

all parks, and generally all the property thereof, shall be under the immediate control and supervision of the said board.

SECTION 15. All water-rates imposed for the supplying of water to hotels, bath-houses or other premises within said city, shall be and remain a lien upon such premises until fully paid and discharged, and whenever there shall be a proper charge for such water-rates remaining unpaid for the space of thirty days, the president and secretary of said board shall furnish a certificate of such unpaid water-rates and of the lot or parcel of land to which the same is chargeable, to the comptroller, and the same shall thereupon have all the effect prescribed for street commissioners' certificates for the improvement of streets and alleys, in section nine (9), of chapter thirteen (13), of the said charter of said city, and be put upon the tax roll and collected in the same manner therein prescribed.

Water-rates to be lien on property.

SECTION 16. All the provisions of chapter two hundred and fifty-four (254), of the local laws of 1868, entitled "An act to revise, consolidate and amend the act to incorporate the city of Sheboygan, and the several acts amendatory thereof, and to repeal chapter ninety-four (94), of the private and local laws of 1856, entitled 'An act to establish a code of procedure for the police court of the city of Sheboygan, approved March 1, 1856,'" so far as they shall contravene the provisions of this act, are hereby modified and amended to conform thereto.

Chap. 254, local laws of 1868, repealed.

SECTION 17. This act shall take effect from and after its passage and publication.

Approved February 24, 1876.

## CHAPTER 57.

[Published March 1, 1876.]

AN ACT to amend chapter two hundred and seventy-three (273), of the laws of 1874, entitled, "An act relating to railroads, express, and telegraph companies in the State of Wisconsin," and to repeal other sections and acts named therein.

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

SECTION 1. Within ten days after the passage and Railroad com-

missioners—  
appointment  
and term of.

publication of this act, the governor, by and with the consent of the senate, shall appoint a railroad commissioner, who shall hold his office for the term of two years from the fifteenth day of February, and until his successor is appointed and qualified. Every two years thereafter, the governor, by and with the advice and consent of the senate, shall appoint a railroad commissioner, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified. And the nomination of railroad commissioner shall hereafter be sent to the senate by the governor during the month of January, immediately preceding the beginning of such commissioner's term of office. The governor shall have power to remove such commissioner, and appoint another to fill the vacancy, at any time in his discretion. No person owning any bonds, stock, or property in any railroad company, or who is in the employment of, or in any way or manner pecuniarily interested in any railroad corporation, shall be so appointed.

Power of gov-  
ernor to re-  
move.

Who not eligi-  
ble.

Duties of rail-  
road commis-  
sioner.

SECTION 2. The railroad commissioner shall inquire into any neglect or violation of the laws of this state by any railroad corporation doing business therein, or by the officers, agents, or employes thereof, and shall also, from time to time, carefully examine and inspect the condition of each railroad in the state, and of its equipment, and the manner of its conduct and management with relation to the public safety and convenience. He shall also examine and ascertain the pecuniary condition and the manner of financial management of each and every railroad corporation doing business in this state.

Railroad cor-  
porations to  
make annual  
returns.

SECTION 3. To enable said commissioner to make the report and return required by section twelve (12), of the act of which this is amendatory, the president or managing officer of each railroad corporation in the state, shall annually make to the railroad commissioner, in the month of October, such returns and in the form he may prescribe, as will afford the information required for their said official report. Such returns shall be verified by the oath of the officer making them, and any railroad corporation whose return shall not be made, as herein prescribed, within the month of October, shall be liable to a penalty of one hundred dollars (\$100) for each and every day, after the thirty-first day of October, that such return shall be willfully delayed or refused.

Penalty for  
neglect.

SECTION 4. No railroad corporation shall charge, demand, or receive from any person, company, or corporation, for the transportation of persons or property, a greater sum than it shall at the same time charge, demand, or receive from any other person or corporation for a like service from the same place; and no railroad corporation shall charge or receive a larger sum per car-load, from one person than any other, shipping from the same place; but this last provision shall not apply to shipments from connecting points.

Against discriminations in charges.

SECTION 5. No railroad corporation shall charge, demand, or receive from any person, company, or corporation an unreasonable price for the transportation of persons or property, or for the handling or storing of any freight, or for the use of its cars, or for any privilege or service afforded by it in the transaction of its business as a railroad corporation.

Against unreasonable charges

SECTION 6. It shall be the duty of any railroad corporation, when within their power so to do, and upon reasonable notice, to furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all usual kinds of freight, and to receive and transport such freight with all reasonable dispatch, and to provide and keep suitable facilities for the receiving and handling the same at any depot on the line of its road.

Duties of railroad corporations in transporting freight.

SECTION 7. Any railroad corporation who shall violate any of the provisions of this act as to extortion or unjust discrimination, or the provisions hereof establishing rates, shall forfeit for each and every such offense to the company, person, or corporation aggrieved thereby, three times the actual damage sustained, together with the costs of suit, to be recovered in a civil action therefor, and all prosecutions shall be made at the expense of the state; and it shall be the duty of said railroad commissioner on receiving complaint in writing from any citizen of this state, stating that any railroad corporation has violated any of the provisions of this act, and specifying the acts complained of, to investigate such alleged violation, and if on such examination he shall find such complaint well founded, he may, in his discretion, report the facts to the attorney-general, and thereupon it shall be the duty of the attorney-general to prosecute said complaint at the expense of the state for the benefit of the party aggrieved.

Penalty for extortion or discrimination.

Duty of railroad commissioner to investigate charges.

Duty of Attorney General to prosecute.

SECTION 8. No railroad corporation shall consoli- Against con-

solidation of  
competing  
lines.

date the stock, property, or franchise of such corporation with, or lease or purchase the works or franchises of, or in any way control any other railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as the officer of any other railroad corporation owning or having the control of parallel or competing lines, and the question whether such railroads are parallel or competing lines shall, when demanded by the complainant, be decided by a jury as in other civil issues; *provided*, that the provisions of this section shall not apply to any contracts now existing, where one corporation has become responsible for the liabilities of another, either by advances heretofore made or by the guarantee of bonds previous to the passage of this act; nor shall it apply to any railroad corporation which, prior to the passage of this act, shall have been authorized to purchase or hold stock in any other railroad corporation.

Proviso.

Restrictions as  
to officers and  
employes of  
railroads.

SECTION 9. No president, director, officer, agent, or employe of any railroad or transportation company, shall be interested directly or indirectly in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freights or passengers, over the lines owned, leased, controlled, or operated by such company.

Definition of  
railroad.

SECTION 10. In the construction of this act, the phrase railroad shall be construed to include all railroads and railways operated by steam, and whether operated by the corporation owning them, or by other corporations or otherwise. The phrase "railroad corporation" shall be construed to mean the corporation which constructs, maintains, or operates a railroad operated by steam-power.

Of railroad cor-  
poration.

Schedule of  
rates of Chicago,  
Mil. & St. Paul,  
R. R. of June, 1872,  
to be filed with  
commissioner  
and to govern  
certain roads.

SECTION 11. The Chicago, Milwaukee and St. Paul Railway Company shall file with the railroad commissioner, before the day when this act shall take effect, the regular published schedule of their tariff rates for the transportation of persons and property, which was in force on their railroads on the 15th day of June, A. D. 1872, duly verified by the oath of the general freight agent of said company thereto attached, and that company and the Western Union Railroad Company, and the Chicago and Northwestern Railway Company, shall not demand, collect, or receive a greater compensation for the transportation of persons and property than is fixed in such schedule for corresponding distances. This provision

Proviso—roads  
to sell certain  
tickets at three  
cents per mile.

shall also apply to such lines of railroads as have been built and put into operation by either of said companies and operated under lease or otherwise, since the date above mentioned; *provided*, that the Chicago, Milwaukee and St. Paul Railway Company, and the Western Union Railroad Company, and the Chicago and Northwestern Railway Company, shall sell at all ticket stations, on their respective lines, within this state, tickets for five hundred miles, which shall be transferable; also round-trip tickets, good for first-class passengers to and from any station within this state, on their respective lines of road, at a uniform rate of three cents per mile; *and provided, fur-* Proviso.  
*ther*, that no railroad corporation shall be compelled to accept less than five cents for the transportation of any passenger between any points.

SECTION 12. All the powers, duties, and privileges conferred on the board of railroad commissioners by the acts to which this act is amendatory, and not herein repealed, are hereby conferred on the railroad commissioner to be appointed under the provisions of this act. Powers of railroad commissioners.

SECTION 13. Sections one, two, three, four, five, six, seven, eight, thirteen, and fourteen, of chapter 273, of the laws of 1874, of which this is amendatory; chapter 341, of the laws of 1874, entitled, "An act in relation to railroads;" chapter 334, of the laws of 1875, entitled, "An act to amend chapter 273, of the laws of 1874, entitled, 'An act relating to railroad, express, and telegraph companies in the State of Wisconsin,'" and the first section of chapter 113, of the laws of 1875, are hereby repealed; *provided*, that nothing herein contained shall in any manner affect any litigation now pending in any of the courts of this state, or any court or courts of the United States. Repealed.

SECTION 14. The commissioner appointed under the provisions of this act shall receive for his services the sum of three thousand dollars per annum, payable monthly, at the end of each month, and three dollars per day for traveling expenses, for each and every day actually traveled in the performance of the duties hereby required. He shall be furnished with all office-furniture and stationery, and necessary books and maps at the expense of the state; and the said commissioner is hereby authorized and empowered to employ a clerk at an annual salary of twelve hundred dollars, payable at the end of each month. The office of said commissioner shall be kept at Madison, and Proviso—pending litigation not affected.  
Remuneration of railroad commissioner,  
May employ clerk.  
Where office to be kept.

How money to be paid.

Proviso—limit of expenditures,

all sums of money authorized to be paid by this act, out of the state treasury, shall be paid only on the order of the governor; *provided*, that the total sums of money to be expended by said commissioner for office-rent, furniture, and stationery, shall in no case exceed the total sum of eight hundred dollars per annum.

SECTION 15. This act shall be in force from and after its passage and publication.

Approved February 24, 1876.

## CHAPTER 58.

[Published February 29, 1876.]

AN ACT relating to wills proved and allowed in any other of the United States, or the territories thereof.

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

Copy of will proved in another State may be recorded and be effectual to prove title.

SECTION 1. When a will devising lands or any interest in lands situated in this state, shall have heretofore been or shall hereafter be duly proved and allowed in the proper court of any other of the United States, or of the territories thereof, a copy of such will and the probate thereof, duly authenticated, may be recorded in the registry of deeds of the county in which such lands are situated, and when so recorded shall be as effectual to prove the title to such lands as if proved and allowed in this state, and the record of such copy or a transcript of such record duly certified, shall be prima facie evidence in all the courts of this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1876.