights of action created by or founded on such statute, liability wherefor shall have been incurred before the time of such repeal thereof, shall be preserved and remain in force notwithstanding such repeal, unless specially and expressly remitted, abrogated or done away with by the repealing statute. And criminal prosecutions and actions at law or in equity founded upon such repealed statute, whether instituted before or after the repeal thereof, shall not be defeated or impaired by such repeal but shall, notwithstanding such repeal, proceed to judgment in the same manner and to the like purpose and effect as if the repealed statute continued in full force to the time of final judgment thereon, unless the offenses, penalties, forfeitures or rights of action on which such prosecutions or actions shall be founded shall be specially and expressly remitted, abrogated or done away with by such repealing statute.

370.05 Laws and acts; time of going into force. Every law or act which does not expressly prescribe the time when it takes effect shall take effect on the day after its publication.

370.06 Repeal or change of law limiting time for bringing actions. In any case when a limitation or period of time prescribed in any act which shall be repealed for the acquiring of any right, or barring of any remedy, or for any other purpose shall have begun to run before such repeal and the repealing act shall provide any limitation or period of time for such purpose, such latter limitation or period shall apply only to such rights or remedies as shall accrue subsequently to the time when the repealing act shall take effect, and the act repealed shall be held to continue in force and be operative to determine all such limitations and periods of time which shall have previously begun to run unless such repealing act shall otherwise expressly provide.

370.07 Citation of statutes. The statutes designated since 1898 as "the statutes of 1898" and all additions thereto may be styled in any act of the legislature, or proceeding in a court of justice, or wherever otherwise referred to, as "Wisconsin Statutes;" and any section or subsection thereof may be cited or referred to as "section . . . of the statutes," or "subsection . . . of section . . . of the statutes." Former statutes of this state may be so referred to as the annotated statutes, the revised statutes of 1878, 1858, or 1849, as the case may be.

[370.08 *Stats. 1931 repealed by 1933 c. 159 s. 35*]