

No. 110, S.]

[Published August 11, 1915.

CHAPTER 513.

AN ACT to create subdivision (i) of subsection (11a) of section 1038 of the statutes, relating to property exempt from taxation.

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

SECTION 1. There is added to subsection (11a) of section 1038 of the statutes a new subdivision to read: (Section 1038 (11a)) (i) One boat, launch or vessel, not exceeding forty feet in length, operated by its owner and used exclusively for fishing purposes in Lake Winnebago and in the outlying waters of the state, together with all nets, hooks, reels and other fishing apparatus used in connection with such boat.

SECTION 2. This act shall take effect and apply to the assessment made in 1916 and to assessments made thereafter but shall not apply to the assessment made in 1915.

Approved August 9, 1915.

No. 347, S.]

[Published August 11, 1915.

CHAPTER 514.

AN ACT to amend sections 4, 5 and 6 of chapter 335, laws of 1907, entitled an act to authorize Wisconsin Valley Improvement Company to construct, acquire and maintain a system of water reservoirs located on the tributaries of the Wisconsin river north of the south line of township thirty-four north, for the purpose of producing a uniform flow of water in the Wisconsin river and its said tributaries, and thereby improving the navigation and other uses of said streams and diminishing the injury to property both public and private.

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

SECTION 1. Section 4, 5 and 6 of chapter 335, laws of 1907 are amended to read: (Chapter 335, Laws 1907) Section 4. In case said Wisconsin Valley Improvement Company shall improve any navigable tributary of the Wisconsin river not herein excepted or shall acquire the improvements or the control of the improvements of any river improvement company already operating on any such stream and shall so keep in repair and operate the works as to render the driving of logs and other floatables to the mouth of such tributary reasonably practicable and certain, it may charge and collect reasonable and uniform tolls

upon all such logs, timber and other floatables driven or floated on said stream, and shall have all of the rights and remedies granted to river improvement companies by section 1777 of the Wisconsin statutes, and all amendments thereof, including the right of lien therein provided for, and shall be charged with all the duties and obligations imposed upon such river improvement companies under like circumstances.

When said Wisconsin Valley Improvement Company shall have created or acquired and maintained in successful operation water reservoirs in accordance with this act, of a capacity sufficient to store up in times of abundance and retain and discharge in times of scarcity two billion cubic feet of water that would not be so stored up and retained by nature it shall, subject to the supervision and control hereinafter provided for, be entitled to charge, collect and receive reasonable and uniform tolls from the owner or owners or lessee or lessees of each and every improved and operated water power located upon the Wisconsin river, or any tributaries thereof, below any said reservoirs and benefited thereby, but not exceeding in the aggregate of all its revenues sufficient to pay all reasonable costs of operation and maintenance and a net annual return of * * * *seven* per cent on cash capital actually paid in on stock subscriptions to the grantee. Said tolls shall be semiannually fixed, ascertained and determined by the railroad commission of Wisconsin on or about the first day of July and the first day of January of each year, for the six months' period preceding each of said dates. Said tolls shall be fixed in proportion to the benefits conferred by the reservoir system upon each of the improved and operated water powers aforesaid. It shall be the duty of the grantee to employ competent hydraulic engineers to be selected by the railroad commission of Wisconsin to assist in determining the tolls to be charged as aforesaid and the expense thereof shall be treated as a part of the cost of maintenance and operation of said works. If any such improved water power be operated by a lessee or lessees under lease or contract made prior to the enactment and publication of this act, then such lessee or lessees shall be chargeable with the payment of such tolls; otherwise the same shall be paid by the owner or owners of the water power. Each water power liable to tolls as above provided which shall be operated two months or more during any six months' toll period shall be subject to tolls for the whole of the same period; otherwise no tolls for that period shall be chargeable.

SECTION 5. On or before June 15th and December 15th of each year, said Wisconsin Valley Improvement Company shall lay before the railroad commission of Wisconsin a statement

showing all expenditures made or necessary to be made for the next six months' period, next preceding July 1st and January 1st respectively of each year for maintenance and operation of such reservoir system, all capital stock of said company issued and then outstanding, the cash capital actually paid in, the storage capacity and location of each reservoir, and all reports and data obtained from engineers employed as provided in section four of this act and such other information and statements as the commission shall require, together with a recommendation of the amount of tolls necessary to pay such cost of maintenance and operation and a net return of * * * *seven* per cent per annum on the capital invested, and a recommendation as to the apportionment thereof against the owners or operators of improved powers in accordance with said section four. The railroad commission shall, thereupon, give to each water power operator proposed to be charged with tolls ten days' notice by mail of the amount of tolls recommended to be charged against him and of the time when and place where the railroad commission will hear objections to the proposed tolls. The railroad commission shall at the time appointed hear all objections made and may take evidence and make or cause to be made independent investigation of the validity of the same, and may adjourn, from time to time, and shall, as soon as practicable, on or about July 1st, and January 1st, of each year, determine and certify the amount of tolls to be collected from each water power operator for the period under consideration, and such tolls shall thereupon be due and payable to the Wisconsin Valley Improvement Company.

Any person in interest being dissatisfied with any order of the commission authorized to be made under this act, may commence an action in the circuit court of the county where the property affected is located, against the commission as defendant to vacate and set aside any such order within sixty days from the date of the mailing to such person of a copy of such order by the commission, on the ground that such order is unlawful or unreasonable, in which case the complaint shall be served with the summons. The commission shall immediately notify the said company by mail of the service of said complaint. Within twenty days after the mailing of such notice, to said company, the said company or said commission shall file its answer to said complaint and said action shall be at issue and stand ready for trial the same as any other action.

In all trials under this section the burden of proof shall be upon the plaintiff to show by clear and satisfactory evidence that the order of the commission complained of is unlawful or unrea-

sonable as the case may be. Every party to said action, within sixty days after the service of a copy of the order of judgment of the circuit court, may appeal to the supreme court.

No tolls shall be levied or used to pay for any part of the original construction or purchase or betterment of the reservoir system. The amount of such tolls shall be a lien upon the water power, dam, franchises and flowage rights of the person or corporation chargeable with such tolls and in case such tolls shall not be paid when due the person or corporation entitled to collect the same, shall be entitled to sue for and collect the same by an action at law, or by a suit in equity for the foreclosure and enforcement of said lien, and for the sale of the property affected thereby pursuant to such judgment of foreclosure.

SECTION 6. No dam or reservoir not now in existence or heretofore authorized shall be constructed or created until the plan therefor showing the form and location of the dam and a description of the lands to be overflowed thereby be first submitted to the * * * *railroad commission of Wisconsin* and approved thereby, after first giving reasonable notice and opportunity to be heard, to all persons interested, by publication in one or more newspapers most likely to give such notice, or such other notice as the *commission* shall deem advisable; nor shall any petition be filed for the condemnation of any property for the purposes of this act without first having attached thereto the approval in writing of said * * * *commission*. Said * * * *commission* shall cause the height to which the water may be raised by any dam to be marked by permanent monuments and bench marks and shall have supervision and control of the times and extent of the drawing of water from the reservoirs, and the power to compel the maintenance of all reservoirs, established. * * * No capital stock of said improvement company shall be issued until the proposed issue thereof shall have been submitted to the *railroad commission of Wisconsin* and said *commission* shall have ascertained, determined and certified that the proposed issue will be in consideration of money or labor or property estimated at its true money value actually received by said company, equal to the par value thereof, and it shall be the duty of the said *commission* to act promptly on any such proposition submitted. The money received by said company upon account of capital stock shall be used only in payment of the original cost of purchase, construction or betterment of the reservoir system and of the work preliminary thereto and necessary to prepare for or to determine upon the same; and all tolls collected as hereinbefore authorized shall be applied only to the payment of cost of maintenance and operation of the sys-

tem and payment of the net return on capital above provided for; to the end that the capital stock shall be maintained at par value at all times.

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

Approved August 9, 1915.

No. 360, S.]

[Published August 11, 1915.

CHAPTER 515.

AN ACT to create subdivision (4) of subsection 3 of section 553p—1 of the statutes, and to amend subsection 1 of section 553p—3 and subsections 1 and 4 of section 553p—6 of the statutes, relating to industrial education and to the duties of the board of industrial education.

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

SECTION 1. There is added to subsection 3 of section 553p—1 of the statutes a new subdivision to read: (Section 553p—1. 3.) (4) May employ assistants for the development of the work of industrial education and all accounts for such salaries shall be certified by the secretary of said board to the secretary of state. In the performance of the duties prescribed by the board, the state superintendent of public instruction shall be the executive officer of the board in directing the activities of the assistants provided for in this act, and they shall report to him and to the board in such manner and at such times as he may direct or the board may order.

SECTION 2. Subsection 1 of section 553p—3 and subsections 1 and 4 of section 553p—6 of the statutes are amended to read: (Section 553p—3) 1. In every town or village or city of over five thousand inhabitants there shall be, and in towns, cities and villages of less than five thousand inhabitants there may be a local board of industrial education, whose duty it shall be to * * * establish, foster and maintain * * * schools for instruction in trades and industries, commerce and household arts in part-time-day, all-day and evening classes and such other branches as are enumerated in subsection 1 of section 553p—5 of the statutes. Said board may take over and maintain in the manner provided in section 553p—1 to 553p—15, inclusive, any existing schools of similar nature.

(Section 553p—6) 1. Not more than twenty thousand dollars for any one city of the first class, nor more than ten thousand dollars for any other one city, town or village shall be appropri-