

181.39 History: 1953 c. 554; Stats. 1953 s. 181.39.
The state historical society may avail itself of the provisions of ch. 181, Stats. 1953, to the extent that ch. 181 is applicable and not otherwise inconsistent with the articles of the society or the laws relating thereto. 42 Atty. Gen. 333.

181.40 History: 1953 c. 554; Stats. 1953 s. 181.40.

181.41 History: 1953 c. 554; Stats. 1953 s. 181.41.

181.42 History: 1953 c. 554; Stats. 1953 s. 181.42.

181.43 History: 1953 c. 554; Stats. 1953 s. 181.43.

181.44 History: 1953 c. 554; Stats. 1953 s. 181.44.

181.45 History: 1953 c. 554; Stats. 1953 s. 181.45.

181.46 History: 1953 c. 554; Stats. 1953 s. 181.46.

181.47 History: 1953 c. 554; Stats. 1953 s. 181.47.

181.48 History: 1953 c. 554; Stats. 1953 s. 181.48.

181.49 History: 1953 c. 554; Stats. 1953 s. 181.49.

181.50 History: 1953 c. 554; Stats. 1953 s. 181.50.

181.51 History: 1953 c. 554; Stats. 1953 s. 181.51.

181.52 History: 1953 c. 554; Stats. 1953 s. 181.52.

181.53 History: 1953 c. 554; Stats. 1953 s. 181.53.

181.54 History: 1953 c. 554; Stats. 1953 s. 181.54.

181.55 History: 1953 c. 554; Stats. 1953 s. 181.55.

181.555 History: 1953 c. 554; Stats. 1953 s. 181.555.

181.56 History: 1953 c. 554; Stats. 1953 s. 181.56; 1961 c. 28.

181.57 History: 1953 c. 554; Stats. 1953 s. 181.57.

181.58 History: 1953 c. 554; Stats. 1953 s. 181.58.

181.59 History: 1953 c. 554; Stats. 1953 s. 181.59.

181.60 History: 1953 c. 554; Stats. 1953 s. 181.60.

181.61 History: 1953 c. 554; Stats. 1953 s. 181.61.

181.62 History: 1953 c. 554; Stats. 1953 s. 181.62.

181.63 History: 1953 c. 554; Stats. 1953 s. 181.63.

181.64 History: 1953 c. 554; Stats. 1953 s. 181.64.

181.65 History: 1953 c. 554; Stats. 1953 s. 181.65.

181.66 History: 1953 c. 554; Stats. 1953 s. 181.66.

Revision Committee Note, 1953: The present Wisconsin practice is not to require foreign corporations of a nonprofit character to be licensed before conducting business in this state. If this practice is to be continued, there is no need for statutory provisions regulating the admission of foreign corporations, registered agents, service of process and annual reports. [Bill 559-S]

181.665 History: 1953 c. 554; Stats. 1953 s. 181.665.

181.67 History: 1953 c. 554; Stats. 1953 s. 181.67.

181.68 History: 1953 c. 554; Stats. 1953 s. 181.68; 1963 c. 224; 1969 c. 154.

See note to 180.10, citing 55 Atty. Gen. 24.

181.69 History: 1953 c. 554; Stats. 1953 s. 181.69.

181.70 History: 1953 c. 554; Stats. 1953 s. 181.70.

181.71 History: 1953 c. 554; Stats. 1953 s. 181.71.

181.72 History: 1953 c. 554; Stats. 1953 s. 181.72.

181.73 History: 1953 c. 554; Stats. 1953 s. 181.73.

181.74 History: 1953 c. 554; Stats. 1953 s. 181.74.

181.75 History: 1953 c. 554; Stats. 1953 s. 181.75.

181.76 History: 1953 c. 554; Stats. 1953 s. 181.76; 1955 c. 661; 1965 c. 90.

Corporations organized under 187.01, 94.03 and ch. 157, Stats. 1953, and ch. 146, General Laws 1872, may elect to be subject to ch. 181 by filing and recording restated articles of incorporation in accordance with the requirements of said chapter. Corporations so electing to become subject to ch. 181 may not be required to submit a certified copy of their original articles of incorporation to the secretary of state. 44 Atty. Gen. 43.

CHAPTER 182.

Miscellaneous Corporate Provisions; Turnpike Corporations.

182.004 History: 1919 c. 402 s. 1; Stats. 1919 s. 1771b; 1921 c. 329; 1923 c. 291 s. 3; 1923 c. 313; 1923 c. 449 s. 39; Stats. 1923 s. 180.04; 1925 c. 321; 1927 c. 287; 1927 c. 534 s. 4; 1927 c. 541 s. 24; 1949 c. 272; 1951 c. 731 s. 3; Stats. 1951 s. 182.004; 1955 c. 661 s. 12 to 15.

A housing corporation existing under

180.04, Stats. 1931, is not a building and loan association; and where such a corporation leases dwellings to tenant stockholders for monthly payments applied as credits on common stock, after deducting expenses and fixing the return on preferred stock, it is exempt from federal income taxation as a nonprofit civic organization. *Garden H. Co. v. Commissioner of Int. Rev.* 64 F (2d) 593.

182.005 History: 1907 c. 298; Stats. 1911 s. 1772 sub. (8); 1923 c. 291 s. 3; Stats. 1923 s. 180.02 (8); 1927 c. 534 s. 5; Stats. 1927 s. 180.05; 1951 c. 731 s. 3; Stats. 1951 s. 182.005.

182.007 History: 1853 c. 68 s. 15, 18; 1872 c. 144 s. 19, 21; 1872 c. 146 s. 4; 1874 c. 113 s. 6; 1874 c. 307; R. S. 1878 s. 1774; Stats. 1898 s. 1774; 1901 c. 238 s. 2; 1905 c. 507 s. 4; Supl. 1906 s. 1774; 1923 c. 291 s. 3; Stats. 1923 s. 180.07; 1927 c. 534 s. 7; 1945 c. 465; 1947 c. 133; 1949 c. 355; 1951 c. 731 s. 3; Stats. 1951 s. 182.007; 1955 c. 338; 1955 c. 661 s. 9, 16, 17; 1965 c. 252.

182.011 History: 1965 c. 53; Stats. 1965 s. 182.011.

182.012 History: 1933 c. 80; Stats. 1933 s. 180.12; 1951 c. 731 s. 3; Stats. 1951 s. 182.012; 1955 c. 661 s. 18; 1965 c. 252.

182.0135 History: 1931 c. 183 s. 3; 1931 c. 475 s. 1; Stats. 1931 s. 180.135; 1951 c. 731 s. 3; Stats. 1951 s. 182.0135.

182.016 History: 1876 c. 399; R. S. 1878 s. 1777; 1882 c. 318; Ann. Stats. 1889 s. 1777; Stats. 1898 s. 1777a; 1907 c. 277 s. 1, 2; 1911 c. 663 s. 320; 1919 c. 571 s. 2; 1923 c. 291 s. 3; Stats. 1923 s. 180.16; 1927 c. 534 s. 19; 1951 c. 731 s. 3; Stats. 1951 s. 182.016.

On eminent domain see notes to various sections of ch. 32.

A company specially chartered for the purpose of improving Black river took possession of the stream and improved it. Subsequently a corporation was formed under general law, for improving part of the same stream. The subsequent organization was void and gave no authority to improve any part of the same stream though at a point not occupied by the works of the former. *Black River F. D. Asso. v. Ketchum*, 54 W 313, 11 NW 551.

Where a flooding dam and other improvements are constructed under legislative authority for the purpose of aiding in the transportation of timber on a navigable river, and the persons who operate them do not transcend the authority given and the water is confined within the banks of the river, the dam and other improvements may be operated regardless of the effect upon the volume of water which reaches a mill several miles below, though the dam of such mill was constructed by legislative authority antedating that for the erection of the flooding dam. *Falls M. Co. v. Oconto River I. Co.* 87 W 134, 148, 58 NW 257.

In an action for compensation under sec. 1777, R. S. 1878, as amended, the corporation could not claim that the dam was built higher than was absolutely necessary so that the overflowing of the lands in question was not necessary for the purposes of the corporation.

Charnley v. Shawano W. P. & R. I. Co. 109 W 563, 85 NW 507.

182.017 History: 1851 c. 92 s. 15; 1855 c. 79 s. 1, 2; R. S. 1858 c. 76 s. 15; R. S. 1858 c. 77 s. 1, 6, 7; R. S. 1878 s. 1778; 1885 c. 171; Ann. Stats. 1889 s. 1770b, 1778; Stats. 1898 s. 1778; 1901 c. 319; 1905 c. 304, 505; Supl. 1906 s. 1778, 1778h; 1907 c. 165; 1911 c. 663 s. 321, 323; 1919 c. 571 s. 2, 4; Stats. 1919 s. 1778, 1778d, 1778h; 1923 c. 291 s. 3; Stats. 1923 s. 180.22, 180.24, 180.25; 1927 c. 473 s. 38; 1927 c. 534 s. 20; Stats. 1927 s. 180.17; 1931 c. 183 s. 2; 1931 c. 475 s. 2; 1937 c. 365; 1943 c. 375 s. 63; 1951 c. 731 s. 3; Stats. 1951 s. 182.017.

Sec. 1778, Stats. 1898, gives to a telephone company a right in the highway as against the public. The occupation of the highway by the poles of the company constitutes an additional servitude which cannot be imposed without the consent of the abutting owner and upon making proper compensation. *Krueger v. Wisconsin T. Co.* 106 W 96, 81 NW 1041; 115 W 150, 90 NW 458.

A telephone company which has the right to construct its lines cannot be taxed by a municipality. The municipality may supervise such corporation under the police power but where it appears that a license is exacted and exceeds the cost of regulation it will be regarded as a revenue measure and will be void. *Wisconsin T. Co. v. Milwaukee*, 126 W 2, 104 NW 1009.

The word "highway" covers the streets of a city and the right to construct and maintain poles in city streets is as ample and positive as to build in country highways, except that it may be subjected to stricter police regulations. Where a city grants the right to a telephone company to operate in the streets it was not granting a franchise. The city has power to regulate such poles under the police power. The city cannot refuse to grant the privilege of placing poles in the streets except where the company refused to agree to conditions which are ordinary contract rights rather than police regulations. Where the telephone company presented a petition to the city with a plan of its proposed location and signified its willingness to submit such changes as might be necessary, it became the duty of the city to take affirmative action and on failure so to do a writ of mandamus would issue. *State ex rel. Wisconsin T. Co. v. Sheboygan*, 111 W 23, 86 NW 657; *State ex rel. Wisconsin T. Co. v. Sheboygan*, 114 W 505, 90 NW 441; *Kenosha v. Kenosha T. Co.* 149 W 338, 135 NW 848.

The owner of a tree standing between the sidewalk and the curb of a city street is entitled to compensation for its injury by a telephone company by trimming it without his consent; and if there have been no condemnation proceedings he may recover treble damages. *Hurlbut v. Union T. Co.* 168 W 125, 169 NW 308.

The authority of a utility to use city streets comes directly from the legislature, and the exercise of such statutory franchise may only be controlled by a city in recognition of the existence of the franchise, and in conformity with a just and reasonable administration of the police power in the interest of the city and its inhabitants. *Wisconsin T. Co. v. Milwaukee*, 223 W 251, 270 NW 336.

Where a power company constructed a line without any written grant from the then landowner, but with his consent, a succeeding owner may maintain an action for trespass for cutting of trees only as to lands which were not included in the original taking. *Peterson v. Lake Superior Dist. Power Co.* 255 W 584, 39 NW (2d) 706.

See note to 196.50, citing *Weyauwega T. Co. v. Public Serv. Comm.* 14 W (2d) 536, 111 NW (2d) 559.

A sagging guy wire across a highway does not constitute negligence per se under 182.017 (2). *Gray v. Wisconsin T. Co.* 30 W (2d) 237, 140 NW (2d) 203.

182.018 History: 1907 c. 291; 1911 c. 663 s. 322; Stats. 1911 s. 1778a—1, 1778a—2; 1923 c. 291 s. 3; Stats. 1923 s. 180.23; 1927 c. 534 s. 21; Stats. 1927 s. 180.18; 1949 c. 28; 1951 c. 731 s. 3; Stats. 1951 s. 182.018.

182.019 History: 1885 c. 171; Ann. Stats. 1889 s. 1770b; Stats. 1898 s. 1778 (last sentence); 1901 c. 319; 1905 c. 304, 505; Supl. 1906 s. 1778 (4th sub.); 1907 c. 165; Stats. 1911 s. 1778 sub. 4, 5; 1923 c. 291 s. 3; Stats. 1923 s. 180.22 (4), (5); 1927 c. 534 s. 22; Stats. 1927 s. 180.19; 1951 c. 731 s. 3; Stats. 1951 s. 182.019.

Sec. 1778, Stats. 1898, allows damages to be recovered only when they are the proximate result of the negligence of the company. These are not restricted to facts which are within the contemplation of the parties when the telegram was sent. *Fisher v. Western U. T. Co.* 119 W 146, 96 NW 545.

The portion of sec. 1778, Stats. 1898, making telegraph companies liable for negligence in failing to deliver telegrams has removed as a condition of liability all necessity that the telegraph company should have had in contemplation or any notice of liability of the damages which were occasioned. Loss in case of nondelivery need not be suggested on the face of the dispatch. Probable gains of a physician in case the telegram had been promptly delivered may be considered. *Barker v. Western U. T. Co.* 134 W 147, 114 NW 439.

Sec. 1778, Stats. 1898, rendered void a stipulation limiting the liability of a telegraph company for damages because of the failure to deliver a message. *Fox v. Postal T. Co.* 138 W 648, 120 NW 399.

In an action against a telegraph company to recover damages for mental anguish resulting from negligent failure to deliver a message in time to enable plaintiff to attend the funeral of his father, the evidence was sufficient to sustain a recovery. *Nitka v. Western U. T. Co.* 149 W 106, 135 NW 492.

The provision for the recovery of damages for mental anguish can give no right of action as to interstate business since congress by act of June 18, 1910 (36 U. S. Stats. at Large, 539, ch. 309), has taken exclusive control of that business, except so far as permitted by federal law. *Durre v. Western U. T. Co.* 165 W 190, 161 NW 755.

The provision as to mental anguish does not authorize a recovery of damages occasioned by the "disclosure" by an employe of the contents of a message. *Marlatt v. Western U. T. Co.* 167 W 176, 167 NW 263.

175.06, Stats. 1949, providing that it is the duty of every telephone company to connect

the telephone of any subscriber with the telephone of any other person having a connection with its central exchange whenever requested to do so, without unreasonable delay, and 182.019, providing that such companies shall be liable for all damages occasioned by the failure or negligence of their operators in receiving, transmitting or delivering messages, have not abrogated the contract liability of a telephone company but have introduced a liability in tort as well, but even so, the duty of a telephone company is ordinarily limited to making a connection between telephones without unreasonable delay, and it is not under obligation to render special services or transmit messages except in cases where it has undertaken so to do. *Christenson & Arndt, Inc. v. Wisconsin T. Co.* 264 W 238, 58 NW (2d) 682.

182.020 History: R. S. 1878 s. 1779; Stats. 1898 s. 1779; 1923 c. 291 s. 3; Stats. 1923 s. 180.26; 1927 c. 534 s. 23; Stats. 1927 s. 180.20; 1951 c. 731 s. 3; Stats. 1951 s. 182.020.

182.021 History: 1878 c. 289; R. S. 1878 s. 1779a; Stats. 1898 s. 1779a; 1923 c. 291 s. 3; Stats. 1923 s. 180.27; 1927 c. 534 s. 24; Stats. 1927 s. 180.21; 1951 c. 731 s. 3; Stats. 1951 s. 182.021.

182.025 History: 1879 c. 211; 1882 c. 208; 1889 c. 375; Ann. Stats. 1889 s. 1780, 1780a, 1791b; 1893 c. 72; Stats. 1898 s. 1780c; 1923 c. 280; 1923 c. 291 s. 3; Stats. 1923 s. 180.31; 1927 c. 462; 1927 c. 541 s. 28; Stats. 1927 s. 180.25; 1937 c. 143; 1951 c. 731 s. 3; Stats. 1951 s. 182.025; 1957 c. 334; 1963 c. 158.

Legislative Council Note, 1963: Certain references to commercial code terminology added to make clear that this section remains effective insofar as public utility mortgages are concerned. [Bill 1-S]

182.026 History: 1858 c. 132; R. S. 1858 p. 490; R. S. 1878 s. 1782; Stats. 1898 s. 1782; 1923 c. 291 s. 3; Stats. 1923 s. 180.33; 1927 c. 534 s. 30; Stats. 1927 s. 180.26; 1951 c. 731 s. 3; Stats. 1951 s. 182.026.

182.027 History: R. S. 1878 s. 1783; Stats. 1898 s. 1783; 1923 c. 291 s. 3; Stats. 1923 s. 180.34; 1927 c. 534 s. 31; Stats. 1927 s. 180.27; 1951 c. 731 s. 3; Stats. 1951 s. 182.027.

182.028 History: 1858 c. 55, 126; R. S. 1858 p. 485; 1872 c. 146; 1873 c. 297; R. S. 1878 s. 1784; Stats. 1898 s. 1784; 1923 c. 291 s. 3; Stats. 1923 s. 180.35; 1927 c. 534 s. 32; Stats. 1927 s. 180.28; 1951 c. 731 s. 3; Stats. 1951 s. 182.028.

182.029 History: 1907 c. 68; Stats. 1911 s. 1784m; 1923 c. 291 s. 3; Stats. 1923 s. 180.36; 1927 c. 534 s. 33; Stats. 1927 s. 180.29; 1935 c. 149; 1951 c. 731 s. 3; Stats. 1951 s. 182.029.

182.030 History: 1872 c. 146 s. 9; R. S. 1878 s. 1787; Stats. 1898 s. 1787; 1923 c. 291 s. 3; Stats. 1923 s. 180.37; 1927 c. 534 s. 34; Stats. 1927 s. 180.30; 1951 c. 731 s. 3; Stats. 1951 s. 182.030; 1955 c. 661.

182.031 History: 1883 c. 277; Ann. Stats. 1889 s. 1791c; Stats. 1898 s. 1791b, 1791c; 1923 c. 291 s. 3; Stats. 1923 s. 180.39, 180.40; 1927 c. 534 s. 35; Stats. 1927 s. 180.31; 1951 c. 731 s. 3; Stats. 1951 s. 182.031; 1955 c. 661; 1963 c. 158.

Legislative Council Note, 1963: The reference to ch. 183 (uniform stock transfer act) is stricken because ch. 183 is repealed by this bill. Chapter 183 is covered by new ch. 408. It applies generally to all corporations and there is no need to make special reference to it in this section. [Bill 1-S]

182.032 History: 1939 c. 118; Stats. 1939 s. 180.32; 1945 c. 553; 1947 c. 600; 1951 c. 731 s. 3; Stats. 1951 s. 182.032; 1955 c. 661; 1959 c. 602; 1963 c. 96; 1965 c. 17.

The fact that the income of the hospital-service corporation in question exceeded its disbursements did not necessarily destroy its nonprofit character, since whether dividends or other pecuniary benefits are contemplated to be paid to its members is the test generally to be applied to determine whether a given corporation is organized for profit, and in the instant case the articles of incorporation forbade any payments being made to the members. *Associated Hospital Service, Inc. v. Milwaukee*, 13 W (2d) 447, 109 NW (2d) 271.

182.104 History: 1911 c. 85; 1911 c. 664 s. 7; Stats. 1911 s. 1774m; 1923 c. 291 s. 3; Stats. 1923 s. 181.04; 1927 c. 534 s. 41; 1945 c. 372; 1949 c. 41; 1951 c. 731 s. 4; Stats. 1951 s. 182.104.

182.202 History: 1853 c. 86 s. 10; 1872 c. 144 s. 10; R. S. 1878 s. 1749; Stats. 1898 s. 1749; 1917 c. 201 s. 1; 1923 c. 291 s. 3; Stats. 1923 s. 182.02; 1927 c. 534 s. 45; 1929 c. 227; 1937 c. 85; 1951 c. 731 s. 2; Stats. 1951 s. 182.202; 1955 c. 661.

182.219 History: 1853 c. 68 s. 22 to 24; R. S. 1858 c. 73 s. 22; 1872 c. 144 s. 20; R. S. 1878 s. 1765; 1893 c. 59; Stats. 1898 s. 1765; 1923 c. 291 s. 3; Stats. 1923 s. 182.19; 1925 c. 398; 1927 c. 534 s. 54; 1945 c. 350, 539; 1947 c. 575; 1951 c. 731 s. 2; Stats. 1951 s. 182.219; 1955 c. 661.

182.220 History: R. S. 1849 c. 54 s. 22; R. S. 1858 c. 78 s. 22; R. S. 1878 s. 1766; Stats. 1898 s. 1766; 1923 c. 291 s. 3; Stats. 1923 s. 182.20; 1927 c. 534 s. 55; 1951 c. 731 s. 2; Stats. 1951 s. 182.220.

182.23 History: 1957 c. 273; Stats. 1957 s. 180.185; 1965 c. 53; Stats. 1965 s. 182.23.

182.24 History: 1965 c. 53; Stats. 1965 s. 182.24; 1969 c. 339 s. 27.

182.25 History: 1969 c. 39; Stats. 1969 s. 182.25.

Legislative Council Note, 1969: This section restates former s. 408.401 (3) which was derived from s. 183.24 Wis. Stat. (1963) and added to the official text of the code. As a matter of general policy, the UCC does not include procedural provisions. Therefore, in the interest of uniformity s. 408.401 (3) is repealed by SECTION 20 of this bill and this section is created to retain existing law. [Bill 2-A]

182.30 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.30.

The turnpike corporation formed under the turnpike corporation act (182.30 to 182.48,

Stats. 1953) and pursuant to authority of 15.96, all as created by ch. 186, Laws 1953, will be a private corporation, and it will not be an agency or instrumentality of the state by reason of the fact that such turnpike corporation may be organized by the members of the turnpike commission, or the fact that no turnpike corporation can build a turnpike except on a route agreed to by the state highway commission with the consent of the governor, or the fact that the toll road will become a part of the free highway system of the state when all the bonds of the turnpike corporation have been retired from revenues, or that the turnpike corporation will be holding its property in trust for the state. *State ex rel. Thomson v. Giessel*, 265 W 185, 60 NW (2d) 873.

182.31 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.31; 1955 c. 10 s. 130; 1955 c. 661.

182.32 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.32; 1955 c. 10 s. 130; 1955 c. 661.

182.33 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.33; 1955 c. 10 s. 130; 1969 c. 500 s. 30 (2) (e).

182.34 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.34; 1955 c. 10 s. 130; 1963 c. 158.

182.35 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.35; 1955 c. 10 s. 130; 1959 c. 640 s. 22.

182.36 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.36; 1969 c. 500 s. 30 (2) (e).

182.37 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.37.

182.38 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.38; 1955 c. 10 s. 130.

182.39 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.39.

182.40 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.40.

182.41 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.41; 1955 c. 10 s. 130.

182.42 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.42.

182.43 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.43.

182.44 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.44.

182.45 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.45.

182.46 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.46; 1955 c. 10 s. 130.

182.47 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.47; 1957 c. 260 s. 28.

182.48 History: 1953 c. 186 s. 3; Stats. 1953 s. 182.48; 1955 c. 10 s. 130; 1969 c. 500 s. 30 (2) (e).

182.60 History: 1959 c. 671; Stats. 1959 s. 182.60; 1963 c. 158, 511; 1965 c. 163 s. 85 (7); 1965 c. 433 ss. 108, 122; 1965 c. 646.