

LAWS OF WISCONSIN,

NOW IN FORCE IN THE

TERRITORY OF MINNESOTA,

BY PROVISION OF THE ORGANIC ACT.

CHAP. XLV.—An Act concerning the construction of Statutes.

Rules for construing statutes.

SEC. 1. In the construction of all statutes the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Legislature, or repugnant to the context of the same statute, that is to say:

Words and phrases, how construed.

First, 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.

Singular and plural number, gender, etc.

Second, 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.

Officers, how to exercise authority, etc.

Third, 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.

"Grantor" and "Grantee."

Fourth, 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.

Fifth, The word "highway" may be construed to include any road laid out by the authority of the United States, or of this Territory, or of any town or county, and all bridges upon the same.

"Highway."

Sixth, The word "inhabitant" may be construed to mean a resident in any city or town.

"Inhabitant."

Seventh, The words "insane person" shall be construed to include every idiot, non compos, lunatic and distracted person.

"Insane person."

Eighth, The word "issue," as applied to the descent of estates, shall be construed to include all the lawful lineal descendants of the ancestor.

"Issue."

Ninth, The words "land" or "lands" and the words "real estate," shall be construed to include lands, tenements and hereditaments, and all rights thereto and interests therein.

"Land," "lands" and "real estate."

Tenth, 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."

"Month" and "year."

Eleventh, The word "oath" shall be construed to include "affirmations," 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."

"Oath" and "sworn."

Twelfth, The word "person" may extend and be applied to bodies politic and corporate, as well as to individuals.

"Person."

Thirteenth, The words "preceding" and "following," when used by way of reference to any section of any statute of this Territory, 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.

"Preceding" and "following."

Fourteenth, In all cases in which the seal of any court or public office shall be required by law to be affixed to any paper issuing from such court or office, 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.

"Seal."

Fifteenth, The word "town" may be construed to include all cities and districts, unless such construction would be repugnant to the provision of any act specially relating to such cities or districts.

"Town."

Sixteenth, The term "will" shall be construed to include codicils, as well as wills.

"Will."

Seventeenth, The words, "written," and "in writing," may be construed to include printing, engraving, lithographing, and any other mode of representing words and letters: *Provided*, however, that in all cases where the written signature of any person is required by law, it shall always be the proper hand writing of such person, or in case he is unable to write, his proper mark.

"Written," and "in writing."

CHAP. XLV.—An Act concerning Notaries Public.

SEC. 1. One or more Notaries Public shall be appointed in each of the organized counties of this Territory, who shall exercise said office for and within the county, in which he resides, and the counties thereunto attached for judicial purposes.

Notaries Public.

SEC. 2. Each and every Notary Public, before he enters on the duties of his office, shall take an oath to support the constitu-

Oath and bond.

tion of the United States, and for the faithful discharge of the duties of his said office; and shall give a bond to the Governor, with sufficient surety in the penal sum of five hundred dollars, conditioned for the discharge of the duties of his said office: *Provided*, That nothing in this act shall be construed to remove Notaries Public now in office.

When office vacant, papers where deposited.

SEC. 3. Whenever the office of any Notary Public shall become vacant, the records of said Notary Public, together with all the papers relating to the office, shall be deposited in the office of the Clerk of the District Court in the county in which the said Notary Public resides; and any Notary Public who, on his resignation or removal from office, shall neglect to deposit such records and papers in the clerk's office as aforesaid, for the space of three months, shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; and if any executor or administrator of any deceased Notary Public shall neglect to lodge such records or papers, as aforesaid, which come into his hands, in the clerk's office, for the space of three months, after the acceptance of that trust, he shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; and if any person shall knowingly, destroy, deface or conceal, any records or papers of any Notary Public, he shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars, and shall be, moreover, liable to an action for damages by the party injured.

Penalty for neglect.

To notify maker etc.

SEC. 4. It shall be the duty of each and every Notary Public, when any bill of exchange, promissory note, or other written instrument shall be by him protested, for non-acceptance, or non-payment, to give notice, in writing, thereof to the maker, and each and every endorser, of a bill of exchange; and to the maker or makers of, and each and every security or endorser of any promissory note, or other written instrument, immediately after such protest shall have been made.

Notice how given.

SEC. 5. It shall be the duty of every Notary Public, personally, to serve the notice upon the person or persons protested against: *Provided*, he or they reside within two miles of the residence of such Notary Public; but if such person or persons reside more than two miles of [from] such residence, the said notice may be forwarded by mail or other safe conveyance.

Record of notices.

SEC. 6. Each and every Notary Public shall keep a record of all such notices, and of the time and manner, in which the same shall have been served, and of the names of all the parties to whom the same were directed, and the description and amount of the instrument protested; which record shall, at all times, be competent evidence to prove such notices, in any trial, before any court in this Territory, where proof of such notice may become requisite.

Clerk of district court to keep records.

SEC. 7. It shall be the duty of the several Clerks of the District Courts, to receive and keep safe all the records and papers directed by this act to be deposited in their office, and give attested copies of any of said records or papers, when required; and copies so given by the said clerk, are hereby declared to be as valid as if the same had been given by the said Notaries Public: All forfeitures under this act shall be, one half to the use of this Territory, and the other half to him or them who shall sue for the same, to be recovered in an action of debt in any court having jurisdiction of the same, in the county where such Notary Public shall reside.

SEC. 8. Full faith and credit shall be given to all the protestations, attestations and other instruments of publication of all Notaries Public now in office, or hereafter to be appointed under the provisions of this act.

Faith to be given to protests, etc.

Notaries Public to take acknowledgments of deeds. Bound vol., p. 179, vol. 1841-2.

CHAP. XLVI.—An Act relating to Interest.

SEC. 1. That any rate of interest which persons may agree upon, not exceeding twelve per centum per annum, shall be legal and valid: *Provided*, That upon all bills of exchange, promissory notes, contracts, debts or demands, wherein the rate of interest is not otherwise specified, it shall be computed at seven dollars, for the giving day of payment on the sum of one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time: *Provided further*, That no bank or corporation, except where it is otherwise provided by their charter, shall recover or take, directly or indirectly, more than seven per centum interest for any sum or sums of money loaned.

Rate of interest allowed by agreement.

When no agreement.

SEC. 2. If any person or corporation shall take, accept or receive, for giving day of payment upon any bill of exchange, promissory note, contract, debt or demand, a greater rate of interest than is herein before limited, such person or corporation shall forfeit three times the amount of the excess, to be recovered with costs of suit, in the name of the person or persons so paying any excess of interest, in an action of assumpsit, before any court having competent jurisdiction: *Provided*, That the suit is commenced within one year from the day of payment of such excess of interest.

Penalty for taking greater interest than allowed.

SEC. 3. This act shall take effect from and after its passage.

Act to take effect.

CHAP. XLVII.—An Act respecting marks and brands for horses, cattle, sheep and hogs.

SEC. 1. That it shall be the duty of the Clerks of the County Commissioners, in each county, on the application of any person, resident in the county, to record a description of the marks or brands with which such person may be desirous of marking his horses, cattle, sheep or hogs; but the same description shall not be recorded for more than one resident of the same township.

Clerks to record marks, etc.

SEC. 2. If any person shall wilfully mark any of his horses, cattle, sheep or hogs, with the same mark or brand previously recorded by a resident of the same township, and while the same mark or brand shall be used by him, the person so offending shall forfeit for every such offence, five dollars, to be recovered by action of debt before any justice of the peace, in the name and for the use of the person whose mark or brand shall be used; and if any person shall wilfully mark or brand the horses, cattle, sheep or hogs of any other person with his own brand or mark, the person so offending, shall forfeit for every such offence, to the person injured, ten dollars, to be recovered by action of debt, before any justice of the peace, in the name and for the use of such person; and if any person shall wilfully destroy or alter any mark or brand upon any cattle, horses, sheep or hogs, the property of another.

Penalty for using mark of another, etc.