IN MEMORY

OF

TED RAYMOND

AND

BILL WILSON
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PREFACE

As chief legal officer of this state, my responsibility includes providing formal opinions to the Legislature and various state officials and offices. The usefulness of these opinions depends in part on the availability of reference to them. This volume, long overdue, should make readily available all of the formal opinions rendered from this office since 1845 to the present.

Initiating and directing such a project as this cumulative subject Index-Digest was a prodigious task, and I am pleased to present this volume, the product of three years of exacting and meticulous work accomplished during my tenure in office. Only a few states have undertaken such a project, and this one, I believe, is the most comprehensive at present.

This index was prepared by the Department Librarian, Michael F. Bemis, and although the project would not have been possible without the resources of this office, it is primarily Mr. Bemis whom I must thank for this service to the legal profession of Wisconsin and, in a broader sense, to the general public of this state.

Robert W. Warren
ROBERT W. WARREN
Attorney General
State of Wisconsin
I wish to thank Iona Irvin, my secretary, for her competent and patient assistance during the final year of tedious and exacting work necessary to create this volume. Her experience in working with legal materials, her considerable professional skills with shorthand and accurate typing, and her ability to comprehend and resolve the many technical problems that arose ensured the success of our efforts. Her personal integrity and warmth, combined with humor and common sense, made our work together personally very rewarding.

I would also like to thank the following individuals for their assistance: Ronald Semmann for administrative support of this project from its beginning; Dennis Austin for assistance with the subject headings; William Knudson and the Regents of the University for permission to quote from Wisconsin Legal Research Guide (1962); Reese M. Carleton for editorial assistance; Ann Schultz for general assistance; Gretchen Van Alstyne for typing; and various Assistant Attorneys General who offered useful suggestions during the compilation of this volume.
EXPLANATORY NOTE

This volume provides quick, easy reference to all published opinions of the Wisconsin Attorney General's Office from 1845 to the present. What has taken hours of research time searching through sixty-seven unrelated indices in the published opinions volumes to find all opinions issued on a given topic may now be accomplished in a few minutes with careful use of this cumulative index-digest. Following are a brief discussion of the material in this volume and suggestions on how to use it.

The user should be aware that while many opinions indexed in this volume are summarized quite thoroughly, one must read each opinion to avoid misleading and incorrect conclusions. Identification of subject matter rather than complete analysis of each opinion is the purpose of this index. The complete list of main subject headings together with cross references appears in the front part of the volume and provides quick reference to the headings under which opinions are listed. Wherever a cross reference indicates that a subject may be found under another main heading, the user should check under it to be sure of finding all opinions related to his search.

The list of opinions published prior to the first biennial report volume appears before the listings of opinions from 1900-1972. These opinions have not been included in the main compilation because they were not published in the set of opinions volumes.

Suggestions as to the use of this index-digest follow in checklist form:

I. In order to find all opinions written on a given topic, all cross references should be checked.

II. Any subheading may be a main subject heading, e.g., “Retirement systems” under PUBLIC OFFICIALS is also the main subject heading RETIREMENT SYSTEMS.

III. All offices and departments of State are listed under their subjects, e.g., TREASURER, STATE.

IV. In case a topic appears under related subjects, look up every possible heading, e.g., BAKERIES may also be found under PUBLIC HEALTH.

V. Certain subjects, such as “Schools” or “Highways,” are the concern of various entities, such as CITIES, COUNTIES, TOWNS. “Students,” for example, will be found under EDUCATION, HIGH SCHOOLS, SCHOOLS AND SCHOOL DISTRICTS, and UNIVERSITY.

VI. Such words as “County,” “State,” “City,” and “Public” may precede any subheading, e.g., PRISONS AND PRISONERS has listings under “County jail” and “Jails.”
VII. To be sure of checking all opinions under a subheading, different forms of a word should be checked, e.g., “Fund,” “Funds,” “Funding” or “Tax,” “Taxes,” and “Taxation.”

VIII. Synonyms should be checked, e.g., “automobile” and “motor vehicle,” “pupil” and “student,” “jail” and “prison.”

IX. Archaic terms may occur in some listings, e.g., “Law of road” under AUTOMOBILES AND MOTOR VEHICLES and “Basic science law” under PUBLIC HEALTH.

X. If a topic is fairly specific, it is useful to remember that the broad subject areas under such main headings as APPROPRIATIONS AND EXPENDITURES, INSURANCE, LICENSES AND PERMITS, COUNTIES, TAXATION, and WORDS AND PHRASES list a great many unrelated specific topics and should be checked.

The suggestions listed above are not meant to be exhaustive. As the user becomes familiar with the subject headings and subheadings on a topic and with the format of the index, he will be able to proceed with greater speed and accuracy in finding all the opinions on a topic.

Indexing of informal and formal opinions will conform to the subject headings in this volume, and future supplements will be computer generated.

For more information concerning opinions issued by the Office of the Attorney General of Wisconsin, the following may be consulted:


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Territory


1845. Journal of the House, appendix pp 357-65. Communication from M.M. Jackson, attorney general, with copy of his brief in suit of William Doughty v. Territory of Wisconsin. (Territory cannot be sued on a bond.)


State


(Same) Appendix pp 40-43, Document "G" or "7". Op. re contested seat of member from assembly district of St. Croix and La Pointe counties. (James S. Brown)


1851. J. of A, pp 374-75. Op. re a bill to limit the quantity of land hereafter to be held or owned by any one person. (S. Park Coon)


1854. Appendix to legislative journals. 7 p. Op. of January 30, 1854, on "whether murder is a bailable offense?" (Geo. B. Smith)

1855. J. of A, pp 96-98. Copy of op. dated March 30, 1854, given to commissioner of state prison re liability on construction contract. (Geo. B. Smith)


1857. J. of A, pp 419-22. Op. of February 14, 1857, whether it is constitutional to tax 8 towns in Washington county $100,000 to build the air line railroad. (William R. Smith)

1858. J. of S, pp 283-84. Report of February 6, 1858, as to number of suits then pending and their status. (Gabriel C. Bouck)

1858. J. of A, pp 1145-46. Communication of March 22, 1858, re status of suit against ex-treasurer Janssen. (Gabriel C. Bouck)


(same) pp 588-93. Op. of March 5, 1860, whether legislature has power (1) to repeal act granting lands to La Crosse and Milwaukee Railroad Company, and (2) to revoke rights and franchises conferred by said act so far as they have not become complete and absolute. (James H. Howe)


1861. J. of A, pp 414-16. Op. of February 9, 1861, whether legislature can adopt any amendment to the banking law without first submitting it to the people to be voted on. (James H. Howe)

1861. J. of S, pp 280-81. Op. of February 25, 1861, whether any portion of money due from ex-treasurer Janssen can be collected. (James H. Howe)

(same) p 619. Op. of April 2, 1861, whether "the senators elected in the odd numbered districts hold over, notwithstanding a new apportionment shall be made." (James H. Howe)


(same) p 585. Op. of March 23, 1862, on constitutionality of bill "to provide for redemption of bank notes, and to extend the time for pleading in certain cases." (James H. Howe)
1862. (Extra session) J. of A, pp 38-42. Op. of September 15, 1862, whether legislature can “pass a law extending the right of suffrage to volunteers, citizens of this state, in the service of the United States, enabling them to vote for state and county officers, members of congress, or any of these officers.” (James H. Howe)

1862. J. of S, pp 93-94. Op. of January 22, 1862, whether a bank incorporated under the general banking law, after the time limited for its existence has expired, can have its existence continued by special act of the legislature. (James H. Howe)


(same) pp 892-95. Report of March 24, 1865, on collection of five per cent commission by state on sale of public lands. (Winfield Smith)

1865. J. of S, p 478. Op. of March 16, 1865, on petition of Peter Stout & Co. to be relieved of contract for public printing. (Winfield Smith)

1867. J. of S, pp 692-93. Op. of March 23, 1867, re banks receiving deposits and issuing bills of exchange without being organized under state or national banking law. (Chas. R. Gill)

(same) pp 865-67. Op. of April 3, 1867, re breach of contract to furnish beef to state prison. (Chas. R. Gill)

1867. J. of A, p 1108. Op. of April 5, 1867, that state is not liable to pay expenses incurred by recruiting officer procuring volunteers. (Chas. R. Gill)

1869. J. of A, pp 478-81. Op. whether railroads failing to locate their roads and select lands under chapter 95, Laws of 1868, have forfeited their charters. (Chas. R. Gill)


1875. J. of A, pp 457-58. Op. of February 26, 1875, re constitutionality of bill to have railroad commissioners determine cash value of railroads and fix rates so that rate of return will not exceed 10 per cent. (A. Scott Sloan)


(same) p 309. Op. of February 16, 1876, that state has a preferred claim in bankruptcy of Corn-Exchange Bank of Waupun. (A. Scott Sloan)

1877. J. of A, pp 129-30. Op. of January 31, 1877, re (1) whether county clerk has authority to let printing of “delinquent tax list” to lowest bidder, and (2) constitutionality of act requiring officers of any one county to let printing of such list to lowest bidder. (A. Scott Sloan)
(same) p 570. Op. of March 2, 1877, re expenses of persons (1) under a recruiting commission, and (2) after being commissioned as an officer. (A. Scott Sloan)


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1900 through 1972
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BAIL
See CRIMINAL LAW

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filing of a proper petition under sec. 5.62 by the requisite number of electors in a Senate, Assembly or Congressional district will qualify the political organization referred to in said petition as a party entitled to a separate ballot within the specific district only for all the State, Congressional, Legislative and County offices for which an elector of such District may vote. A petition filed February, 1972, under sec. 5.62 (2), signed by the electors of an Assembly district, would not qualify filing political organization for a separate ballot at the Presidential preference primary to be held at the April, 1972, spring election 61-41

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