

No. 511, S.]

[Published July 9, 1921.

CHAPTER 474.

AN ACT to amend section 2638 of the statutes, relating to suits that may be brought against the state of Wisconsin.

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

SECTION 1. Section 2638 of the statutes is amended to read: Section 2638. The state may be made a party defendant in any action in the circuit court *to quiet title under the provisions of section 3186 of the statutes* or between other parties, when necessary to the proper determination of their rights, and the summons be served by delivering a copy to the attorney-general or leaving it at his office in the capitol with his assistant or clerk. But no judgment for the recovery of money or *personal* property or costs shall be rendered in any such action against the state.

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

Approved July 5, 1921.

No. 520, S.]

[Published July 9, 1921.

CHAPTER 475.

AN ACT to amend section 1299h—1 of the statutes, relating to the improvement of streets or highways across railroad right of way.

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

SECTION 1. Section 1299h—1 of the statutes is amended to read: Section 1299h—1. 1. Whenever any *street or public* highway in any town or incorporated village, without the limits of any incorporated city, shall extend upon, over or across the tracks or right of way of any railway company, such railway company shall, at its own expense, construct, grade and maintain in safe condition for public travel, the portion of such *street or* highway * * * extending upon, over or across the tracks or right of way of such railway company. Whenever any such *street* * * * or * * * highway *in any town or incorporated village, without the limits of any incorporated city* extending upon, over or across the tracks or right of way of any such railway company, shall be improved, paved or surfaced, or any such street or

*highway within the limits of any incorporated city shall be improved, paved or surfaced under the provisions of sections 1312 to 1317, inclusive, or sections 1317m—1 to 1317m—15, inclusive, such railway company shall, at its own expense, improve, pave or * * * surface such portion of such highway as shall extend upon, over or across the * * * right of way of such railway company, in substantially the same manner and of substantially the same materials. * * **

2. Whenever any railway company shall fail to construct, grade, pave, * * * *surface*, or maintain in safe condition for public travel, that portion of such *street*, highway or crossing, after having been notified so to do by the * * * *public officer in charge of the adjacent improvement* for thirty days after having been so notified, * * * *such public officer* may construct, pave, * * * *surface* or repair such *street or highway* on or across said railroad right of way and the cost thereof shall be paid for by the railway company, and may be collected by the unit of government which has done the work in the manner provided in section 1299h—4 of the statutes.

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

Approved July 5, 1921.

No. 521, S.]

[Published July 9, 1921.

CHAPTER 476.

AN ACT to repeal subsection (3) of section 29.18 and subsection (5) of section 29.59 and to create subsection (3) of section 29.18 and subsection (5) of section 29.59 of the statutes, relating to close season for otter and beaver.

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

SECTION 1. Subsection (3) of section 29.18 and subsection (5) of section 29.59 of the statutes are repealed.

SECTION 2. A new subsection is added to section 29.18 and a new subsection is added to section 29.59 of the statutes, to be numbered and to read: (29.18) (3) Otter and beaver