

ates from the business of furnishing light, heat, power or other service for * * * such year * * * as the tax commission may prescribe.

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

Approved June 21, 1917.

No. 130, S.]

[Published June 25, 1917.

CHAPTER 474

AN ACT to consolidate and renumber chapter 69m and chapter 146 of the statutes of 1915 relating to water powers and to mills and milldams, and to renumber, amend, revise or repeal the sections thereof together with other sections of the statutes relating to the same subjects.

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

SECTION 1. Chapter 69m and chapter 146 of the statutes of 1915 are consolidated, and their numbers and titles are revised to read:

CHAPTER 31.

WATER POWERS, AND MILLS AND MILLDAMS.

And said chapter shall contain the sections designated in this act as sections 31.01, 31.02, 31.03, 31.04, 31.05, 31.06, 31.07, 31.08, 31.09, 31.10, 31.11, 31.12, 31.13, 31.14, 31.15, 31.16, 31.17, 31.18, 31.19, 31.20, 31.21, 31.22, 31.23, 31.24, 31.25, 31.26, 31.27, 31.28, 31.29, 31.30, 31.31, 31.32, 31.33.

SECTION 2. Section 1596—1 of the statutes is renumbered and amended to read:

31.01 DEFINITIONS. * * * Terms used in *this chapter* * * * are defined as follows:

(1) "Commission" * * * means the railroad commission of Wisconsin. * * *

(2) "Navigable waters" * * * means all waters declared navigable * * * by chapter 30 of these statutes.

(3) "Permit" * * * means legislative permission granted under section * * * 31.06 to construct, operate and maintain a dam in or across navigable waters, or under section * * * 31.08 to * * * continue the operation and maintenance of any dam so situated which was constructed * * * before such legislative permits were required.

(4) "Grantee" * * * means the person, firm, corporation or municipality to whom a permit is granted, * * * and all subsequent owners of the grant.

(5) "Corporation" * * * means a private corporation organized under the laws of this state. * * *

(6) "Municipality" means any town, village, city or county in the state.

WATER POWERS ON NAVIGABLE WATERS.

SECTION 3. Section 1596—2 of the statutes is renumbered to be section 31.02 and is amended by striking from subsection 2 thereof the words and figures "Sections 1596—1 to 1596—26, inclusive, of the statutes" and by inserting in place of the matter so stricken out the words "this chapter".

SECTION 4. Section 1596—3 of the statutes is renumbered to be section 31.03 and is revised to read:

31.03. PUBLIC UTILITIES LAW APPLICABLE. In exercising its powers and performing its duties under this chapter the commission shall be guided and controlled also by the powers with which it is invested by sections 1797m—1 to 1797m—109, so far as such sections are applicable.

SECTION 5. Section 1596—4 and section 1596—5 of the statutes are consolidated, renumbered and revised to read:

31.04 PERMITS TO DEVELOP POWER. Permits may be granted to persons and corporations under the provisions of this chapter to develop hydraulic power for the purpose of converting it into hydroelectric energy for sale or service to the public, or for any lawful private purpose; also to any municipality to enable it to create power within or without its corporate boundaries to be used for lighting, heating, pumping, or any other purpose for which it may lawfully use power.

SECTION 6. Section 1596—6 of the statutes is renumbered to be section 31.05.

SECTION 7. Section 1596—7 of the statutes is renumbered to be section 31.06, and subsection 1 thereof is revised to read:

31.06 HEARING. (1) Upon receipt of an application for a permit the commission shall fix a time, not more than eight weeks thereafter, and a convenient place, for a public hearing thereon; it shall also give notice of such time and place to the applicant who shall cause the same to be published once each week for three successive weeks before such hearing in at least one newspaper, designated by the commission, in each county in which riparian lands will be affected by the proposed dam.

SECTION 8. Section 1596—8 of the statutes is renumbered to be section 31.07 and the first paragraph thereof is amended by striking out the words "passage and publication of this act", and by inserting in place of the matter stricken out the following matter: "tenth day of July, 1915".

SECTION 9. Section 1596—9 of the statutes is renumbered and revised to read:

31.08 HEARING. Upon receipt of an application under section 31.07 procedure shall be had substantially as required by section 31.06, and if the commission shall find that such operation and maintenance does not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property, a permit is hereby granted to the applicant.

SECTION 10. Section 1596—9m of the statutes is renumbered to be section 31.09 and is amended to read:

31.09 PROPOSALS TO ACCOMPANY APPLICATIONS.

* * * In addition to the requirements of section * * * 31.05 or section * * * 31.07 as the case may be each applicant shall file with his application for a permit the following proposals:

(1) That the commission prior to the time the permit is granted shall value the dam site and all flowage rights and other property necessary for the purposes set forth in the application for the permit, whether * * * *the same or any part thereof* are owned by the applicant or not.

(2) That * * * the commission * * * shall audit all outlays for property and * * * for the construction of the dam, buildings, and other structures and works constructed, maintained, and operated and used and useful under the permit.

(3) That the permit, if granted, shall be granted and accepted subject to the express condition that the state of Wisconsin, if it shall have the constitutional power, or any municipality, on not less than one year's notice, at any time after the expiration of thirty years after the permit becomes effective, may acquire all of the property of the grantee, used and useful under the permit, by paying therefor, * * * the cost of reproduction in their then existing condition of all dams, works, buildings, or other structures or equipment, used and useful under the permit, as determined by the commission, and by paying in addition thereto the value of the dam site and all flowage rights and other property as determined by the commission prior to the time the permit was granted, * * * as provided in * * * subsection (1), plus the amounts paid out for additional flowage rights, if any, acquired after the valuation made by the commission as provided in * * * subsection (1); * * * and that the applicant waives all right to any further compensation.

SECTION 11. Section 1596—10 and section 1775c of the statutes are consolidated and renumbered to be section 31.10 and section 31.11 and are revised to read:

31.10 PERMIT NOT TO BE VALUED. Each and every permit is granted, and shall be conclusively deemed to be accepted, subject to the condition that no element of value whatever shall ever attach to or be allowed for such permit in and of itself in the sale or acquisition of the property used and useful under such permit or otherwise.

31.11 CERTIFICATE OF TERMS AND FORFEITURE OF PERMITS. The commission shall issue to every grantee of a permit a certificate evidencing a grant of the permit allowed by law. Every permit, and every franchise heretofore granted by the legislature, to construct, maintain and operate a dam shall become null and void, unless the dam thereby authorized be completed within five years from the time when the permit or the franchise was granted; but the commission, for good cause, may extend such time for a period not exceeding two years.

SECTION 12. Section 1596—11 of the statutes is renumbered to be section 31.12 and subsection 1 thereof is amended by striking therefrom the figures, "1596—7" and by inserting in place of such figures, the figures "31.06".

SECTION 13. Section 1596—12 of the statutes is renumbered to be section 31.13 and subsection 1 thereof is amended by striking therefrom the figures, "1596—6", and by inserting in place thereof the figures, "31.05"; and said subsection is further amended by striking out the numerical designations of subdivisions, namely, (1), (2), (3), (4), (5), and (6) and by substituting in place of said designations, respectively, the designations, (a), (b), (c), (d), (e), and (f); and subsections 2 and 3 of said section are consolidated and revised to read: (2) Upon receipt of an application under this section procedure shall be had substantially as required by section 31.06; and if the commission shall find that the dam, raised or enlarged or rebuilt, or rebuilt, enlarged and raised in accordance with the application, will not materially obstruct existing navigation or violate other public rights, and will not endanger life, health or property, permission is hereby granted to raise or enlarge or rebuild, or rebuild, enlarge and raise the same in accordance with the application.

SECTION 14. Section 1596—13 of the statutes is renumbered to be section 31.14.

SECTION 15. Section 1596—14 of the statutes is renumbered and revised to read:

31.15 EMINENT DOMAIN FOR EXISTING DAMS.
(1) Every domestic corporation lawfully engaged in the business of producing, transmitting, delivering or furnishing heat,

light, water, power, or street or interurban electric railway service to or for the public may, for the purpose of developing power and generating energy for public use in and about such business, acquire by purchase or by condemnation proceedings in either of the methods provided by section 31.14, any dam in or across any navigable waters of this state and all flowage and other rights and property necessary to the maintenance thereof, or any undeveloped water power or dam site upon any such waters within this state, except as provided otherwise in subsection (2).

(2) This section shall not authorize the acquisition of any property owned by the state or by any municipality, nor any owned and operated by any corporation engaged in any business mentioned in this section. No award in any condemnation proceedings authorized by subsection (1) shall be effective, and no corporation shall purchase or otherwise acquire any such property until it shall have obtained from the commission a certificate that public convenience and necessity require the acquisition of the same, at the amount fixed by such award or agreed upon with the owner thereof.

SECTION 16. Section 1596—15 of the statutes is renumbered and amended to read:

31.16 CERTIFICATE OF CONVENIENCE AND NECESSITY; NOTICE OF HEARING. * * * (1) Any such corporation desiring to purchase or acquire any property pursuant to section * * * 31.15 shall apply to the commission for a certificate of public convenience and necessity. Such application shall state the name of the owner or owners of the property sought to be acquired; the business in connection with which it is desired to utilize said property; the specific public purpose or purposes for which it is proposed to use the same; the compensation or price to be paid therefor, and such other information as the commission may require; and * * * shall contain a statement * * * to the effect that the said corporation agrees to cancel * * * all contracts for the sale of hydroelectric power outside this state, which shall at any time be found by * * * the * * * commission * * * to interfere with adequate service and reasonable rates to the people of this state.

(2) Upon receipt of such application the commission shall * * * fix a convenient time and place for a public hearing thereon, * * * which time shall not be more than eight weeks from the date of filing such application. Notice of the time and place * * * so fixed shall be given to the applicant, who shall cause the same to be published at least once each

week for three successive weeks preceding such hearing in a newspaper * * * designated by the commission, and the applicant shall also, not less than twenty days prior to * * * *said* date, * * * serve notice thereof upon the owners of such property personally, or by registered mail, if the post-office address of such owners, can by due diligence be ascertained. Proof of such publication and service of such notice shall be filed with the commission.

SECTION 17. Section 1596—16 of the statutes is renumbered to be section 31.17 and subsection 3 thereof is amended by striking therefrom the words and figures, "1596—14, subsections 1 and 2", and by inserting in place thereof the figures, "31.15."

SECTION 18. Sections 1596—17, 1601, 1602 and 1605 of the statutes are consolidated, renumbered and revised to read:

31.18 OBLIGATIONS OF OWNERS OF BRIDGES AND DAMS. (1) The grantee of any permit, the owner of any dam constructed before permits were required by law, and the owner of any bridge at the city of Portage or at any point above that city, over the Wisconsin river, shall maintain and operate all such dams, slides, chutes, piers, booms, guide booms, weirs, tunnels, races, flumes, sluices, pits, fishways, locks, boat hoists, marine railways and all other equipment required by the commission for the protection of public rights in such waters, and for the preservation of life, health and property, in good repair and condition, and shall not wilfully, or otherwise, injure, remove or destroy the same, or any part thereof, unless the commission shall have approved such removal or destruction in writing.

(2) The owner of any such dam shall open such slide or chute for the passage of any craft or material lawfully navigating the stream, whenever requested so to do by the person in charge of such navigation, without charge or toll therefor. But such owner shall be under no obligation to otherwise aid passage through the slide or chute.

(3) Except when emergency shall require the same for the protection of life, health or property, no substantial alteration or addition shall be made to any dam heretofore or hereafter constructed without obtaining an order therefor from the commission, which order may be issued only after an investigation and upon a finding that the proposed alterations or additions will not impair the sufficiency of such dam or any existing public rights in such waters.

SECTION 18a. Subsection 3 of section 1596—17 created by chapter 339, laws of 1917, is renumbered to be subsection (4) of section 31.18.

SECTION 19. Section 1596—18 of the statutes is renumbered to be section 31.19.

SECTION 20. Section 1596—19 of the statutes is renumbered and amended to read:

31.20 INSPECTION FEE. * * * *Every owner, * * * excepting * * * municipalities, of a dam heretofore or hereafter constructed in or across navigable waters, shall pay to the commission annually, on or before the first day of February, for the purpose of defraying the actual expenses of the commission incurred in inspecting and supervising the construction or maintenance, or both, of such dam and equipment, * * * an inspection fee of not to exceed ten cents per theoretical horsepower capacity of such dam at an ordinary stage of water. The amount of such fee * * * shall be determined annually by the commission and notice of the amount due shall be forwarded by mail to each such owner or the agent thereof not later than December first of each year. Inspection fees received by the commission shall be paid into the state treasury.*

SECTION 21. Section 1596—20 of the statutes is renumbered to be section 31.21 and is amended as follows:

By striking from subsection 1 thereof the words and figures "sections 1596—7 or 1596—9 of the statutes" and by inserting in place thereof the words and figures "section 31.06 or section 31.08"; also by striking from said subsection 1 the words and figures "1596—21 of the statutes" and by inserting in place thereof the figures "31.22".

Also by striking from subsection 2 the words and figures "1596—7 or section 1596—9 of the statutes" and by inserting in place thereof the words and figures "31.06 or section 31.08"

SECTION 22. Section 1596—21 of the statutes is renumbered and amended to read:

31.22 UNLAWFUL COMBINATIONS, TRUSTS. * * *
If any dam maintained under a permit, * * *

(1) Shall be owned, leased, trusteeed, possessed or controlled * * * in any manner whatsoever * * * that * * * makes it form a part of or in any way * * * affect * * * an unlawful combination;

(2) Or shall be in any wise controlled by any combination in the form of an unlawful trust;

(3) Or forms the subject of any contract or conspiracy to limit the output of any hydraulic or hydroelectric power derived therefrom, or * * * to restrain unlawfully trade in the generation, sale or distribution of hydraulic or hydroelectric power derived therefrom.

The state may take possession thereof by proceedings instituted by the commission, as in cases of receivership, and in such proceedings the members of the commission shall be appointed to act as receivers during such period as the court may determine.

SECTION 23. Subsection 3 of section 1596, subsection 1 of section 1596—22 and section 1598 of the statutes are consolidated, renumbered and revised to read:

31.23 FORFEITURES. (1) Every person or corporation that shall obstruct any navigable waters and thereby impair the free navigation thereof, or shall place therein or in any tributary thereof any substance whatever that may float into and obstruct any such waters or impede their free navigation, or shall construct or maintain, or aid in the construction or maintenance therein of any bridge, boom or dam not authorized by law, shall forfeit for each such offense, and for each day that the free navigation of such stream shall be obstructed by such bridge, boom, dam or other obstruction, a sum not exceeding fifty dollars. But the floating or movement of logs or timber in navigable waters, or the necessary use of temporary booms in the course of such floating or movement shall not incur such forfeiture.

(2) Every person or corporation violating any of the provisions of this chapter, other than those mentioned in subsection (1) of this section, or violating any order made by the commission pursuant to any provision of this chapter, shall forfeit for each such violation not more than one thousand dollars.

SECTION 24. Subsection 4 of section 1596 and subsection 2 of section 1596—22 of the statutes are consolidated, renumbered and revised to read:

31.24 ENFORCEMENT OF FORFEITURES. (1) It shall be the duty of the commission to report to the governor every forfeiture incurred under subsection (1) of section 31.23 and every nuisance committed in violation of section 31.25 and the governor shall thereupon cause the attorney-general, or some other person duly authorized by the governor to act instead of the attorney-general, to institute proceedings to recover such forfeiture or abate such nuisance.

(2) It shall be the duty of the attorney-general, when so requested by the governor, and otherwise the duty of the district attorney of the proper county, to institute proceedings to recover any forfeiture incurred under this chapter other than those specified in subsection (1) of section 31.23.

(3) All such forfeiture shall be recovered by civil action as provided by chapter 142 of the statutes and when collected shall be paid directly into the state treasury.

SECTION 25. Subsection 2 of section 1596 and section 1603 of the statutes are consolidated, renumbered and revised to read:

31.25. NUISANCES, ABATEMENT. Every dam, bridge or other obstruction constructed or maintained in or over any navigable waters of this state in violation of the provisions of this chapter, and every dam not furnished with a slide, chute or other equipment prescribed by the commission, is hereby declared to be a public nuisance, and the construction thereof may be enjoined and the maintenance thereof may be abated by action at the suit of the state or any citizen thereof.

SECTION 26. Sections 1596—23, 1604 and 1606 of the statutes are consolidated, renumbered and revised to read:

31.26 CIVIL LIABILITIES. (1) The owner of any dam or of any privately owned bridge across the Wisconsin river or the Black river or any of their tributaries shall be liable for all damages occasioned to property by a failure to provide such dam or bridge with slides, booms and chutes as required by subsection (1) of section 31.18. The person or party suffering any such damage shall have a lien upon the dam and all mills, machinery and appurtenances of such owner erected thereon, or served with water thereby, and on the lands adjoining, not exceeding forty acres; or, as the case may be, a lien upon such bridge and its approaches.

(2) The claimant of such lien shall file a notice thereof in writing in the office of the clerk of the circuit court of the county in which the dam or bridge is located within sixty days after sustaining such damages and shall commence an action to enforce the lien within six months after filing such notice. Such lien shall accrue upon the filing of such notice and failure to file the same or to commence such action within the times specified therefor respectively shall operate as a waiver of the lien. Judgment for the plaintiff for the recovery of damages and declaring such lien may be enforced by an execution sale of the property affected as in ordinary actions at law, and upon such sale all rights to maintain such dam or bridge shall pass to the purchaser.

(3) In case of any personal injury by reason of any such neglect or failure the damages sustained thereby may be recovered and a lien and judgment enforced in like manner; and if death results an action may be maintained by the representatives of the deceased in the manner provided in other cases of death resulting from negligence or wrong.

(4) No common law liability, and no statutory liability provided elsewhere in these statutes, for damage resulting from or

growing out of the construction, maintenance or operation of any dam is released, superseded, or in any manner affected by the provisions of this chapter; and this chapter creates no liability on the part of the state for any such damages.

SECTION 27. Section 1596—24 of the statutes is renumbered and amended to read:

31.27 ADEQUATE SERVICE; REASONABLE RATES.
 * * * Upon * * * complaint by any party affected, setting forth that any grantee of a permit * * * to develop hydraulic power and * * * generate hydroelectric energy for sale or service to the public is not furnishing * * * citizens of this state with adequate service at a reasonable rate in consequence of sales of such energy outside of the state, the commission shall have power * * * to declare any or all contracts entered into by said grantee for such sales * * * null and void in so far as * * * they interfere with such service or rate. * * * Such declaration shall be made only after a hearing and investigation and a recorded finding that convenience and necessity require the sale of * * * a specified part or all such * * * energy within this state.

SECTION 28. Section 1596—25 of the statutes is renumbered and amended to read:

31.28 COURT REVIEW OF COMMISSION ORDERS.
 * * * The state or any party to a proceeding authorized by this chapter to be had before the commission * * * may have a review in the circuit court for Dane county of any order, finding or determination * * * made therein by the commission, * * * and all of the provisions of section 1797m—1 to 1797m—109, inclusive, * * * so far as applicable, shall apply to the review herein provided for, including the right of appeal to the supreme court. * * * Upon * * * such review and appeal, the findings and determination of the commission shall * * * constitute prima facie evidence of the facts therein found.

SECTION 29. Section 1596—26 of the statutes is repealed.

SECTION 30. Section 1599 of the statutes is repealed.

SECTION 31. Section 1604m of the statutes is repealed.

SECTION 32. Section 1596—27 of the statutes is renumbered and amended to read:

31.29 MAY EMPLOY HYDRAULIC ENGINEER AND ASSISTANTS. * * * The * * * commission is authorized to employ and fix the salaries of a competent hydraulic engineer and other assistants necessary to carry out the provisions of * * * this chapter.

SECTION 33. Section 1596m of the statutes is renumbered and amended to read:

31.30 DAMS ON BRULE RIVER PROHIBITED. * * *

It is * * * declared to be the * * * policy of the state to * * * prohibit forever the building or maintaining of any dam or dams * * * across the Brule river or any of its tributaries in Douglas county; * * * and all rights, privileges and franchises * * * granted prior to June 26, 1905, to any person or corporation * * * to improve said Brule river or any of its tributaries in said county * * * for any purpose whatever, are * * * repealed and * * * annulled. * * * No domestic corporation organized subsequent to the date aforesaid * * * shall * * * exercise any of the powers or privileges authorized or conferred by sections 1777, * * * to 1777f, inclusive, * * * in, * * * across or along * * * said river or any of its tributaries in the county of Douglas, * * *

MILLS AND MILLDAMS ON NONNAVIGABLE STREAMS

SECTION 34. Section 3374 and section 3374a of the statutes are consolidated, renumbered and revised to read:

31.31 WHO MAY CONSTRUCT AND MAINTAIN. Any person may erect and maintain upon his own land, and, with the consent of the owner, upon the land of another, a water mill and a dam to raise water for working it upon and across any stream that is not navigable in fact for any purpose whatsoever upon the terms and conditions and subject to the regulations hereinafter expressed; and every municipality may exercise the same rights upon and across such streams that they may exercise upon or across streams navigable for any purpose whatsoever.

SECTION 35. Section 3375 of the statutes is renumbered to be section 31.32 and amended to read:

31.32 DAMS NOT TO INJURE OTHER DAMS OR SITES.

* * * No such dam shall be erected to the injury of any mill lawfully existing, either above or below it on the same stream; nor to the injury of any mill site on the same stream on which a mill or milldam shall have been lawfully erected and used or is in the process of erection, unless the right to maintain a mill on such last mentioned site shall have been lost or defeated by abandonment or otherwise; nor to the injury of any such mill site which has been occupied as such by the owner thereof, if such owner, within a reasonable time after commencing such occupation, completes and puts in operation

a mill for the working of which the water of such stream shall be applied; * * *

SECTION 36. A new section is added to the statutes to read:

31.33 UNDER JURISDICTION OF RAILROAD COMMISSION. (1) ALL HERETOFORE OR HEREAFTER CONSTRUCTED.

All mills and milldams lawfully erected or constructed, on streams not navigable at the time, under and pursuant to the provisions of chapter No. 48 of the territorial laws of 1840, chapter 62, laws of 1857, chapter 56, R. S. 1858, chapter 146, R. S. 1878, chapter 146, R. S. 1898, chapter 146, Wisconsin Statutes of 1911, 1913 or 1915 or under and pursuant to any special, private or local act, or under any other act whatsoever, which are not now abandoned but are still in existence and use, and all mills and milldams heretofore or hereafter erected or constructed on streams not navigable in fact for any purpose whatsoever, shall be subject to and regulated and controlled by the provisions, so far as applicable, of sections 31.02, 31.03, 31.12, 31.14, 31.18, 31.19, 31.20, 31.22, 31.25, 31.26, and 31.28 of the statutes, except that the provisions of section 31.14 shall not prevent the owner of any land flooded or otherwise injured by any such milldam from recovering, by action at law, full compensation for all damages resulting to him in times past and that will result to him in the future in consequence of such flooding and injury: provided that no damages suffered more than three years before the commencement of such action shall be recovered. The amount recovered shall constitute a first lien upon the milldam and upon the mill, if any, and such lien may be enforced by execution sale of the property affected. In every such action the amount paid or secured to be paid under prior laws as damages shall be considered and proper allowance made therefor. The authority hereby granted to bring such action shall not be construed as precluding the owner from proceeding under the provisions of section 31.14. Such owner may not exercise his option to bring such action after condemnation proceedings have been commenced against his property under the provisions of section 31.14.

(2) LICENSE. A license is hereby granted to each owner of any such milldam now in existence and use, and to each owner of any such milldam hereafter constructed, to maintain and use the same to operate mills or machinery, or for any other lawful private or public purpose, but subject, however, to the supervision of the commission acting under the sections of the statutes enumerated in subsection (1). The right created by such license shall follow the title to the milldam and a conveyance of the latter shall transfer such right to the grantee.

(3) **INTERPRETATION.** Whenever the sections of the statutes so enumerated are applied to mills or milldams specified in subsection (1) every reference in any of them to a "permit" or to a "grantee" of a permit shall be regarded as referring respectively to a license granted by this section and to the owner of such a mill or milldam.

(4) **HEIGHT.** The height to which water may be raised by any such milldam and the length or period of time for which it may be kept up each year, may be restricted and regulated by the orders of the commission.

(5) **VIOLATION OF ORDERS, PENALTIES.** Every person, firm or corporation violating any of the orders respecting any such mill or milldam made by the commission shall forfeit for each such violation a sum not exceeding five hundred dollars which may be recovered by civil action as provided by chapter 142 of the statutes.

SECTION 37. Section 3376, section 3377, section 3378, section 3379, section 3380, section 3381, section 3382, section 3383, section 3384, section 3385, section 3386, section 3387, section 3388, section 3389, section 3390, section 3391, section 3392, section 3393, section 3394, section 3395, section 3396, section 3397, section 3398, section 3399, section 3400, section 3401, section 3402, section 3403, section 3404, section 3405 and section 3406 of the statutes are repealed.

SECTION 38. Chapters 229, 413 and 453 of Wisconsin session laws of 1901, chapters 533 and 591 of Wisconsin session laws of 1911, chapter 17 of Wisconsin session laws of the special session of 1912 and chapters 380 and 579 of Wisconsin session laws of 1915 are added to section 4978 of the statutes at appropriate places according to their numbers and dates as further acts repealed by said section.

SECTION 39. This act shall take effect upon passage and publication.

Approved June 21, 1917.

No. 177, S.]

[Published June 25, 1917.

CHAPTER 475

AN ACT to create section 17.22 of the statutes, relating to the holding over of appointees of cities of the first class.

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

SECTION 1. There is added to the statutes a new section to read: Section 17.22. Whenever provision is made by the law