

No. 100, S.]

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## CHAPTER 504.

AN ACT to revise Chapter 190 RAILROADS—ORGANIZATION AND MANAGEMENT; Chapter 191 RAILROADS—STATE CONTROL OF CONSTRUCTION; Chapter 192 RAILROADS—REGULATIONS AND LIABILITIES; Chapter 193 STREET AND INTERURBAN RAILWAYS; Chapter 195 RAILROAD COMMISSION; REGULATION OF RAILROADS, STREET AND INTERURBAN RAILWAYS, EXPRESS AND TELEGRAPH COMPANIES; Chapter 196 REGULATION OF PUBLIC UTILITIES; and Chapter 197 ACQUISITION OF PUBLIC UTILITIES.

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

SECTION 1. Chapter 190 of the statutes is entitled **RAILROADS: ORGANIZATION AND MANAGEMENT.**

SECTION 2. Section 190.01 of the statutes is amended to read: 190.01 **WHO MAY ORGANIZE; ARTICLES; FORM OF PATENT; FEE.** (1) Any number of persons, not less than five, may form a corporation for the purpose of constructing, maintaining and operating a railroad for public use \* \* \* by making articles of organization in which shall be stated:

(a) \* \* \* The name of the corporation.

(b) \* \* \* The places from and to which such railroad is to be constructed or maintained and operated. \* \* \*

(c) \* \* \* The length of such railroad and the name of each county in this state through or into which it is made or intended to be made.

(d) \* \* \* The amount of the capital stock \* \* \*, the number of shares of which it shall consist, and if such stock shall consist of common and preferred stock, the number and amount of shares of each class.

(e) \* \* \* The names and residences of the directors of the corporation who shall manage its affairs for the first year and until others are chosen in their places, and who shall not be less than five nor more than \* \* \* *fifteen* in number; and each such person shall subscribe thereto his name, place of residence and the number of shares of stock he agrees to take in such corporation. There shall be annexed to such articles an affidavit of at least three of the directors therein named that

the signatures thereto are genuine and that it is intended in good faith to construct or maintain and operate the railroad therein mentioned. \* \* \*

(2) *The articles of incorporation and amendments thereto shall be filed with and recorded by the secretary of state; and thereupon he shall issue a certificate of incorporation substantially in the form heretofore used and the corporation shall then have legal existence. Articles of incorporation of any railroad company may be amended by a majority vote of all the stockholders in the manner and for the purposes provided in section 180.07 (1); such amendments shall be filed with and recorded by the secretary of state. The fees for filing the articles and amendments thereto shall be as provided in section 180.02.*

(3) *When a railroad corporation is organized to acquire or take over the property of another railroad corporation which is sold in judicial proceedings, the fees for filing the articles of incorporation or the amendments thereto increasing its authorized capital stock shall be computed only upon the excess of the capital stock of the new corporation, over that of the old corporation.*

\* \* \*

SECTION 3. Section 190.02 of the statutes is repealed.

SECTION 4. Sections 190.03, 190.07 and 190.29 of the statutes are repealed.

SECTION 4a. A new section of the statutes is created to be numbered and to read:

190.015 DIRECTORS, ELECTION, ELIGIBILITY, CLASSES, TERM, POWERS. The stock, property, affairs and business of every such railroad corporation shall be managed by directors who shall be chosen by the stockholders from among their number, at such time and place as shall be provided by the articles of organization or the by-laws, and shall hold for the term provided therein and until their respective successors are chosen. The directors may be divided into three classes, each of which shall be composed, as nearly as may be, of one-third of the directors; the term of office of the first class to expire in one year, of the second in two years, and of the third in three years. At each annual election thereafter a number of directors shall be elected for three years equal to the number whose term of office shall then expire; all other vacancies to be filled in accordance with the by-laws. The directors shall choose one of their

number president and such other officers as the corporate articles and by-laws require, for such term as shall be prescribed thereby; and may fill any vacancy in their board, happening after any regular annual election, until the next succeeding election.

SECTION 4b. A new section of the statutes is created to be numbered and to read: 190.016 STOCKHOLDERS' MEETINGS. Meetings of stockholders may be called and noticed as provided in section 180.14.

SECTION 5. Section 190.04 of the statutes is repealed.

SECTION 6. Section 190.05 of the statutes is repealed.

SECTION 7. Section 190.06 of the statutes is repealed.

SECTION 8. Section 190.08 of the statutes is repealed.

SECTION 9. Section 190.09 of the statutes is repealed.

SECTION 10. Section 190.10 of the statutes is repealed.

SECTION 11. Section 182.07 is renumbered subsection (1) of section 182.07; and section 190.11 of the statutes is renumbered subsection (2) of section 182.07 and is amended to read:

(182.07) (2) LIABILITY OF TRUSTEES AND ASSIGNEES. \* \* \* No person holding stock in any \* \* \* corporation as executor, administrator, guardian or trustee, \* \* \* or as collateral security shall be personally \* \* \* liable for any calls or instalments on any part paid stock; \* \* \* but the person pledging such stock shall be considered as holding the same and shall be liable as a stockholder accordingly; and the estates and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, ward or person interested would have been if he had been living or competent to act and held the same stock in his own name.

SECTION 12. Section 190.12 of the statutes is renumbered section 190.02 and is amended to read:

190.02 POWERS OF RAILROADS. \* \* \* Every *public railroad* corporation \* \* \* shall *have* \* \* \* the powers conferred on corporations in chapter 182 and in addition thereto shall have power:

(1) SURVEY OF ROUTE. To cause such examination and surveys for its proposed railroad to be made as may be necessary to the selection of the most advantageous route, and for such purpose \* \* \* to enter upon the lands \* \* \* of any person, but subject to responsibility for all damage which shall be done thereto.

(2) DONATIONS TO RAILROADS. To take and hold \* \* \* grants of \* \* \* aid; \* \* \* but the real estate received by voluntary grant shall be held and used for the purpose of \* \* \* *the grant only.*

(3) ACQUIRE PROPERTY; LEASE AND ALIENATE. To acquire all \* \* \* property \* \* \* necessary for the construction, maintenance and operation of its railroad and the stations, depot grounds, *yards, roundhouses, shops, warehouses, elevators, docks* and other accommodations reasonably necessary to accomplish the objects of its incorporation; \* \* \* to lease or otherwise dispose of any part \* \* \* thereof or to sell the same when \* \* \* no longer necessary to its use.

(4) ACQUIRE LANDS FOR CUTS, FILLS, MATERIALS. \* \* \* For the purposes of cuttings and embankments and of obtaining gravel or other material, to take as much land as may be necessary for the proper construction, operation and security of the road, and to \* \* \* *remove* any \* \* \* trees that may be in danger of falling on the road, making compensation therefor as provided \* \* \* for lands taken for the use of the corporation.

(5) CROSS HIGHWAYS, STREETS, STREAMS; HIGHWAY BRIDGES. \* \* \* To construct its railroad across, over, under, along or upon any stream, \* \* \* watercourse, street, highway, \* \* \* road \* \* \* or canal; \* \* \* to carry any highway, street \* \* \* or \* \* \* road which it shall \* \* \* intersect \* \* \* over or under its track as may be most expedient for the public good; to change the course and direction of any highway, street \* \* \* or \* \* \* road when made necessary or desirable \* \* \* by \* \* \* the construction of the railroad and \* \* \* *acquire* land necessary therefor; provided, such highway or road be not so changed from its original course more than six rods, nor its distance thereby lengthened more than five rods; *and provided, further, that every bridge erected over any highway or street shall leave a clear passageway at least twenty feet wide or two passageways, each not less than fourteen feet in width.*

(6) RAILROAD INTERSECTIONS. To cross, intersect, join \* \* \* or unite its railroad with any *other* railroad \* \* \*, at any point, \* \* \* with the necessary turnouts, sidings and switches and other conveniences in furtherance of the objects of its connections. And \* \* \* if the two corporations cannot

agree upon the amount of compensation to be made therefor or the points and manner of such crossings and connections the same shall be ascertained by \* \* \* *the commission on application of either corporation*. But no corporation which shall have \* \* \* constructed its road at the point of intersection before the application \* \* \* to the \* \* \* commission \* \* \* may be made, shall be required to alter the grade or change the location of its road, or be required to bear any part of the expense of making and maintaining such crossing or of such proceeding.

(7) MOTIVE POWER. To \* \* \* *operate* its railroad by \* \* \* any \* \* \* power; \* \* \* and to do all the business incident to railroad corporations.

(8) STRUCTURES. To erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the accommodation and use of \* \* \* passengers, freights and business. \* \* \*

(9) BORROWING. \* \* \* (a) To borrow \* \* \* money \* \* \* upon such terms as the corporation or board of directors shall \* \* \* authorize as necessary or expedient, and to execute trust deeds or mortgages \* \* \* on any railroads or parts thereof constructed or in process of construction, for amounts borrowed or owing by the corporation and \* \* \* *thereby* transfer \* \* \* or *mortgage* \* \* \* *its property*, rights, privileges, franchises, immunities, exemptions \* \* \* and appurtenances, used in connection with such railroads, \* \* \* then belonging to the corporation or which may thereafter belong to it, as security for any \* \* \* debt therein mentioned in such manner as the corporation or directors shall think proper. \* \* \*

(b) In case of sale by virtue of any such trust deed or \* \* \* mortgage the \* \* \* *purchasers* and their associates, successors and assigns \* \* \* shall thereafter have, exercise and enjoy all \* \* \* rights, privileges, grants, franchises, immunities and advantages mentioned in such instruments which were possessed by such corporation, \* \* \* so far as the same relate or appertain to that portion or line of road \* \* \* purchased at such sale, \* \* \* as fully and absolutely in all respects as such corporation \* \* \* might have done if such sale had not taken place.

\* \* \*

(c) *Any railroad corporation organized to, and which shall acquire, directly or by mesne conveyances, the property of another railroad corporation sold in judicial proceedings, shall have all powers by law conferred upon railroad corporations, and may, at such times, in such amounts, for such considerations and upon such terms and conditions as the board of directors of said corporation shall determine, and as shall be authorized by the railroad commission or, in the case of a railroad corporation organized for the purpose of acquiring a railroad engaged in interstate commerce, by the interstate commerce commission, or other analogous state or federal authority having like powers, as the case may be, issue, sell, pledge or otherwise dispose of its evidences of debt, which may be convertible, at the option of the holder, into stock, and shares of stock, which shares may have such nominal or par value or if the same be common stock, be without nominal or par value, and may be of such classes, with such rights and voting powers as may be expressed in its articles or any amendment thereto.*

(10) \* \* \* INSURANCE. To procure insurance in its own behalf on all the property upon its route for which it may be liable in damages for injury caused thereto by fires set or caused by the operation of its road.

SECTION 13. Section 190.125 of the statutes is repealed.

SECTION 14. Section 190.13 of the statutes is repealed.

SECTION 15. Section 190.14 of the statutes is renumbered section 190.04 and is amended to read:

190.04 SPECIAL CHARTER RIGHTS. \* \* \* All \* \* \* railroad corporations \* \* \* shall \* \* \* have all peculiar rights and privileges granted to them respectively by their charters or any special law, not inconsistent with these statutes.

SECTION 16. Section 190.15 of the statutes is renumbered section 190.05 and is amended to read:

190.05 RAILROADS; POWERS IN OTHER STATES. \* \* \* Any *domestic* railroad corporation \* \* \* may exercise all its rights, franchises and privileges in any other state \* \* \* and may accept from any other state \* \* \* and use any additional or other powers or privileges applicable \* \* \* to the doings of said corporation in said state. \* \* \*

SECTION 16a. Section 190.16 of the statutes is renumbered 190.051 and amended to read:

190.051 BRANCHES AND EXTENSIONS. \* \* \* (1) Any railroad corporation may \* \* \* extend its road from any point named in its charter or articles of organization, or may build branch roads \* \* \* from any point on its line \* \* \* or from any point on the line of any other road connected or to be connected with its road, the use of which other road between such points and the connection with its own road such corporation shall have secured \* \* \* for a term of not less than ten years. \* \* \* Before making such extension or building any such branch road such corporation shall, by resolution of its directors, to be entered in the record of its proceedings, designate the route of such proposed extension or branch, \* \* \* and file, *for record*, a copy of such record, certified by the president and secretary, in the office of the secretary of state \* \* \*. Thereupon such corporation shall have all the rights and privileges to make such extension or build such branch and receive aid thereto which it would have if it had been authorized in its charter or articles of organization. \* \* \*

(2) *The requirements of this section shall not apply to permanent branches or extensions not exceeding five miles in length nor to temporary branches or extensions not exceeding ten miles in length.*

SECTION 17. Section 190.18 of the statutes is repealed.

SECTION 18. Section 190.19 of the statutes is renumbered section 190.06 and revised to read:

190.06 RAILROAD CONSOLIDATION; SALE OR LEASE OF PROPERTY. (1) Any railroad corporation existing under the laws of this state, or by consolidation under said laws and the laws of other states, may consolidate with any other railroad corporation, and possess all of the powers, franchises, and immunities, and be subject to all the liabilities and restrictions of railroad corporations generally, and such, in addition, as the combining corporations peculiarly possessed or were subject to at the time of consolidation. Articles of consolidation shall be approved by each corporation, by a vote of a majority of the stock at an annual meeting or at a special meeting called for that purpose or by the consent in writing of the holders of a majority of the stock annexed to such articles; and such articles, with a copy of the records of such approval or such consent and accompanied by lists of the stockholders and the number of shares held

by each, duly certified by their respective presidents and secretaries, shall be filed for record in the office of the secretary of state before any such consolidation shall have validity or effect.

(2) Any such railroad corporation may upon like approval lease, or purchase the railroad, franchises and immunities, and all other property, and the stocks or bonds, or both, of any railroad corporation, or any portion thereof, when the road so purchased or leased will constitute a branch or feeder of, or be connected with or intersected by any line maintained or operated by such purchasing or leasing corporation, or which it is authorized to build, own, or maintain and operate. Any corporation taking such conveyance or lease shall have all the rights, privileges and immunities, and be subject to all the duties and restrictions of the lessor or grantor.

(3) Any domestic railroad corporation may purchase and may upon like approval purchase and hold the stock or bonds of any other railroad corporation described in this section, or may purchase and hold the stock or bonds of any railway company to which it has furnished the money for the construction of its railway; or for money so furnished, or for such other consideration, as may be agreed upon between the companies, by their respective boards of directors, and take a conveyance of the whole or any portion of the franchises of any other such corporation and of the railway, property and appurtenances thereof. Any stocks or bonds which shall have been issued by any purchasing corporation in consideration of any property by it purchased as authorized by this section, shall be deemed fully paid, but securities hereunder shall be issued only upon compliance with the law which requires a permit or certificate of authority.

(4) All acts and purchases and conveyances made prior to April 24, 1897, by or to any domestic railway company which are authorized by this section, and all conditions and agreements upon which the stock and bonds of any such corporation have been and are to be issued including any and all terms and conditions as to price, voting power, dividends and trustees or otherwise, and as between different classes of stock or otherwise and all issues of stocks and bonds in accordance with such terms, conditions and agreements, are hereby in all things legalized, ratified and confirmed.

(5) But no railroad corporation shall consolidate with, or lease or purchase, or in any way become owner of or control any other



corporation, or any stock, franchises, rights or property thereof which owns or controls a parallel and competing railroad to and with the railroad owned or controlled and operated by such purchasing railroad corporation, to be determined by jury.

SECTION 19. Section 190.20 of the statutes is renumbered section 190.07 and is amended to read:

190.07 RAILROAD FERRIES ON LAKE MICHIGAN.  
 \* \* \* Any railroad corporation in this state may \* \* \* contract \* \* \* with the owner or operator of any \* \* \* railroad terminating on the eastern shore of Lake Michigan, within the state of Michigan, \* \* \* for the *joint* operation of their \* \* \* roads; \* \* \* and \* \* \* may build or buy, \* \* \* and \* \* \* operate vessels \* \* \* to facilitate \* \* \* transportation.

SECTION 20. Section 190.21 of the statutes is repealed.

SECTION 21. Section 190.22 of the statutes is renumbered section 190.08 and is amended to read:

190.08 STREAMS, HIGHWAYS, RESTORED. \* \* \* Every corporation constructing, owning or \* \* \* operating a railroad shall restore every \* \* \* watercourse, street, highway, \* \* \* road \* \* \* or canal across, along or upon which such railroad may be constructed to its former state or to such condition \* \* \* that its usefulness shall not be materially impaired and thereafter maintain the same in such condition against any effects in any manner produced by such railroad. \* \* \* *And may acquire* any lands \* \* \* required \* \* \* to change or restore any highway, street, canal or watercourse, \* \* \* and \* \* \* lands so taken shall become a part of such highway or street. \* \* \* This section shall not apply to sloughs or bayous \* \* \* closed by the government prior to April 14, 1893, to aid the navigation of \* \* \* rivers; \* \* \* but in case such sloughs or bayous \* \* \* are \* \* \* thereafter \* \* \* closed by any railroad company such company shall be liable in damages to any person \* \* \* owning lands thereon injured thereby. \* \* \* The statutes for acquiring land by right of eminent domain \* \* \* shall apply in assessing damages for such closing.  
 \* \* \*

SECTION 22. Section 190.23 of the statutes is renumbered section 190.09 and is amended to read:

190.09 RAILROAD CATTLE PASS, ABANDONMENT.  
 \* \* \* *No railroad corporation shall close or obstruct any cattle pass or opening which shall have been \* \* \* used as a passageway for \* \* \* live stock \* \* \* across \* \* \* its right of way for a period of five years \* \* \* without having first secured the consent in writing of the abutting land-owners.*

SECTION 23. Section 190.24 of the statutes is repealed.

SECTION 24. Section 190.25 of the statutes is renumbered section 190.10 and is amended to read:

190.10 RAILROAD FIXTURES, AFTER-A C Q U I R E D PROPERTY, LIEN ON. \* \* \* All rolling stock of any railroad corporation used and employed in connection with its railroad and all fuel necessary to the operation of the same are declared \* \* \* to be \* \* \* *appurtenant to the real property*; and all such property and all additional rights of way, depot grounds and other real property acquired subsequently to the execution of any trust deed or mortgage which shall have been described or provided for therein shall be subject to the lien thereof to the same extent as the *real* property therein described which the corporation owned at the time of its execution.

SECTION 25. Section 190.26 of the statutes is renumbered section 190.11 and is amended to read:

190.11 RAILROAD CONVEYANCES, HOW EXECUTED AND RECORDED. \* \* \* Every conveyance or lease, deed of trust, mortgage or satisfaction thereof made by any railroad corporation \* \* \* shall be executed and acknowledged in the manner in which conveyances of real estate by corporations are required to be \* \* \* to entitle the same to be recorded, and shall be recorded in the office of the secretary of state, who shall indorse thereon his certificate, \* \* \* specifying the day, hour and minute of its reception and the volume and page where recorded, which *certificate* shall be evidence of such facts. Every such record \* \* \* shall from the time of reception *of the instrument* have the same effect as to any property in this state described therein as the record of any similar instrument in the office of a register of deeds \* \* \* *has* as to property in his county, and shall be notice of the rights and interest of the grantee, lessee or mortgagee by such instrument to the same extent as if it were recorded in \* \* \* all of the \* \* \* counties in which any property therein described may be situated.

SECTION 26. Section 190.27 of the statutes is repealed.

SECTION 27. Section 190.28 of the statutes is repealed.

SECTION 28. Section 190.30 of the statutes is renumbered section 190.13 and is revised to read:

190.13 REPORT TO STOCKHOLDERS. Every railroad corporation shall make an annual report to its stockholders of its operations for the preceding calendar year, or for its fiscal year, as the case may be, which report shall contain a balance sheet showing its assets and liabilities, its capital stock, and funded debt, and an income account showing its operating revenues, operating expenses, gross and net income, as the result of its traffic or business operations, and such other information in respect of its affairs as the board of directors shall deem advisable. A copy of each such report shall be kept on file in its principal office in this state, shall be mailed to each stockholder whose post-office address is known and shall be filed with the railroad commission.

SECTION 29. Section 190.31 of the statutes is renumbered section 190.14 and is amended to read:

190.14 INSPECTION OF BOOKS. \* \* \* The *official* custodian of the books, records and papers or other property \* \* \* of every railroad corporation shall keep the same in his possession and at all times during business hours have the same ready to be exhibited to any officer, director or any committee appointed by the stockholders, representing one-tenth of all the subscribed stock, \* \* \* on request, and furnish them or either of them transcripts from the records or proceedings of the board of directors, \* \* \* under his official hand and seal, on the payment to him of the same fee as that required by law to be paid to the register of deeds for transcripts. \* \* \* And \* \* \* said custodian shall on \* \* \* vacating his office \* \* \* make over all such books, records, papers and \* \* \* property \* \* \* in his possession to his successor in office, and where no successor has been elected \* \* \* to the board of directors, \* \* \* or to the person \* \* \* appointed *therefor* by the \* \* \* stockholders. \* \* \*

SECTION 30. Section 190.32 of the statutes is renumbered section 190.15 and is amended to read:

190.15 RIGHT OF WAY THROUGH PUBLIC LANDS. \* \* \* The commissioners of public lands \* \* \* *may* sell and convey \* \* \* to any railroad corporation for such compensation and upon such terms as they may fix, a strip of land

one hundred feet wide, *or more, if needed*, through \* \* \* lands owned \* \* \* by the state *which the commissioners have power to sell*, and across which a railroad has been or shall be located or constructed, but such corporation shall, \* \* \* as soon as the route of its road shall be definitely fixed, deposit in the office of the commissioners of public lands, a plat exhibiting all such lands and the location of such route through the same and shall have no right to take or use any such lands \* \* \* prior to \* \* \* depositing \* \* \* such plat. \* \* \* Every deed or patent for any such lands shall contain an express reservation unto the state of the title of such lands except as to the use of the same by such corporation or its successors or assigns for railroad purposes.

SECTION 31. Section 190.33 of the statutes is renumbered section 87.054 and is amended to read:

87.054 INTERSTATE BRIDGE CORPORATIONS. \* \* \* Any corporation organized for the purpose of constructing, operating and maintaining \* \* \* a bridge over \* \* \* navigable *boundary waters* \* \* \* of this \* \* \* state and authorized by congress to erect \* \* \* such bridge shall have all \* \* \* the rights and powers with respect to entry upon, \* \* \* and acquisition, \* \* \* of real estate for the construction, operation and maintenance of such bridge, with the necessary approaches, \* \* \* terminals and appurtenances thereto, \* \* \* that are possessed by railroad corporations. \* \* \*

SECTION 32. Section 180.01 of the statutes is amended to read:

180.01 WHO MAY INCORPORATE; PURPOSES OF INCORPORATION. Three or more adult residents of this state may form a corporation in the manner provided in this chapter for any lawful business or purpose whatever, except \* \* \* banking, insurance and building or operating public railroads, \* \* \* but subject always to provisions elsewhere in the statutes relating to the organization of specified kinds or classes of corporations.

SECTION 33. Section 181.05 of the statutes is amended to read:

181.05 PURCHASERS OF CORPORATE RIGHTS MAY REORGANIZE. The owner of the rights, powers, privileges and franchises of any domestic corporation, acquired by purchase under a mortgage or judicial sale, \* \* \* may, at any time

within two years after such purchase, \* \* \* organize anew by filing articles \* \* \* *appropriate to* corporations for similar purposes, and thereupon shall have the rights, privileges and franchises which such corporation had at the time of such purchase and sale, and such as are provided by these statutes applicable thereto. \* \* \*

SECTION 34. The title to Chapter 191 is RAILROADS; CONSTRUCTION.

SECTION 35. Section 191.15 of the statutes is renumbered subsection (1) of section 191.01 and is revised to read:

191.01 GENERAL PROVISIONS. (1) SCOPE OF CHAPTER 191. The provisions of this chapter shall apply to all railroads except street and interurban railroads in cities.

SECTION 36. Section 191.01 of the statutes is renumbered subsection (2) of section 191.01 and is amended to read:

(191.01) (2) CONSTRUCTION, CERTIFICATE FROM COMMISSION PREREQUISITE. No railroad corporation \* \* \* shall \* \* \* begin the construction of any proposed line of railroad in this state until it shall have obtained from the \* \* \* commission \* \* \* a certificate that public convenience and a necessity require the construction of said railroad \* \* \* and such certificate shall constitute the license from this state to the company to build its \* \* \* proposed railroad.

SECTION 37. Section 191.02 of the statutes is amended to read: 191.02 APPLICATION FOR CERTIFICATE OF NECESSITY. Application for \* \* \* *such* certificate shall be made within six months from and after the publication of \* \* \* *its corporate* articles. \* \* \*

SECTION 38. Section 191.03 of the statutes is amended to read: 191.03 ARTICLES; PUBLICATION PREREQUISITE TO CERTIFICATE. No railroad corporation shall make application for such certificate unless it shall have caused a copy of its *corporate* articles \* \* \* to be published in one or more newspapers *published* in each county in which the road is proposed to be located at least once in each week for two successive weeks and within six months next prior to the time of making such application, and shall file satisfactory proof thereof with the \* \* \* commission.

SECTION 39. Section 191.04 of the statutes is repealed.

SECTION 40. Section 191.05 of the statutes is amended to read:

191.05 MAPS AND PROFILES WITH APPLICATION; CHANGES. \* \* \* Complete maps and profiles of the \* \* \* proposed road \* \* \* shall be filed with the application \* \* \* *for a certificate of convenience and necessity.* \* \* \* The commission \* \* \* *may* permit errors, omissions or defects in the application, maps and profiles to be supplied or corrected, and \* \* \* permit changes in the proposed route to be made. \* \* \*

SECTION 41. Section 191.06 of the statutes is amended to read:

191.06 RAILROAD EXTENSIONS; CERTIFICATE AND NOTICE NECESSARY. If any railroad company \* \* \* organized *prior to July 1, 1907*, shall \* \* \* desire to extend its \* \* \* lines \* \* \* in this state or to build \* \* \* branches connected therewith, or to construct any \* \* \* portion of its authorized line of railroad \* \* \* it shall, before beginning construction thereof, \* \* \* *obtain a certificate of convenience and necessity authorizing the construction;* \* \* \* *but* it shall not be necessary to publish the articles of \* \* \* such railroad. \* \* \*

SECTION 42. Section 191.07 of the statutes is amended to read:

191.07 HEARING OF APPLICANTS; NOTICE. Upon receiving \* \* \* *such* application \* \* \* the \* \* \* commission shall \* \* \* set a time and place for \* \* \* a hearing, \* \* \* which time shall not be less than three weeks nor more than eight weeks from the date of filing \* \* \* *the* application, and the place shall be at the city of Madison, or at some place along the line of the proposed railroad, if the commission shall deem the latter more convenient, \* \* \* *and* shall \* \* \* give to the applicant \* \* \* notice \* \* \* *thereof*, which notice shall be published by the applicant \* \* \* once each week for two successive weeks preceding such hearing in one or more newspapers *published* in each county in which the road, *extension or branch* is proposed to be located, and \* \* \* proof of such publication shall be filed \* \* \* with \* \* \* *the* commission.

SECTION 43. Section 191.08 of the statutes is repealed.

SECTION 44. Section 191.09 of the statutes is amended to read:

191.09 PROCEDURE UNDER CHAPTER 191. (1) BEFORE THE COMMISSION. \* \* \* *The* provisions of \* \* \* *chapter 195* relating to the subpoenaing of witnesses, the production of books, documents and papers, the administration of oaths,

punishment for disobedience of an order of the commission or any commissioner, or of a subpoena, or for refusal of a witness to be sworn or to testify, witness fees, \* \* \* taking depositions, the keeping of a record of the proceedings, the taking of testimony, transcribing \* \* \* *the* evidence, \* \* \* or relating to the procedure before said commission not inconsistent with \* \* \* *this chapter* shall apply to all proceedings under \* \* \* *this chapter*.

(2) COURT REVIEW OF ORDERS. *Orders of the commission granting or refusing such certificates of public convenience and necessity shall be subject to judicial review, in the manner and according to the practice prescribed in sections 196.41 to 196.47.*

SECTION 45. Section 191.10 of the statutes is renumbered subsection (1) and is amended to read:

191.10 CERTIFICATE OF NECESSITY. (1) ISSUANCE, FILING, CONDEMNATION. \* \* \* If the \* \* \* commission \* \* \* shall find that the proposed railroad would be a public convenience and that a necessity requires \* \* \* *its* construction, \* \* \* the \* \* \* commission shall *enter an order to that effect and* forthwith \* \* \* issue to the applicant a certificate that public convenience and a necessity require the construction of said railroad as proposed. Such certificate shall be filed in the office of the secretary of state. \* \* \*. Said commission shall \* \* \* approve the map showing the \* \* \* route of said railroad. \* \* \*. The applicant shall cause a copy of such map certified by the secretary of \* \* \* *the* Commission \* \* \* to be filed in the office of the register of deeds in each county in which said railroad shall be located. The filing of said certificate with the secretary of state and the filing of a copy of said map, \* \* \* as above provided, shall be \* \* \* condition precedent to the right of said applicant \* \* \* to institute \* \* \* condemnation proceedings. \* \* \*

SECTION 46. Section 191.13 of the statutes is renumbered subsection (2) of section 191.10 and is amended to read:

(191.10) (2) CERTIFICATE FOR PART OF LINE. \* \* \*. Whenever \* \* \* it shall appear to the \* \* \* commission \* \* \* that public convenience and a necessity do not require the construction of \* \* \* *the* railroad as proposed in \* \* \* *the* application, but do require the construction of a part \* \* \* *thereof*, the \* \* \* commission may issue

a certificate for the construction of such part of said \* \* \* railroad as \* \* \* public convenience and necessity *require*.

SECTION 47. Section 191.11 of the statutes is renumbered subsection (3) of section 191.10 and is amended to read:

(191.10) (3) REFUSAL OF CERTIFICATE; RENEWAL OF APPLICATION. \* \* \* If \* \* \* *the commission* shall \* \* \* determine that said proposed railroad is not a necessity or is not required by public convenience, \* \* \* *the commission* shall *by order* refuse to grant \* \* \* a certificate, \* \* \* stating the \* \* \* reasons for such refusal. \* \* \* The application may be renewed after two years from the date of such refusal, *but not sooner*.

SECTION 48. Section 191.14 of the statutes is renumbered 191.11 and is amended to read:

191.11 REVOCATION OF CERTIFICATE. \* \* \* In case any railroad company \* \* \* after obtaining a certificate \* \* \* that public convenience and a necessity require the construction of the whole or part of its \* \* \* railroad shall fail to begin such construction within one year from the date of the \* \* \* certificate, or having begun such construction, shall fail to prosecute the same, the \* \* \* commission may inquire into the reasons for such failure and may revoke the said certificate, if it shall appear, after notice and hearing, that such failure is unreasonable.

SECTION 50. Section 191.12 of the statutes is repealed.

SECTION 51. Section 190.34 of the statutes is renumbered 191.13 and is amended to read:

191.13 TEMPORARY RAILROAD EXTENSIONS.  
\* \* \* (1) Any railroad corporation may build, maintain and operate temporary \* \* \* branches or extensions \* \* \* to and upon \* \* \* any timberlands, \* \* \* sand pit, gravel pit, stone quarry or agricultural enterprise, with all sidetracks, storage tracks, wyes, turnouts and connections necessary or convenient to the use of the same.

(2) No railroad corporation shall exercise \* \* \* *such* power \* \* \* until it shall have obtained from the \* \* \* commission a certificate that public convenience and necessity require the construction of said temporary railroad, and such certificate shall constitute the license \* \* \* to the company to build its proposed temporary railroad. Such certificate shall specify the length of time said railroad may be maintained and



operated, and may be renewed from time to time upon application by the railroad company. \* \* \* At the expiration of the time specified in said certificate, or any renewal \* \* \* thereof, the railroad company shall \* \* \* discontinue, dismantle and remove said *temporary* railroad; \* \* \* and may prior to the expiration of such time, upon order of the \* \* \* commission, and after a hearing, \* \* \* upon notice to all parties interested and good cause shown, discontinue, dismantle and remove said railroad. \* \* \*

(3) \* \* \* No such \* \* \* branch or extension shall be constructed across, along or upon any street or alley within \* \* \* any city, \* \* \* until application therefor shall have been made to and acted upon by \* \* \* such city. The \* \* \* city may prescribe any reasonable terms and conditions for the construction of any such branch \* \* \* or extension. \* \* \*

(4) For \* \* \* such temporary railroad, the \* \* \* corporation may acquire any *necessary* lands or interests in lands. \* \* \* In appraising \* \* \* the damages sustained by any person by reason of the construction and operation of said railroad through and upon his land \* \* \* only the injury to the land and improvements thereon within the limits of the right of way \* \* \* of such railroad, \* \* \* and the fair annual value of the use of the land within such right of way \* \* \* and the fair amount of the annual damage sustained by the landowner to the land from which such right of way is severed, *shall be considered*, which items of damage and value shall *be separately found and shall* constitute the sole measure of the landowner's right to compensation. Payment of the damages on account of injury to the land and improvements thereon within such right of way \* \* \* shall be made as directed in section 32.14, and payment of the amount found \* \* \* to be the fair annual value of the use of such land, together with the amount so found to be the annual damage to the land from which such right of way is taken, shall be made annually by the railroad company so long as such *temporary* railroad is maintained and operated.

(5) Every \* \* \* corporation constructing and operating such a temporary railroad shall \* \* \* erect and maintain sign boards *not over one mile apart along* \* \* \* the right

of way of such railroad, upon which shall be printed the words: "Temporary Railroad." \* \* \*

(6) Any person who shall falsely represent \* \* \* that such railroad is other than a temporary railroad shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SECTION 52. Section 191.16 of the statutes is amended to read:

191.16 CONSTRUCTION ITEMS SUBMITTED TO COMMISSION. Upon receiving the certificate of public convenience and necessity, the applicant \* \* \* shall before commencing construction \* \* \* submit to the \* \* \* commission a condensed specification of the \* \* \* character of construction that it proposes to install, \* \* \* showing the kind, quality and weight of the rail proposed to be used, the mode of construction, character, quality, and strength of all bridges, culverts and viaducts, \* \* \* the abutments and approaches proposed to be built, the grade of and proposed method of draining the roadbed, and the kind of power to be used and the \* \* \* plant and appliances to be employed in power production, and such other \* \* \* facts relating to the construction of said proposed railroad as the commission \* \* \* may require.

SECTION 53. Section 191.17 of the statutes is amended to read:

191.17 PUBLIC SAFETY; INVESTIGATION; APPROVAL OF PLANS. Upon receiving the specification required by \* \* \* section 191.16 the \* \* \* commission shall examine the same and shall hear the applicant \* \* \* in support thereof, shall suggest and require modifications of said specification if \* \* \* the public safety so demand, eliminating so far as may be practicable, consistent with reasonable cost, all *grade* crossings of public highways, \* \* \* shall \* \* \* inspect the \* \* \* route of the proposed \* \* \* railroad \* \* \* if deemed desirable, and shall otherwise investigate and determine that the proposed construction will be adequate for securing \* \* \* public safety in the operation of said \* \* \* railroad, \* \* \* and thereupon the \* \* \* commission shall \* \* \* enter an order approving \* \* \* the specification \* \* \* and authorizing the con-

struction of said \* \* \* railroad \* \* \* in accordance therewith.

SECTION 54. Section 191.18 of the statutes is re-enacted.

SECTION 55. Section 191.19 of the statutes is amended to read :

191.19 NEW ROADS; REPORT; INSPECTION; PROTECTIVE APPLIANCES. (1) Upon the completion of the construction of any railroad \* \* \* under the *approved* specification, \* \* \* the \* \* \* company shall, before operating \* \* \* the same \* \* \* for public service, report \* \* \* to \* \* \* the commission; and \* \* \* the commission shall thereupon inspect \* \* \* the work, and if it shall be found that the \* \* \* railroad has been constructed in accordance with \* \* \* the *approved* specification \* \* \* and is otherwise suitable and properly constructed so as to \* \* \* secure public safety in the operation thereof, \* \* \* the commission shall \* \* \* enter an order authorizing \* \* \* its operation, which order shall be presumptive evidence of the sufficiency of such construction.

(2) Said order shall specify in general terms the methods and conditions of such operation and it shall not be lawful for any such railroad \* \* \* to be operated till such order has been \* \* \* granted. \* \* \*

(3) If upon \* \* \* inspection \* \* \* the commission shall deem that public safety requires the installation, operation and maintenance of some \* \* \* protective appliance at any grade crossing of \* \* \* railroad tracks \* \* \* the commission may, before granting said order, after notice and hearing, \* \* \* require the installation, operation and maintenance of \* \* \* suitable protective appliances, \* \* \* and shall \* \* \* apportion the expense of constructing, maintaining and operating such protective appliances \* \* \* among the owners of said tracks. \* \* \*

SECTION 56. Section 191.20 of the statutes is amended to read :

191.20 RAILROAD ROUTES; RIGHT TO ALTER. Every railroad company \* \* \* may, by the vote of two-thirds of \* \* \* its directors, alter or change the route \* \* \* of its railroad, \* \* \* by making and filing in the office of the \* \* \* commission and also by recording in the office of the register of deeds of the county or counties where such alteration or change is to be made, a surveyed map and certificate of such alteration or change, provided that such altera-

tion or change shall not deviate from the original route \* \* \* for a greater distance than one mile at any point, and provided that no \* \* \* city or village shall be left off \* \* \* said railroad by such change of route, and \* \* \* provided that the original termini of said railroad, or the route in any city or village, shall not be changed \* \* \* without the approval of the \* \* \* commission after notice to the municipality.  
\* \* \*

SECTION 57. Section 191.21 of the statutes is amended to read :

191.21 NOTICES. IN COUNTIES WITHOUT NEWSPAPERS. If no newspapers shall be published in any county in which \* \* \* a railroad is proposed to be located, the publications required by \* \* \* *this chapter* may be made in such manner and at such places as the \* \* \* commission shall designate.

SECTION 58. Section 191.22 of the statutes is repealed.

SECTION 59. The title to chapter 192 is RAILROADS: REGULATIONS AND LIABILITIES.

SECTION 60. Section 192.09 of the statutes is renumbered to be section 192.01 STATIONS MAINTAINED; TRAIN STOPS, and is re-enacted.

SECTION 61. Section 192.10 of the statutes is repealed.

SECTION 62. Section 192.29 of the statutes is renumbered section 192.03 and is amended to read :

192.03 TRAIN TIME BULLETINS. \* \* \* Every corporation \* \* \* operating a railroad \* \* \* shall \* \* \* place \* \* \* in a conspicuous place in each passenger depot \* \* \* at which there is a telegraph office, a blackboard of suitable size, upon which \* \* \* it shall cause to be written, at least twenty minutes before the schedule time for the arrival of each passenger train stopping \* \* \* at such station, the fact whether such train is on schedule time or not, and if late, how much. Provided \* \* \* that any passenger train \* \* \* not more than five minutes late shall be deemed to be on time. \* \* \*

SECTION 63. Section 192.68 of the statutes is renumbered to be section 192.04 RAILROAD MAPS IN DEPOTS, and is re-enacted.

SECTION 64. Section 192.76 of the statutes is renumbered to be section 192.05 TELEPHONES IN DEPOTS AND OFFICES, and is re-enacted.

SECTION 65. Section 192.12 of the statutes is renumbered section 192.06 and is amended to read:

192.06 SANITARY INSPECTION OF DEPOTS. \* \* \*  
The local health officer \* \* \* shall \* \* \* inspect \* \* \* *depot toilets* from time to time, and if they are found to be in an insanitary condition, he shall at once notify the proper officials of the railroad company, stating in what respects \* \* \* *they* are insanitary. It shall then be the duty of the railroad company, within a reasonable time, to make such alterations or repairs as will remove the \* \* \* condition complained of.

SECTION 66. Section 192.03 of the statutes is renumbered section 192.07 and is amended to read:

192.07 TICKETS, GOOD FOR THIRTY DAYS. \* \* \*  
Every railroad ticket sold in this state \* \* \* *at the regular rate* for transportation between \* \* \* points \* \* \* and over lines entirely within the state shall entitle the holder thereof to use the same at any time within thirty days following the date of sale. \* \* \*

SECTION 67. Section 192.02 of the statutes is renumbered section 192.08 and is amended to read:

192.08 CASH FARES, EXTRA CHARGE. \* \* \* If a passenger \* \* \* *has no ticket* \* \* \* ten cents in excess of the regular full rate may be charged and collected *by the carrier*; provided, however, that when the ticket office is closed, or where reasonable opportunity for the purchase of tickets is not provided, this section shall not apply.

SECTION 68. Section 192.63 of the statutes is renumbered section 192.09 and is amended to read:

192.09 PASSENGER REFUSING TO PAY MAY BE PUT OFF. \* \* \* If any passenger shall refuse to pay his fare \* \* \* the conductor \* \* \* and the servants of the corporation \* \* \* *may eject* him and his baggage \* \* \* on stopping the \* \* \* *train* and using no unnecessary force, at any usual stopping place or near any dwelling house, as the conductor shall elect.

SECTION 69. Section 192.20 of the statutes is repealed.

SECTION 70. Section 192.21 of the statutes is renumbered section 192.11 and is amended to read:

192.11 LOCKING CARS; LIGHTING. \* \* \* No \* \* \* car used for transporting passengers upon any rail-

road shall be locked while such car is \* \* \* occupied by any passenger nor be locked so as to prevent free exit from the same at all times; and no \* \* \* material of an explosive nature shall be used for \* \* \* lighting any *such* car. \* \* \*

SECTION 71. Section 192.24 of the statutes is renumbered section 192.12 and is amended to read:

192.12 STEPS, BOARDING AND ALIGHTING TRAINS.

\* \* \* (1) Every railroad corporation shall provide \* \* \* *a stool for the use of* passengers in getting on or off any coach of any train. \* \* \*

(2) \* \* \* The brakeman in charge of the coach \* \* \* shall place such \* \* \* stool in a proper position at each place \* \* \* at which such train stops to take on or let off a passenger, \* \* \* whenever the distance between the lowest step of the coach and the surface upon which such passenger must alight is more than nineteen inches.

\* \* \*

SECTION 72. Section 192.69 of the statutes is renumbered section 192.13 and is amended to read:

192.13 WOODEN AND STEEL COACHES IN TRAINS.

\* \* \* (1) \* \* \* *No* railroad company \* \* \* shall cause \* \* \* or permit any mail, mail-apartment, express, baggage or passenger car \* \* \* constructed principally of wood, unless the same has steel underframing or steel center sills of strength equal to that of steel underframing, to be used or drawn in any passenger train between the engine and any two or more steel cars \* \* \* or other cars \* \* \* of substantially the same weight as steel passenger cars, \* \* \* included in any \* \* \* train \* \* \* operated wholly between points in this state. \* \* \*

SECTION 73. Section 192.22 of the statutes is renumbered section 192.14 and is amended to read:

192.14 CABOOSE EQUIPMENT. \* \* \*

(1) \* \* \* *No* railroad which is subject to the regulative power of this state \* \* \* shall use on its lines any caboose car or other car used for like purpose unless \* \* \* it shall be at least twenty-four feet in length, exclusive of the platforms, and be equipped with two four-wheel trucks, and \* \* \* shall be of *structural* \* \* \* strength equal to that of the sixty thousand pound capacity freight cars, and \* \* \* be provided with a door in each end, \* \* \* and *with an out-*

side platform \* \* \* across each end, \* \* \* not \* \* \* less than twenty-four inches in width and \* \* \* be equipped with proper guard rails and with grab irons and steps for the safety of persons getting on and off. \* \* \* *The* \* \* \* steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof properly designed to prevent slipping. \* \* \* Said caboose shall have a cupola and necessary closets and windows.

(2) \* \* \* *If the commission shall find* upon investigation that it is impossible for any railroad company to comply with \* \* \* this section \* \* \* *it may grant* to such company the right to \* \* \* use a caboose which in \* \* \* *the judgment of the commission* will comply as near as possible with subsection \* \* \* (1), and which in \* \* \* *its judgment* will be safe and convenient for the employes and traveling public, but \* \* \* said commission *shall not grant permission to* \* \* \* use a caboose that has less than two four-wheel trucks.

(3) \* \* \* This section shall not apply to the use of caboose cars operated in yards and in transfer service. \* \* \* *In case of unusual and unforeseen demands of traffic, caboose cars not constructed in compliance with this section may be used temporarily, \* \* \* after the railroad company desiring to use the same shall \* \* \* have obtained an order from the \* \* \* commission granting \* \* \* such temporary use.*

(5) The \* \* \* commission \* \* \* *may limit* \* \* \* the maximum height of any caboose to be used upon any railroad operating in \* \* \* this state. \* \* \*

SECTION 74. Section 192.23 of the statutes is renumbered section 192.15 and is amended to read:

192.15 AXE AND SAW; TURNTABLE. \* \* \* Every railroad corporation shall provide and constantly keep *an axe and a handsaw* in some conspicuous and easily accessible place on the inside and *the outside* of every *passenger* car. \* \* \* Every *railroad* corporation \* \* \* shall keep \* \* \* every turntable \* \* \* securely locked at all times, except when such table is in actual use or is attended by \* \* \* *its* employe.

SECTION 75. Section 192.61 of the statutes is renumbered to be section 192.16 GAMING IN CARS, FORFEITURE, ARREST OF OFFENDERS, and is re-enacted.

SECTION 76. Section 192.62 of the statutes is renumbered section 192.17 and is amended to read:

192.17 ARREST OF PASSENGER; POLICE POWER OF CONDUCTORS. \* \* \* If it shall become necessary for the protection of the passengers on any railroad car from the violent, abusive, profane or indecent language or conduct of any passenger, the conductor may arrest \* \* \* such passenger and \* \* \* keep him in the baggage car or some other safe and secure place on such train until its arrival at some usual stopping place, when he may be put off the train and given into the custody of some \* \* \* officer for prosecution; \* \* \* and for this purpose \* \* \* conductors, while in charge of trains, may exercise the powers of sheriffs. \* \* \*

SECTION 77. Section 192.06 of the statutes is renumbered section 192.18 and is amended to read:

192.18 SHIPMENT OF GRAIN, DELIVERY. \* \* \* Every \* \* \* corporation operating a \* \* \* railroad shall receive \* \* \* all grain offered to it \* \* \* in carload lots for transportation, and \* \* \* shall transport \* \* \* such grain \* \* \* at the \* \* \* rates then in force \* \* \* to the elevator, warehouse or mill to which the same may be directed \* \* \* by the shipper, \* \* \* and deliver the same to the consignee at the \* \* \* place \* \* \* designated \* \* \* for the delivery thereof, if there be any track connecting therewith, \* \* \* over which such corporation shall have the right \* \* \* to run its cars, and such place of delivery be not more than one-half mile from \* \* \* its railroad; \* \* \* and shall make no \* \* \* additional charge for transportation of such grain because of such delivery nor charge for such delivery, except such sum \* \* \* as such corporation shall be actually required to pay \* \* \* for the use of such connecting track for \* \* \* such delivery.

SECTION 78. Section 192.07 of the statutes is renumbered section 192.19 and is amended to read:

192.19 LIVE STOCK SHIPMENTS. \* \* \* Every corporation operating a railroad in this state shall receive \* \* \* all live stock offered to it \* \* \* for transportation, in mixed carloads, \* \* \* but it shall be unlawful to load live stock in mixed carloads unless the different kinds of stock are separated by suitable partitions; and such corporation shall furnish, for mixed cars of live stock, suitable partitions, subject to the



approval of the \* \* \* commission, upon such terms and conditions as shall be ordered by the commission after public hearing. In case the \* \* \* partitions shall become loose or broken so as to allow such live stock to become mingled in the car during the \* \* \* transportation, the \* \* \* carrier shall as soon as practicable repair and replace the \* \* \* partitions. \* \* \* Said \* \* \* carrier shall feed and water, at its own expense, such stock as shall be \* \* \* unloaded where \* \* \* stock shall be detained for a longer period than six hours. The corporation \* \* \* may charge \* \* \* for the entire car the current rate for the \* \* \* highest class of live stock \* \* \* shipped in each mixed car.  
\* \* \*

SECTION 79. Section 192.66 of the statutes is renumbered section 192.20 and is amended to read:

192.20 SHIPMENT OF CALVES. \* \* \* (1) \* \* \*  
Between November fifteenth and March fifteenth *every shipper* of any live calf less than four months old, on any railroad, in any \* \* \* cattle car or other \* \* \* open car, shall \* \* \* place a reasonable amount of dry bedding in such car, \* \* \* and shall \* \* \* screen such car or the portion of the car in which such \* \* \* calf is shipped to the height of four feet from the floor with \* \* \* material sufficient \* \* \* to protect \* \* \* the calf \* \* \* from the wind.  
\* \* \*

SECTION 80. Section 192.67 of the statutes is renumbered section 192.21 and is amended to read:

192.21 LIVE STOCK IN TRANSIT NOT DETAINED.  
\* \* \* No corporation operating a railroad shall detain in any freight terminal in this state, not the point of origin, for more than five hours any carload \* \* \* of live stock in transit from any point in Wisconsin to any point beyond said terminal, except when prevented from moving the same by severe storms, other unpreventable conditions, or by \* \* \* statute of \* \* \* this state \* \* \* or of the United States.  
\* \* \*

SECTION 81. Section 192.08 of the statutes is repealed.

SECTION 82. Section 192.36 of the statutes is renumbered 192.23 and is amended to read:

**192.23 RAILROAD TELEGRAPHERS; REQUIRED AGE AND EXPERIENCE.** \* \* \* It shall be unlawful for any common carrier \* \* \* to employ any telegrapher \* \* \* (except an assistant under an experienced operator), who shall not have attained the age of eighteen years, and who shall not have had actual experience as a telegraph operator, or who shall not have had at least six months' actual experience under the tutorship of an experienced railroad telegraph operator, or who shall not have been graduated from a school of telegraphy having at least a six months' course.

\* \* \*

**SECTION 83.** Sections 192.37, 192.38 and 192.40 of the statutes are consolidated and renumbered section 192.24 and amended to read:

**192.24 RAILROAD EMPLOYEES; HOURS ON AND OFF DUTY.** \* \* \* (1) **HOURS OF LABOR.** \* \* \* No common carrier, its officers or agents, \* \* \* shall permit \* \* \* any employe to be \* \* \* on duty \* \* \* more than sixteen consecutive hours, and whenever any such employe \* \* \* shall have been continuously on duty for sixteen hours he shall be relieved and not \* \* \* permitted again to go on duty until he has had at least ten consecutive hours off duty, and no such employe who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be \* \* \* permitted to continue or again go on duty without having had at least eight consecutive hours off duty.

(2) \* \* \* **EMERGENCIES EXCEPTED.** The provisions of *this* section \* \* \* shall not apply in \* \* \* case of casualty or unavoidable accident or the act of God; nor where \* \* \* a delay was the result of a cause not known to the carrier or its officers or agents in charge of \* \* \* an employe at the time \* \* \* he left the terminal and which could not have been foreseen; nor to the crews of wrecking or relief trains.

\* \* \*

**SECTION 84.** Sections 192.41 and 192.42 of the statutes are consolidated and renumbered section 192.25 and amended to read:

**192.25 RAILROAD TRAIN CREWS.** (1) **PASSENGER CREW; EXEMPTIONS.** \* \* \* No railroad \* \* \* shall run \* \* \* outside of the yard limits any passenger train \* \* \* without a full passenger crew, which for a train of three cars or

less shall consist \* \* \* of one engineer, one fireman, one conductor and one brakeman; and for more than three cars, \* \* \* of an additional brakeman. \* \* \* On trains of more than three cars the \* \* \* brakeman shall not be required to perform the duties of the baggage master or express agent while on the road. Nothing in this section shall apply to trains picking up \* \* \* cars between terminals \* \* \* or to trains propelled by electricity.

(2) FREIGHT CREW. \* \* \* No railroad \* \* \* shall run \* \* \* outside of yard limits any freight train of three cars or more with less than a full train crew consisting of \* \* \* an engineer, \* \* \* a fireman, \* \* \* a conductor and two brakemen.

SECTION 85. Section 192.46 of the statutes is renumbered section 192.26 SWITCHING CREWS, and is re-enacted, except subsection (3) which is repealed.

SECTION 86. Sections 192.15 and 192.17 of the statutes are renumbered section 192.27 and amended to read:

192.27 CONNECTING TRACKS AND SWITCHING.  
\* \* \* (1) \* \* \* When the track of a railway corporation \* \* \* crosses the track of any other railway corporation at grade, \* \* \* or \* \* \* when their tracks and right of way shall be adjacent, \* \* \* except in counties having one hundred fifty thousand population, the corporations shall, within sixty days after a written request of the \* \* \* commission or the \* \* \* council or \* \* \* board of the city, town or village within which the tracks so cross or are adjacent, make a track connection \* \* \* within such town, city or village to afford \* \* \* reasonable and proper facilities for the interchange of traffic between their respective lines for forwarding and delivering freight, \* \* \* and the expense thereof shall be borne equally \* \* \* by the said corporations, unless otherwise ordered by the \* \* \* commission.

\* \* \*  
(2) \* \* \* Any railroad corporation neglecting or refusing to comply with the provisions of this section \* \* \* shall be \* \* \* liable to a forfeiture of not less than twenty-five dollars nor more than one hundred dollars for each offense, and each day shall \* \* \* constitute a \* \* \* separate offense.

SECTION 87. Section 192.25 of the statutes is renumbered section 192.28 and is amended to read:

192.28 RAILROAD CROSSINGS; TRAINS TO STOP.

\* \* \* (1) Every train \* \* \* and every locomotive \* \* \* shall come to a full stop before \* \* \* crossing \* \* \* *another railroad at grade* and within four hundred feet thereof; and the train or locomotive arriving near said crossing first shall cross and move on first; and every \* \* \* train or locomotive shall also come to a full stop before \* \* \* running upon any drawbridge \* \* \* during the season of *navigation* \* \* \* and within six hundred feet of such bridge. \* \* \*

(2) No such stop need be made before crossing such drawbridge or crossing of railroads operated by the same company if at the time an employe of the company, \* \* \* standing on such bridge or crossing, \* \* \* shall signal such train to proceed, or if said drawbridge be provided with an interlocking arrangement which prevents the bridge being unlocked until a distance signal is set indicating danger, or is supplied with \* \* \* mechanical \* \* \* appliances so as to render it safe to cross \* \* \* without stopping, and the plan of such \* \* \* appliances has been filed with and approved by the \* \* \* commission \* \* \* or where any railroad tracks cross \* \* \* *at grade* and \* \* \* such crossing \* \* \* is equipped with appliances \* \* \* which render it safe to \* \* \* proceed without stopping, and the plans of such \* \* \* appliances have been filed with and approved by the \* \* \* commission. \* \* \*

(3) *This section shall not apply to trains operated by steam at crossings of electric railways.*

SECTION 88. Section 192.27 of the statutes is renumbered section 192.29 and is amended to read:

192.29 TRAIN SPEED AT STREET AND HIGHWAY CROSSINGS. \* \* \* (1) FIFTEEN-MILE LIMIT. No railroad \* \* \* train or locomotive shall be run faster than fifteen miles an hour while approaching and within twenty rods of any public traveled grade \* \* \* crossing in \* \* \* any city or village.

(2) THIRTY AND TWENTY-MILE LIMITS. Whenever any \* \* \* railroad \* \* \* shall \* \* \* operate gates at any public traveled grade crossing in any \* \* \* city or vil-

lage; or shall maintain a flagman thereat, \* \* \* *it may run* \* \* \* trains or locomotives at a speed not to exceed thirty miles an hour while approaching and within twenty rods of and while \* \* \* *traversing* such \* \* \* crossing, and whenever \* \* \* *it shall maintain and operate an efficient electric alarm bell or signal, properly installed and kept in good working order, at any \* \* \* such crossing, \* \* \* it may run* \* \* \* trains or locomotives at a speed not to exceed twenty miles an hour while approaching, and within twenty rods of, and while \* \* \* *traversing* such \* \* \* crossing.

(3) BELL TO RING, MUNICIPAL AUTHORITY. (a) No \* \* \* railroad \* \* \* train or locomotive *shall run* over any public traveled grade crossing within any \* \* \* city or village, except where \* \* \* gates are \* \* \* operated, or a flagman is stationed, unless the engine bell shall be rung continuously within twenty rods of and until such crossing shall be reached. \* \* \*

(b) Flagmen or gates shall be placed and maintained, or such mechanical safety appliances shall be installed upon such \* \* \* *public traveled grade* crossings in \* \* \* villages and cities \* \* \* as the \* \* \* city or village *authorities* may direct.

(4) HIGHWAYS, WHISTLE AND BELL. No \* \* \* railroad \* \* \* train or locomotive *shall run* over any public traveled grade highway crossing outside of the limits of \* \* \* *municipalities* unless the whistle shall be blown eighty rods from such crossing and the engine bell rung continuously from thence until such crossing be reached. \* \* \* *But* the railroad commission \* \* \* *may order* that the ringing of the bell or the blowing of the whistle, or both, as required by this subsection \* \* \* shall be omitted at any crossing.

(5) DANGER SIGNS. Every \* \* \* railroad \* \* \* corporation shall \* \* \* maintain \* \* \* *wherever its* \* \* \* track crosses a public highway or street and near such crossing a large signboard with the following inscription, painted in large letters on each side: "Look out for \* \* \* Cars," in such manner as to be visible on the highway \* \* \* *or street* at least a hundred feet distant on each side of such crossing.

(6) ACTIONS FOR DAMAGES, ORDINARY CARE. In any action brought by any person or his legal representatives against a \* \* \* corporation operating a railroad in this state, to re-

cover for personal injuries or death, if it appear that the injury or death in question was caused by the negligent omission of \* \* \* such corporation to comply with the requirements of *this* section, \* \* \* the fact that the person injured or killed was guilty of slight want of ordinary care contributing to the injury or death shall not bar a recovery. The burden of proof that the person so injured or killed was guilty of more than a slight want of ordinary care contributing to the injury or death shall be upon the \* \* \* *defendant*.

SECTION 89. Section 192.28 of the statutes is renumbered to be section 192.30 FROG GUARDS, and is re-enacted.

SECTION 90. Sections 192.31 to 192.35 of the statutes are repealed; and a new section is created to be numbered and to read:

192.31 TELLTALES OVER RAILROADS. (1) RAILROADS TO MAINTAIN. Every railroad corporation shall maintain suitable telltales wherever any overhead structure or any part thereof does not leave an overhead space or clearance of seven feet above the roof of every freight car hauled over its road.

(2) CHARACTER AND LOCATION. The commission may determine the materials for and the construction and placing of such telltales.

(3) REPORT. Prior to July, in each year, every corporation operating a railroad within the state shall file with the commission a verified statement showing the location of each bridge, or other structure over any of its tracks at a height of less than seven feet above the roof of any car hauled over said road, together with a statement showing whether or not the provisions of this section have been fully complied with.

(4) ASSUMPTION OF RISK. An employe of a railroad corporation who is injured by or because of the existence of any bridge, or other structure over, above or across any of the tracks of said railroad at a height less than that provided in this section, which has not been protected by telltales, shall not be considered to have assumed the risk of such injury, although he continues in the employ of such corporation after the existence of such unguarded structure has been brought to his knowledge.

SECTION 91. Subsections (2) and (3) of section 192.49 of the statutes are renumbered section 192.32 and are amended to read:

192.32 TRESPASSING ON RAILROAD. \* \* \* (1) \* \* \* No person, other than a licensee or authorized newspaper reporters or those connected with or employed upon the

railroad, \* \* \* shall walk, loiter or be upon or along the track \* \* \* of any railroad. \* \* \* The provisions of this subsection shall not be construed to interfere \* \* \* with the lawful use of a public road or highway by any person, or to prevent any person from driving across any railroad from one part of his land to another part thereof, or from walking directly across the tracks or right of way of any railroad; or \* \* \* with the use of the right of way or track by any person when occasioned by or in connection with, either directly or indirectly, the shipping, loading or unloading of freight, seeking employment, the investigation or securing of evidence with respect to any accident or wreck, or in conducting or transacting any other business for or with said railroad; or \* \* \* with the entry of any employe \* \* \* during or on account of labor disputes by employes.

(2) \* \* \* Each railroad corporation \* \* \* shall post notices containing substantially the provisions and penalties of this section, in one or more conspicuous places in or about each railroad station.

\* \* \*

SECTION 92. Section 192.48 of the statutes is renumbered section 192.33 and is amended to read:

192.33 FENCES, CATTLE GUARDS, CROSSINGS.  
 \* \* \* (1) Every \* \* \* corporation operating any railroad shall erect and maintain on both sides of \* \* \* its road (depot grounds excepted) \* \* \* sufficient fences \* \* \* with openings or gates or bars therein, and suitable and convenient farm crossings \* \* \* for the use of the occupants of the lands adjoining and shall \* \* \* maintain cattle guards at all highway crossings (*outside of municipalities*) and connect their fences therewith. \* \* \* This section shall not apply to that part of the road where sidetracks or switch tracks are used in cities of the first class.

(2) All roads \* \* \* shall be so fenced and such cattle guards be made within one month from the time of commencing to operate the same, so far as operated. Until such fences and cattle guards shall be \* \* \* made, every railroad corporation owning or operating any such road shall be liable for all damages done to \* \* \* domestic animals, or persons thereon, occasioned in any manner, in whole or in part, by the want of such fences or cattle guards; but after such fences and

cattle guards shall have been \* \* \* constructed such liability shall not extend to damages occasioned in part by contributory negligence, nor to defects existing without negligence on the part of the corporation or its agents.

(3) \* \* \* *The sufficiency of fences shall be determined according to the provisions of chapter 90; but nothing herein shall render any fence insufficient which was a legal or sufficient fence when built.*

(4) No fence shall be required in places where \* \* \* ponds, lakes, watercourses, ditches, hills, embankments or other sufficient protection renders a fence unnecessary to \* \* \* prevent domestic animals from straying upon the right of way.  
\* \* \*

(5) *The maintenance of cattle guards may be omitted by the railroad company with the written consent of the commission specifying the particular crossings.*

SECTION 93. Section 195.28 of the statutes is renumbered section 192.34 and is amended to read:

192.34 FENCES; COMPLAINT OF INSUFFICIENT; HEARING; ORDER. \* \* \* *Upon complaint \* \* \* by the owner or occupant of any land contiguous to the right of way of any railroad \* \* \* that the railroad company operating such line has failed to construct or keep in good repair \* \* \* such fences as the law requires along its right of way \* \* \* opposite to such land, \* \* \* the commission \* \* \* shall proceed thereon in the manner provided \* \* \* in section \* \* \* 195.04. If \* \* \* it shall appear \* \* \* that the complaint is well founded \* \* \* said commission may order and direct said railroad company to repair such \* \* \* fences so that the same shall be sufficient or to construct legal fences. \* \* \**

SECTION 94. Subsection (1) of section 192.49 of the statutes is renumbered section 192.35 and is amended to read:

192.35 FENCES; INTERFERENCE WITH, ETC., TRESPASSERS ON TRACK. \* \* \* Any person who shall wilfully take down, open or remove any \* \* \* railroad fence, cattle guard or crossing or any portion thereof, or allow the same to be taken down, opened or removed, or who, having lawfully taken down bars or opened gates in such fences for the purpose of passing through the same, shall not immediately replace or close the same, shall forfeit not less than ten nor more than



fifty dollars, and in addition be liable to the party injured for all damages resulting from such act or omission; and \* \* \* any person *who* shall ride, lead or drive any horse or other animal upon such a *fenced* road, \* \* \* or \* \* \* *who* shall ride; lead or drive any horse \* \* \* or team \* \* \* lengthwise of \* \* \* *an unfenced railroad track* \* \* \* (other than at the farm crossings or upon depot grounds or where the same is laid along or across a public road or street), without the consent of the \* \* \* party *owning or having* control of such road \* \* \* shall, for every such offense, forfeit \* \* \* not exceeding ten dollars, to \* \* \* such \* \* \* party, \* \* \* and shall also pay all damages which shall be sustained by the \* \* \* party aggrieved.

SECTION 95. Section 192.50 of the statutes is renumbered section 192.36 and is amended to read:

192.36 FENCES, OCCUPANT OF LAND MAY BUILD OR REPAIR. \* \* \* Whenever a railroad corporation \* \* \* shall \* \* \* *fail* to build or repair \* \* \* *any* fence, \* \* \* *which the law requires it to erect*, the owner or occupant of the land adjoining \* \* \* may, between the first day of April and the first day of October, \* \* \* give notice in writing to such corporation to build, within sixty days or repair within thirty days, such fence, \* \* \* after the service of such notice. Such notice shall describe the land on which such fence is required to be built or repaired, and service thereof may be made by delivering the same to any station agent of said corporation. In case the corporation \* \* \* shall \* \* \* *fail* to build or repair the fence \* \* \* within the time aforesaid, then such owner or occupant may build or repair the same; \* \* \* and may recover \* \* \* from such corporation the cost thereof with interest at one per cent per month from the time such fence shall have been built or repaired.

SECTION 96. Section 192.51 of the statutes is renumbered section 192.37 and is amended to read:

192.37 FENCES, FARM CROSSINGS; RAILROADS TO PROVIDE. \* \* \* (1) Whenever any \* \* \* corporation shall operate a railroad \* \* \* through inclosed lands and shall fail to construct the fences, farm crossings or cattle guards required by \* \* \* *law*, proper for the use of such lands, the owner or occupant thereof may give notice in writing signed by him to such corporation, to be served as a *circuit court*

summons \* \* \* is \* \* \* served, \* \* \* to fence its road \* \* \* through his inclosed lands, describing the same, and construct the necessary farm crossings and cattle guards thereon. \* \* \* If such company, after being so notified, neglect for three months \* \* \* to construct such fences, farm crossings and cattle guards, it shall be liable to pay to such owner or occupant ten dollars for each day after the expiration of said three months until so constructed. \* \* \* But no time between \* \* \* *the* first day of November and the first day of April \* \* \* succeeding shall be included in the three months aforesaid.

SECTION 97. Section 192.52 of the statutes is renumbered section 192.38 and is amended to read:

192.38 CONTRACTS NOT AFFECTED. \* \* \* The \* \* \* provisions of sections 192.33 to 192.37 shall not affect \* \* \* any contract \* \* \* entered into between any railroad corporation and the proprietors and occupants of lands adjoining for the construction and maintenance of \* \* \* gates, bars, cattle guards and railroad crossings.

SECTION 98. Section 192.53 of the statutes is renumbered section 192.39 RAILROAD CONSTRUCTION, LABORERS' LIENS, and is re-enacted.

SECTION 99. Section 192.54 of the statutes is renumbered section 192.40 SUCCESSOR TO RAILROAD, LIABILITY FOR WAGES, and is re-enacted.

SECTION 100. Section 192.04 of the statutes is renumbered section 192.41 and is amended to read:

192.41 PRIORITY OF LABOR CLAIMS IN RECEIVERSHIPS. \* \* \* It shall be the duty of \* \* \* *the* receiver of any railroad corporation to report immediately to the court \* \* \* appointing him the amount due \* \* \* from the railroad company \* \* \* at the date of \* \* \* his appointment to its employes, \* \* \* and it shall be the duty of \* \* \* *the court* to order the \* \* \* receiver to pay out of the first receipts and earnings of said railway, after paying current operating expenses, under his administration, the wages of all employes \* \* \* which had accrued within six months prior to \* \* \* his appointment. \* \* \*

SECTION 101. Section 192.58 of the statutes is renumbered section 192.42 and is amended to read:

192.42 COMMON CARRIERS, JOINT LIABILITY, EN.

FORCEMENT. (1) \* \* \* Every common carrier \* \* \* receiving property for *intrastate* transportation \* \* \* shall issue a \* \* \* bill of lading therefor and shall be liable to the lawful holder thereof for any loss of \* \* \* or injury to such property caused by it or by any common carrier \* \* \* to which such property may pass, and no contract, receipt, rule or regulation shall exempt \* \* \* *the issuer* from the liability hereby imposed. \* \* \*

(2) Any holder of such \* \* \* bill of lading \* \* \* may bring an action against all of the carriers and on proof that the property was lost, destroyed or damaged in transit, the liability shall attach to all the defendants and judgment shall be entered accordingly against them all unless a carrier shall prove its nonliability, in which case the judgment shall go only against the other defendants. \* \* \*

(3) \* \* \* The carrier \* \* \* issuing such \* \* \* bill of lading shall be entitled to recover from the common carrier \* \* \* on whose line \* \* \* the loss \* \* \* or injury shall have been sustained the amount of \* \* \* damages it may be required to pay to the owner \* \* \* of such property, as may be evidenced by any receipt or judgment. \* \* \*

SECTION 102. Section 192.60 is renumbered section 192.43 LIABILITY OF CARRIER OF PASSENGERS MADE ABSOLUTE, and is re-enacted.

SECTION 103. Section 192.56 of the statutes is renumbered section 192.44 and is amended to read:

192.44 FIRES; RAILROAD LIABILITY; ACTION FOR DAMAGES. \* \* \* (1) Each railroad corporation owning or operating a railroad \* \* \* shall be \* \* \* liable to \* \* \* *the owner of property* \* \* \* injured or destroyed by fire communicated directly or indirectly by locomotives \* \* \* in use upon \* \* \* such railroad, \* \* \* or by the burning of grass, weeds or rubbish on *the* right of way by employes of such corporation; and \* \* \* such railroad corporation \* \* \* may procure insurance \* \* \* in its own behalf for its protection against such \* \* \* liability.

(2) \* \* \* To recover \* \* \* such damages, it shall only be necessary for \* \* \* *the owner* to prove the loss of or injury to his property, and that the fire originated in the manner hereinbefore stated. If such corporation fails or neglects

to pay such damage within sixty days after notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, served upon any officer or station or ticket agent employed by such corporation in the county where such loss or injury occurred, such owner shall be entitled to recover \* \* \* double the amount of *actual* damages. \* \* \* If such \* \* \* *corporation* shall, within sixty days *after such service*, offer in writing to pay a \* \* \* *stated* sum, \* \* \* and the owner shall refuse to accept the same, then in any action \* \* \* brought for such damages, when such owner recovers \* \* \* *less* damages than the amount so offered, \* \* \* such owner shall recover only his damages, and the railway company shall recover its costs.

SECTION 104. Section 192.05 of the statutes is renumbered section 192.45 and is amended to read:

192.45 EXPRESS COMPANIES, FREE DELIVERIES.

\* \* \* (1) Every express company doing business within any city \* \* \* where there is \* \* \* a United States urban free mail delivery shall make free delivery of all intra-state express matter received *for delivery* by it at such city \* \* \* within the boundaries of such free delivery. \* \* \*

(2) Every \* \* \* company violating \* \* \* this section shall be subject to a forfeiture of not less than fifty dollars and not more than one hundred dollars, \* \* \* and one-fourth thereof shall be paid to the informer. \* \* \* This section shall not \* \* \* affect the liability of any express company \* \* \* *for actual* damages. \* \* \*

SECTION 105. Section 192.65 of the statutes is renumbered section 192.46 and is amended to read:

192.46 EXPRESS COMPANY, INTEREST OF CLAIMS AGAINST. \* \* \* Any claim *against an express company* for damages to any shipment \* \* \* shall, after one hundred and twenty days from the date of \* \* \* filing, bear interest at the rate of ten per cent per annum.

SECTION 106. Section 192.75 of the statutes is renumbered section 192.47 and is amended to read:

192.47 RAILROAD POLICE; OATH; POWERS. \* \* \*

Any railway company \* \* \* may, at \* \* \* *its* own expense, appoint and employ policemen at such stations or other places on the line of \* \* \* *its* road within this state as \* \* \* *it* may deem necessary for the protection of \* \* \*

*its* property and the preservation of order on \* \* \* *its* premises and in and about \* \* \* *its* cars, depots, depot grounds, yards, buildings or other structures. Each policeman shall take an oath \* \* \* to support the constitution of the United States and showing that he is a citizen of the United States and shall file the same in the office of the \* \* \* commission. \* \* \* Every such policeman shall, when on duty, wear a shield furnished by said company bearing the words "Railroad Police" and the name of the company for which he is appointed. Said policemen may arrest, with or without warrant, any person who in their presence shall commit upon the premises of any such company or in or about \* \* \* *its* cars, depots, depot grounds, yards, buildings or other structures any offense against the laws of this state or the ordinances of any town, city or village, \* \* \* and shall also have the authority of sheriffs in regard to the arrest or apprehension of any such offenders in or about the premises or appurtenances aforesaid; but in case of the arrest, by any such policeman, of any person without warrant he shall forthwith take such offender before some magistrate having jurisdiction and make complaint against him. Every railway company shall be responsible for the acts of \* \* \* *its* policemen.

SECTION 107. Section 192.26 of the statutes is renumbered section 192.48 and is amended to read:

192.48 HIGHWAY CROSSINGS, ADVANCE WARNING SIGNS. \* \* \* (1) RAILROADS TO FURNISH; COMMISSIONERS TO PLACE. \* \* \* Each steam \* \* \* and interurban railroad company shall furnish to each county \* \* \* in \* \* \* which it operates a sufficient quantity of advance warning signs to \* \* \* enable the county to comply with this section; and the county highway commissioner shall immediately install and thereafter maintain such signs in good condition, near each such grade crossing *other than state trunk highway crossings*, \* \* \* and shall certify the cost of such installation and maintenance to the county clerk, who shall issue his warrants therefor upon the county treasurer to be paid out of moneys received by the county \* \* \* out of the county highway maintenance fund. The \* \* \* commission, upon petition \* \* \* and upon investigation and finding that such signs are impracticable or unnecessary on any \* \* \* highway, may

release the county from the provisions of this section as to such \* \* \* highway.

(2) **SIGNS DESCRIBED.** Such signs shall consist of a metal disc twenty-four inches in diameter, and the field thereof shall be enameled federal yellow, with an enameled black border line three-eighths of an inch wide, the outside edge of which is to be three-eighths of an inch from the edge of the sign, and an enameled black perpendicular and horizontal cross line two and one-half inches wide; the reverse side of such disc shall be colored black. In each of the upper quarterings shall appear in black enamel the capital letter "R" five inches high, three and eleven-sixteenths inches wide, lines one inch stroke. In the event that more than one track is to be crossed there shall be two such horizontal cross lines on such signs.

(3) **LOCATION.** Such signs shall be placed in conspicuous locations beside \* \* \* *every highway which crosses a railroad at grade (outside of municipalities)* as near as practicable to the \* \* \* *traveled portion of the highway* on each side of \* \* \* such crossing, at a distance of not less than three *hundred* nor more than five hundred feet from the nearest rail, \* \* \* unless the physical conditions are such that this is impracticable, in which case the signs shall be placed as directed by the highway commission. Each \* \* \* sign shall be installed approximately five feet above the level of the center of the highway upon a substantial \* \* \* support, in a manner to be prescribed by the highway commission.

(4) **DUPLICATES.** In case any sign \* \* \* installed as provided in this section is destroyed or becomes \* \* \* *illegible* by any cause whatsoever, the \* \* \* *railroad company*, upon request from the county highway commissioner, shall forthwith \* \* \* *deliver* another such sign \* \* \* at the crossing near which it is to be installed; \* \* \* neither the installation of said signs nor the failure \* \* \* to install or maintain the same \* \* \* shall \* \* \* *render* the county liable for any accident that may occur by reason of such installation or neglect.

(5) **OTHER SIGNS PROHIBITED.** No \* \* \* *other* sign of the general size or appearance of \* \* \* *the* signs provided for in this section *shall be placed or permitted* upon any highway, \* \* \* *nor* any sign between such advance signs except signs or signals now required by law or permitted by the

railroad commission for protection at railway \* \* \* crossings.

(6) PENALTIES. Any person who removes, throws down, injures or defaces any \* \* \* sign *required by this section* shall, upon conviction, be fined not to exceed twenty-five dollars.

(7) PENALTIES. Any person or corporation upon conviction for the violation of any of the provisions of this section, except \* \* \* subsection (6), shall be \* \* \* fined \* \* \* not less than ten dollars nor more than fifty dollars for each \* \* \* violation.

(8) PROSECUTIONS. The district attorney \* \* \* shall prosecute any person \* \* \* violating \* \* \* this section, or begin and maintain any civil action necessary for \* \* \* its enforcement \* \* \* upon the demand of any county highway commissioner, \* \* \* the \* \* \* state highway commission, or the \* \* \* railroad commission.

SECTION 108. Section 192.19 of the statutes is renumbered section 192.49 and is amended to read:

192.49 LIMITATION ON OFFICERS, AGENTS, ETC.; COMPETING LINES. \* \* \* No \* \* \* officer, agent or employe of any railroad \* \* \* or *other* transportation corporation shall be interested, directly or indirectly, in the furnishing of supplies or materials to such corporation or in the business of transportation of freight or passengers over the lines owned, leased, controlled or operated by such corporation. No officer of any railroad corporation shall be an officer of any other railroad corporation which owns or controls a parallel or competing line. \* \* \*

SECTION 109. Section 192.70 of the statutes is repealed.

SECTION 110. Section 192.73 of the statutes is renumbered section 192.51 BRIDGES AT SUPERIOR, and is re-enacted.

SECTION 111. Section 192.81 of the statutes is renumbered section 192.52 TERMINALS AND SHOPS, REMOVAL, and is re-enacted.

SECTION 112. Section 192.90 of the statutes is renumbered section 192.53 and is amended to read:

192.53 RAILROAD TRACK CLEARANCE. \* \* \* (1) \* \* \* *After July 1, 1297, no building or loading platform shall be constructed or any addition to or reconstruction of \* \* \* a then existing building or loading platform, not including ordinary repairs necessary for maintenance, shall be*

*made* which shall have a horizontal clearance of less than eight feet between \* \* \* *it* and the center line of any railroad track. \* \* \* The same clearance shall be maintained \* \* \* between such \* \* \* track and any material used in and about the construction of any such building or loading platform.

(2) \* \* \* Platforms at passenger stations used for loading and unloading \* \* \* passengers, baggage, mail and express may be constructed and maintained as follows:

(a) \* \* \* Such a platform which is not higher than four inches above the top of the rail shall be not less than four feet six inches from the center line of \* \* \* *the adjacent track*;

(b) \* \* \* Such a platform which is more than four inches but not higher than eight inches above the top of the rail shall be not less than five feet one inch from the center line of \* \* \* *the adjacent track*;

(c) \* \* \* Such a platform which is more than eight inches but not higher than one foot nine inches above the top of the rail shall be not less than six feet from the center line of \* \* \* *the adjacent track*;

(d) \* \* \* Such a platform which is higher than one foot nine inches above the top of the rail of a main track shall be not less than eight feet from the center line thereof. \* \* \*

\* \* \* (3) \* \* \* High platforms for handling baggage, mail, express and freight to and from cars on other than main tracks, where an unobstructed working space at ground level is maintained on the opposite side of track from such platform, may be constructed and maintained with face or edge five feet eight inches from the center line of such track.

(4) \* \* \* Upon finding that any such \* \* \* structure will not imperil life or limb, and that the public interest requires or permits such structure to be constructed or reconstructed otherwise than as permitted by the *foregoing* provisions of \* \* \* this section, the \* \* \* commission may exempt such \* \* \* structure from such provision. Such findings shall be made only upon written application, setting forth fully the grounds therefor and shall be made only after public hearing, and the findings and order granting exemption shall be in writing and shall contain complete provisions and requirements as to the horizontal clearance to be maintained in \* \* \* *such* construction or reconstruction. \* \* \* Such \* \* \* struc-



ture shall be constructed or reconstructed only \* \* \* in compliance with such order. \* \* \*

SECTION 113. Section 192.64 of the statutes is renumbered section 192.54 and is amended to read:

192.54 GENERAL PENALTY FOR CHAPTER 192.  
\* \* \* If any railroad corporation, its officers, agents or servants violate or fail to comply with any provision of \* \* \* *this chapter* such corporation shall, for every violation or failure (*unless some other penalty is specifically provided*) forfeit not less than ten nor more than one thousand dollars, and be liable to the person injured for all damages sustained thereby.

\* \* \*

SECTION 113a. A new section of the statutes is created to be numbered 192.55 and to read:

192.55 SPECIAL PENALTIES FOR CHAPTER 192. (1) For each wilful violation of section 192.03 in failing to report or in making a false report, the offender shall forfeit twenty-five dollars.

(2) Every railroad corporation which shall violate section 192.12 or section 192.15 shall forfeit twenty-five dollars for each offense.

(3) Any person violating section 192.20 shall be fined not more than one hundred dollars.

(4) Any officer or employe of any railroad corporation which operates more than twenty-five miles of road who shall send or cause to be sent outside of yard limits any train whose crew consists of less than the number required by section 192.25 shall be fined fifty dollars for each offense.

(5) Any corporation or person operating a railroad that shall fail to erect the telltales required by section 192.31 for the space of sixty days after notice from the commission requiring such erection shall forfeit not less than fifty dollars nor more than one hundred dollars, and each twenty days' delay thereafter in erecting such telltales shall be a separate offense.

(6) Any person violating section 192.32 shall be punished by a fine of not less than one dollar nor more than fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

SECTION 114. Section 192.01 of the statutes is repealed.

SECTION 115. Section 192.11 of the statutes is repealed.

SECTION 115a. Section 192.13 of the statutes is repealed.

SECTION 116. Section 192.16 of the statutes is repealed.

SECTION 117. Section 192.18 of the statutes is repealed.

SECTION 117a. Section 192.30 of the statutes is repealed.

SECTION 118. Section 192.39 of the statutes is repealed.

SECTION 118a. Section 192.43 of the statutes is repealed.

SECTION 119. Section 192.44 of the statutes is repealed.

SECTION 120. Sections 192.45, 192.455, 192.456, 192.457 and 192.55 of the statutes shall not be printed in future editions of the Wisconsin Statutes.

SECTION 121. Section 192.47 of the statutes is repealed.

SECTION 123. Section 192.59 of the statutes is repealed.

SECTION 124. Section 192.78 of the statutes is repealed.

SECTION 125. Section 192.79 of the statutes is repealed.

SECTION 126. Section 192.57 is renumbered subsection (8) of section 330.19 and is amended to read:

(330.19) (8) \* \* \* LIMITATION OF ACTIONS AGAINST RAILROADS FOR FIRES AND INJURIES TO ANIMALS. No action against any railroad corporation for damages to property occasioned by fire set from a locomotive or for stock killed or injured by such corporation shall be maintained unless within one year after the happening of the event causing such damage *the complaint be served or a notice in writing, signed by the party owning such property or stock, his agent or attorney, shall be given to the corporation \* \* \* in the manner provided for service of a circuit court summons, stating the time and place \* \* \* such damage occurred and that satisfaction therefor is claimed of such corporation. \* \* \* No such notice shall be deemed insufficient \* \* \* solely because of any inaccuracy or failure therein in stating the time when or describing the place where such damages occurred if it shall appear that there was no intention on the part of the \* \* \* claimant to mislead said corporation and that the latter was not in fact misled thereby.*  
\* \* \*

SECTION 127. Section 192.74 of the statutes is renumbered subsection (42) of section 370.01 and is amended to read:

(370.01) (42) RAILROAD CORPORATION. \* \* \* The phrases "railroad corporation" \* \* \* and "railroad company" may be taken to embrace any company, association, corporation or person managing, maintaining, operating or in possession of a railroad, whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

SECTION 128. Sections 192.71 and 192.72 of the Wisconsin Statutes of 1927 (sections 1858 and 1859, R. S. 1878) shall not be printed in future editions of the Wisconsin Statutes.

SECTION 129. The title of Chapter 193 is STREET AND INTERURBAN RAILWAYS.

SECTION 130. Section 193.01 of the statutes is amended to read:

193.01 STREET RAILWAYS; FORMATION, POWERS; FRANCHISES. (1) Corporations for constructing, maintaining and operating street railways may be formed under chapter 180, and shall have powers and be governed accordingly. Any \* \* \* *municipality* or county may grant to \* \* \* such corporation, under whatever law formed, or to any person who has the right to \* \* \* operate street railways, the use, upon such terms as \* \* \* *it* shall determine, of any streets, parkways or bridges within its limits for the purpose of laying \* \* \* tracks and running cars thereon, or of running cars without tracks by overhead trolley, for the carriage of freight and passengers, to be propelled by \* \* \* such \* \* \* power as shall be agreed on, with all necessary curves, turnouts, switches and other conveniences. Every such road shall be constructed upon the most approved plan and be subject to such reasonable rules and regulations and the payment of such license fees as the \* \* \* *grantor* may by ordinance, from time to time, prescribe. \* \* \*

(2) Whenever any city shall determine that \* \* \* public travel requires the use of space beneath or over the surface of any street, alley or public ground, it may authorize, subject to the provisions of sections 193.33 to 193.45, \* \* \* any street or interurban railway corporation, on such terms as may be agreed upon, to construct and maintain, for the operation of its cars and trains thereon or therein, elevated structures \* \* \* above and subways \* \* \* beneath the surface of any street, alley or public ground, including approaches, entrances, sidings, stations and connections. Any city may provide any such elevated or subway structure and may authorize the use thereof by a street or interurban railway corporation on such terms as may be agreed upon.

SECTION 131. Section 193.02 of the statutes is amended to read:

193.02 STREET RAILWAY MAY BUY LIKE ROAD;

**HOLDING STOCK; PAYMENT; SALE OR LEASE.** Any \* \* \* corporation which owns or controls a street railway \* \* \* may, when authorized by its articles of incorporation, purchase, take and hold all or any part of the real and personal property, rights, privileges, ordinances and franchises of any other street railway company, \* \* \* or of any corporations, \* \* \* formed for the purpose of \* \* \* generating electricity, \* \* \* and may, when *so* authorized, \* \* \* purchase, take and hold stock in and \* \* \* become a subscriber to the capital stock of any other similar street railway or any electrical corporation; \* \* \* the consideration for such purchase may be paid in the stock or bonds, or both, of the purchasing company; the conveyance of property \* \* \* shall be by deed or bill of sale, or both, in the usual form, and \* \* \* be authorized by the affirmative vote of a majority of the outstanding stock entitled to vote of the selling company. \* \* \* The electrical power so acquired may be sold or leased \* \* \* for \* \* \* any purpose \* \* \* to all persons and corporations for cash or for the stock or bonds, or both, of any corporation to which the same \* \* \* is furnished. \* \* \* All electric light companies \* \* \* shall have all the rights, powers and privileges conferred by this section on street railway corporations.

**SECTION 132.** Section 193.04 of the statutes is re-enacted.

**SECTION 133.** Section 193.05 of the statutes is amended to read:

**193.05 INTERURBAN RAILWAYS; ORGANIZATION; DEPOTS, LOCATION AND CONSTRUCTION.** (1) *Corporations may be formed and governed as provided in section 193.01 for the purpose of building, maintaining and operating interurban railways in any city, village or town, or to extend from any point in one city, village or town to, into or through any other city, village or town, and for running cars for the carriage of either passengers or freight; and for that purpose, with the consent of the common council of any city or the board of any village or town in or through which such railway may extend, may lay and operate their railways upon, across and along any highway, but not so as to obstruct the public travel thereon. The consent of the common council or board shall be given by ordinance, and upon such terms and subjects to such rules and regulations and the payment of such license fees as the common*

*council or board may from time to time prescribe; provided, that the common council or board shall not alter or change the license fee prescribed for any such corporation oftener than once in each five years.*

(2) Every interurban railway company \* \* \* shall provide \* \* \* a suitable depot or waiting room—at every city or village, whether incorporated or not, \* \* \* to which \* \* \* its railway shall extend, and \* \* \* at every junction point where it shall \* \* \* transfer passengers. \* \* \* Upon petition therefor to any interurban railway company by any town board or by twenty-five residents of any town, such railway company shall provide a suitable waiting room or shelter at any highway crossing within such town \* \* \* where it receives and discharges passengers. \* \* \* The \* \* \* commission \* \* \* shall have power to relieve any \* \* \* company from the duty of constructing such waiting room or shelter at highway crossings, or at any other place along its line, \* \* \* when it shall be made to appear that the volume of traffic or the proximity to such crossing or other place of a suitable shelter \* \* \* is such that the construction of such waiting room or shelter is not necessary for the adequate protection of passengers. The \* \* \* commission \* \* \* may determine \* \* \* whether any depot or waiting room so provided is suitable in construction or location; and in case of the failure of \* \* \* connecting lines to agree on the place of location or division of expense of erection or maintenance of such depot or waiting room at junction points, \* \* \* said commission shall have the power to determine all matters in dispute in reference thereto on application of either party.

SECTION 134. Section 193.06 of the statutes is amended to read:

193.06 PENALTY, FAILURE TO PROVIDE SHELTER. Any \* \* \* corporation \* \* \* *failing* to comply with any of the \* \* \* provisions of *section 193.05* shall forfeit \* \* \* not less than fifty *dollars*, nor more than one hundred dollars. Each day that any such railway shall be operated in violation of \* \* \* *said* provisions shall be deemed a separate offense.

SECTION 135. Section 193.07 of the statutes is renumbered to be subsection (2) of section 343.43.

SECTION 136. Section 193.08 of the statutes is amended to read:

**193.08 FORFEITURE OF FRANCHISE FOR NONUSER.**

(1) When any street railway company shall fail, for a period of five years, to operate its cars for regular passenger service over any street in any city, village or town, upon which a franchise or permit shall have been granted it, the common council \* \* \* or the village or town board \* \* \* may, by a two-thirds vote, declare such franchise or permit forfeited as to the street or portion thereof so neglected; provided that tracks upon any street, not exceeding two blocks, used for switching and emergency purposes, may be retained by any such company though cars are not regularly operated thereon. \* \* \*

(2) When any franchise or permit granted to any street railway company contains no limitations as to the time within which the railway should be constructed, such franchise or permit shall terminate at the expiration of five years from the date thereof, as to all streets and portions of streets upon which such railway has not been constructed or has been \* \* \* taken up. \* \* \*

SECTION 137. Section 193.09 of the statutes is amended to read:

**193.09 INTERURBAN CARS; HEATING; THERMOMETER; PENALTY.** (1) It shall be unlawful to operate any interurban \* \* \* or street *passenger* car between the fifteenth day of October \* \* \* and the succeeding fifteenth day of April, unless such car is provided with a reliable thermometer, placed in a conspicuous place at or about the center of such car, and a suitable heating apparatus, and a temperature of not less than sixty degrees Fahrenheit at or about the center of such car is maintained when reasonably possible so to do. \* \* \*

(2) Any \* \* \* corporation \* \* \* *failing* to comply with any of the foregoing provisions shall forfeit \* \* \* not less than fifty dollars, nor more than one hundred dollars. Each day that such car is operated in violation of the foregoing provisions shall be deemed a separate offense.

SECTION 138. Section 193.10 of the statutes is amended to read:

**193.10 EXTENSION OF LINES, INTERURBAN ROADS.** Any street railway corporation operating within any municipality shall extend its lines and furnish service thereon whenever,

after complaint made \* \* \* and public hearing after notice to all parties interested, the \* \* \* commission shall have found and declared that public convenience and necessity require such extension and such additional service, and that the construction and operation of such extension will not impair the earnings of the said corporation so as to prevent an adequate or fair return, \* \* \* and such corporation may extend its railway to any point within any town adjoining the municipality from which it derived its franchise, and for such purposes may, with the written consent of a majority of the supervisors of such town, lay and operate its railway upon, across and along any highway, but not so as to obstruct \* \* \* public travel.  
\* \* \*

SECTION 139. Section 193.11 of the statutes is amended to read:

193.11 STREET AND INTERURBAN RAILWAYS; RIGHT OF WAY FOR ROAD OR POWER LINE. Any street or \* \* \* *interurban* railway corporation may lay out its right of way not exceeding one hundred feet in width and acquire the same and construct its railway thereon; and may acquire a right of way not exceeding two rods in width, for the purpose of \* \* \* transmitting electrical current from the power house \* \* \* to the \* \* \* railway system operated thereby, and for the purpose of furnishing light, heat and power for public purposes. Wherever such corporation has constructed its railway on any street or highway under a franchise granted to it by any town or village board or city council, such corporation shall not, during the term of such franchise, abandon or discontinue any part of such railway on a public street or highway \* \* \* without the consent of the proper town or village board or city council.

SECTION 140. Section 193.12 of the statutes is amended to read:

193.12 STREET AND INTERURBAN RAILWAYS; CONDEMNATION. For the purpose of cuttings and embankments and of obtaining gravel or other material such railway may take as much more land as may be necessary for the proper construction, operation and security of the road, and cut down \* \* \* trees that may be in danger of falling on the road, making compensation therefor, and any such street or *interurban* \* \* \* railway corporation may acquire and may hold or use such real

estate or other real or personal property as may be necessary for the construction, maintenance and operation of its railroad, elevated and subsurface structures for carrying the tracks thereof, and approaches and entrances thereto, and for \* \* \* stations, depot grounds, sidings, connections and other accommodations reasonably necessary to accomplish the objects of incorporation; and when reasonably necessary may \* \* \* acquire \* \* \* the right to run its cars over \* \* \* bridges owned by \* \* \* *cities* of the second, third and fourth classes, towns and villages, and the approaches thereto on the rails of any other street or electric railway which it may meet, join, intersect or cross.

SECTION 141. Section 193.13 of the statutes is amended to read:

193.13 STREET AND INTERURBAN RAILWAYS; OTHER LINES, POWER TO INTERSECT. All of the provisions of subsection (6) of section \* \* \* 190.02 \* \* \* relative to railroad crossings shall apply to street and \* \* \* *interurban* railways. The commission \* \* \* shall have power to determine the place at and manner in which grade or other crossings shall be made. \* \* \*

SECTION 142. Section 193.14 of the statutes is amended to read:

193.14 STREET AND INTERURBAN RAILWAYS; SURVEYS. \* \* \* *Street and interurban* railway \* \* \* *companies* shall have the power to cause such examination and surveys for \* \* \* a proposed railroad to be made as may be necessary to the selection of the most advantageous route and for such purpose \* \* \* *may* enter upon \* \* \* *any* lands or waters, \* \* \* but subject to responsibility for all damages which shall be done thereto.

SECTION 143. Section 193.15 of the statutes is amended to read:

193.15 CONDEMNATION, LIMITATION ON. The right of condemnation *by a street or interurban railway company* shall not \* \* \* *extend* to any park, \* \* \* boulevard, \* \* \* street, alley, bridge or viaduct \* \* \* *in any municipality* unless the use \* \* \* *thereof* shall first be granted, upon such terms and conditions as the proper authorities shall determine, to \* \* \* *it* by a franchise duly passed by the board of trustees or common council. \* \* \*



SECTION 144. Section 193.16 of the statutes is repealed.

SECTION 145. Sections 193.17 to 193.21 of the statutes are repealed, and a new section 193.17 is created to read:

193.17 CONSOLIDATION OF RAILROADS. Any domestic street or interurban railway corporation may consolidate with any other street or interurban railway company in the manner provided in section 190.06 and with the effect there declared, except that a certified copy of the documents required by said section to be filed for record with the secretary of state shall also be recorded in the office of the register of deeds of each county in this state in which the constituent corporations had their principal place of business and in the home county of the consolidated corporation.

SECTION 146. Section 193.22 of the statutes is amended by striking out the word "such" in the first line and inserting in lieu thereof the word "street."

SECTION 147. Section 193.23 of the statutes is repealed but this repeal shall not impair any existing rights which may have been created thereunder.

SECTION 148. Sections 193.24 and 193.25 of the statutes are consolidated, renumbered and amended to read:

193.24 STREET CAR TRANSFERS; ILLEGAL USE.

(1) No transfer or ticket \* \* \* purporting to give the right of transfer \* \* \* from \* \* \* one public conveyance \* \* \* to \* \* \* another public conveyance \* \* \* shall be issued, sold or given by any street railroad except to a passenger lawfully entitled thereto.

(2) \* \* \* Any person \* \* \* not lawfully entitled thereto who shall receive and use, or offer for passage, any such transfer ticket, \* \* \* or who shall sell or give away such transfer ticket \* \* \* to another with intent to have such transfer ticket \* \* \* used, or offered for passage after the time limit for its use shall have expired, shall be guilty of a misdemeanor, and upon conviction \* \* \* shall be punished by a fine of not less than five dollars nor more than ten dollars for each such offense.

SECTION 149. Section 193.26 of the statutes is repealed.

SECTION 150. Section 193.27 of the statutes is amended to read:

193.27 INTERURBAN CARS; DRINKING TANK; TOILET ROOM. Every \* \* \* closed interurban car

\* \* \* shall *be* provided \* \* \* with a \* \* \* drinking tank and a toilet room \* \* \* sufficient for the comfort and convenience of passengers upon such cars, and such drinking tank and toilet room shall be at all times maintained in a sanitary condition; \* \* \* provided, that such toilet room may be \* \* \* locked while such car is within \* \* \* a \* \* \* city. Any \* \* \* person \* \* \* owning or operating \* \* \* *an* interurban railway, or the managing or superintending officer or agent thereof, who shall fail to comply with the provisions of this section, shall \* \* \* be punished by a fine of not less than fifty dollars nor more than one hundred dollars. Each day that any such \* \* \* car \* \* \* shall be operated in violation of the provisions of this section \* \* \* shall be \* \* \* a separate offense; \* \* \* provided, that this \* \* \* section shall not apply to interurban railroad companies whose railroad is less than fifteen miles in length. \* \* \*

SECTION 151. Section 193.28 of the statutes is repealed.

SECTION 152. Section 193.29 of the statutes is amended to read:

193.29 STREET AND INTERURBAN CARS; AIR BRAKES. (1) Every \* \* \* street or interurban \* \* \* motor car weighing over forty thousand pounds, net \* \* \* weight, used for \* \* \* transportation \* \* \* shall be equipped with air brakes of modern design, to be approved by the \* \* \* commission.

(2) \* \* \* The \* \* \* commission \* \* \* may order air brakes upon other cars.

(3) Any \* \* \* corporation \* \* \* failing to comply with \* \* \* this section shall forfeit \* \* \* not less than twenty-five dollars nor more than one hundred dollars, and each day's operation \* \* \* shall be considered a separate \* \* \* act.

SECTION 153. Section 193.30 of the statutes is amended to read:

193.30 CARS STOP AT RAILROAD CROSSING. (1) Every \* \* \* street or interurban railway \* \* \* car shall \* \* \* come to a standstill at least twenty feet from the nearest rail of the track of any steam \* \* \* railroad to be crossed at grade, and such car shall not \* \* \* cross such track until an employe of such \* \* \* railway shall have

ascertained from a position on such track that it is safe to proceed, \* \* \* *unless* such crossing \* \* \* shall \* \* \* *be equipped with* appliances \* \* \* *which* render it safe to cross without stopping, and the plan of such \* \* \* appliances \* \* \* has been filed with and approved by the \* \* \* commission. \* \* \*

(2) A petition may be filed with the \* \* \* commission by any *street or interurban railway* corporation \* \* \* requesting that it be relieved of the duty imposed by \* \* \* subsection (1) as to \* \* \* *specified* crossings, \* \* \* stating the reasons therefor. Thereupon \* \* \* said commission \* \* \* shall order a hearing and give notice to all interested persons, including the \* \* \* town or village board or city council, in which any such crossing is located. \* \* \* If upon such hearing it shall appear to the satisfaction of the commission that arrangements have been made which will protect the traveling public at \* \* \* *said* crossings \* \* \* it shall \* \* \* grant \* \* \* the request \* \* \* If arrangements have not been made satisfactory to said commission, it may make an order granting the request \* \* \* under such conditions as it may prescribe.

(3) Any \* \* \* corporation neglecting or refusing to comply with any of the provisions of this section shall \* \* \* forfeit not less than fifty dollars nor more than five hundred dollars.

SECTION 154. Section 193.31 of the statutes is amended to read:

193.31 WINDOW CLEANERS ON CARS. Every \* \* \* motor-driven *street or interurban car* \* \* \* shall be equipped with a suitable mechanical device approved by the commission, and designed for the removal of snow and water from a sufficient portion of the window in front of the motorman to afford an unobstructed view, \* \* \* and attached so as to permit its being used by the motorman without leaving his position while operating \* \* \* the car. \* \* \*

(2) Any \* \* \* corporation \* \* \* failing to comply with the provisions of this section shall \* \* \* forfeit not less than twenty-five dollars nor more than one hundred dollars.

SECTION 155. Section 193.32 of the statutes is amended to read:

193.32 CAR FENDERS. (1) \* \* \* All street or inter-urban \* \* \* cars operated singly, and the front car in all trains, shall be equipped with suitable fenders or pilots so arranged and constructed as to protect \* \* \* pedestrians against injury. \* \* \*

(2) Any \* \* \* corporation \* \* \* which shall fail \* \* \* to comply with the provisions of this section shall \* \* \* forfeit not less than fifty dollars nor more than one hundred dollars for each day during which such neglect or failure continues, and the manager of such railway who causes such violation or permits same shall be likewise liable. \* \* \*

SECTION 156. Section 193.33 of the statutes is amended to read:

193.33 STREET RAILWAY FRANCHISES; DEFINITIONS. \* \* \* As used in sections 193.33 to 193.44 "municipal council" \* \* \* means \* \* \* the common council, \* \* \* or the town or village board \* \* \* of any municipality; \* \* \* "municipality" \* \* \* means any town, village or city wherein any property of a street railway company \* \* \* is located; \* \* \* "indeterminate permit" \* \* \* means and embraces every grant, directly or indirectly, from the state, to any street railway company, of power, right or privilege to own, operate \* \* \* or control any street railway plant or equipment or any part thereof, \* \* \* which permit shall continue in force until such time as the municipality shall exercise its option to purchase, \* \* \* or until it shall be otherwise terminated according to law. \* \* \*

SECTION 157. Section 193.34 of the statutes is amended to read:

193.34 STREET RAILWAY FRANCHISE, INDETERMINATE; MUNICIPAL ACQUISITION. Every license, permit or franchise \* \* \* granted to any street railway company shall have the effect of an indeterminate permit. \* \* \* Any municipality in which the major part of its property is situated may purchase the property of such street railway company actually used and useful for the convenience of the public at any time, \* \* \* the price to be determined \* \* \* and \* \* \* the terms and conditions fixed by \* \* \* the commission. \* \* \*

SECTION 158. Section 193.35 of the statutes is repealed.

SECTION 159. Section 193.36 of the statutes is amended to read:

193.36 STREET RAILWAY; MUNICIPAL ACQUISITION; IMPLIED CONSENT AND WAIVER. Any street railway company accepting or operating under any \* \* \* *indeterminate* permit \* \* \* shall, by acceptance of \* \* \* such indeterminate permit, \* \* \* c o n s e n t \* \* \* to a \* \* \* purchase of its property actually used and useful for the convenience of the public, by the municipality in which the major part of it is situate for the compensation and under the terms and conditions determined by the commission, and shall thereby \* \* \* waive \* \* \* the right of requiring the necessity of such taking to be established by the verdict of a jury, and \* \* \* waive \* \* \* all other remedies and rights relative to condemnation by such municipality, except such rights and remedies as are provided in sections 193.33 to 193.44. \* \* \*

SECTION 160. Section 193.37 of the statutes is amended to read:

193.37 STREET RAILWAY; MUNICIPALITIES MAY ACQUIRE. \* \* \* At any time prior to the expiration of the term of the license, permit or franchise under which any street railway \* \* \* *was* operating \* \* \* *on July 14, 1907*, any municipality shall have the power \* \* \* to acquire \* \* \* the property of \* \* \* *such* street railway company, actually used and useful for the convenience of the public.

\* \* \*

SECTION 161. Section 193.38 of the statutes is re-enacted.

SECTION 162. Section 193.39 of the statutes is amended to read:

193.39 SAME. If a majority of the electors voting on such question shall vote in favor of acquiring said property, the municipal council shall, if said railway company is not operating under an indeterminate permit, adopt a resolution stating that the municipality has determined to acquire said property and fixing the place and time not less than twenty nor more than thirty days after the passage of such resolution when the municipality will apply to the judge of the circuit court for the county wherein such municipality is situated, for a jury to determine the necessity for the taking of said property. The municipal

\* \* \* *clerk* shall thereupon \* \* \* *issue* a notice of the adoption of such resolution embracing a copy thereof. \* \* \* Such notice shall be served upon the street railway company in the manner *a* circuit court summons \* \* \* is served, at least one week before the time fixed for the application. The provisions of section 261.08 shall apply to such proceedings except that no change shall be made as to the place of trial. \* \* \* No notice of the pendency of the proceeding need be filed. \* \* \*

SECTION 163. Section 193.40 of the statutes is re-enacted.

SECTION 164. Section 193.41 of the statutes is re-enacted.

SECTION 165. Section 193.42 of the statutes is amended to read:

193.42 ELECTION TO ACQUIRE STREET RAILWAY, CERTIFICATION OF PAPERS. If the municipality shall \* \* \* determine \* \* \* by a majority vote of the electors to acquire the property actually used and useful for the convenience of the public of a street railway company which shall have \* \* \* *accepted* an indeterminate permit, \* \* \* the \* \* \* *municipal* clerk shall transmit to the \* \* \* commission a certified copy of the official canvass of the vote at \* \* \* *the* election and a certified copy of the resolution submitting the question to the electors.

SECTION 166. Section 193.43 of the statutes is amended to read:

193.43 STREET RAILWAY, ACQUISITION, COMPENSATION; DIRECT TAX; VESTS TITLE. Upon receipt of the certified copies of the official canvass and resolution submitting to the electors the question of acquiring the property or of the verdict and resolution for condemnation, as the case may be, the commission shall \* \* \* proceed to determine the \* \* \* compensation to be paid for the \* \* \* property, which determination shall be made as of the date of the filing with the commission of said certified copies, and all the provisions of \* \* \* section 197.05 shall apply to the proceedings before the commission except that all notices provided for by said section shall be given by the \* \* \* commission. \* \* \* The commission shall by order \* \* \* determine \* \* \* *the* compensation to be paid \* \* \* and all other terms and all conditions of acquisition which it shall ascertain to be reasonable and shall notify the municipality of the provisions of said

order. The municipality shall within ninety days after being so notified provide for the collection of a direct annual tax sufficient to pay the interest on the debt incurred by the acquisition of such property as it falls due and also to pay and discharge the principal thereof within twenty years from the time of contracting the same unless the municipality shall within said ninety-day period discontinue the proceedings. At the end of said ninety-day period \* \* \* the commission shall, if the proceedings shall not have been discontinued, certify the order \* \* \* to the clerk of the municipality, to the street railway company and to any bondholder, mortgagee, lienor, or any other person having or claiming to have any interest in said *street* railway property appearing upon such hearing. The compensation and other terms and other conditions of acquisition shall constitute the compensation, terms and conditions to be paid, followed and observed in the acquisition of such property from such street railway company. Upon the filing of such \* \* \* *certified copy of the order* with the clerk of such municipality the exclusive use \* \* \* *of said property* shall vest in the municipality. The order of the commission \* \* \* may be reviewed as provided in section \* \* \* 197.06. \* \* \*

SECTION 167. Section 193.44 of the statutes is amended to read:

193.44 DISCONTINUANCE OF PROCEEDINGS TO ACQUIRE STREET RAILWAY. A municipality may at any time within thirty days after being so notified of \* \* \* the order of the commission, by a resolution adopted by a majority of all the members of the municipal council, discontinue \* \* \* the proceedings, \* \* \* *but* such resolution shall not be in force \* \* \* until thirty days after its passage. If within said thirty-day period a petition shall be filed with the clerk of the municipality, signed by electors equal in number, in cities of the first class, to five per cent \* \* \* of the total number of votes cast for mayor at the last preceding election and in other municipalities signed by electors equal in number to ten per cent \* \* \* of the total number of votes cast for mayor, president or chairman \* \* \* at the last *municipal* election, \* \* \* requesting that the question of discontinuing said proceedings to acquire such street railway property be submitted to the electors, the municipal council shall submit the same at a special election called for that purpose within thirty days from

the date of filing the petition, \* \* \* or the municipal council may submit such question at a general, municipal or special election within thirty days after the filing of such certified order of the commission without any petition therefor being filed. When such question shall have been submitted to the electors as aforesaid the resolution discontinuing the proceedings shall not have force and effect unless a majority of the \* \* \* votes on such question shall be in favor thereof. Such election shall be noticed, held and conducted and the returns thereof canvassed and the result determined in the manner provided \* \* \* for regular or special elections. \* \* \* Upon the discontinuance of such proceeding \* \* \* no \* \* \* like proceeding shall be instituted until \* \* \* four years shall have elapsed from the date of the discontinuance of the last proceeding.

SECTION 168. Section 193.45 of the statutes is renumbered to be sections 193.45 and 193.46 and is amended to read :

193.45 INTERURBANS, INDETERMINATE PERMITS; OTHER REGULATIONS. \* \* \* Any interurban railway company operating under a license, permit or franchise \* \* \* 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 1, 1920, with the clerk of the municipality which granted such license, permit or franchise and with the commission a written declaration, \* \* \* 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, \* \* \* and the acceptance of such indeterminate permit \* \* \* 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 \* \* \* 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-



ing 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 193.40, 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. \* \* \*

193.46 FRANCHISES SURRENDERED IN TOTO. (1) \* \* \* No company owning a street or interurban railway system \* \* \* shall receive an indeterminate permit for only a portion of such system; and \* \* \* 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 193.33 to 193.44, \* \* \* unless on or before January 1, 1920, such company \* \* \* filed with the \* \* \* commission a notice that it \* \* \* elected not to accept an indeterminate permit for its system. \* \* \*

SECTION 169. Subsection (1) of section 351.55 of the statutes is amended to read:

351.55 MISCONDUCT ON TRAINS. (1) Any person who shall, \* \* \* in any street or railroad car, \* \* \* use or utter indecent, obscene or profane language in the hearing of \* \* \* passengers or riotously or boisterously conduct himself to their annoyance, or who shall obtain any money or property from any \* \* \* person in such car by means of any game or device, or attempt so to do, shall be punished by fine not exceeding one hundred dollars or by imprisonment in the county

jail not exceeding ninety days, or by both fine and imprisonment.

SECTION 170. The title of Chapter 195 is RAILROAD COMMISSION; REGULATION OF RAILROADS, STREET RAILWAYS, INTERURBAN RAILWAYS AND EXPRESS AND TELEGRAPH COMPANIES.

SECTION 171. Section 195.01 of the statutes is amended to read:

195.01 COMMISSION, QUALIFICATIONS. (1) CREATION, APPOINTMENT, TERM. A railroad commission is hereby created to be composed of three commissioners \* \* \* *to be appointed by the governor \* \* \* and confirmed by the senate, \* \* \* but no commissioner \* \* \* shall act until \* \* \* confirmed. \* \* \* In January \* \* \* of each odd-numbered year there shall be so appointed and confirmed \* \* \* one commissioner for the term of six years from the first Monday in February of such year. Each commissioner \* \* \* shall hold his office until his successor is appointed and qualified.*

(2) ELIGIBILITY. \* \* \* One *commissioner* shall have a general knowledge of railroad law; each of the others shall have a general understanding of matters relating to railroad transportation.

(3) INELIGIBILITY. No *commissioner* \* \* \* shall be pecuniarily interested in any railroad \* \* \* and if any such commissioner shall voluntarily become so interested, his office shall ipso facto become vacant; and if he shall become so interested otherwise than voluntarily he shall within a reasonable time divest himself of such interest; failing so to do, his office shall become vacant.

(4) FULL TIME OFFICE. No commissioner \* \* \* shall hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office.

(5) OATH. Each \* \* \* commissioner shall take and file the official oath and shall in addition thereto swear or affirm that he is not pecuniarily interested in any railroad, \* \* \* and that he holds no other office of profit, nor any position under any political committee or party. \* \* \*

(6) ORGANIZATION. \* \* \* On the second Monday of February in each odd-numbered year the commissioners shall meet at the office of the commission and elect a chairman, who shall serve for two years and until his successor is elected. \* \* \* Two of said commissioners shall constitute a quorum, \* \* \* and \* \* \* a vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

(7) EXPERTS. \* \* \* The experts employed \* \* \* by the commission shall be exempt from the operation of chapter 16 of the statutes.

(8) SECRETARY. \* \* \* The commission shall appoint a secretary who shall take and file the official oath and shall keep \* \* \* and correct records of all transactions and proceedings of the commission, and shall perform such other duties as may be required by the commission. Any person ineligible to the office of commissioner shall be ineligible to the office of secretary.

(9) TITLE, SEAL. The commission \* \* \* shall be known \* \* \* as "Railroad Commission of Wisconsin," and in that name may sue and be sued. \* \* \* The commission shall have a seal with the words "Railroad Commission of Wisconsin," and such other design as \* \* \* it may prescribe engraved thereon, by which it shall authenticate its proceedings and of which the courts shall take judicial notice.

(10) OFFICE AT CAPITOL. The commission shall keep its office at the capitol, and shall be provided by the superintendent of public property with suitable \* \* \* rooms, necessary office furniture, supplies, stationery, books, periodicals and maps. The Commission may hold sessions at any place \* \* \* for the convenience of the parties. \* \* \*

(11) DEFINITION. The word "commission", as used in chapters 190 to 197, means the Railroad Commission of Wisconsin, unless a different meaning is manifest.

\* \* \*

(12) CONFERENCES. The commission may confer by correspondence, or by attending conventions, or by appearance in any proceedings, or otherwise, with the railroad commissioners of other states, and with the interstate commerce commission, on any matters relating to railroads or other carriers.

(13) TRAIN PRIVILEGES. The commissioners and employes \* \* \* authorized by the commission to perform railroad

inspection duties may, in the performance of such duties, ride in and upon any engine, car or train of any class, of any railroad, \* \* \* upon payment \* \* \* of the lawful passenger fare, but such railroad shall not thereby be deemed to become a common carrier of passengers other than on passenger cars.

SECTION 172. Section 195.02 of the statutes is amended to read:

195.02 DEFINITIONS, SCOPE OF CHAPTER, APPLICATION OF STATUTE. (1) *In this chapter, unless a different meaning is manifest:* \* \* \* "Railroad" \* \* \* means and embraces all corporations, companies, individuals, associations, \* \* \* their lessees, trustees or receivers \* \* \* that \* \* \* own, operate, manage or control any railroad or part of a railroad as a common carrier in this state, or cars, or other equipment used thereon, or bridges, terminals or sidetracks, used in connection therewith, whether owned by such railroad or otherwise, and \* \* \* all street and interurban railway companies.

(2) \* \* \* "Railroad" \* \* \* also means and embraces express companies, telegraph companies and district telegraph messenger companies, and all duties required of and penalties imposed upon any railroad or any officer or agent thereof shall in so far as the same are applicable be required of and imposed upon express companies, telegraph companies and district telegraph messenger companies and their officers and agents.  
\* \* \*

(3) \* \* \* *This chapter* shall apply to the receiving, transmitting and delivering of messages by telegraph, and to all charges connected therewith, and to the transportation of passengers and property between points within this state, and to the receiving, switching, delivering, storing and handling of such property, and to all charges connected therewith, and shall apply to all \* \* \* common carriers engaged in the transportation of passengers or property wholly by rail or partly by rail and partly by water.

(4) \* \* \* *This chapter* shall not apply to \* \* \* private railroads *that are not* \* \* \* common carriers.

SECTION 173. A new section of the statutes is created, to be numbered 195.03 and to read:

195.03 COMMISSION; POWERS AND DUTIES, GENERAL ENUMERATION. (1) PRACTICE RULES. The commis-

sion shall have power to adopt rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings; and all hearings shall be open to the public.

(2) **COMMISSION INITIATIVE.** The commission may initiate and investigate and order a hearing upon its own motion, in every case which it is authorized to investigate or hear upon complaint or petition under sections 195.08 (9), 195.28, 195.29, 195.30, 195.31 and may exercise therein the same jurisdiction as upon complaints filed.

(3) **EMPLOY COUNSEL.** The commission may employ counsel in any proceeding, investigation, hearing or trial had by it or in which it shall be a party, and the expenses thereby incurred shall be charged to the commission's appropriation.

(4) **PRACTICE STATUTES.** All of the practice and procedure provisions contained in sections 196.33 to 196.36 and 196.41 to 196.48 shall apply to investigations and hearing under chapters 190 to 195, and to court reviews of the orders of the commission made under said chapters.

(5) **TECHNICALITIES DISREGARDED.** A substantial compliance with the requirements of the statutes shall be sufficient to give effect to all rules, orders, acts and regulations of the commission and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

(6) **EXPRESS AND TELEGRAPH COMPANIES.** The commission shall have supervision and control of express companies, telegraph companies and district telegraph messenger companies to the same extent as of railroads.

(7) **STUDY CARRIER BUSINESS, DEMAND INFORMATION.** The commission may inquire into the management of the business of all railroads, and shall keep itself informed as to the manner in which the same is conducted, and may obtain from any railroad all necessary information to enable the commission to perform the duties and carry out the objects for which it was created.

(8) **QUESTIONNAIRES, ANSWERS COMPULSORY.** The commission shall prepare blanks for the purpose of obtaining the information which it may deem necessary or useful to the proper exercise of its functions, which shall conform as nearly as practicable to the forms prescribed by the interstate commerce commission, and shall furnish such blanks to railroads, and every railroad receiving such blanks, shall cause the same to be properly filled

out and verified under oath by its proper officer and returned to the commission within the time fixed by the commission.

(9) **EXAMINE BOOKS AND FILES OF CARRIERS.** The commissioner or any commissioner or any person employed by the commission for that purpose shall, upon demand, have the right to inspect the books and papers of any railroad and to examine under oath any officer, agent or employe of such railroad in relation to its business and affairs; provided that any person other than one of said commissioners who shall make such demand shall produce his authority under the hand and seal of the commission.

(10) **PRODUCTION OF RECORDS AND FILES KEPT OUT OF STATE.** The commission may by an order or subpoena to be served in the manner that a circuit court summons is served require the production within this state, at such time and place as it may designate, of any books papers or accounts kept by any railroad without the state, or verified copies in lieu thereof, if the commission shall so order.

(11) **UNIFORM SYSTEM OF ACCOUNTING.** The commission may prescribe a uniform system of keeping and rendering accounts of all railroad business transacted in Wisconsin, and the time within which railroads shall adopt such system; provided that all forms of accounts which may be prescribed by the commission shall conform as nearly as practicable to similar forms prescribed by federal authority.

(12) **TIME FOR FILING RATE TARIFFS.** The commission shall fix the time for filing railroad schedules relative to the transportation of passengers and property and of any service in connection therewith.

(13) **SCHEDULE FORMS.** The commission may prescribe the forms for railroad schedules.

(14) **PASSES TO SHIPPERS.** The commission may prescribe regulations for free transportation of attendants upon shipments of live stock.

(15) **ELEVATORS AND WAREHOUSES.** The commission may prescribe rules and regulations covering the charges and manner of conducting the business of public elevators and warehouses upon railroad ground.

(16) **CAR SERVICE.** The commission may make reasonable regulations for furnishing cars to shippers, and for moving, loading and unloading cars and for weighing cars and freight, and to test railroad weights and scales used in weighing freight or cars.

(17) **PRIVATE TRACKS.** The commission shall have control of private railroad tracks in so far as the same are used by common carriers for the transportation of freight, in all respects the same as though such tracks were part of a public railroad.

(18) **SAFETY DEVICES.** The commission may make reasonable rules, regulations, specifications and standards for the installation, operation and maintenance of all safety devices and measures.

(19) **RAILROAD STRUCTURES.** The commission may order the repair or reconstruction of any inadequate or unsafe railroad track or structure.

(20) **ORDERS, WHEN OPERATIVE; COPIES TO PARTIES.** The commission shall deliver a certified copy of any order issued under section 195.05 or 196.37 to an officer or agent of the railroad or public utility affected thereby, and said order shall become operative twenty days after such delivery unless a different time is provided in the order.

(21) **SWITCHING CREWS.** The commission shall investigate and determine the conditions of employment and the number employed in switching crews and may make orders relative thereto.

(22) **REPORTS BY COMMISSION.** The commission shall, on or before the first Monday in December in each even-numbered year, make a report to the governor of the transactions of its office for the two preceding fiscal years, and containing such information, suggestions or recommendations in respect to the matters under its charge as it may deem proper.

**SECTION 174.** Section 195.17 of the statutes, except subsection (5), is repealed, and a new section is created to read:

**195.04 VISITATION, INVESTIGATION, HEARINGS, ORDERS.** Upon complaint of any person, firm, corporation, association, society, body politic or railroad that any railroad rate, fare, charge or classification or any regulation or practice whatever affecting the transportation of persons or property, or any service in connection therewith, is in any respect unreasonable or unjustly discriminatory or that any service is inadequate the commission shall proceed in the manner provided in sections 196.26 to 196.29. If the thing complained of shall be found to be true, in whole or in part, the commission shall fix and order substituted therefor such rate, fare, charge or classification as it shall determine to be just and reasonable and which shall be

charged, imposed and followed in the future, and shall also make such orders respecting such regulation, practice or service as it shall determine to be reasonable and which shall be observed and followed in the future.

SECTION 175. Section 195.30 of the statutes is renumbered 195.05 and is amended to read:

195.05 COMMISSION TO FIX RATES, REGULATIONS, SERVICE, PROCEDURE, TRANSFERS. \* \* \* (1) ORDERS FOR RATES AND SERVICE. Whenever \* \* \* the commission shall find any existing rate, \* \* \* fare, \* \* \* charge, \* \* \* or classification, \* \* \* or any joint rate, \* \* \* or any regulation or practice \* \* \* affecting the transportation of persons or property, or any service in connection therewith \* \* \* is unreasonable or unjustly discriminatory or any service is inadequate it shall determine and by order fix a reasonable rate, fare, charge, classification, \* \* \* joint rate, \* \* \* regulation, practice or service to be imposed, observed and followed in the future, in lieu of that found to be unreasonable or unjustly discriminatory or inadequate. \* \* \*

(2) TIME TO COMPLY WITH ORDERS. Where the order made relates to service, and the same cannot, in the judgment of the commission, be complied with within twenty days the commission may prescribe such additional time as in its judgment is reasonably necessary to comply with the order and may on application and for good cause shown *further* extend the time. \* \* \*

(3) RATES NOT CHANGED BY RAILROAD. All railroads to which the order applies shall make such changes in their schedule on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any railroad in any such rates, fares or charges, or in any joint \* \* \* rates without the approval of the commission.  
\* \* \*

(4) MODIFICATION OF ORDERS. \* \* \* The commission may *by order* at any time, upon \* \* \* notice to the railroad \* \* \* and after opportunity to be heard, \* \* \* rescind, alter or amend any order fixing any rate or rates, fares, charges or classification, or any other order made by the commission. \* \* \*

(5) JOINT RATES APPORTIONED. \* \* \* Whenever the rate ordered substituted by the commission shall be a joint rate or



charge, and the railroads \* \* \* shall fail to agree upon the apportionment thereof within twenty days after the service of such order, the commission may, after a like hearing, issue a supplemental order declaring the apportionment of such joint rate or charge and the same shall take effect \* \* \* as a part of the original order.

(6) JOINT RATES ORDERED. \* \* \* Whenever the railroads shall refuse or neglect to establish \* \* \* joint \* \* \* rates \* \* \* the commission may, upon notice to the railroads and after opportunity to be heard, \* \* \* fix and establish such joint \* \* \* rates, and if the railroads \* \* \* shall fail to agree upon the apportionment thereof within twenty days after service of such order, the commission may, upon a like hearing, issue a supplemental order declaring the apportionment of such joint \* \* \* rates and the same shall take effect \* \* \* as part of the original order.

(7) STREET CAB TRANSFERS. \* \* \* Whenever \* \* \* the commission shall find any regulation or practice with respect to the issuing of transfers by any street or interurban railway company to be unreasonable, it shall determine and by order fix a reasonable regulation to be observed and followed in the future, in lieu of the regulation found to be unreasonable. \* \* \*

SECTION 176. Section 195.31 of the statutes is renumbered 195.06 and is amended to read:

195.06 COMMISSION ORDERS PRIMA FACIE LAWFUL. \* \* \* All rates, fares, charges, classifications and joint rates fixed by the commission shall be in force and shall be prima facie lawful, and all regulations, practices and service prescribed by the commission shall be in force and shall be prima facie reasonable, until finally found otherwise in an action brought for that purpose pursuant to the provisions of section \* \* \* 196.41.

SECTION 177. Section 195.48 of the statutes is renumbered 195.07 and is amended to read:

195.07 LAW ENFORCEMENT. (1) DUTY OF COMMISSION. \* \* \* The commission shall inquire into *the* \* \* \* neglect or violation of the laws of this state by \* \* \* railroads and \* \* \* public utilities (as defined in chapters 195 and 196), \* \* \* or by the officers, agents or employes thereof, or by \* \* \* persons operating \* \* \* railroads or public utilities, \* \* \* and shall have the power, and it shall

be its duty, to enforce \* \* \* all \* \* \* laws relating to railroads or public utilities, and report all violations thereof to the attorney-general.

(2) ATTORNEY-GENERAL AND DISTRICT ATTORNEY TO PROSECUTE. Upon request of the commission, \* \* \* the attorney-general or the district attorney of the proper county \* \* \* shall aid in any investigation, hearing or trial had under the provisions of *those chapters*, \* \* \* and \* \* \* shall institute and prosecute all necessary actions or proceedings for the enforcement of \* \* \* all laws \* \* \* relating to railroads or public utilities, and for the punishment of all violations thereof.

(3) ACTIONS, CHARACTER, VENUE. Any forfeiture, fine or other penalty provided in chapters 192 to 196 \* \* \* may be recovered as a forfeiture in a civil action brought in the name of the state \* \* \* in \* \* \* the \* \* \* circuit court of Dane county, or in the county that would be the proper place of trial under section 261.01. \* \* \*

SECTION 178. Sections 195.03, 195.04, 195.05, 195.07 and 195.52 of the statutes are consolidated, renumbered 195.08 and amended to read:

195.08 RAILROAD RATES, SCHEDULES, SERVICE.

(1) SERVICE, RATES TO BE ADEQUATE AND JUST. \* \* \* Every railroad shall \* \* \* furnish reasonably adequate service and facilities, and the charges made for \* \* \* the transportation of passengers or property or for any service in connection therewith, or for the receiving, switching, delivering, storing or handling of \* \* \* property shall be reasonable and just, and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

(2) SCHEDULES; PUBLICATION. \* \* \* Every railroad shall print in plain type and file with the commission \* \* \* schedules which shall be open to public inspection showing all rates, fares and charges for the transportation of passengers and property and any service in connection therewith which it has established and which are in force at the time between all points in this state upon its line or any line controlled or operated by it. \* \* \* The schedules \* \* \* shall plainly state the places upon its line or any line controlled or operated by it in this state between which passengers and property will be carried, and there shall be filed therewith the classification of freight in force.

(3) SAME, RULES AND REGULATIONS. Every railroad shall publish with and as a part of such schedules all rules and regulations that in any manner affect the rates charged or to be charged for the transportation of passengers or property, \* \* \* its charges for delay in loading or unloading cars, for track and car service or rental and for demurrage, switching, terminal or transfer service, or for rendering any other service in connection with the transportation of persons or property.

(4) SAME, COPIES IN DEPOTS. Two copies of said schedules for the use of the public shall be \* \* \* *kept* \* \* \* in every depot, station and office of such railroad \* \* \* in such form and place as to be *easily* accessible to the public. \* \* \*

(5) SAME, JOINT RATES. When passengers or property are transported over connecting lines in this state, \* \* \* and the several railroads operating such lines establish joint rates, fares and charges, a schedule \* \* \* *thereof* shall \* \* \* in like manner be printed and filed with the commission and in every depot, station and office of such railroads. \* \* \*

(6) RATES; RAILROAD APPLICATION TO CHANGE. \* \* \* Any railroad desiring to \* \* \* *change* any \* \* \* rate or rates may make application to the commission in writing, stating the \* \* \* *change* desired and giving the reasons \* \* \* *therefor*. Upon receiving such application, the commission \* \* \* *may* fix a time and place for hearing, and give such notice to interested parties as it shall deem proper and reasonable. If, after such hearing and investigation, the commission shall find that the change \* \* \* applied for is reasonable, fair and just, it shall grant the application either in whole or in part. \* \* \*

(7) CHANGES IN SCHEDULE. \* \* \* No change shall be made in any schedule, \* \* \* or in any classification, unless such change shall be first approved by the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof, thirty days prior to the time the same are to take effect. Copies of all new schedules shall be filed as hereinbefore provided in every depot, station and office of such railroad at places to or from which the rates in such schedules apply, thirty days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

(8) CHANGES POSTED. \* \* \* Whenever a change is made in any existing schedule \* \* \* a notice shall be posted by

the railroad in a conspicuous place in every depot, station and office, stating that changes have been made in the schedules on file, specifying the class or commodity affected and the date when the same will take effect.

(9) COMPLAINT AGAINST CHANGE IN SCHEDULES. \* \* \*

Whenever \* \* \* a complaint is *filed* with the commission before any change \* \* \* in any schedule, \* \* \* or in any classification, rule, regulation or practice becomes effective \* \* \* to the effect that such change \* \* \* is unreasonable or unjustly discriminatory, it shall be the duty of the commission to give notice to the railroad \* \* \* that complaint has been made, and to proceed to investigate the same and to order a hearing thereon in the *usual* manner, \* \* \* and the commission may, in its discretion, *by order*, stay such change \* \* \* pending \* \* \* the determination of the matters investigated \* \* \* at any time before said change \* \* \* shall take effect. \* \* \* If upon such investigation the change \* \* \* complained of shall be found unreasonable or unjustly discriminatory such change \* \* \* shall not take effect if the same have been stayed \* \* \* and in case \* \* \* such change \* \* \* has become effective pending such investigation the commission shall \* \* \* order the discontinuance \* \* \* thereof. The commission \* \* \* may fix and order substituted for any such change \* \* \* such \* \* \* rates, joint \* \* \* rates, fares, charges, classification, rule, regulation, practice or service \* \* \* as it shall have determined to be just and reasonable and which shall be charged, imposed or followed in the future, and shall \* \* \* make such order respecting such rule, regulation, practice or service as it shall \* \* \* determine \* \* \* to be reasonable and which shall be observed and followed in the future. \* \* \*

(10) REASONABLE JOINT RATES. \* \* \*

Whenever passengers or property are transported over \* \* \* connecting lines of railroad between points in this state, and the railroads \* \* \* have made joint rates for the transportation of the same, such rates and all charges in connection therewith shall be just and reasonable; \* \* \* provided, that a less charge by \* \* \* any of said railroads for its proportion of such joint rates than is made locally between the same points on their re-

spective lines shall not for that reason be construed as a violation of law. \* \* \*

(11) FREIGHT CLASSIFICATION. \* \* \* There shall be but one classification of freight \* \* \* which shall be uniform on all railroads.

SECTION 179. Section 195.06 of the statutes is renumbered section 195.09 and is amended to read:

195.09 COMMODITY R A T E S. \* \* \* Concentration, commodity, transit and other special contract rates *are permitted*, but all such rates shall be open to all shippers for a like kind of traffic under similar circumstances and conditions, and shall be subject to the provisions of \* \* \* *this chapter*.  
\* \* \*

SECTION 180. Section 195.45 of the statutes is renumbered section 195.10 EMERGENCY RATES, and is re-enacted.

SECTION 181. Section 195.39 of the statutes is renumbered section 195.11 and is amended to read:

195.11 DISCRIMINATIONS PROHIBITED. \* \* \*

(1) If any railroad, or any agent or officer thereof, shall directly or indirectly, \* \* \* or by any \* \* \* device whatsoever, charge, demand, collect or receive \* \* \* a greater, less or different compensation for \* \* \* the transportation of persons or property or for any service in connection therewith than that prescribed in the \* \* \* tariffs then in force, \* \* \* or than it charges, demands, collects or receives from any other person, firm or corporation for a like and contemporaneous service, such railroad shall be deemed guilty of unjust discrimination, which is hereby prohibited. \* \* \*

(2) It shall be unlawful for any railroad to demand, charge, collect or receive from any \* \* \* *shipper* a less compensation for the transportation of property or for any service rendered or to be rendered by said railroad, in consideration of said \* \* \* *shipper* furnishing any part of the facilities incident thereto; \* \* \* *but* any railroad \* \* \* *may* rent \* \* \* any facilities incident to transportation and pay \* \* \* a reasonable rental therefor.

SECTION 182. Section 195.40 of the statutes is renumbered section 195.12 and is amended to read:

195.12 PREFERENCE BY CARRIERS PROHIBITED.  
\* \* \* If any railroad shall make or give any undue or unreasonable preference or advantage to any \* \* \* person,

firm or corporation, or shall subject any \* \* \* person, firm or corporation to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, such railroad shall be deemed guilty of unjust discrimination, which is hereby prohibited.  
\* \* \*

SECTION 183. Section 195.41 of the statutes is renumbered section 195.13 and is amended to read:

195.13 REBATES AND CONCESSIONS, UNLAWFUL TO ACCEPT. \* \* \* It shall be unlawful for any person, firm or corporation knowingly to accept or receive any rebate, concession or discrimination in respect to transportation of \* \* \* property wholly within this state, or for any service in connection therewith, whereby any such property shall, by any device whatsoever, be transported at a less rate than that named in the \* \* \* tariffs in force, \* \* \* or whereby any service or advantage is received other than is therein specified. Any person, firm or corporation violating the provisions of this section shall be \* \* \* fined \* \* \* not less than fifty dollars nor more than one thousand dollars for each offense.

SECTION 184. Section 195.08 of the statutes is renumbered section 195.14 and is amended to read:

195.14 FREE TRANSPORTATION; REDUCED RATES, PASSES, LIMITATIONS. \* \* \* (1) \* \* \* *This chapter does not prohibit* the carriage, storage or handling of freight free or at reduced rates for the United States, the state, or any municipality thereof, or for charitable purposes, or to and from fairs and expositions for exhibition thereat, or household goods the property of railway employes, or commodities shipped by employes for their \* \* \* exclusive use or consumption; or the issuance of mileage, commutation, *party* or excursion *passengers' tickets*; \* \* \* or the sale of such tickets as were usually and customarily sold at reduced rates prior to June 15, 1905; provided the same are *issued and* sold without discrimination to all persons applying therefor under like circumstances and conditions.

(2) \* \* \* Railroads *may* \* \* \* *give* free transportation or reduced rates therefor to any minister of the gospel, officers or agent of incorporated colleges, inmates of soldiers' homes, regular agents of charitable societies when traveling upon the business of the society only, destitute and homeless persons, railroad officers, attorneys, directors, employes or members of their

families, or to former railroad employes or members of their families where such employes have become disabled in the railway service, or are unable from physical disqualification to continue in the service, or to members of families of deceased railroad employes; \* \* \* *and may exchange* \* \* \* passes with officers, attorneys or employes of other railroads and members of their families; \* \* \* *but* no person holding any public office or position under the laws of this state shall be given free transportation or reduced rates not open to the public.

(3) Upon any shipment of live stock or other property of such nature as to require the care of an attendant, the railroad may furnish to the shipper or \* \* \* persons designated by him, free transportation for such attendant, including return passage to the point at which the shipment originated; provided, there shall be no discrimination in reference thereto. \* \* \*

(4) Except as provided in this section, no free transportation for intrastate traffic shall be given \* \* \* by any railroad.

SECTION 185. Subsection (1) of section 195.36 of the statutes is renumbered section 195.15 and is amended to read:

195.15 TRANSPORTATION CONTRACTS, FILED. \* \* \* Every railroad *shall*, when \* \* \* required *and* within \* \* \* *the* time \* \* \* fixed by the commission, deliver to the commission for its use copies of all contracts which relate to the transportation of persons or property, or any service in connection therewith, made or entered into by it with any other railroad \* \* \* or any shipper \* \* \* or other person \* \* \* doing business with it.

SECTION 186. Subsection (2) of section 195.36 of the statutes is renumbered section 195.16 and is amended to read:

195.16 PASSES, VERIFIED LISTS FILED. \* \* \* Every railroad shall, on the first Monday in February in each year, and oftener if required by the commission, file with the commission a verified list of all railroad tickets, passes and mileage books issued free or for other than actual bona fide money consideration at full established rates during the preceding year, \* \* \* *giving* the names of the recipients thereof, the amounts received therefor and the reasons for issuing the same. This provision shall not apply to the sale of tickets at reduced rates open to the public nor to tickets, passes or mileage books issued to persons not residents of this state, and the \* \* \*

commission \* \* \* may exempt any carrier from furnishing a statement of trip passes issued to persons regularly and exclusively in its employ, but such carrier shall preserve a record of all such passes which shall be open to the inspection of the \* \* \* commission for a period of two years after the issuance thereof.

SECTION 187. Section 195.38 of the statutes is renumbered section 195.17 and amended to read:

195.17 INTERSTATE RATE INVESTIGATION, PETITION FOR RELIEF, TARIFFS FILED. \* \* \* The commission shall \* \* \* investigate all freight rates on interstate traffic affecting Wisconsin, and when the same are, in the opinion of the commission, excessive or discriminatory or are levied or laid in violation of the \* \* \* law, or in conflict with the rulings, orders or regulations of the interstate commerce commission, the commission shall present the facts to the \* \* \* interstate carrier, with a request to make such changes as the commission may advise, and if such changes are not made within a reasonable time the commission shall \* \* \* petition \* \* \* the interstate commerce commission for relief. All freight tariffs issued by any \* \* \* railroad relating to interstate traffic in this state shall be filed in the office of the commission \* \* \* when issued.

SECTION 188. Section 192.77 of the statutes is renumbered section 195.18 and is amended to read:

195.18 RAILROAD TELEPHONE SERVICE. \* \* \* Upon complaint to the \* \* \* commission \* \* \* that \* \* \* telephonic service with any railroad is inadequate or in any respect unreasonably or unjustly discriminatory or that such service cannot be had, it shall be the duty of \* \* \* the commission to investigate the same and if upon investigation the commission shall find that any telephonic service is inadequate or unreasonably or unjustly discriminatory or that such service cannot be had it shall determine and by order fix a reasonable regulation, practice or service to be installed, imposed, observed and followed in the future.

SECTION 189. Subsections (1) and (2) of section 195.09 of the statutes are renumbered section 195.19 and amended to read:

195.19 DEPOTS. \* \* \* (1) PASSENGER. \* \* \* Every railroad \* \* \* shall provide and maintain adequate passenger depots \* \* \* equipped with proper toilet facilities at its regular stations for the accommodation of passengers, and



said depots \* \* \* shall be kept clean, well-lighted and warmed, for the comfort and accommodation of the traveling public, and shall be kept open continuously from not less than twenty minutes before any train carrying passengers is scheduled to arrive and until such train has departed and for such longer period in any case as the commission may determine necessary for the convenience and accommodation of the public.

\* \* \* Where the commission determines \* \* \* that the service of certain trains in making stops on signals is in excess of reasonably adequate service, the provisions of this section shall not apply in connection with the rendition of such service.

(2) FREIGHT. All railroads shall keep and maintain adequate and suitable freight depots, buildings, switches and sidetracks for the receiving, handling and delivering of freight transported or to be transported by such railroads. \* \* \*

(3) UNION DEPOT. \* \* \* In every city or village or town in which two or more railroads \* \* \* maintain passenger depots, it shall be the duty of such railroads to construct, maintain and use an adequate union passenger depot, whenever practicable and required by public convenience and necessity. If, after investigation, the commission shall determine that it is practicable and that public convenience and necessity require the construction, maintenance and use of a union passenger depot \* \* \* in any such city or village or town \* \* \* the commission may \* \* \* order such railroads to construct, maintain and use an adequate union passenger depot, and shall \* \* \* in such order fix the location of such depot. If the railroads shall be unable to agree upon an apportionment of the original cost of such union passenger depot, and the \* \* \* expense of maintaining the same, within twenty days after the service of such order, the commission may, after a \* \* \* hearing, issue a supplemental order declaring the apportionment of such original cost and the \* \* \* expense of maintaining such depot.

SECTION 190. Subsection (3) of section 195.09 of the statutes is renumbered section 195.20 and is amended to read:

195.20 JOINT USE OF RAILROAD PROPERTY. \* \* \* Whenever, upon complaint \* \* \* and after hearing had, \* \* \* the commission shall \* \* \* find that public convenience and necessity require the use by one or more railroads of the tracks, wires, poles, rights of way, switches, bridges or

other property belonging to another railroad over or on any street, railroad, railway, right of way, bridge or viaduct, \* \* \* upon or over which said railroads have a right to operate, and that such use will not prevent the owners or other users thereof from performing their public duties, nor result in irreparable injury to such owners or other users thereof, \* \* \* the commission may, by order, direct that such use be permitted, and prescribe a reasonable compensation and reasonable terms and conditions for such joint use. \* \* \*

SECTION 191. Subsection (4) of section 195.09 of the statutes is renumbered section 195.21 and is amended to read:

195.21 WAREHOUSES. \* \* \* Any person proposing to erect \* \* \* or maintain a public elevator or public warehouse \* \* \* for the purchase, sale, storage, receiving or shipping of grain, or other personal property, to be received from or transported upon any railroad, shall be furnished by such railroad at a reasonable rental, a site upon its \* \* \* right of way or depot grounds, within the yard limits of any station or terminal of such railroad; and any private elevator or warehouse situated upon such grounds \* \* \* may be converted into a public elevator or warehouse at the option of the owner, \* \* \* upon notice in writing to the railroad \* \* \* and thereby be permitted to remain thereon under the same conditions as provided herein for \* \* \* a public elevator or warehouse; and the \* \* \* commission shall, upon application by such owner, if \* \* \* the public interest so requires, by order, direct the railroad to furnish such site and the commission shall make reasonable regulations therefor and in case of disagreement, the commission shall determine the rental therefor. Elevators and warehouses erected or maintained under the *foregoing* provisions of this section shall be \* \* \* subject to such rules and regulations as to charges and the manner of conducting business as the commission shall prescribe.

SECTION 191a. Subsections (5) and (6) of section 195.09 of the statutes are repealed.

SECTION 192. Subsections (1) and (2) of section 195.13 of the statutes are renumbered section 195.22 and are amended to read:

195.22 CAR SUPPLY AND FREIGHT DELIVERY; WEIGHING. \* \* \* (1) Every railroad shall, when \* \* \* *possible* and upon *application and* reasonable notice,

furnish suitable cars to \* \* \* all persons \* \* \* for the transportation of \* \* \* freight in carload lots and shall use reasonable diligence in moving freight and making delivery thereof.

(2) In case of insufficiency of cars at any time to meet all requirements, such cars as are available shall be distributed among the several applicants therefor in proportion to their respective immediate requirements without discrimination between shippers or \* \* \* places; *but* \* \* \* preference may be given to shipments of live stock and perishable property.

(3) *Every railroad shall correctly weigh all freight shipped by weight and shall also correctly weigh all empty cars when freight is shipped in carload lots.*

SECTION 193. Subsections (3) and (4) of section 195.13 of the statutes are renumbered section 195.23 and are amended to read:

195.23 LIVE STOCK SCALES. \* \* \* At every point at which any railroad \* \* \* maintains a stockyard and an agent, from which point \* \* \* twenty-five carloads or more of stock were shipped during each of the four preceding years, \* \* \* such railroad \* \* \* shall maintain \* \* \* a suitable platform scales properly housed *and available* for the weighing of live stock. \* \* \* The capacity of such scales may be prescribed by the \* \* \* commission upon the application of the railroad or of any person shipping live stock from such point during the preceding year; provided that upon *such* notice \* \* \* as the \* \* \* commission may prescribe to each person who shipped live stock during the preceding year from any such point \* \* \* upon its line, any railroad may apply to the \* \* \* commission for *and may obtain* an order exempting such point \* \* \* from the operation of this section upon \* \* \* proof \* \* \* that the probable benefit to accrue to shippers in their dealings with the railroad \* \* \* will not warrant the financial burden that would be imposed upon \* \* \* *it* by the installation of such scales, \* \* \* and in \* \* \* *the* determination of such benefits or burdens the \* \* \* commission shall not consider any benefit that might accrue to shippers in their dealings with other than the carrier \* \* \* concerned. \* \* \*

SECTION 194. Section 195.15 of the statutes is renumbered section 195.24 and is amended to read:

195.24 INTERCHANGE OF TRAFFIC. \* \* \* All railroads shall afford \* \* \* reasonable and proper facilities for the interchange of traffic between their respective lines for forwarding and delivering passengers and \* \* \* freight, and shall transfer, switch for a reasonable compensation, and deliver without unreasonable delay or discrimination any freight or cars \* \* \* destined to any point on its tracks or any connecting lines; \* \* \* and shall give precedence over other freight \* \* \* to live stock and perishable freight.

\* \* \*

SECTION 195. Section 195.14 of the statutes is renumbered section 195.25 and is amended to read:

195.25 MEDICAL SUPPLIES ON TRAINS. \* \* \* (1) \* \* \* No steam railroad company \* \* \* shall \* \* \* operate any \* \* \* train \* \* \* that is not equipped with at least one medical emergency case with suitable equipment which shall \* \* \* be at all times kept in a definitely fixed, convenient and accessible place on such train.

(2) Any such railroad \* \* \* violating \* \* \* this section shall \* \* \* forfeit not less than twenty-five dollars nor more than one hundred dollars, and any person \* \* \* who shall remove or destroy or cause the removal or destruction of such articles after the railroad company has \* \* \* supplied them shall be subject to the same penalty. \* \* \*

SECTION 196. Section 195.10 of the statutes is renumbered section 195.26 and is amended to read:

195.26 SAFETY DEVICES; BLOCK SYSTEM. \* \* \* Every railroad \* \* \* shall adopt reasonably adequate safety measures and install, operate and maintain reasonably adequate safety devices for the protection of life and property. If after investigation the commission shall determine that public safety requires \* \* \* it, the commission may \* \* \* order \* \* \* the railroad to install, operate and maintain a block system or other safety device or measure as may be necessary to render the operation of such railroad reasonably safe.

SECTION 197. Section 195.12 of the statutes is renumbered section 195.27 and is amended to read:

195.27 SAFE TRACKS AND BRIDGES. \* \* \* Every railroad \* \* \* shall construct and maintain its tracks,

bridges and \* \* \* line structures in a reasonably adequate and safe manner. \* \* \* If \* \* \* the commission shall determine that the track or structures of any railroad are inadequate or unsafe for the operation of its \* \* \* railroad, the commission shall after notice and hearing \* \* \* order such railroad to reconstruct or repair such inadequate or unsafe track or structures.

SECTION 198. Subsection (5) of section 195.17 of the statutes is renumbered section 195.28 and is revised to read:

195.28 PROTECTING GRADE CROSSINGS. Upon complaint by the city council, village board, member of town board, superintendent of highways or by five or more freeholders in any town, village or city, to the effect that a public highway and railroad grade crossing therein is dangerous, the commission shall proceed in the manner provided in section 196.26. If it shall appear to the satisfaction of the commission that the crossing complained of is dangerous to human life, the commission may order the railway company to erect and operate gates at such crossing, or keep a flagman there, or that such crossing shall be provided with an electric signal or other suitable safety device.

SECTION 199. Section 195.19 of the statutes is renumbered section 195.29 and is amended to read:

195.29 RAILROAD HIGHWAY CROSSINGS. \* \* \*

(1) PETITION, HEARING, ORDER. \* \* \* *Upon* petition \* \* \* by the common council *or board* of any city, \* \* \* village, \* \* \* town \* \* \* *or county* \* \* \* within or bordering upon which a highway or street crosses \* \* \* a railroad, or \* \* \* a highway or street is proposed to be laid out across a railroad, or \* \* \* *upon* petition \* \* \* by any railroad \* \* \* whose track crosses or is about to cross, or is crossed or about to be crossed by a street or highway, or \* \* \* *upon* petition \* \* \* by the state highway commission, in cases where provision has been made for the improvement of the highway adjacent to such crossing under \* \* \* any state aid or federal aid law, \* \* \* that public safety requires an alteration in such crossing, its approaches, the method of crossing, the location of the highway or crossing, *or* the closing of *the* \* \* \* crossing, and the substitution of another therefor at grade or not at grade, or the removal of obstructions to the view at such crossing, the relocation of the highway, or requires the determination of the \* \* \* manner of making

such new crossing, or of making the proposed improvement or promoting the public safety through any other reasonable method, and praying that the same may be ordered, \* \* \* the commission \* \* \* shall give notice to the \* \* \* parties in interest \* \* \* and \* \* \* proceed to investigate the same and to order a hearing thereon in the manner provided \* \* \* by section \* \* \* 196.26; and \* \* \* the commission shall determine what, if anything, shall be done to promote the public safety and the means by which it shall be accomplished, whether by the relocation of the highway, the alteration in such crossing, approaches, mode of crossing, location of highway crossing, closing of highway crossing, with or without the substitution of another therefor, \* \* \* the removal of obstructions to sight at crossing, or by the use of other reasonable methods, and by whom the same shall be made, and in case of new crossings the \* \* \* manner of making them.

(2) APPORTIONMENT OF EXPENSE. The commission shall fix the proportion of the cost and expense of \* \* \* alterations, removals and new crossings, or any other work ordered, 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 \* \* \* a 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 *or borne* by the railroad \* \* \* companies and the \* \* \* municipalities in interest. In fixing such proportion, the commission may order \* \* \* such cost and expense \* \* \* so apportioned to be paid by the parties against which the apportionment shall be made.

(3) RESTORATION OF SPUR TRACKS. Whenever the commission shall have ordered \* \* \* a separation of the grade of a railway from the grade of a street or highway, it may, if safe and practicable and if a necessity exist therefor, order the alteration, restoration and connection of any track serving an industry. \* \* \* Demand for such restoration shall be in writing and filed with the commission within ninety days after the date of the order for the separation of grades, \* \* \* and any such track for which no such demand shall have been made shall be deemed abandoned. If the commission shall order the alteration, restoration and connection of any such track, it shall by its order apportion the cost thereof between the \* \* \*

*owner of the industry \* \* \* served \* \* \* and the railway company, in such proportion as to the commission may seem just and equitable; and the commission shall in its order prescribe the terms and conditions for securing the payment of such cost.*

\* \* \*

(4) GRADE SEPARATION IN MILWAUKEE COUNTY. The \* \* \* commission \* \* \* *may* upon petition of any town, city or village, or upon its own motion, when \* \* \* the interests of the public demand it and it is found practicable so to do, \* \* \* establish the grade of the tracks of any railroad, or of all the railroads throughout any county containing a city of the first class, or any part thereof, and the grades of the streets or highways, or any of them, where they cross such railroad track or tracks, in anticipation of the future separation of grades of the railroad tracks from the grades of such streets or highways. \* \* \* The commission, before making any such order, *shall* \* \* \* mail notice to the railroad company or companies affected, the owners or occupants of any building abutting on that part of the railroad the grade of which is to be established, all cities of the first class in said county, and if the grades to be established are outside such city of the first class, the towns, cities or villages in which such grades are to be established, of the filing of such petition or that the commission contemplates establishing such grades, and fixing a time at which such cities of the first class and such other towns, cities or villages, and the railroad company or companies affected thereby, and any other person or corporation interested therein may be heard. The grades so established under this \* \* \* *subsection* shall be described by reference to a base or datum line to be established by the \* \* \* commission, from which all elevations and the height of all grades shall be measured, and the grades so established shall be such that when brought to the established grade the railroad tracks will cross the streets and highways above or below the same. Such order shall not necessarily require a present change in grade but the commission *may* at any time order the railroad track or tracks and the street and highways brought to the grade established or any street or highways closed by said order, in accordance with subsection (1) of this section, and *may*, at the time of making said order, apportion the cost of separating the grades as provided in subsection (2) hereof.

(5) **ELIMINATION OF GRADE CROSSINGS, COSTS.** The commission, upon petition of the Wisconsin highway commission, \* \* \* or of any \* \* \* common council or board of any city, \* \* \* village \* \* \* or \* \* \* town \* \* \* to the effect that one or more of them have undertaken or proposed to undertake to relocate an existing highway, to improve an existing highway, or to construct a new highway in such manner as to eliminate an existing highway grade crossing \* \* \* with any railroad or so as to permanently divert a material portion of the highway traffic from an existing highway grade crossing \* \* \* with any railroad, shall issue notice of investigation and hearing, as provided in section \* \* \* 196.26, and if upon such hearing the commission shall find that the public safety will be promoted by reason of said highway relocation, improvement or new construction, the commission shall order said railroad company or companies to pay to the municipality or municipalities in interest such sum \* \* \* as the commission shall find to be an equitable portion of the cost of such highway relocation, improvement or new construction, and order such old crossings closed and new crossings opened as may be deemed necessary for public safety; provided, however, that \* \* \* the commission shall order said railroad company or companies to pay said sum \* \* \* to the state treasurer if the work is performed under a federal aid law, or to the proper county treasurer if the work is performed under a state aid or county aid law, and said sum \* \* \* shall be added to the joint fund available for the improvement of said highway and may be expended in like manner as the other portions of said fund.

(6) **VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS.** Every \* \* \* railroad \* \* \* shall keep its right of way clear of brush or trees for a distance of not less than three hundred thirty feet in each direction from the *center of its* intersection \* \* \* at grade with \* \* \* any public highway, and for such further distance as is necessary to provide an adequate view of approaching trains, from such highway. Every municipality shall keep the public highways within its jurisdiction clear of brush and shall adequately trim all trees within three hundred thirty feet of the center of any railroad highway grade crossing. Every person or corporation owning or occupying any land adjacent to any railroad highway grade crossing shall keep all brush cut and adequately trim all trees on said



land within the triangles bounded on two sides by the railway and the highway, and on the third side by a line connecting points on the center lines of the railway and the highway, three hundred and thirty feet from the intersection of said center lines. The \* \* \* commission, upon its own motion, or upon *any* complaint \* \* \* to the effect that any work required by this \* \* \* subsection has not been performed, after due notice and hearing, \* \* \* may order the corporation, municipality or person at fault to perform said work; provided, however, that if the physical conditions at any crossing are such that the performance of the required work will not materially improve the view for highway traffic, or if unreasonable loss would be caused thereby, the commission may excuse the party in interest from performing the same. The \* \* \* commission may also make such order for the cutting of brush and the trimming of trees at private farm crossings as may be necessary and reasonable.

(7) **STRUCTURE REQUIREMENTS.** Whenever the commission shall order the construction or reconstruction of a crossing not at grade, it may direct that the structure required shall be of such character and constructed of such materials it shall deem appropriate to the situation and necessary for the public interest.

(8) **ACQUISITION OF LANDS.** *Any lands needed to carry out the provisions of this section may be acquired.*

**SECTION 200.** Sections 195.22 and 195.24 of the statutes are consolidated and are renumbered section 195.30 and amended to read:

**195.30 RAILROAD CROSSINGS; GRADE SEPARATION, SAFETY DEVICES.** \* \* \* (1) \* \* \* *Upon* a petition \* \* \* by the common council of any city, *or the board of any* \* \* \* village, \* \* \* town or \* \* \* county \* \* \* within which a railroad \* \* \* crosses another railroad \* \* \* at grade, or \* \* \* by any *such* railroad, \* \* \* that public safety requires an alteration in such \* \* \* crossing or the installation \* \* \* of \* \* \* protective appliances, \* \* \* the commission \* \* \* shall give notice to the \* \* \* parties in interest, \* \* \* and \* \* \* proceed to investigate the same and *may* \* \* \* order a hearing thereon. \* \* \* The commission shall determine what alteration in such crossing, \* \* \* if any, shall be made, and by whom made and maintained, or what \* \* \*

protective appliances 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.

(2) \* \* \* The provisions of *this* section \* \* \* shall apply to \* \* \* drawbridges, junctions and other fouling points on \* \* \* railroads.

SECTION 201. Section 195.25 of the statutes is renumbered section 195.31.

SECTION 202. Sections 190.17, 192.14 and 195.16 of the statutes are consolidated and renumbered 190.16 and are amended to read:

190.16 INDUSTRIAL SPUR TRACKS. (1) AT CORPORATION EXPENSE. \* \* \* Every railway company \* \* \* may build, maintain and operate \* \* \* spur tracks from its road \* \* \* to and upon the grounds of any \* \* \* industry or enterprise, with all sidetracks, \* \* \* wyes, turnouts and connections necessary or convenient to the use of the same; and every such company may acquire \* \* \* in the manner provided \* \* \* for the acquisition of real estate, \* \* \* other than for its main tracks, all necessary roadways and rights of way for such \* \* \* spur tracks \* \* \* and for wyes, turnouts and connections. \* \* \* *Section 190.051 shall not apply if the spur tracks mentioned in this subsection shall not exceed five miles in length. No such spur track constructed prior to June 16, 1925, otherwise than at the expense of the railroad company shall be removed, dismantled or otherwise rendered unfit for service except upon the order of the railroad commission entered after hearing held upon notice to all parties interested, and for good cause shown.*

(2) CITY'S CONSENT. *No such spur tracks \* \* \* shall be constructed across, \* \* \* or upon any street, \* \* \* or alley, \* \* \* within \* \* \* any city, \* \* \* until application therefor shall have been made to and acted upon by \* \* \* such city. The \* \* \* city may prescribe any reasonable terms and conditions for the construction of any such \* \* \* spur track. \* \* \**

(3) PRIVATE CONSTRUCTION. \* \* \* The owner of any elevator, warehouse, manufacturing plant or mill, or of any lumber, coal or wood yard located within one-half mile of any railroad or any sidetrack thereof may at his own expense construct a spur track *therefrom* \* \* \* to a point on the right of way within the terminal or yard limits of \* \* \* such railroad and the railroad shall connect the same with its tracks within such terminal or yard limits. \* \* \* Such spur track shall at all times be under the control and management of and be kept in repair and operated \* \* \* by such railroad, but the \* \* \* cost of \* \* \* maintaining and operating shall be paid monthly by the owner thereof, and in case of neglect to \* \* \* pay the same upon demand, the obligation of this subsection upon any such railroad shall cease until such charges are paid. \* \* \*

(4) WHEN COMPULSORY. (a) \* \* \* Every railroad shall acquire the necessary right \* \* \* of way for and shall construct, connect, maintain and operate a reasonably adequate \* \* \* spur track whenever such spur track does not necessarily exceed three miles in length, is practically indispensable to the successful operation of any existing or proposed \* \* \* industry or enterprise, and its construction and operation is not unusually \* \* \* dangerous, and is not unreasonably harmful to public interest, *and any person aggrieved by the failure of any railroad to fully perform such obligation may prosecute proceedings before the commission to compel compliance therewith.*

(b) \* \* \* Such railroad may require the person \* \* \* primarily to be served thereby to pay the legitimate cost and expense of acquiring \* \* \* the necessary right \* \* \* of way for such spur track, and of constructing the same, \* \* \* *the cost to be estimated* \* \* \* in separate items by the commission, \* \* \* *and deposited with the railroad, before* \* \* \* *it shall be required to incur any expense whatever therefor;* \* \* \* *but* \* \* \* such person, \* \* \* *in lieu of depositing the total estimated cost* \* \* \* may offer \* \* \* in writing \* \* \* to construct such spur track, \* \* \* *the offer to be accompanied by a surety company bond, running to such railroad, and conditioned upon the construction of such spur track in a good and workmanlike manner, according to the plans and specifications* \* \* \* *of such railroad,* \* \* \* approved by the commission, and deposit with such

railroad the estimated cost of the necessary right of way. \* \* \* Provided \* \* \* that before the railroad shall be required to incur any expense whatever in the construction of \* \* \* *such* spur track, the person \* \* \* primarily to be served thereby shall give the railroad a bond to be approved by the commission as to form, amount and surety, securing the railroad against loss on account of any expense incurred beyond the \* \* \* *estimated cost*.

(c) \* \* \* Whenever \* \* \* a spur track is so \* \* \* *constructed* at the expense of the owner of \* \* \* *any* industry or enterprise, and any *other* person \* \* \* shall desire a connection with such spur track, application therefor shall be made to the commission, and such *other* person \* \* \* shall be required to pay to \* \* \* *such* owner an equitable proportion of *the cost* thereof, to be determined by the commission. \* \* \*

(5) REMOVAL, WHEN. \* \* \* No. \* \* \* spur track *constructed pursuant to subsections (3) and (4)* shall be removed, dismantled or otherwise rendered unfit for service except upon order of the \* \* \* commission made after hearing held upon notice to all parties interested, and for good cause shown.

SECTION 203. Section 195.37 of the statutes is renumbered section 195.33 and is amended to read:

195.33 RAILROAD COSTS; BALANCE SHEET, WAGES, HOURS; REPORT. \* \* \* (1) The commission shall ascertain, as early as practicable, the amount of money expended in the construction and equipment of every railroad, the amount of money expended to procure the right of way, also the amount of money it would require to secure the right of way, reconstruct the roadbed, track, depots and other facilities for transportation, and to replace all the physical properties belonging to the railroad.

(2) It shall ascertain the outstanding \* \* \* *evidences of debts* and the amounts respectively thereof, the date when issued, to whom issued, to whom sold, the price paid in cash, property or labor therefor, what disposition was made of the proceeds, by whom the *securities are* \* \* \* held, \* \* \* the amount \* \* \* due thereon, the floating \* \* \* *debt* of the railroad, the credits due the railroad, other property on hand belonging to it, the judicial or other sales of said road, its

property or franchises, and the amounts \* \* \* paid and in what manner paid therefor.

(3) The commission shall \* \* \* ascertain the gross and net income of the railroad from all sources in detail; the amounts paid for salaries to the officers of the road, and the wages paid to its employes and the maximum hours of continuous service required of each class.

(4) *In making such investigation the commission may avail itself of any information in possession of the state board of assessment.*

(5) When \* \* \* the information required by this section is obtained it shall be printed in the \* \* \* *next* report of the commission. \* \* \*

SECTION 204. Section 195.47 of the statutes is renumbered section 195.34 and is amended to read:

195.34 **REPORTS OF ACCIDENTS, INVESTIGATION.**  
 \* \* \* Every railroad \* \* \* shall report to the \* \* \* commission all collisions, derailments or other accidents resulting in injury to persons, equipment or roadway arising from \* \* \* *its* operation. \* \* \* The \* \* \* commission \* \* \* may issue \* \* \* rules concerning the reporting of accidents \* \* \* and may also if \* \* \* public interests require cause an investigation of any accident. \* \* \*

SECTION 205. Section 195.42 of the statutes is renumbered section 195.35.

SECTION 206. Section 195.44 of the statutes is renumbered section 195.36 and is amended to read:

195.36 **GENERAL PENALTY UPON RAILROADS.**  
 \* \* \* If any railroad shall violate any provision of \* \* \* *this chapter*, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it, for which a penalty has not been provided, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission, or any judgment or decree made by any court upon its application, for every such violation, failure or refusal *in respect to any matter prescribed by this chapter* such railroad shall forfeit \* \* \* not less than one hundred dollars nor more than ten thousand dollars. \* \* \* The act, omission or failure of any officer, agent or other person \* \* \* employed by any railroad, acting within the scope of his employment, shall \* \* \* be deemed to be the act, omission or failure of such railroad.

SECTION 207. Section 195.54 of the statutes is renumbered section 195.37 and is amended to read:

195.37 FREIGHT CHARGES; COLLECTION, REFUND.

\* \* \* (1) COMPLAINTS, INVESTIGATIONS, HEARINGS, FINDINGS, REFUND. *The commission may investigate and hear the complaint of any person aggrieved \* \* \* that the charge exacted for the transportation of \* \* \* property between points in Wisconsin, or for any service in connection therewith, or that the charge exacted for the storage of such property, or that any car service or demurrage charge exacted is erroneous, illegal, unusual or exorbitant. \* \* \* If \* \* \* the commission shall \* \* \* find that the rate or charge exacted is erroneous, illegal, unusual or exorbitant, it shall find what \* \* \* would have been a reasonable rate or charge for \* \* \* such service. \* \* \* If the rate or charge so found shall be less than the charge exacted, the carrier shall \* \* \* refund \* \* \* the \* \* \* excess. \* \* \**

(2) ACTIONS; FINDINGS AS EVIDENCE, DEFENSES. In \* \* \* an action \* \* \* to recover the amount of such excess \* \* \* charge \* \* \* the findings of the commission shall be prima facie evidence of the truth of the facts found by it, and no carrier shall be permitted to avail itself of the defense \* \* \* that the shipment involved was in fact made on the published tariff rate in force at the time such shipment was made, but no carrier making a refund upon the order of the commission or \* \* \* the judgment of a court \* \* \* shall be liable for any penalty \* \* \* or subject to any prosecution \* \* \* on account of making such refund.

(3) LIMITATION FOR FILING CLAIM. \* \* \* All complaints provided for in subsection (1), \* \* \* except those for straight overcharges, shall be filed with the commission within two years after delivery of the shipment of property at destination. \* \* \*

(4) STRAIGHT OVERCHARGES, LIMITATION OF ACTION, EXCEPTION. \* \* \* For recovery of straight overcharges which \* \* \* mean \* \* \* charges \* \* \* in excess of those applicable under the *lawful* tariffs \* \* \* on file with the commission, neither \* \* \* this section nor \* \* \* section \* \* \* 195.38 shall be deemed exclusive remedies. Complaints for the same \* \* \* may be filed or actions \* \* \* begun within three years from the delivery of the shipment of prop-

erty at destination, and not after, except that if a claim for the overcharge has been presented in writing to the \* \* \* *carrier* within the three-year period, \* \* \* said period shall be extended to include six months from the time notice in writing is given by the \* \* \* *carrier* to the claimant of disallowance of the claim or any part thereof. \* \* \*

(5) ACTIONS BY CARRIERS, LIMITATION. \* \* \* Actions \* \* \* by \* \* \* *carriers* for the recovery of charges for the transportation of property between points in Wisconsin, or for any service in connection therewith, or for the storage of such property, or for any car service or demurrage charge, or any part thereof, shall be begun within three years after the delivery of the shipment of property at destination with respect to which such charge is made and not after. \* \* \*

(6) LIMITATION ACTION, EXTENDED BY CARRIER. \* \* \* If on or before the expiration of \* \* \* *said* two-year period of limitation \* \* \* or of \* \* \* *said* three-year period of limitation \* \* \* *carrier* shall begin action for the recovery of charges in respect to the same transportation service, or without bringing action shall collect charges in respect of that service, said periods of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected. \* \* \*

SECTION 208. Section 195.18 of the statutes is renumbered section 195.38 FREIGHT BILLS; EXAMINATION; RE-FUNDS, and is re-enacted.

SECTION 209. A new section is created to be numbered section 195.39 and to read:

195.39 INTERSTATE COMMERCE. Chapters 190 to 196 apply to interstate commerce only so far as the constitution and laws of the United States permit.

SECTION 210. Subsection (6) of section 195.35 of the statutes is renumbered section 182.25 and is amended to read:

182.25 STOCKHOLDERS, LISTS TO RAILROAD COMMISSION. \* \* \* Every corporation \* \* \* authorized to transact business in Wisconsin shall, on *the written* request of the railroad commission *and within twenty days*, furnish a complete list of its stockholders and a statement of the amount of stock held in the corporation by each such stockholder, duly verified by the president or secretary of such corporation. Any cor-

portation \* \* \* *violating this section shall forfeit not less than one hundred nor more than one thousand dollars.*

SECTION 211. Section 195.11 of the statutes is repealed.

SECTION 212. Section 195.20 of the statutes is repealed.

SECTION 213. Section 195.21 of the statutes is repealed.

SECTION 214. Section 195.23 of the statutes is repealed.

SECTION 215. Section 195.26 of the statutes is repealed.

SECTION 216. Section 195.27 of the statutes is repealed.

SECTION 217. Section 195.29 of the statutes is repealed.

SECTION 218. Sections 195.32 to 195.34, inclusive, of the statutes are repealed.

SECTION 219. Section 195.35 of the statutes except subsection (6) is repealed.

SECTION 220. Section 195.43 of the statutes is repealed.

SECTION 221. Section 195.46 of the statutes is repealed.

SECTION 222. Section 195.49 of the statutes is repealed.

SECTION 223. Section 195.50 of the statutes is repealed.

SECTION 224. Section 195.51 of the statutes is repealed.

SECTION 225. Section 195.53 of the statutes is repealed.

SECTION 226. The title to chapter 196 is REGULATION OF PUBLIC UTILITIES.

SECTION 227. Section 196.01 of the statutes is amended to read:

196.01 DEFINITIONS. (1) *As used in chapters 196 and 197, unless the context requires otherwise, \* \* \* "public utility" \* \* \* means and embraces every corporation, company, individual, association, \* \* \* their lessees, trustees or receivers appointed by any court, \* \* \* and every town, village or city that \* \* \* may own, operate, manage or control any toll bridge or any plant or equipment or any part of a plant or equipment, within the state, for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, light, water or power either directly or indirectly to or for the public. \* \* \**

(2) \* \* \* "Municipal council" \* \* \* means and embraces the common council \* \* \* or the town or village board \* \* \* of any town, village or city wherein the property of the public utility or any part thereof is located.

(3) \* \* \* "Municipality" \* \* \* means any town, village or city wherein property of a public utility or any part thereof is located.



(4) \* \* \* “Service” is used \* \* \* in its broadest and most inclusive sense.

(5) \* \* \* “Indeterminate permit” \* \* \* means and embraces every grant, directly or indirectly, from the state to any \* \* \* *public utility*, of power, right or privilege to own, operate, manage or control any plant or equipment or any part of a plant or equipment within this state for the production, transmission, delivery or furnishing of *any public utility service*. \* \* \* and such permit shall continue in force until \* \* \* the municipality shall exercise its option to purchase, \* \* \* or until it shall be otherwise terminated according to law.

\* \* \*

(6) “*Railroad*” has the meaning attributed to it by section 195.02.

SECTION 228. Section 196.02 of the statutes is amended to read:

196.02 COMMISSION'S POWERS. (1) The \* \* \* commission \* \* \* is vested with power and jurisdiction to supervise and regulate every public utility in this state, and to do all things necessary and convenient in the exercise of such power and jurisdiction.

(2) The commission shall provide for a comprehensive classification of service for each public utility, and such classification may take into account the quantity used, the time when used, the purpose for which used, and any other reasonable consideration. Each public utility is required to conform its schedules of rates, tolls and charges to such classification.

(3) The commission shall have power to adopt reasonable \* \* \* rules and regulations relative to all inspections, tests, audits and investigations. \* \* \*

(4) The commission shall have authority to inquire into the management of the business of all public utilities, and shall keep itself informed as to the manner and method in which the same is conducted, and \* \* \* may obtain from any public utility all necessary information to enable the commission to perform its duties.

(5) The commission or any commissioner or any person \* \* \* employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records and memoranda of any public utility, and to examine, under oath, any officer, agent or employe of such public

utility in relation to its business and affairs. Any person other than one of said commissioners, who shall make such demand, shall produce his authority to make such inspection.

(6) The commission may require, by order or subpoena, \* \* \* served on any public utility \* \* \* as a summons is served in \* \* \* circuit court, the production within this state at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility \* \* \* without the state, \* \* \* or verified copies in lieu thereof, if the commission shall so order. \* \* \* Any public utility failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit \* \* \* not less than fifty dollars nor more than five hundred dollars.

\* \* \*

SECTION 229. Section 196.03 of the statutes is re-enacted.

SECTION 230. Section 196.04 of the statutes is amended to read:

196.04 FACILITIES GRANTED OTHER UTILITIES; PHYSICAL TELEPHONE CONNECTIONS; PETITION, INVESTIGATION. (1) Every public utility and every person \* \* \* having conduits, subways, poles, towers, transmission wires or other equipment on, over or under any street or highway, shall for a reasonable compensation, permit the use of the same by any public utility, whenever public convenience and necessity require such use, and such use will not result in irreparable injury to the owner or other users of such equipment, nor in any substantial detriment to the service to be rendered by such owners or other users; and every utility for the conveyance of telephone messages shall permit \* \* \* physical \* \* \* connections to be made, and telephone service to be furnished, between any telephone system operated by it, and the telephone toll line operated by another such public utility, or between its toll line and the telephone system of another such public utility, or between its toll line and the toll line of another such public utility, or between its telephone system and the telephone system of another such public utility, whenever public convenience and necessity require such physical \* \* \* connections, and such physical \* \* \* connections will not result in irreparable injury to the owners or other users of the facilities of such public utilities, nor in any substantial detriment to the service to be rendered by such public utilities. The term "physical connec-

tion", as used in this section, shall mean such number of trunk lines or complete wire circuits and connections as may be required to furnish reasonably adequate telephone service between such public utilities.

(2) In case of failure to agree upon such use or the conditions or compensation for such use, or in case of failure to agree upon such physical \* \* \* connections, or the terms and conditions upon which the same shall be made, any public or any *other* person \* \* \* interested may apply to the commission, and if after investigation the commission shall ascertain that public convenience and necessity require such use or such physical \* \* \* connections, and that such use or such physical \* \* \* connections would not result in irreparable injury to the owner or other users of such equipment or of the facilities of such public utilities, nor in any substantial detriment to the service to be rendered by such owner or such public utilities or other users of such equipment or facilities, it shall by order direct that such use be permitted and prescribe reasonable conditions and compensation for such joint use, and that such physical \* \* \* connections be made, and determine how and within what time such \* \* \* connections shall be made, and by whom the expense of making and maintaining such \* \* \* connections shall be paid.

(3) Such use so ordered shall be permitted and such physical \* \* \* connections so ordered shall be made, and such conditions and compensation so prescribed \* \* \* shall be the lawful conditions and compensation for such use, and the lawful terms and conditions upon which such physical \* \* \* connections shall be made, \* \* \* observed, followed and paid. \* \* \* Any such order \* \* \* may be, from time to time, revised by the commission. \* \* \*

SECTION 231. Section 196.05 of the statutes is amended to read:

196.05 UTILITY PROPERTY; VALUATION; REVALUATION. (1) The commission shall value all the property of every public utility actually used and useful for the convenience of the public. In making such valuation the commission may avail itself of any information in possession of the state board of assessment.

(2) Before final determination of such value the commission shall, after notice to the public utility, hold a public hearing as to such valuation. \* \* \*

(3) The commission shall within five days after such valuation is determined serve a statement thereof upon the public utility interested, and shall file a like statement with the clerk of every municipality in which any part of the plant or equipment of such public utility is located.

(4) The commission may at any time \* \* \* make a re-valuation of such property.

SECTION 232. Section 196.06 of the statutes is amended to read:

196.06 UNIFORM ACCOUNTING; FORMS; BOOKS; OFFICE. (1) Every public utility shall keep and render to the commission in the manner and form prescribed by the commission uniform accounts of all business transacted.

(2) Every public utility engaged directly or indirectly in any other business than that of the production, transmission or furnishing of heat, light, water or power or the conveyance of telephone messages shall, if required by the commission, keep and render separately to the commission in like manner and form the accounts of all such other business, in which case all the provisions of this \* \* \* *chapter* shall apply \* \* \* to the books, accounts, papers and records of such other business.

(3) \* \* \* Every public utility is required to keep and render its books, accounts, papers and records accurately and faithfully in the manner and form prescribed by the commission, and to comply with all directions of the commission relating to such books, accounts, papers and records.

(4) The commission shall \* \* \* prepare \* \* \* suitable blanks for carrying out the purposes of \* \* \* *chapters 196 and 197*, and shall, when necessary, furnish such blanks to each public utility.

(5) No public utility shall keep any other books, accounts, papers or records of the business transacted than those prescribed or approved by the commission.

(6) Each public utility shall have an office in one of the towns, villages or cities in this state in which its property or some part thereof is located, \* \* \* *in which it shall keep* \* \* \* all \* \* \* books, accounts, papers and records \* \* \* required by the commission to be kept within the state. No books,

accounts, papers or records required by the commission to be kept within the state shall be \* \* \* removed from the state, except upon \* \* \* conditions \* \* \* prescribed by the commission.

SECTION 233. Section 196.07 of the statutes is re-enacted.

SECTION 234. Section 196.08 of the statutes is amended to read:

196.08 AUDIT AND INSPECTION, BALANCE SHEET, PUBLICATION. (1) The commission shall provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the commission.

\* \* \*

(2) \* \* \* Each public utility having an annual gross income of ten thousand dollars or more shall publish at least once \* \* \* each \* \* \* year in a newspaper having a general circulation in the territory served by such utility a true balance sheet and income account of its financial affairs. If the accounts of any public utility are kept by districts, publication shall be made separately for each district in a newspaper having a general circulation therein, and shall, in addition to the balance sheet and income account for the entire company, include a condensed income and operating statement for that district. The form and time of making publication as required herein shall be prescribed by the commission.

SECTION 235. Section 196.09 of the statutes is amended to read:

196.09 DEPRECIATION RATES, ACCOUNTS; RULES; FUND AND USE THEREOF. (1) Every public utility shall carry a proper and adequate depreciation account whenever the commission after investigation shall determine that such depreciation account can be reasonably required. The commission shall \* \* \* determine \* \* \* the proper and adequate rates of depreciation of the several classes of property of each public utility. The rates shall be such as will provide the amounts required over and above the expense of maintenance, to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates. \* \* \* The commission may \* \* \* *revise the* rates of depreciation from time to time. \* \* \*

(2) The commission shall \* \* \* prescribe rules, regula-

tions and forms of accounts regarding \* \* \* depreciation which the public utility is required to carry into effect.

(3) The commission shall provide for \* \* \* depreciation in fixing the rates, tolls and charges to be paid by the public.

(4) All moneys thus provided for shall be set aside out of the earnings and carried in a depreciation fund, \* \* \* *which* may be expended in new constructions, extensions or additions to the property of such public utility, or invested, and if invested the income from the investments shall also be carried in the depreciation fund. This fund \* \* \* shall be used for no other purpose than as provided in this section and for depreciation.

SECTION 236. Section 196.10 of the statutes is amended to read:

196.10 CONSTRUCTION; ACCOUNTING. The commission shall keep itself informed of all new construction, extensions and additions to the property of \* \* \* public utilities, and shall prescribe the necessary forms, regulations and instructions \* \* \* for the keeping of construction accounts, which shall clearly distinguish all operating expenses \* \* \* *from* new construction.

SECTION 237. Section 196.11 of the statutes is amended to read:

196.11 PROFIT SHARING AND SLIDING SCALES. (1) \* \* \* A public utility \* \* \* *may* enter \* \* \* into any reasonable arrangement with its customers or consumers or with its employes, for the division or distribution of its surplus profits, or providing for a sliding scale of charges, or other financial device that may be practicable and advantageous to the parties interested. No such arrangement or device shall be lawful until it shall be found by the commission \* \* \* to be reasonable and just and \* \* \* consistent with the purposes of this \* \* \* *chapter*. Such arrangement shall be under the supervision and regulation of the commission.

(2) The commission shall \* \* \* order such rates, charges and regulations as may be necessary to give effect to such arrangement, but the \* \* \* power to make such other and further changes in rates, charges and regulations as the commission may \* \* \* determine to be necessary and reasonable and \* \* \* to revoke its approval and amend or rescind all orders relative thereto is \* \* \* vested in the commission.  
\* \* \*

SECTION 238. Section 196.12 of the statutes is amended to read:

196.12 REPORT BY UTILITIES; ITEMS. (1) Each public utility shall furnish to the commission in such form and at such times as the commission shall require, such accounts, reports and information as shall show in itemized detail *and separately per unit*: \* \* \* The depreciation; \* \* \* the salaries and wages; \* \* \* legal expenses; \* \* \* taxes and rentals; \* \* \* the quantity and value of material used; \* \* \* the receipts from residuals, by-products, services or other sales; \* \* \* the total and net cost; \* \* \* the gross and net profit; \* \* \* the dividends and interest; \* \* \* surplus or reserve; \* \* \* the prices \* \* \* paid by consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the commission may prescribe in order to show completely and in detail the entire operation of the public utility in furnishing the unit of its product or service to the public. \* \* \*

(2) No city or village having a population of less than five thousand \* \* \* shall be required to report under \* \* \* this section except as to earnings, operating expenses, including depreciation and maintenance, cost of renewals, extensions and improvements to the property and the nature and amount of service furnished in such detail as the commission shall deem necessary, \* \* \* provided \* \* \* that in case of any investigation by the commission upon formal complaint, the commission may require the detailed reports as to units provided for in this section.

SECTION 239. Section 196.13 of the statutes is amended to read:

196.13. COMMISSION'S REPORTS. (1) The commission shall publish \* \* \* *biennial* reports showing its proceedings and showing in tabular form the details per unit as provided in section 196.12 for all the public utilities, \* \* \* and such monthly or occasional reports as it may deem advisable.

(2) The commission shall \* \* \* publish in its \* \* \* reports the value of all the property actually used and useful for the convenience of the public and the value of the physical property actually used and useful for the convenience of the public, of every public utility as to whose rates, charges, service or regulations any hearing has been held by the commission

\* \* \* or the value of whose property has been ascertained by it. \* \* \*

(3) Annually, on or before the first day of December, the commission shall file in the office of the governor a report containing an accurate review of the work of the commission in the administration of \* \* \* chapter 189 for the preceding fiscal year; and a schedule of all applications for permits to sell securities, of the permits granted, of the applications rejected, and of permits canceled or revoked; and a statement of the receipts and disbursements of the commission, and such other material information as relates to \* \* \* its administration of said \* \* \* chapter.

SECTION 240. Section 196.14 of the statutes is amended to read:

196.14 RECORDS PUBLIC; EXCEPTIONS. \* \* \*

All facts and information in the possession of the commission shall be public, and all reports, records, files, books, accounts, papers and memoranda of every nature whatsoever in \* \* \* its possession shall be open to inspection by the public at all reasonable times, except \* \* \* that \* \* \* whenever the commission shall determine it to be necessary in the interest of the public to withhold from the public any facts or information in its possession, such facts may be withheld for such period, \* \* \* not exceeding ninety days as the commission may determine. \* \* \*

SECTION 241. Section 196.15 of the statutes is amended to read:

196.15 UNITS OF PRODUCT OR SERVICE. The commission shall \* \* \* prescribe for each kind of public utility suitable and convenient standard commercial units of product or service. \* \* \*

SECTION 242. Section 196.16 of the statutes is amended to read:

196.16 STANDARD MEASUREMENTS; ACCURATE APPLIANCES. (1) The commission shall \* \* \* fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other condition pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulations for examination and testing of such product or service and for the measurement thereof.



(2) It shall establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements. \* \* \*

(3) \* \* \* This section shall *not* limit \* \* \* powers \* \* \* vested in municipal \* \* \* *councils* by section 196.58.

SECTION 243. Section 196.17 of the statutes is amended to read:

196.17 TESTS OF METERS; FEES. (1) The commission shall provide for the examination and testing of \* \* \* all appliances used for \* \* \* measuring \* \* \* any product or service of a public utility.

(2) Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission.

(3) The commission shall \* \* \* establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user.

(4) The commission may purchase \* \* \* materials, apparatus and standard measuring instruments for such examinations and tests. \* \* \*

SECTION 244. Section 196.18 of the statutes is amended to read:

196.18 ENTRY UPON PREMISES. The commission, its agents, experts or examiners \* \* \* *may* enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided in this \* \* \* *chapter* and \* \* \* set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

SECTION 245. Section 196.19 of the statutes is amended to read:

196.19 PUBLISH SCHEDULES; REGULATIONS; FILES; JOINT RATES. (1) Every public utility shall file with the commission \* \* \* schedules \* \* \* showing all rates, tolls and charges which it has established and which are in force at the time for any service performed by it within the state, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates, tolls

and charges shown on such schedules shall not exceed the rates, tolls and charges in force April 1, 1907.

(2) Every public utility shall file with and as a part of such schedule all rules and regulations that in any manner affect the rates charged or to be charged for any service.

(3) A copy of so much of said schedules as the commission shall deem necessary for the use of the public shall be printed in plain type, and kept on file in every station or office of such public utility where payments are made by the consumers or users \* \* \* in such form and place as to be readily accessible to the public. \* \* \*

(4) Where a schedule of joint rates or charges is \* \* \* in force between \* \* \* public utilities, such schedules shall in like manner be printed and filed with the commission, and so much thereof as the commission shall deem necessary for the use of the public, shall be filed in every such station or office as provided in \* \* \* subsection (3).

(5) Whenever \* \* \* public utilities for the conveyance of telephone messages are \* \* \* furnishing joint telephone service to the public, or shall be required to furnish such service, \* \* \* and shall refuse or neglect to establish joint \* \* \* tolls, the commission may after notice and a public hearing, \* \* \* establish, by order, such joint \* \* \* tolls, and if the \* \* \* utilities \* \* \* shall fail to agree upon the apportionment thereof within twenty days after the service of such order, the commission may, upon a like hearing, issue a supplemental order declaring the apportionment of such joint \* \* \* tolls, and the same shall take effect \* \* \* as part of the original order.

SECTION 246. Section 196.20 of the statutes is amended to read:

196.20 CHANGES OF RATES; TEN DAYS' NOTICE. No change shall \* \* \* be made in any schedule, \* \* \* except upon ten days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules \* \* \* ten days prior to the time the same are to take effect; provided, that the commission, upon application of any public utility, may prescribe a less time within which a reduction may be made.

SECTION 247. Section 196.21 of the statutes is amended to read:

196.21 PUBLICITY OF REVISED SCHEDULES. Copies of all new schedules shall be filed as \* \* \* provided in *section 196.19* in every station and office of such public utility where payments are made by consumers or users ten days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

SECTION 248. Section 196.22 of the statutes is amended to read:

196.22 DISCRIMINATION FORBIDDEN. It shall be unlawful for any public utility to charge, demand, collect or receive a greater or less compensation for any service performed by it within the state, or for any service in connection therewith, than is specified in such \* \* \* schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect or receive any rate, toll or charge not specified in such schedule.  
\* \* \*

SECTION 249. Section 196.23 of the statutes is amended to read:

196.23 SCHEDULE FORMS PRESCRIBED. The commission may prescribe \* \* \* the form in which the schedules are issued by any public utility. \* \* \*

SECTION 250. Section 196.24 of the statutes is amended to read:

196.24 AGENTS OF COMMISSION; POWERS. (1) For the purpose of making any investigation with regard to any public utility the commission shall have power to appoint, by an order in writing, an agent whose duties shall be prescribed in such order.

(2) In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted \* \* \* to the commission; \* \* \* and all powers \* \* \* of a court commissioner relative to depositions are hereby granted to such agent.

(3) The commission may conduct any number of \* \* \* investigations contemporaneously through different agents, and may delegate to \* \* \* any agent the taking of \* \* \* testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. \* \* \*

SECTION 251. Section 196.25 of the statutes is amended to read:

## 196.25 QUESTIONNAIRES TO UTILITIES. \* \* \*

(1) \* \* \* Any public utility receiving from the commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer fully, *specifically* and correctly each question therein propounded, and in case it is unable to answer any question, it shall give a good and sufficient reason for such failure; and such answer shall be verified under oath by the president, secretary, superintendent or general manager of such public utility and returned to the commission at its office within the period fixed by the commission.

(2) \* \* \* When \* \* \* required \* \* \* every public utility shall deliver to the commission any or all maps, profiles, contracts, reports of engineers and all documents, books, accounts, papers and records or copies of any or all of the same, with a complete inventory of all its property, in such form as the commission may direct.

SECTION 252. Section 196.26 of the statutes is amended to read:

196.26 COMPLAINT BY CONSUMERS; HEARING; NOTICE; ORDER; COSTS. (1) Upon a complaint made against any public utility by any mercantile, agricultural or manufacturing society or by any body politic or municipal organization or by any twenty-five persons \* \* \* that any of the rates, tolls, charges or schedules or any joint rate \* \* \* or \* \* \* any regulation, measurement, practice or act \* \* \* affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or any service in connection therewith or the conveyance of any telephone message or any service in connection therewith is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed, with or without notice, to make such investigation as it may deem necessary, \* \* \* but no order \* \* \* shall be entered by the commission without a formal public hearing.

(2) The commission shall, prior to such formal hearing, notify the public utility complained of that a complaint has been made, and ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

(3) The commission shall give the public utility and the complainant, \* \* \* ten days' notice of the time and place when

and where such hearing \* \* \* will be held and such matters considered and determined. Both the public utility and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

(4) *The notice provided for in subsections (2) and (3) may be combined but if combined the notice shall not be less than twenty days.*

\* \* \*

SECTION 253. Section 196.27 of the statutes is re-enacted.

SECTION 254. Section 196.28 of the statutes is amended to read:

196.28 SUMMARY INVESTIGATIONS. Whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory or that any service is inadequate or cannot be obtained or that an investigation of any matter relating to any *railroad or public utility* should for any reason be made, it may on its own motion summarily investigate the same with or without notice.

SECTION 255. Section 196.29 of the statutes is amended to read:

196.29 PROCEDURE AFTER SUMMARY INVESTIGATION. (1) If, after making such *summary* investigation, the commission becomes satisfied that sufficient grounds exist to warrant a formal hearing being ordered as to the matters \* \* \* investigated, it shall \* \* \* set a time and place for a hearing. \* \* \*

(2) Notice of the time and place for such hearing shall be given to the public utility *or railroad*, and to such other interested persons as the commission shall deem necessary, as provided in section 196.26, \* \* \* and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the commission relative to the matter investigated, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

SECTION 256. Section 196.30 of the statutes is amended to read:

196.30 UTILITIES MAY COMPLAIN. Any public utility may make complaint as to any matter affecting its own product or service. \* \* \*

SECTION 257. Section 196.31 of the statutes is repealed.

SECTION 258. Section 196.32 of the statutes is re-enacted.

SECTION 259. Section 196.33 of the statutes is amended to read:

196.33 DEPOSITIONS. The commission or any party may in any investigation *or hearing* cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts. Any expense incurred or authorized by the commission in taking such depositions shall be charged to the appropriation for the \* \* \* commission.

SECTION 260. Section 196.34 of the statutes is amended to read:

196.34 STENOGRAPHIC RECORDS. A full and complete record shall be kept of all proceedings had before the commission or its agent on any formal investigation *or hearing* had and all testimony shall be taken down by the stenographer appointed by the commission.

SECTION 261. Section 196.35 of the statutes is amended to read:

196.35 COURT APPEAL, COMMISSION TO FILE TESTIMONY. (1) Whenever any complaint is served upon the commission under the provisions of section 196.41, the commission shall before said action is reached for trial cause *the originals or* a certified transcript of all proceedings had and \* \* \* *evidence taken upon* \* \* \* *the investigation or hearing and upon which the order complained of is based to be* \* \* \* *transmitted to* the clerk of the circuit court. \* \* \*

(2) *The record so filed by the commission with the clerk of court shall be by him remitted to the commission within twenty days after the judgment of the court shall have become final.*

SECTION 262. Section 196.36 of the statutes is amended to read:

196.36 TRANSCRIPTS AS EVIDENCE; FREE TO PARTIES. (1) A transcribed copy of the evidence and proceedings or any specific part thereof, on any investigation *or hearing* taken by the stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript \* \* \* of all the testimony \* \* \* or of a particular witness, or of other specific part thereof, carefully compared by him with his original notes, and to be a correct state-

ment of the evidence and proceedings had on such investigation *or hearing* so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the fact so certified.

(2) A copy of such transcript shall be furnished on demand free of cost to any party to such investigation \* \* \* *or hearing*.

SECTION 263. Section 196.37 of the statutes is amended to read:

196.37 COMMISSION TO DETERMINE RATES AND REGULATIONS; UTILITY AT FAULT TO PAY COSTS: ORDERS, SERVICE. (1) Whenever upon an investigation made under the provisions of *chapters 196 and 197* \* \* \* the commission shall find \* \* \* rates, tolls, charges, schedules or joint \* \* \* rates to be unjust, unreasonable, insufficient or unjustly discriminatory or \* \* \* preferential or otherwise *unreasonable or unlawful*, \* \* \* the commission shall determine and by order fix reasonable rates, tolls, charges, schedules or joint rates to be imposed, observed and followed in the future in lieu of those found to be \* \* \* *unreasonable or unlawful*. \* \* \*

(2) Whenever \* \* \* the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise *unreasonable or unlawful*, \* \* \* or shall find that any service is inadequate, or that any service which can be reasonably demanded cannot be obtained, the commission shall determine and \* \* \* by order fix reasonable measurements, regulations, acts, practices or service to be furnished, imposed, observed and followed in the future in lieu of those found to be \* \* \* unreasonable, \* \* \* inadequate or otherwise \* \* \* *unlawful*, and shall make such other order respecting such measurement, regulation, act, practice or service as shall be just and reasonable.

(3) Whenever \* \* \* the commission shall find that any rate, toll, charge, schedule or joint rate \* \* \* is unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise *unreasonable or unlawful*, \* \* \* or that any measurement, regulation, practice, act or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise \* \* \* *unlawful*, or \* \* \*

that any service is inadequate or that any service which can reasonably be demanded cannot be obtained, the commission shall ascertain and \* \* \* by order fix the expenses incurred by the commission upon such investigation and \* \* \* direct such public utility to pay to the state treasurer within twenty days thereafter such expenses so incurred.

\* \* \*

SECTION 264. Section 196.38 of the statutes is amended to read:

196.38 UTILITIES TO CONFORM TO ORDERS. All public utilities to which the order applies shall make such changes in their schedules on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any public utility in \* \* \* such rates, tolls or charges, or \* \* \* joint \* \* \* rates, without the approval of the commission. \* \* \*

SECTION 265. Section 196.39 of the statutes is amended to read:

196.39 COMMISSION MAY CHANGE ORDERS. The commission may at any time, upon notice to the public utility and after opportunity to be heard, \* \* \* rescind, alter or amend any order fixing \* \* \* rates, tolls, charges or schedules, or any other order made by the commission. \* \* \*

SECTION 266. Section 196.40 of the statutes is re-enacted.

SECTION 267. Section 196.41 of the statutes is amended to read:

196.41 ACTION TO SET ASIDE ORDERS OF COMMISSION. (1) Any public utility or railroad and any person \* \* \* in interest being dissatisfied with any order or determination of the commission \* \* \* may commence an action in the circuit court for Dane county against the commission as defendant to vacate and set aside \* \* \* such order or determination on the ground that \* \* \* it is unlawful, or \* \* \* unreasonable, in which action the complaint shall be served with the summons.

(2) The answer of the commission to the complaint shall be served and filed within \* \* \* twenty days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice. \* \* \*

(3) Any person not a party to the action, but having an interest in the subject thereof, may \* \* \* be made a party.



(4) All such actions shall have precedence over any civil cause of a different nature, \* \* \* and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions.

SECTION 268. Section 196.42 of the statutes is amended to read:

196.42 ACTION TO SET ASIDE, NINETY DAYS FOR. Every \* \* \* action \* \* \* to \* \* \* vacate or amend any determination or order of the commission or to enjoin the enforcement thereof or to prevent \* \* \* such order or determination from becoming effective shall be commenced, and every appeal to the courts or right \* \* \* of recourse to the courts shall be taken or exercised within ninety days after the entry or rendition of such order or determination, and the right to commence any such action, \* \* \* or to take or exercise any such appeal or right of recourse to the courts, shall terminate absolutely at the end of such ninety days. \* \* \*

SECTION 269. Section 196.43 of the statutes is amended to read:

196.43 INJUNCTION PROCEDURE. (1) No injunction shall issue in any \* \* \* action \* \* \* mentioned in section 196.42, suspending or staying any order of the commission, except upon application to the circuit court or presiding judge thereof, notice to the commission and any *other* party, \* \* \* and hearing; and no injunction shall issue in any other proceeding *or* action, \* \* \* in any court, which shall have the effect of delaying or preventing any order of the commission from becoming effective, unless the parties to the proceeding before the commission in which such order was made are also parties to such proceeding *or* action. \* \* \*

(2) No injunction shall issue in any such proceeding *or* action \* \* \* suspending or staying any order of the commission or having the effect of delaying or preventing any order of the commission from becoming effective, unless an undertaking shall be entered into on the part of the plaintiff, by at least two sureties, in such sum as the court or the presiding judge thereof shall direct to the effect that the plaintiff will pay all damages which the opposite party may \* \* \* sustain \* \* \* by the delay or prevention of the order of the commission from becoming effective, and to such further effect as such judge or court shall in discretion direct, and no order or judgment in any such pro-

ceeding or action \* \* \* shall be stayed on appeal therefrom unless a like undertaking be entered into by the appellant in addition to the undertaking provided in section 274.15.

SECTION 270. Section 196.44 of the statutes is amended to read:

196.44 PRACTICE; NEW EVIDENCE; STAY; REFINING; JUDGMENT. (1) If, upon the trial of \* \* \* an action authorized by section 196.41, evidence shall be introduced \* \* \* which is found by the court to be different from that offered upon the hearing before the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment unless the parties to such action stipulate \* \* \* to the contrary, shall transmit a copy of such evidence to the commission and shall stay further proceedings in said action \* \* \* until the commission shall have reported to the court.

(2) Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend or rescind \* \* \* the order \* \* \* or determination complained of, \* \* \* and shall report its action thereon to said court within \* \* \* such time as the court shall direct.

(3) If the commission shall rescind its order or determination complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original, \* \* \* and judgment shall be rendered thereon as though made by the commission in the first instance. \* \* \* If the original order or determination shall not be rescinded or changed by the commission, judgment shall be rendered upon such original. \* \* \*

SECTION 271. Section 196.45 of the statutes is amended to read:

196.45 APPEAL TO SUPREME COURT. Any \* \* \* party to said action, within sixty days after service of a copy of the order or judgment of the circuit court, may appeal to the supreme court, \* \* \* and the cause shall \* \* \* be \* \* \* placed on the state calendar of the then pending term and shall be assigned and brought to a hearing in the same manner as other causes on the state calendar.

SECTION 272. Section 196.46 of the statutes is amended to read:

196.46 BURDEN OF PROOF. In all trials, actions and proceedings arising under \* \* \* or growing out of the exercise

of the authority and powers granted \* \* \* to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction or order of said commission, to show by clear and satisfactory evidence that the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful. \* \* \*

SECTION 273. Section 196.47 of the statutes is amended to read:

196.47 COURT PROCEDURE AND OFFICERS. In \* \* \* *such* actions and proceedings in court \* \* \* all processes shall be served and the practice and rules of evidence shall be the same as in civil actions, except as otherwise herein provided. Every sheriff or other officer empowered to execute civil processes shall execute any process issued under the provisions of \* \* \* *chapters 195, 196 and 197*, and shall receive such compensation therefor as may be prescribed by law for similar services *in courts of record*.

SECTION 274. Section 196.48 of the statutes is amended to read:

196.48 INCRIMINATING EVIDENCE. No person shall be excused from testifying or from producing books, accounts and papers in any proceeding based upon or growing out of any violation of the provisions of \* \* \* *chapters 195, 196 and 197*, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required by him may tend to incriminate him or subject him to penalty or forfeiture, but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

SECTION 275. Section 196.50 of the statutes is amended to read:

196.50 COMPETING UTILITIES; INDETERMINATE PERMITS, TELEPHONES. (1) CERTIFICATE OF NECESSITY. No license, permit or franchise shall be granted \* \* \* to own, operate, manage or control any plant or equipment for the conveyance of telephone messages, or for the production, transmission, delivery or furnishing of heat, light, water or power in

any municipality, where there is in operation under an indeterminate permit \* \* \* a public utility engaged in similar service, without first securing from the commission a declaration, after a public hearing of all parties interested, that public convenience and necessity require such second public utility. This subsection shall not prevent or impose any condition upon the extension of any telephone toll line from any municipality into or through any municipality for the purpose of connecting with any telephone exchange in such municipality or connecting with any other telephone line or system.

(2) TELEPHONES, EXTENSION. No public utility \* \* \* furnishing telephone service shall install or extend any telephone exchange for furnishing local service \* \* \* in any \* \* \* town where there is \* \* \* a public utility engaged in similar service, without first having served notice in writing upon the commission and \* \* \* *such* other public utility \* \* \* of the installation or extension of such exchange which it proposes to make, or make such installation or extensions if the commission, within twenty days after the service of such notice, shall, upon investigation, find and declare that public convenience and necessity do not require the installation or extensions of such exchange. \* \* \* Any public utility already engaged in furnishing local service to subscribers within any city or village may extend its exchange within such city or village without the authority of the commission. Any public utility operating any telephone exchange in any city or village shall, on demand, extend its lines to the limits of such city or village for the purposes mentioned and subject to the conditions and requirements prescribed in sections 196.04 and 196.19 subsections (4) and (5).

(3) SECOND UTILITY. \* \* \* Any \* \* \* permit, license or franchise which shall contain any term whatsoever interfering with the existence of \* \* \* a second public utility is hereby amended in such manner as to permit \* \* \* any municipality to grant \* \* \* a franchise for the operation of such second public utility. \* \* \*

(4) MUNICIPALITY RESTRAINED. \* \* \* No municipality shall hereafter construct any \* \* \* public utility where there is in operation under an indeterminate permit \* \* \* in such municipality a public utility engaged in similar service, without first securing from the commission a declaration, after

a public hearing of all parties interested, that public convenience and necessity require such municipal public utility. \* \* \*

(5) **INJUNCTION.** Pending investigation and finding by the commission as to whether public convenience and necessity require \* \* \* a second utility, the furnishing of any public utility service \* \* \* in any municipality contrary to the provisions of this section may be enjoined \* \* \* at the suit of the state or of any public utility having an interest therein.

**SECTION 276.** Section 196.51 of the statutes is amended to read:

**196.51 PRIOR PERMITS AND FRANCHISES VALIDATED.** All licenses, permits and franchises to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power in any municipality, \* \* \* granted or attempted to be granted prior to April 3, 1911, to any public utility by or by virtue of any ordinance pending or under consideration in the municipal council of any municipality at the time of the obtaining of an indeterminate permit by any other public utility operating therein, are hereby validated and confirmed and shall not be affected by the provisions of subsection (1) of section 196.50.  
\* \* \*

**SECTION 277.** Section 196.52 of the statutes is repealed.

**SECTION 278.** Section 196.53 of the statutes is re-enacted.

**SECTION 279.** Section 196.54 of the statutes is amended to read:

**196.54 GRANTS TO BE INDETERMINATE; MUNICIPAL ACQUISITION.** Every license, permit or franchise granted after July 11, 1907, to any public utility shall have the effect of an indeterminate permit subject to the provisions of \* \* \* chapters 196 and 197. \* \* \*

**SECTION 280.** Section 196.55 of the statutes is amended to read:

**196.55 FRANCHISES, MADE INDETERMINATE.** Every license, permit or franchise granted prior to July 11, 1907, by the state or by \* \* \* municipality authorizing and empowering \* \* \* the grantee \* \* \* to own, operate, manage or control \* \* \* within this state, \* \* \* either directly or indirectly, \* \* \* a public utility or any part thereof, is so altered and amended as to constitute and to be an indeterminate permit, \* \* \* and subject to all the terms,

provisions, conditions and limitations of \* \* \* *chapters 196 and 197*, and shall have the same force and effect as a license, permit or franchise granted after July 11, 1907, to any public utility, \* \* \* except as provided by section 197.02.

SECTION 281. Section 196.56 of the statutes is amended to read:

196.56 VALIDATION OF FRANCHISES AND PERMITS. No franchise \* \* \* *affected* by section 196.55 and no indeterminate permit shall be declared invalid \* \* \* *if* such franchise or permit \* \* \* shall not have been obtained by fraud, bribery or corrupt practices; \* \* \* *and*, when the same was granted, no officer of the municipality granting the same was directly or indirectly interested in such franchise or permit or in the corporation obtaining same; \* \* \* *and* the corporation having the same shall have prior to the surrendering of said franchise or the beginning of its public service under said permit, in good faith purchased or constructed any \* \* \* public utility, or any part thereof by such franchise authorized; and \* \* \* said corporation in obtaining such franchise or permit shall have made substantial compliance with the requirements provided by law for the obtaining of said franchise or permit. \* \* \* Subject to the foregoing exceptions, every such franchise and permit is hereby legalized and confirmed.

SECTION 282. Section 196.57 of the statutes is amended to read:

196.57 GRANTS AFTER JULY 11, 1907; CONSENT TO MUNICIPAL PURCHASE. Any public utility accepting or operating under any license, permit or franchise \* \* \* *granted after July 11, 1907*, shall by acceptance of \* \* \* such indeterminate permit be deemed to have consented to a future purchase of its property actually used and useful for the convenience of the public by the municipality in which the major part of it is situate for the compensation and under the terms and conditions determined by the commission, and shall thereby be deemed to have waived the right of requiring the necessity of such taking to be established by the verdict of a jury, and to have waived all other remedies and rights relative to condemnation, except such rights and remedies as are provided in \* \* \* *chapters 196 and 197*.

SECTION 283. Section 196.58 of the statutes is amended to read:

196.58 MUNICIPALITY TO REGULATE UTILITIES; APPEAL. Every municipal council shall have power:

(1) To determine by contract, ordinance or \* \* \* *resolution* the quality and character of each kind of product or service to be furnished or rendered by any public utility \* \* \* within \* \* \* *the* municipality and all other terms and conditions, not inconsistent with \* \* \* *chapters 196 and 197*, upon which such public utility may be permitted to occupy the streets, highways or other public \* \* \* *places* within \* \* \* *the* municipality, and such contract, ordinance or \* \* \* *resolution* shall be in force and prima facie reasonable.  
\* \* \*

(2) To require of any public utility \* \* \* such additions and extensions to its physical plant within said municipality as shall be reasonable and necessary in the interest of the public, and to designate the location and nature of all such additions and extensions, the time within which they must be completed, and all conditions under which they must be constructed, subject to review by the commission as provided in \* \* \* this section.

(3) To provide \* \* \* a penalty for noncompliance with the provisions of any ordinance or resolution adopted pursuant to the provisions hereof.  
\* \* \*

(4) *Upon complaint made by such public utility or by any qualified complainant as provided in section 196.26 the commission shall set a hearing and if it shall find such contract, ordinance or resolution to be unreasonable, such contract, ordinance or resolution shall be void.*

SECTION 284. Section 196.59 of the statutes is renumbered section 348.313 and is amended to read:

348.313 FRANKS AND PRIVILEGES TO PUBLIC SERVANTS, POLITICAL COMMITTEES AND CANDIDATES. \* \* \* (1) No public utility *as defined in section 196.01* or any agent or officer thereof \* \* \* shall offer or give for any purpose to any political committee or any member or employe thereof, to any candidate for or incumbent of, any office or position under the constitution or laws or under any ordinance of any municipality of this state, or to any person at

the request, or for the advantage of \* \* \* any of them, any frank or any privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered, or to be produced, transmitted, delivered, furnished or rendered by any public utility, or \* \* \* any free product or service whatsoever.

(2) No political committee and no member or employe thereof, no candidate for and no incumbent of any office or position under the constitution or laws or under any ordinance of any town or municipality of this state, shall ask for or accept \* \* \* or use in any manner or for any purpose any frank or privilege withheld from any person, for any product or service produced, transmitted, delivered, furnished or rendered, or to be produced, transmitted, delivered, furnished or rendered by any public utility. \* \* \*

(3) \* \* \* Violation of any of the provisions of this section shall be punished by imprisonment in the state prison not more than five years nor less than one year or by fine not exceeding one thousand dollars nor less than two hundred dollars.

SECTION 285. Section 196.60 of the statutes is amended to read:

196.60 DISCRIMINATION, DEFINITION, PENALTY. If any public utility or any agent or officer thereof \* \* \* shall, directly or indirectly, \* \* \* charge, demand, collect or receive from any person \* \* \* a greater or less compensation for any service rendered or to be rendered by it in or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveyance of telephone messages or for any service in connection therewith than that prescribed in the published schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects or receives from any other person \* \* \* for a like and contemporaneous service, such public utility shall be deemed guilty of unjust discrimination which is hereby prohibited, \* \* \* and upon conviction thereof shall forfeit \* \* \* not less than one hundred dollars nor more than one thousand dollars for each offense; and such agent or officer so offending shall be \* \* \* punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

SECTION 286. Section 196.61 of the statutes is re-enacted.



SECTION 287. Section 196.62 of the statutes is amended to read:

196.62 DISCRIMINATION, DEFINITION, PENALTY. If any public utility *shall* \* \* \* give any \* \* \* unreasonable preference or advantage to any \* \* \* person \* \* \* or shall subject any \* \* \* person \* \* \* to any \* \* \* unreasonable prejudice or disadvantage, \* \* \* such public utility shall be deemed guilty of unjust discrimination which is hereby prohibited. \* \* \* The furnishing \* \* \* of any product or service at the rates and upon the terms and conditions provided for in any existing contract executed prior to April 1, 1907, shall not constitute a discrimination. \* \* \* Any \* \* \* *public utility* violating the provisions of this section shall \* \* \* *forfeit* not less than fifty dollars nor more than one thousand dollars for each offense.

SECTION 288. Section 196.63 of the statutes is amended to read:

196.63 REBATES, CONCESSIONS AND DISCRIMINATIONS UNLAWFUL. It shall be unlawful \* \* \* knowingly to solicit, accept or receive any rebate, concession or discrimination *from a public utility* in respect to any service in or affecting or relating to the production, transmission, delivery or furnishing of heat, light, water or power or the conveying of telephone messages within this state or for any service in connection therewith whereby any such service shall \* \* \* be rendered free or at a less rate than that named in the \* \* \* schedules and tariffs in force, \* \* \* or whereby any service or advantage is received other than is herein specified. \* \* \* *Violations* of this section shall be \* \* \* punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

SECTION 289. Section 196.64 of the statutes is amended to read:

196.64 UTILITIES, LIABILITY FOR TREBLE DAMAGES. If any public utility shall do or cause to be done or permit to be done any matter, act or thing \* \* \* prohibited or declared to be unlawful *by chapter 196 or 197*, or shall omit to do any act, matter or thing required to be done by it, such public utility shall be liable to the person \* \* \* injured thereby in treble the amount of damages sustained in consequence of such violation. \* \* \*

SECTION 290. Section 196.65 of the statutes is amended to read :

196.65 RAILROADS AND UTILITIES; INFORMATION, PAPERS AND ACCOUNTING. (1) Any officer, agent or employe of any public utility or \* \* \* *railroad* as defined in sections 195.02 and 196.01, \* \* \* who shall fail or refuse to fill out and return any blanks as required by \* \* \* *chapters 195 and 196*, or shall fail or refuse to answer any question therein propounded, or shall knowingly \* \* \* give a false answer to any such question, or shall evade the answer to any such question where the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner or any person authorized to examine the same, any book, paper, account, record or memoranda of such *railroad or public utility* which is in his possession or under his control, or who shall fail to properly use and keep his system of accounting or any part thereof as prescribed by the commission, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the commission or its authorized representative, shall \* \* \* be punished by a fine of not less than *one hundred nor more than one thousand dollars* for each offense.

(2) And a penalty of not less than five hundred dollars nor more than one thousand dollars shall be recovered from the *railroad or public utility* for each such offense when such officer, agent or employe acted in obedience to the direction, instruction or request of such *railroad or public utility* or any general officer thereof.

SECTION 291. Section 196.66 and subsection (3) of section 196.69 of the statutes are consolidated, renumbered 196.66 and are amended to read :

196.66 GENERAL PENALTY; UTILITY RESPONSIBLE FOR AGENTS. (1) If any public utility shall violate any provision of \* \* \* *chapter 196 or 197*, or shall do any act therein prohibited, or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission or the municipal council or any judgment or decree made by any court upon its application, for every such violation, failure or refusal such public utility shall

forfeit \* \* \* not less than twenty-five dollars nor more than one thousand dollars. \* \* \*

(2) \* \* \* Every day during which any public utility or any officer, agent or employe thereof shall fail to observe and comply with any order or direction of the commission or to perform any duty enjoined by \* \* \* *chapter 196 or 197*, shall constitute a separate and distinct violation. \* \* \*

SECTION 292. Section 196.67 of the statutes is amended to read:

196.67 WARNING SIGNS. (1) \* \* \* Every corporation, company or person constructing, operating or maintaining an electric transmission line with a voltage of six thousand or more between conductors or between conductors and the ground shall \* \* \* place warning signs, not less than four feet nor more than six feet from the ground, upon all poles or other structures supporting such line \* \* \* when within one hundred feet of \* \* \* school grounds; and \* \* \* when within one hundred feet of any place where such line crosses a public highway; and \* \* \* when within \* \* \* any city or village.

(2) Every such sign shall be stenciled on such pole or structure in red or black letters not less than two inches high on a background of white and shall read "Danger—High Voltage." Such stencils shall be furnished by the \* \* \* commission at cost to public utility companies.

(3) Any corporation, company or person violating any of the provisions of this section shall be \* \* \* fined not less than fifty dollars nor more than three hundred dollars for each offense.

SECTION 293. Section 196.68 of the statutes is amended to read:

196.68 MUNICIPAL OFFICERS, MALFEASANCE. If any officer of any \* \* \* *municipality* constituting a public utility \* \* \* shall do or cause to be done or permit to be done any matter, act or thing in \* \* \* *chapters 196 and 197* prohibited or declared to be unlawful, or shall omit, fail, neglect or refuse to do any act, matter or thing *therein* required \* \* \* of such officer, \* \* \* or shall omit, fail, neglect or refuse to perform any duty enjoined upon him and relating directly or indirectly to the enforcement of \* \* \* *said chapters*, or shall omit, fail, neglect or refuse to obey any lawful

requirement or order made by the commission or any judgment or decree made by the court upon its application, for every such violation, failure or refusal such officer shall \* \* \* *forfeit* not less than fifty dollars nor more than five hundred dollars.  
\* \* \*

SECTION 294. Subsection (1) and (2) of section 196.69 of the statutes are amended to read:

196.69 INTERFERENCE WITH COMMISSION'S EQUIPMENT. (1) Any person who shall destroy, injure or interfere with any apparatus or appliance owned or operated by or in charge of the commission or its agent shall be \* \* \* punished by fine not exceeding one hundred dollars or imprisonment \* \* \* not exceeding thirty days or both.

(2) Any public utility permitting the destruction of, injury to, or interference with, any such apparatus or appliance, shall forfeit \* \* \* not exceeding one thousand dollars for each offense.

SECTION 295. Section 196.70 of the statutes is amended to read:

196.70 TEMPORARY ALTERATION OR SUSPENSION OF RATES. (1) The commission \* \* \* *may by order* when deemed by it necessary to prevent injury to the business or interests of the people or any public utility \* \* \* in case of any emergency to be judged of by the commission, \* \* \* temporarily alter, amend, or with the consent of the public utility concerned, suspend any existing rates, schedules and order relating to or affecting any public utility or part of any public utility. \* \* \*

(2) Such \* \* \* *order* shall apply to one or more of the public utilities in this state or to any portion thereof as may be directed by the commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission.

SECTION 296. Section 196.71 of the statutes is repealed.

SECTION 297. A new section is added to the statutes to be numbered 196.71 and to read:

196.71 UTILITY, WHEN NOT A PUBLIC UTILITY. When any municipality owns a public utility and there is no other utility furnishing the same service, the commission may, after a public hearing and determination that said municipally owned utility cannot be operated profitably, authorize a contract

between the municipality and any person, firm or corporation not a public utility to furnish light, power or electric current to the municipality upon such terms and conditions as shall be approved by said commission, without the vendor thereof becoming a public utility.

SECTION 298. Section 196.72 of the statutes is amended to read:

196.72 DEATHS; UTILITY REPORT; INVESTIGATION. (1) Every public utility shall *immediately report to the commission every fatal \* \* \* accident \* \* \* occurring \* \* \** upon its premises or directly or indirectly arising from or connected with its maintenance or operation.  
\* \* \*

(2) In the event of any such accident the commission, if it deem the public interest require it, shall \* \* \* forthwith *investigate the same*, which investigation shall be held in the locality of the accident, unless for greater convenience \* \* \* it shall \* \* \* be held at some other place; and said investigation may be adjourned from place to place. \* \* \* The commission shall seasonably notify the public utility of the time and place of the investigation.

SECTION 299. Section 196.73 of the statutes is repealed.

SECTION 300. Section 196.74 of the statutes is amended to read:

196.74 ELECTRIC LINES; SAFETY AND INTERFERENCE. Every public utility \* \* \* and every railroad \* \* \* which \* \* \* owns, operates, manages or controls along or across any public \* \* \* or private \* \* \* way any \* \* \* wires over which \* \* \* *electricity* \* \* \* or messages are transmitted \* \* \* shall construct, operate and maintain such \* \* \* *wires* and the equipment used in connection therewith in a reasonably adequate and safe manner and so as not to unreasonably interfere with the service furnished by \* \* \* other public utilities or railroads. \* \* \* *Upon a complaint to the commission by any interested party \* \* \* to the effect that public safety or \* \* \* adequate service requires changes in construction, location or methods of operation, the commission shall give notice to the \* \* \* parties in interest of the filing of such \* \* \* complaint, and shall proceed to investigate the same and shall order a hearing thereon. \* \* \** After such hearing the commission shall

\* \* \* *order any alteration in construction or location or change of methods of operation* \* \* \* required for public safety or to avoid service interference, and by whom the same shall be made. The commission shall fix the proportion of the cost and expense of such \* \* \* changes, which shall be paid by the \* \* \* parties in interest, and fix reasonable terms and conditions in connection therewith. \* \* \*

SECTION 301. Section 196.75 of the statutes is repealed.

SECTION 302. Section 196.76 of the statutes is amended to read:

196.76 OTHER RIGHTS OF ACTION; PENALTIES CUMULATIVE. \* \* \* *Chapters 196 and 197* shall not have the effect to release or waive any right of action by the state or by any person for any right, penalty or forfeiture which may have arisen or which may \* \* \* arise, under any law of this state; and all penalties and forfeitures accruing under \* \* \* *said chapters* shall be cumulative and a suit for any recovery of one shall not be a bar to the recovery of any other penalty.

SECTION 303. Section 196.77 of the statutes is amended to read:

196.77 RATES OF APRIL 1, 1907, TO GOVERN; PROCEEDINGS TO CHANGE. (1) Unless the commission shall otherwise order, it shall be unlawful for any public utility within this state to demand, collect or receive a greater compensation for any service than the charge fixed on the lowest schedules of rates for the same service on the first day of April, 1907.

\* \* \*

(2) \* \* \* Any public utility desiring to advance or discontinue any such rate \* \* \* may \* \* \* *apply* to the commission in writing stating the advance \* \* \* or discontinuation \* \* \* desired, giving the reasons *therefor*.

\* \* \*

(3) \* \* \* The commission shall fix a time and place for hearing and give such notice to interested parties as it shall deem \* \* \* reasonable. \* \* \* After such hearing \* \* \* the commission shall \* \* \* *enter an order granting the application either in whole or in part or denying the same*.

\* \* \*

SECTION 304. Section 196.78 of the statutes is repealed.

SECTION 305. Section 196.535 of the statutes is renumbered section 196.80 CONSOLIDATION OF UTILITIES; STREET AND INTERURBAN RAILWAYS, and is re-enacted.

SECTION 306. Section 196.49 of the statutes is renumbered subsection (25) of section 195.03 and is amended to read: .

195.03 (25) DISTRIBUTION OF ORDERS. \* \* \* The commission shall *upon application* furnish certified copies, under \* \* \* *its seal*, \* \* \* of any order made by it, which shall be prima facie evidence of the facts stated therein.

SECTION 307. Section 196.79 of the statutes is renumbered subsection (26) of section 195.03 and is amended to read:

(195.03) (26) COMMISSION NOTICES; CERTIFICATIONS. \* \* \* Notices of investigation \* \* \* or hearing or \* \* \* *certifications* to copies of the records of the commission \* \* \* may be issued or *certified* by any member of the commission or by \* \* \* *its secretary or its assistant secretary*. \* \* \*

SECTION 308. The title to chapter 197 is amended to read:

#### CHAPTER 197.

#### MUNICIPAL ACQUISITION OF UTILITIES.

SECTION 309. Section 197.01 of the statutes is amended to read:

197.01 MUNICIPALITIES, POWERS UNDER UTILITY LAW. (1) Any municipality shall have the power, subject to the provisions of \* \* \* *chapters 196 and 197*, to construct and operate a plant and equipment or any part thereof for the production, transmission, delivery or furnishing of heat, light, water or power, or to acquire, construct and operate a toll bridge.

(2) Any municipality shall have the power, subject to the provisions of \* \* \* *chapters 196 and 197*, to purchase \* \* \* any public utility or any part thereof; \* \* \* provided, that such purchase and the terms thereof shall be approved by the commission after a hearing as provided in section \* \* \* 197.05.

(3) Any municipality shall have the power, subject to the provisions of \* \* \* *chapters 196 and 197*, to acquire \* \* \* the property of any public utility, wheresoever situated, actually used and useful for the convenience of the public; \* \* \* provided, \* \* \* that in acquiring any property outside of \* \* \* Wisconsin, such property \* \* \* *must* have been

used exclusively by such public utility for furnishing heat, light, water and power to such \* \* \* *municipality*. \* \* \*

(4) \* \* \* Any municipality having secured a declaration of convenience and necessity to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power, \* \* \* or owning any such plant, may contract with any public utility lawfully engaged as such for a division of any of the foregoing service in said municipality, for a period not exceeding ten years, with mutual covenants restricting and obligating operations by each party to service within the respective fields of division so contracted for, and within such fields the commission shall have the right to regulate the charges for, and quality of, service, notwithstanding anything provided in such contract. Nothing in this section shall \* \* \* prevent \* \* \* the \* \* \* commission from terminating such contract and granting a certificate of convenience and necessity for a third or other utility, if in its judgment the public interest requires it.

SECTION 310. Section 197.02 of the statutes is amended to read:

197.02 ACTION BY MUNICIPALITIES TO ACQUIRE UTILITY. If the municipality shall have determined to acquire \* \* \* a plant \* \* \* operated under an indeterminate permit provided in section 196.55, by a vote of a majority of the electors, \* \* \* such municipality shall bring an action in the circuit court against the public utility \* \* \* for an adjudication as to the necessity of such taking by the municipality. \* \* \* Unless the parties \* \* \* waive a jury, the question as to the necessity of the taking of such property by the municipality shall be \* \* \* submitted to a jury.

SECTION 311. Section 197.03 of the statutes is amended to read:

197.03 INDETERMINATE PERMIT; NOTICE. If the municipality shall have determined to acquire an existing plant in the manner provided in \* \* \* section 197.02, and the public utility owning such plant shall have consented to the taking over of such plant by the municipality by acceptance of an indeterminate permit as provided herein, or, in case such public utility shall not have waived or consented to such taking, if the jury shall have found that a necessity exists for the taking of such plant, then the municipality shall give speedy notice of



such determination and of such consent or such \* \* \* *finding* to the public utility and to the commission.

SECTION 312. Section 197.04 of the statutes is amended to read:

197.04 DISCONTINUANCE OF CONDEMNATION. (1) Any municipality having determined to acquire an existing plant or any part of the equipment of a public utility \* \* \* may discontinue all proceedings to that end at any time within ninety days after the final determination of compensation by the \* \* \* commission, by a resolution to that effect by its \* \* \* *municipal* council, \* \* \* provided that such resolution shall not be of force and effect until ninety days after its passage and publication. If within said ninety days a petition shall be filed with the clerk of such municipality in a city of the first class signed by five per cent \* \* \* and in all other \* \* \* *municipalities* by ten per cent \* \* \* of the electors thereof requesting that the question of discontinuing said proceeding to acquire such plant or equipment be submitted to the electors, such question shall be submitted to the said electors at any general \* \* \* or \* \* \* regular municipal election that may be held not less than thirty, and not more than thirty-five, days from the date of the filing of the \* \* \* petition; and if no general election or regular municipal election is to be held within the stated periods, then the governing body of the municipality shall \* \* \* order the holding of a special election for the purpose of submitting to the \* \* \* electors the question whether the aforesaid resolution shall remain in effect and its adoption be ratified, and such resolution shall not have force or effect unless \* \* \* a majority of the electors \* \* \* voting on such question shall be in favor thereof.

(2) The \* \* \* *municipal* council \* \* \* may provide for the notice, the manner of holding such election and the method of voting thereon and of making returns thereof and the canvassing and determining of the result thereof; provided, that notice of the submission of the question contemplated herein to the electors shall be given by a brief notice of that fact once a week for three weeks in some newspaper of general circulation published in the municipality, \* \* \* and if there be no *such* newspaper \* \* \* then publication may be made in any newspaper of general circulation in the county seat of the county wherein the municipality is located. The notice of holding any

special election shall be incorporated as a part of the aforesaid notice.

(3) Upon the discontinuance of proceedings by the municipality no subsequent proceedings shall be instituted \* \* \* *within two years \* \* \* thereafter.*

SECTION 313. Section 197.05 of the statutes is amended to read:

197.05 COMPENSATION DETERMINED BY COMMISSION; NOTICE; TITLE. (1) The commission shall thereupon \* \* \* set a time and place for a public hearing upon the matters of the just compensation to be paid for the \* \* \* property of such public utility, wheresoever situated, actually used and useful for the convenience of the public, and of all other terms and conditions of the purchase, \* \* \* and shall give to the municipality and the public utility interested, not less than thirty days' notice of the time and place when and where such hearing will be held, and such matters considered and determined, and \* \* \* *the municipality shall publish* such notice once a week for not less than three successive weeks in at least one newspaper of general circulation printed in the English language and published in the county in which such public utility is located. \* \* \*

(2) \* \* \* The commission shall, by order, fix and determine and certify to the municipal council, to the public utility and to any bondholder, mortgagee, lienor or any other person having or claiming to have any interest in such public utility appearing upon such hearing, just compensation to be paid for the taking of the property of such public utility actually used and useful for the convenience of the public and all other terms and all conditions of \* \* \* purchase which it shall ascertain to be reasonable.

(3) The compensation and other terms and the conditions of \* \* \* purchase thus certified by the commission shall constitute the compensation and terms and conditions to be paid, followed and observed in the purchase of such plant from such public utility. Upon the filing of such certificate with the clerk of such municipality the absolute title of the property taken shall vest in such municipality, and, as to any *such* property located outside of \* \* \* Wisconsin, the circuit court \* \* \* is \* \* \* vested with power \* \* \* to require such public utility company to convey *the same to the municipality.* \* \* \*

Municipalities in *adjoining* states \* \* \* which have determined to acquire a public utility, part of which is located in Wisconsin, are authorized to acquire \* \* \* and to hold and operate any part of such public utility located in Wisconsin, provided, such state gives a similar power to *Wisconsin* municipalities. \* \* \*

SECTION 314. Section 197.06 of the statutes is amended to read:

197.06 COURT REVIEW OF ORDER OF COMMISSION. Any public utility or the municipality or any bondholder, mortgagee, lienor or other creditor of the public utility, being dissatisfied with such order, may \* \* \* prosecute an action \* \* \* to alter or amend such order or any part thereof, as provided in sections 196.41 to 196.49. \* \* \*

SECTION 315. Section 197.07 of the statutes is amended to read:

197.07 BURDEN OF PROOF, JUDGMENT. If the plaintiff shall not establish to the full satisfaction of the court that the compensation fixed and determined in such order is unlawful, or that some of the terms or conditions fixed and determined therein are in some particulars unreasonable, \* \* \* *judgment shall be entered affirming* said order. \* \* \*

SECTION 316. Section 197.08 of the statutes is re-enacted.

SECTION 317. Section 197.09 of the statutes is amended to read:

197.09 RECONSIDERATION OF COMPENSATION. (1) If the compensation fixed by the \* \* \* order of the commission be adjudged to be unlawful, the commission shall forthwith proceed to set a rehearing for the redetermination of such compensation as in the first instance.

(2) The commission shall forthwith otherwise alter and amend such \* \* \* order with or without a rehearing as it may deem necessary so that the same shall be reasonable and lawful in every particular.

SECTION 318. Section 197.10 of the statutes is re-enacted and subsection (4) thereof is amended to read:

(197.10) (4) In so far as the use, operation, service, management, control, sale, lease, purchase, extension, improvement, rates, value or earnings of the properties of the public utility, street railway or interurban railway or provisions looking toward the ultimate acquisition of the same are made subject to the terms

of any contract provided for in subsection (1) of this section, and so long as said contract remains in force, the following sections and parts of sections of the statutes shall be inapplicable to the same, to wit: Sections 104.13 subsection (2), 193.37, 193.38, 193.39, 193.40, 193.41, 193.42, 193.43, 193.44, \* \* \* 195.05, \* \* \* 195.08 subsection (6), 195.10, 196.02 subsections (1), (2), 196.05, 196.09, 196.10, 196.11, 196.15, 196.16, 196.20, 196.21, 196.22, 196.23, 196.26, 196.27, 196.28, 196.29, 196.30, 196.37, 196.38, 196.39, 196.40, 196.58, 196.70, \* \* \* 196.77, 197.01 subsections (2) to (5), 197.02, 197.03, 197.04, 197.05, 197.06, 197.07, 197.08, 197.09; provided, that nothing in any contract made hereunder shall operate to prevent an appeal to the \* \* \* commission by any person, firm or corporation other than a party to said contract upon any complaint alleging that any rate, fare, charge or classification, or any joint rate, or any regulation, act or practice whatsoever affecting the transportation of persons or property, or relating to the production, transmission, delivery or furnishing of gas, heat, light or power, or any service in connection therewith, are unjustly discriminatory, or that any such service is inadequate or cannot be obtained. Upon said appeal the \* \* \* commission shall, as provided by law, determine and by order fix a rate, fare, charge, classification, joint rate or regulation, act or practice or service to be imposed, observed or followed in the future in lieu of that found to be unjustly discriminatory or inadequate.

SECTION 319. This act shall take effect on January 1, 1930.

Approved September 13, 1929.

No. 839, A.]

[Published September 18, 1929.

## CHAPTER 505.

AN ACT to amend the introductory paragraph of subsection (4) of section 20.55 of the statutes, relating to the commissioner of insurance as ex officio fire marshal and making an appropriation.

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

SECTION 1. The introductory paragraph of subsection (4) of section 20.55 of the statutes is amended to read: (20.55) (4) (Introductory paragraph) Annually, beginning July 1, \* \* \*