

quired title to all the pieces of land to be taken to widen the entire street or boulevard to the newly established line; and when such time shall arrive, the buildings or structures occupying said land by virtue of any aforesaid lease or leases, shall be removed by the owner thereof at the owner's expense within three months after notice from any such city to remove the same, and in case of failure of the owner to remove them within said three months, they shall be removed in the manner provided in subsection 7 hereof, but no damages whatever shall be recovered from any such city because of removal of any buildings or structures placed on any of said lands under said leases from any such city.

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

Approved July 2, 1917.

No. 648, A.]

[Published July 5, 1917.

CHAPTER 561

AN ACT relating to the power of the state council of defense to meet emergencies arising in time of war and making an appropriation.

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

SECTION 1. 1. Whenever the state council of defense shall find and determine that a serious scarcity of food, fuel, seeds, or any other personal property, necessary for common defense, or for the general public welfare as the same may affect or be affected by the common defense, exists or threatens while the nation is at war, or whenever while the nation is at war such council shall find and determine that the supply of any of said property is or threatens to be restricted or made unavailable for purposes of common defense or for such general public welfare by reason of excessive, extortionate, or prohibitive prices, then the council is authorized and empowered to take possession of such amounts of any of such property, as it may deem to be required for common defense or for such general public welfare, in the name of the state, and shall pay or offer to pay therefor just compensation to be determined by said council of defense.

2. Such council may also take possession of such warehouses, buildings, or other storage facilities as may be necessary and convenient properly to care for such property so taken in time of war, and use the same so long as may be required, and shall pay or offer to pay therefor just compensation for such use.

3. Such determination of the state council of defense that any such property is required or such facilities are necessary

and convenient for the common defense or for such public welfare, and as to the just compensation to be paid therefor, shall be evidenced by an order of the council signed by its chairman and secretary, a copy of which order, certified by said chairman and secretary, shall at the time of the taking thereof be served upon the owner or other person in whose custody and control such property or storage facilities may be, or if such owner or person cannot be found, such order shall be posted up in a conspicuous place upon the premises where such property may be found or such storage facilities are located. If such owner or person is not found, such order shall within five days after such taking be served upon such owner in either of the following ways: A copy of such order, properly certified, shall be left at his last known residence with some person of suitable age and discretion; or a copy thereof shall be deposited in the mails properly enclosed in an envelope with the postage thereon duly paid addressed to him at his last known post-office address.

4. The state council of defense, by itself and through its agents and employees, shall have full power to make investigations as to all questions directly or indirectly relating to or bearing upon the purposes referred to in this act, and may exercise any powers enumerated in section 15 of chapter 82, laws of 1917, and said section 15 shall apply to all proceedings under this act.

SECTION 2. If the owner or any person in interest shall be dissatisfied with the amount offered for such property or for the use of such storage facilities, or with any determination of the state council of defense with respect to the taking thereof, he may within twenty days after the service of the order, as provided for in section 1 hereof, commence an action in the circuit court of Dane county against the state council of defense to review its determination. In such action the complaint shall be served with the summons. On the trial of such action a copy of the order of the state council of defense, certified by the chairman and secretary and approved by the governor, shall be prima facie evidence of all facts therein determined and of the just compensation to which the owner or any interested person is entitled, and the burden of proof shall be upon the party adverse to such council to show by clear and satisfactory evidence that the determination of the council is erroneous, unjust or unlawful or that the compensation determined upon by the council is not just compensation. Except as herein expressly provided, such action shall be prosecuted as provided in sections 1797m—64 to 1797m—73, inclusive, of the statutes, and said sections so far as applicable, shall apply to such action. In such action the

court shall determine the issues raised and enter its judgment without costs to either party, ordering such disposition of the property or facilities taken or such compensation therefor as shall be just and lawful, and shall forthwith certify such judgment to the council, which said judgment shall be in all respects followed and observed by said council.

SECTION 3. If the owner or any person in interest at any time agrees with the state council of defense or its representative as to what constitutes the just compensation to be paid for property taken or storage facilities used, or if he accepts the compensation determined and offered by the council, or if he shall fail to commence an action as herein provided, he shall be deemed to have waived all rights in any way to review or question any determination of the council with respect thereto.

SECTION 4. The amount of just compensation for the property taken or for the storage facilities used, when finally determined upon, whether with or without an action in court, shall be certified by the chairman and secretary of the council and audited and paid out of the state treasury.

SECTION 5. The state council of defense shall store, handle, sell, or otherwise distribute or dispose of the property taken as provided herein in such manner and upon such terms as shall best advance and serve the common defense and the public welfare as the same may affect or be affected by the common defense.

SECTION 6. Every order of the council may be executed and carried out by any authorized agent of such council, and the council is authorized and empowered to employ such agents and agencies as may be necessary and convenient to carry out the provisions of this act.

SECTION 7. A sum sufficient to carry out the provisions of this act is hereby appropriated out of any funds in the state treasury not otherwise appropriated.

SECTION 8. This act shall take effect upon passage and publication.

Approved July 2, 1917.