

No. 179, S.]

[Published April 12, 1913.]

**CHAPTER 58.**

AN ACT to amend subsection 5 of section 1863a of the statutes, relating to the exercise of the right of eminent domain by railroads and by street and electric railway corporations.

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

SECTION 1. Subsection 5 of section 1863a of the statutes is amended to read: (Section 1863a) 5. All the provisions of these statutes relating to the exercise of eminent domain by railroad companies shall apply to street and electric railway corporations, but nothing herein shall apply to any park or boulevard in any city or village, nor to any street, alley, bridge or viaduct therein, unless the use of such park, boulevard, street, alley, bridge or viaduct shall first be granted, upon such terms and conditions as the proper authorities shall determine, to such street or electric railway company by a franchise duly passed by the board of trustees or common council of such village or city; and nothing herein shall apply to the right of *the public or the title of any city or village, in and to any park, boulevard, street, alley, bridge or viaduct within its limits.* As far as applicable the provisions of sections 1810, 1811, 1812, 1813 and 1814 of the statutes, relating to the construction and maintenance of fences and cattle guards by railroad companies, shall apply to street and electric railways.

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

Approved April 11, 1913.

No. 154, A.]

[Published April 12, 1913.]

**CHAPTER 59.**

AN ACT to create section 1797—12a of the statutes, relating to charges for the transportation of freight or express.

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

SECTION 1. There is added to the statutes a new section to read: Section 1797—12a. Any person, firm or corporation may submit to the railroad commission, by mail or in person, any railroad or express company expense bill or receipt showing charges paid for transportation of any property by freight or express for the purpose of having the same examined with respect to the correctness of weights, rates and charges indicated thereon. Upon receipt of any such expense bill or receipt the

commission shall make such examination as is necessary, and if it shall be found that any such weights, rates or charges are incorrect, the commission shall order the express or railroad company in error to refund to the person, firm or corporation which submitted such expense bills or receipts any over or excessive charges paid by such person, firm or corporation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1913.

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No. 996, A.]

[Published April 12, 1913.

## CHAPTER 60.

AN ACT to amend section 8, chapter 24, laws of 1895, as amended by chapter 83, laws of 1897, relating to jury lists for the municipal court of the city of Oshkosh and county of Winnebago.

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

SECTION 1. Section 8, chapter 24, laws of 1895 as amended by chapter 83, laws of 1897 is amended to read: (Ch. 24, laws 1895) Section 8. The senior alderman and supervisor for each ward of the city of Oshkosh shall each, on or before the third Tuesday of April in each year, make a list of twenty qualified electors in each ward of said city, to serve in said court as jurors for the then ensuing year, and deliver such list to said judge; a jury trial in said court may be waived by the accused, in writing, or by consent in open court, entered in the minutes; upon trial of informations or appeals from justices of the peace in criminal cases, the jury shall consist of twelve jurors; the fees of jurors shall be two dollars a day in criminal cases, and in civil cases the same as are allowed by law in courts of justices of the peace; the fees of said judge, witnesses, sheriff and other officers, shall be the same in criminal cases, not cognizable before a justice, as in circuit courts, and in cases so cognizable, the same as in a court held by a justice of the peace, except as hereinafter provided, and shall be paid in like manner as in circuit and justices' courts respectively. *In case of the adoption of the commission form of government by the said city of Oshkosh and during the continuance of said form of government, the list of jurors to be furnished by the senior aldermen as provided in this section, shall be furnished by the mayor and councilmen of said city. The mayor and each councilman of said city shall on or before the third Tuesday of April in each year furnish and deliver to the*