

CHAPTER 341.

[Published March 25, 1874.]

AN ACT in relation to railroads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Declared to be public highways.

Common carriers.

Shall receive and transport each other's passengers and freights, without unreasonable delay.

Perishable property to have preference in transportation.

All shall have equal rights of transportation.

No undue discrimination to be made.

Excursion and commutation tickets may be issued.

Consolidation of roads prohibited.

The question of parallel roads to be determined by jury.

Proviso.

Officers, agents, or employes, may not be in-

SECTION 1. All railroads which have been heretofore or may be hereafter created by virtue of any general or special act within the limits of this state, are hereby declared to be public highways; and all railroads or other transportation companies heretofore or hereafter to be created, incorporated or organized by any law, general or special, of this state, are hereby declared common carriers, and shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without unreasonable delay or unjust discrimination, and perishable property shall have the preference in transportation.

SECTION 2. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads, and no undue or unreasonable discrimination shall be made in charges for or in facilities for transportation of freight or passengers within the state, or coming from or going to any other state, but excursion and commutation tickets may be issued at special rates.

SECTION 3. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any other railroad corporation owning or having under its control a parallel or competing line, nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of parallel or competing lines, and the question whether railroads are parallel or competing lines shall, when demanded by the complainant, be decided by a jury as in other civil issues: *provided*, that the provisions of this section shall not apply to any contracts now existing where one corporation has become responsible for the liabilities of another, either by advances theretofore made, or by guaranty of bonds previous to the passage of this act.

SECTION 4. No president, director, officer, agent, or employe of any railroad or transportation company

shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers, over the works owned, leased, controlled or worked by such company.

interested in furnishing material or supplies or in the business of transportation as common carriers.

SECTION 5. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either by abatement, drawback or otherwise, and no railroad company or any lessee, manager or employer thereof shall make any preference in furnishing cars or motive power.

Discrimination prohibited.

SECTION 6. Railroad, railway and transportation companies are hereby prohibited from granting free passes or passes at a discount to any state officer, judge of the supreme court, judge of the circuit court, or judge of any court of record or member of the legislature, or to any such state officer, judge or member of the legislature elect: *provided*, that this section shall not be construed to prohibit anyone from purchasing one thousand (1,000) mile tickets, or other commutation tickets at the regular established rates.

The granting of free passes prohibited to certain parties.

Proviso.

SECTION 7. Any officer, agent or employe of any railroad or transportation company violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or by both fine and imprisonment, such fine not to be less than five hundred dollars (\$500) nor to exceed five thousand dollars (\$5,000), and such imprisonment to be not less than thirty days nor more than one year.

Penalty for violation.

SECTION 8. Any state officer, judge of the supreme court, judge of the circuit court, or judge of any court of record or member of the legislature, or any state officer, judge or member of the legislature elect, who shall accept any free pass or pass at a discount from any railroad, railway or transportation company, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or by both fine and imprisonment, such fine not to be less than twenty-five (\$25) nor to exceed one hundred dollars (\$100), and such imprisonment to be not less than ten days nor more than thirty days.

Penalty for violation.

SECTION 9. If any railroad company organized or doing business within this state, or which may hereafter do business within this state, shall charge, collect, demand or recover more than a fair and reasonable rate of compensation upon any line or road within this state, which it has the right, license or per-

Penalty for extortionate charges.

mission to use, operate or control, the same shall be deemed guilty of extortion, and upon conviction thereof shall be fined in any sum not less than five hundred dollars (\$500) nor more than two thousand dollars for each offense, with costs of suit, and reasonable attorney's fees, to be fixed by the court: *provided*, that in all cases under this act either party shall have the right of trial by jury.

SECTION 10. All acts and parts of acts contravening or conflicting with the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1874.

CHAPTER 342.

[*Published March 26, 1874.*]

AN ACT to amend section one (1), chapter one hundred and seventy-eight (178) of the general laws 1872, entitled "an act to amend section eighty-six (86) of chapter one hundred and fifty-five (155) of the general laws of 1863," entitled "an act to codify the laws of this state relating to common schools."

The people of the state Wisconsin, represented in senate and assembly, do enact as follows:

School laws amended.

SECTION 1. Section one (1) of chapter one hundred and seventy-eight (178) of the general laws of 1872, is hereby amended so as to read as follows: Section 1. Section eighty-six (86) of chapter one hundred and fifty-five (155) of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools," is hereby amended so as to read as follows: There shall be chosen at the general election, held on the Tuesday next succeeding the first Monday in November, in the year 1861, and biennially thereafter, a county superintendent of schools for each county of the state, who shall enter upon the duties of his office, on the first day of January succeeding his election, and shall hold the same for two years and until his successor is elected and qualified. In each county of the state having over fifteen thousand inhabitants according to the last preceding census, the county board of supervisors may at any meeting of said board in any year determine by resolution, to

When county superintendent shall be elected.

When two superintendents may be elected.