

SECTION 8. This act is hereby declared to be a public act and for the accomplishment of public purposes, and shall be favorably construed to the accomplishment of said purposes.

SECTION 9. The right is hereby reserved to the legislature to repeal or amend this act at any time; in case the grantee shall not by the first day of January, 1923, have in operation reservoirs of a storage capacity of at least three hundred million cubic feet of water, then the rights and privileges granted by this act shall cease. The state of Wisconsin shall have the right at any time, whenever it may have the constitutional power, to take over to itself and become owner of all reservoirs and other works and property acquired by the grantee, pursuant to this act, by paying therefor the cash capital actually paid on the capital stock of said company theretofore lawfully issued and outstanding or the actual value of the physical properties so taken over and without any allowance for franchises or good will of the business, such actual value to be determined by the railroad commission of Wisconsin.

SECTION 10. Nothing contained in this act shall be construed so as to divest or release any right, title, or interest possessed or held by the state of Wisconsin that have been acquired by the state or may be acquired under or by virtue of any law of the United States.

SECTION 11. The rights and privileges herein granted shall be assignable subject to the duties and obligations herein imposed.

SECTION 12. This act shall take effect upon passage and publication.

Approved June 26, 1919.

No. 206, S.]

[Published July 1, 1919.

## CHAPTER 442.

AN ACT to create section 1797t—13 of the statutes, relating to indeterminate permits.

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

SECTION 1. There is hereby created a new section of the statutes to read: Section 1797t—13. 1. Any interurban railway company operating under a license, permit or franchise granted in writing by a municipality, and which does not contain a provision prohibiting such surrender, shall upon filing at any time prior to five years before the expiration of such license, permit or franchise, or prior to January 1st, 1920, with the clerk of the municipality which granted such license, permit or franchise and with the commission a written declaration, legally executed,

that it surrenders such license, permit or franchise, receive by operation of law in lieu thereof an indeterminate permit under the same terms, conditions and limitations as indeterminate permits for street railroads are held, as provided in sections 1797t—3 to 1797t—12, inclusive, except that the acceptance of such indeterminate permit by the interurban railway company shall constitute a consent by such interurban railway company to the purchase by any such municipality of the property of such company actually used and useful for the public situated within the corporate limits of the municipality and so much of the property of such interurban railway company situated without the corporate limits of such municipality as the railroad commission may find public convenience and necessity demand be operated by such municipality, and if such interurban railway company shall surrender such licenses, permits or franchises granted by adjoining municipalities, as between such municipalities, the one first exercising the option of purchase shall have the right of purchase of property of the interurban company in such adjoining municipality if the commission shall determine that public convenience and necessity require it. At the time of fixing the compensation and other terms and conditions of sale and purchase, as provided in section 1797t—8, the commission shall determine whether public convenience and necessity require the interurban company to continue to operate over the tracks and to continue to use the plant of the interurban company so acquired by the municipality, and if so, the compensation to be paid therefor and the terms and conditions under which said interurban company may continue to operate over said tracks and use said plant, such terms and conditions and such compensation for the use of said tracks and plant being subject to review from time to time by the commission upon written application of either party. This law shall in no manner affect section 1797t—3 nor any right thereunder, nor validate or invalidate any surrender of interurban franchises heretofore made and shall in no way or manner affect any pending litigation. Provided, however, that it shall not be lawful for any company owning a street or interurban railway system portions of which are operated under different licenses, permits or franchises to receive an indeterminate permit for only a portion of such system and that hereafter the surrender of any existing license, permit or franchise covering any portion of such system in exchange for an indeterminate permit shall have the effect of a surrender of all licenses, permits or franchises for such system and the acceptance of an indeterminate permit in lieu thereof.

2. Every company owning a street or interurban railway system in this state shall be deemed to have surrendered all existing licenses, permits or franchises and to have accepted in lieu thereof an indeterminate permit pursuant to sections 1797b—1 to 1797b—12 inclusive unless on or before January 1, 1920, such company shall file with the railroad commission a notice that it elects not to accept an indeterminate permit for its system, which system shall be therein described.

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

Approved June 26, 1919.

No. 384, A.]

[Published July 3, 1919.

### CHAPTER 443.

AN ACT to amend sections 21.06, 912, 925—136, 1240, 1241, 1252 [1898], 1252 [1911] and subsection (3) of section 53.01; to repeal section 1911 and subdivision (1) of section 1239; and to renumber subdivisions (2) and (3) of section 1239 to be subdivisions (1) and (2), respectively, of section 1239, abolishing the poll tax.

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

SECTION 1. Sections 21.06, 912, 925—136, 1240, 1241, 1252 [1898], 1252 [1911] and subsection (3) of section 53.01 of the statutes are amended to read: 21.06 Every member of the national guard shall be exempt from jury duty \* \* \* and every member who shall be honorably discharged after five years' service, or by reason of injury received in the line of duty, shall be forever so exempt, and also exempt from military duty in time of peace. The proper discharge certificate shall be conclusive evidence of the right to such exemption.

Section 912. \* \* \* *For the purpose of improving the streets, making and improving sidewalks and crosswalks and setting out shade and ornamental trees in such village; \* \* \* the board \* \* \* may \* \* \* determine and fix an amount not exceeding seven mills nor less than one mill on the dollar of the assessed valuation of property in said village, in addition to the highway tax provided for in section 68 of this act [section 914a], and the amount fixed shall be levied, certified and collected as provided in these statutes. All moneys so collected shall be paid to the village treasurer and expended under the direction of the board of trustees. Such board may also expend and lay out on the highways, or any of them, leading into such village, not exceeding two miles from the boundary*