

amendatory thereof and supplemental thereto; and such certificates or improvement bonds shall be the property of the city in the event that the contract provides that the entire contract price shall be paid in cash, or the property of the contractor in case the contract provides that the contract price shall be paid part in cash and part in certificates and improvement bonds as aforesaid; and all the provisions and limitations of said sub-chapter 18 and acts amendatory thereof and supplemental thereto, as to the validity of such certificates and bonds, and the limitation of actions with reference thereto, shall apply to certificates and improvement bonds issued under this act. The council shall have the right to sell such bonds and certificates or any portion thereof, owned by the city at not less than par.

Section 959—30j. Nothing in this act contained shall in any way affect any proceedings heretofore commenced by any city for the paving or repaving of any street or alley therein, or any assessments, tentative or confirmed, or any bid or contract proposed or made with reference to such paving or repaving, it being the meaning and intent hereof that this act shall apply only to paving or repaving, the proceedings for which shall be commenced after the date of the passage of this act.

SECTION 2. This act shall not be construed as repealing any provisions of the statutes, but shall constitute and prescribe a mode of making city improvements which any city may follow in any instance, if the common council of such city shall so elect.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1909.

No. 543, S.]

[Published June 22, 1909.

CHAPTER 540.

AN ACT to create sections 1797—12e to 1797—12k, inclusive, of the statutes, relating to railroad crossings and fouling points.

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

SECTION 1. There are added to the statutes seven new sections to read: Section 1797—12e. Whenever a petition is lodged with the commission by the common council of any city, the village board of any village, the town board of any town, within or bordering upon which a highway or street crosses, or is

crossed by a railroad or within or bordering upon which a highway or street is proposed to be laid out across a railroad, or whenever such petition is so lodged by any railroad company whose track crosses or is about to cross, or is crossed, or about to be crossed by a street or highway to the effect that public safety requires an alteration in such crossing, its approaches, the method of crossing, the location of the highway or crossing, the closing of a highway crossing, and the substitution of another therefor, not at grade, or the removal of obstructions to the view at such crossing, or requires the determination of the mode and manner of making such new crossing, and praying that the same may be ordered, it shall be the duty of the commission to give notice to the proper party or parties in interest other than the petitioner, of the filing of such petition, and to proceed to investigate the same and to order a hearing thereon in the manner provided for hearings in section 1797—12, and after such hearing the commission shall determine what alteration in such crossing, approaches, mode of crossing, location of highway crossing, closing of highway crossing, and the substitution of another therefor not at grade, or removal of obstructions to sight at crossing, if any, shall be made, and by whom made, and in case of new crossings the mode and manner of making them. The commission shall fix the proportion of the cost and expense of such alteration, removals and new crossings, including the damages to any person whose land is taken, and the special damages which the owner of any land adjoining the public street or highway shall sustain by reason of such change in the grade of such street or highway, or by reason of the removal of obstructions to view at such crossings, to be paid by the railroad company or companies, the municipality or municipalities in interest, and the state. In fixing such proportion the commission may order the amount of such cost and expense and damages so apportioned to be paid by the parties against which the apportionment shall be made.

Section 1797—12f. The commission, may in the absence of any petition therefor, when in their opinion public safety requires an alteration in any street or highway crossed at grade by any railroad, or railroad belonging to or operated by more than one company, after notice and hearing as provided in section 1797—12, order such alterations in such street or highway or railroad as they shall deem best and shall determine and direct by whom, and within what time, such alteration shall be made, and the expense of such alteration shall

be apportioned and paid as provided in the preceding section. Railroad companies may take land for the purpose of this section and the preceding section in the manner provided by law for the taking of land by railroad companies.

Section 1797—12g. When the commission upon a petition brought under the provisions of section 1797—12e, or proceedings instituted under the provisions of section 1797—12f, shall find that any street or highway crosses or is crossed by the tracks of more than one railroad, and the tracks of such railroads are so near together that public convenience requires the work of separating the grades to be done under and in compliance with one order, they shall give notice of such proceedings to all the companies operating such railroads; and after such notice and hearing the commission shall determine what alterations shall be made, if any, so as to separate the grades of all such crossings at the same time, and shall determine by whom such work shall be done, and they shall apportion the expense as provided in section 1797—12e.

Section 1797—12h. Whenever a petition is lodged with the commission by the common council of any city, the village board of any village, or the town board of any town within which a railroad track crosses another railroad track at grade, or whenever such petition is so lodged by any railroad company whose track crosses or is crossed at grade by the track of another railroad company, to the effect that public safety requires an alteration in such grade crossing, or the installation, operation, and maintenance of some suitable protective appliance at such grade crossing, it shall be the duty of the commission to give notice to the proper party or parties in interest other than the petitioner of the filing of such petition, and to proceed to investigate the same and to order a hearing thereon in the manner provided for hearings in section 1797—12, and after such hearing the commission shall determine what alteration in such crossing or mode of crossing, if any, shall be made, and by whom made and maintained, or what suitable protective appliance shall be installed, operated, and maintained at such crossing and by whom installed, operated, and maintained. The commission shall fix the proportion of the cost and expense of such change in grade and the maintenance of the crossing or of the installation, operation, and maintenance of such safety appliance which shall be paid by the railroad companies, respectively.

Section 1797—12i. The commission may, in the absence of any petition therefor, when in their opinion public safety

requires an alteration in an existing grade crossing of a railroad track by a railroad track belonging to or operated by any railroad or railroads, or requires the installation, operation, and maintenance of some suitable protective appliance at such grade crossing, after notice and hearing as provided in section 1797—12, order such change in such crossing, or the installation, operation, and maintenance of such suitable protective appliance at such grade crossing as they shall deem best, and shall determine and direct by whom and within what time such alteration shall be made or such safety appliance shall be installed, and the cost and expense of such change in such crossing and of maintaining the crossing, or of the installation, operation, and maintenance of such safety appliance shall be apportioned and paid as provided in the preceding section.

Section 1797—12j. The provisions of section 1797—12h and 1797—12i shall apply to all swing or draw bridges, junctions, and other fouling points on all railroads.

Section 1797—12k. A sum sufficient to carry out the provisions of this act is appropriated out of any money in the state treasury not otherwise appropriated.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act or with section 1792—12d, or with the exclusive exercise of the jurisdiction herein and hereby conferred, or conferred by section 1797—12d, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1909.

No. 474, S.]

[Published June 22, 1909.

CHAPTER 541.

AN act to create sections 4734a to 4734l, inclusive, providing for probation of persons convicted of felonies and misdemeanors, and offenses under municipal ordinances.

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

SECTION 1. There are added to the statutes twelve new sections to read: Section 4734a. In all prosecutions for crime, except as hereinafter provided, where the defendant has been convicted either upon a trial or upon his plea, where the court has power to sentence such defendant to the Wisconsin State Prison or to the Wisconsin State Reformatory, any workhouse, house of correction or other correctional institution in cases in