

No. 6, S.]

[Published December 21, 1905.]

## CHAPTER 13.

AN ACT amendatory of section 8, section 11, section 12, and section 18 of chapter 362, laws of 1905, entitled, An act, to regulate railroads and other common carriers in this state, create a board of railroad commissioners, fix their salaries, define their duties, prevent the imposition of unreasonable rates, prevent unjust discriminations, insure an adequate railway service, prescribe the mode of procedure and the rules of evidence in relation thereto, prescribe penalties for violations, and making an appropriation therefor.

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

SECTION 1. Section 8 of chapter 362 of the laws of 1905, is hereby amended so as to read as follows: **Reduced rates and free transportation.** Section 8. Nothing herein shall prevent 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 own exclusive use or consumption; or the issuance of mileage, commutation, or excursion passengers' tickets, provided the same shall be obtainable by any person applying therefor, without discrimination, or of party tickets, provided the same shall be obtainable by all persons applying therefor under like circumstances and conditions; or the sale of such tickets as were usually and customarily sold at reduced rates prior to June 15, 1905, provided the same are sold without discrimination to all persons applying therefor under like circumstances and conditions. This act shall not be construed as preventing railroads from giving free transportation or reduced rates therefor to any minister of the gospel, officers or agents 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 officer, attorney, director, employe, or members of their families, or to former railroad employes or members of their families where such em-

ployes 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; or to prevent the exchange of passes with officers, attorneys or employes of other railroads and members of their families; provided that 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. 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 some person 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 between such shippers, and the commission shall have power to prescribe regulations in relation thereto. Except as provided in this section no free transportation for interstate traffic shall be given to any person by any railroad.

**Interchange of traffic.** SECTION 2. Section 11 of chapter 362 of the laws of 1905 is hereby amended so as to read as follows: Section 11. All railroads shall afford all reasonable and proper facilities for the interchange of traffic between their respective lines for forwarding and delivering passengers and property, and shall transfer, switch for a reasonable compensation, and deliver without unreasonable delay or discrimination any freight or cars, loaded or empty, destined to any point on its tracks or any connecting lines; provided, that precedence over other freight shall be given to live stock and perishable freight.

a. The commission shall have control over private tracks in so far as the same are used by common carriers, in connection with any railroad for the transportation of freight, in all respects the same as though such tracks were a part of the track of said railroad.

**Complaints and investigations; grade crossings.** SECTION 3. Subdivision b of section 12, chapter 362, of the laws of 1905 is hereby amended so as to read as follows: Subdivision b. Whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory, or that any service is inadequate, and that an investigation relating thereto should be made, it may on its own motion investigate the same. If after making such investigation the

commission becomes satisfied that sufficient grounds exist to warrant a hearing being ordered to determine whether the rate so investigated is unreasonable or unjustly discriminatory, or whether the service investigated is inadequate, it shall furnish the railroad or railroads interested a statement setting forth the rate or service investigated, which said statement shall be accompanied by a notice fixing a time and place for a hearing on such rate or service, as the case may be. Notice may likewise be given to other parties in interest, and shall be given at least ten days in advance of any hearing, and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint was filed with the commission relative to the matter investigated, pursuant to the provisions of section 12 of chapter 362 of the laws of 1905, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

Further amend said section 12 by adding thereto a new subsection to be known and designated as subdivision d, which shall read as follows: d. Whenever a complaint is lodged with the railroad commission by the common council of any city, the village board of any village, a member of a town board, or an overseer of highways, or by five or more freeholders and taxpayers in any town, to the effect that a public highway and a railroad cross one another in such city, village or town at the same level, and that such grade crossing is unsafe and dangerous to travelers over such highway or railroad, it shall be the duty of said commission to give notice to the railroad company in interest of the filing of such complaint, and to furnish a copy of the same to the railroad company, and to order a hearing thereon in the manner provided for hearings in section 12 of chapter 362 of the laws of 1905. If upon such hearing it shall appear to the satisfaction of the commission that the crossing complained of is unsafe and dangerous to human life, said commission may order and direct the railway company to erect gates at said crossing and place an agent in charge to open and close the same when an engine or train passes, or that a flagman be stationed at such crossing who shall display a flag when an engine or train is about to pass, or that such crossing shall be provided with an electric signal, or other suitable device, as the commission determines the better security of human life and the public travel requires; and such railroad company shall comply with the terms of such order.

**System of rendering accounts.** SECTION 4. Section 18 of chapter 362, of the laws of 1905, is amended by adding a new sub-section thereto, to be known as sub-section d, which shall read as follows: d. The railroad commission may in its discretion prescribe a uniform system of rendering accounts of business transacted in Wisconsin by all railroads within the meaning of section 2 (including subdivisions a and b) of chapter 362, laws of 1905. Said commission may also prescribe the manner in which such accounts shall be kept, and the time within which such railroad 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. Any railroad within the meaning of section 2, (including subdivisions a and b) of chapter 362 of the laws of 1905 failing to comply with the provisions of this act shall be liable to the penalty provided for in section 27 of chapter 362 of the laws of 1905.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved December 19, 1905.

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No. 4, S.]

[Published December 20, 1905.]

## CHAPTER 14.

AN ACT amending chapter 468, laws of 1905, entitled, "An act to authorize temporary transfer from the general fund to the university fund income."

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

**Transfer authorized.** SECTION 1. Chapter 468, laws of 1905, is hereby amended so as to read as follows: "The secretary of state, if in his judgment the conditions of the general fund will warrant it, with the approval of the governor, is authorized to transfer, after the beginning of the fiscal years commencing July 1st, 1905, and July 1st, 1906, and before the collection of the tax provided for the support of the