

appointment shall be permanent, during efficiency or good behavior, provided that teachers having taught * * * *three* years or more in cities to which this section applies shall be deemed to have served their term of probation. No teacher who has become permanently employed as herein provided by reason of * * * *three* or more years of continuous service, shall be discharged, except for cause upon written charges, which shall after ten days' written notice thereof to such teacher, upon such teacher's written request, be investigated, heard and determined by the board of school directors, whose action and decision in the matter shall be final.

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

Approved June 12, 1925.

No. 220, A.]

[Published June 16, 1925.

CHAPTER 328.

AN ACT to amend sections 190.17 and 192.14 of the statutes, and to create section 190.34 and subsection (4) of section 195.16 of the statutes, relating to railroad spur tracks and providing a penalty.

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

SECTION 1. Sections 190.17 and 192.14 of the statutes are amended to read: 190.17 Every railway company existing in whole or in part under any law of this state and operating a railway therein may build, maintain and operate branches and spur tracks from its road or any branch thereof to and upon the grounds of any mill, elevator, storehouse, warehouse, dock, wharf, pier, manufacturing establishment, lumberyard, coal dock or other industry or enterprise, with all sidetracks, storage tracks, wyes, turnouts and connections necessary or convenient to the use of the same; and every such company may acquire by purchase or condemnation in the manner provided in this chapter for the acquisition of real estate for railway purposes, other than for its main track, all necessary roadways and rights of way for such branches, spur tracks, sidetracks,

storage tracks, wyes, turnouts and connections; and every such company may also acquire, in the same manner, such depot grounds, yards, grounds for roundhouses, machine shops, warehouses, storehouses, elevators, docks, wharves and piers as may be necessary and convenient for the enjoyment and use of its road. Provided, however, that if any such branches and spur tracks as are mentioned in this section shall be constructed across, along or upon any street, lane, or alley, at grade or otherwise, within the corporate limits of any city, however organized, such branches and spur tracks shall not be so constructed until application therefor shall have been made to and acted upon by the proper authorities of such city. The proper authorities of such city may prescribe any reasonable terms and conditions for the construction of any such branch and spur track. *No such spur track heretofore constructed otherwise than at the expense of the railroad company shall be removed, dismantled or otherwise rendered unfit for service except upon the order of the railroad commission entered after hearing held upon notice to all parties interested, and for good cause shown.* The provisions of the preceding section shall not apply so as to affect this section if the branches and spur tracks herein mentioned shall not exceed five miles in length from the main track or any branch of the main road.

192.14 The owner of any elevator, warehouse, manufacturing plant or mill, or of any lumber, coal or wood yard located within one-half mile of any railroad or any sidetrack thereof may at his own expense construct a spur track from any such elevator, warehouse, manufacturing plant, mill or yard to a point on the right of way within the terminal or yard limits of any such railroad and the railroad shall connect the same with its tracks within such terminal or yard limits. Provided, however, that no such spur track be constructed across, along or upon any street, lane or alley, at grade or otherwise, within the corporate limits of any city however organized, until application therefor shall have been made to and acted upon by the proper authorities of such city. The proper authorities of such city may prescribe any reasonable terms and conditions for the construction of any such branch and spur track. Such spur track shall at all times be under the control and management of and be kept in repair and operated for such owner or his

assigns by such railroad, but the actual cost of so maintaining and operating shall be paid monthly by the owner thereof, and in case of neglect to so pay the same upon demand the obligation of this section upon any such railroad shall cease until such charges are paid. And no such spur track hereafter constructed or which has heretofore been constructed under the provisions of this section shall be removed, *dismantled or otherwise rendered unfit for service*, without first having given the parties owning such elevator, warehouse, manufacturing plant, mill or yard six months' notice, and * * * *having obtained an order of the railroad commission made after hearing held upon notice, to all parties interested*, and for good cause shown.

SECTION 2. A new section is added to the statutes and a new subsection is added to section 195.16 of the statutes to read: 190.34 (1) Any railroad corporation may build, maintain and operate temporary spur tracks, branches or extensions from its railroad or any branch thereof to and upon the grounds of any timber lands, logging operation, sand pit, gravel pit, stone quarry or agricultural enterprise, with all sidetracks, storage tracks, wyes, turnouts and connections necessary or convenient to the use of the same.

(2) No railroad corporation shall exercise the power conferred upon it by this section until it shall have obtained from the railroad commission a certificate that public convenience and necessity require the construction of said temporary railroad, and such certificate shall constitute the license from the state to the company to build its proposed temporary railroad. Such certificate shall specify the length of time said railroad may be maintained and operated, and may be renewed from time to time upon application by the railroad company. The provisions of chapter 191 so far as applicable shall govern the procedure before the railroad commission under this subsection. At the expiration of the time specified in said certificate, or any renewal or extension thereof, the railroad company shall, without further proceedings, discontinue, dismantle and remove said railroad and discontinue operations thereon; and may prior to the expiration of such time upon order of the railroad commission and after a hearing held upon notice to all parties interested and good cause shown, discontinue, dismantle and remove said railroad and discontinue operations thereon.

(3) If any such spur track, branch or extension shall be constructed across, along, or upon any street or alley within the corporate limits of any city, such spur track, branch, or extension shall not be so constructed until application therefor shall have been made to and acted upon by the proper authorities of such city. The proper authorities of such city may prescribe any reasonable terms and conditions for the construction of any such branch, spur track or extension. The provisions of section 190.16 of the statutes shall not apply so as to affect this section if the branches, spur tracks and extensions herein mentioned shall not exceed ten miles in length from the main track or any branch of the main road.

(4) For the purposes of locating, building, maintaining and operating such temporary railroad, the railroad corporation may acquire any lands or interests in lands by purchase or gift; and such railroad corporation is granted the right to acquire lands or interests in lands for such railroad by condemnation under the provisions of chapter 32; provided, that in appraising and assessing the damages sustained by any person by reason of the construction and operation of said railroad through and upon his land, the commissioners under section 32.10 shall consider only the injury to the land and improvements thereon within the limits of the right of way lines of such railroad, by reason of such temporary use and occupation thereof, and the fair annual value of the use of the land within such right of way lines, the fair amount of the annual damage sustained by the landowner to the land from which such right of way is severed, which items of damage and value shall constitute the sole measure of the landowner's right to compensation. Payment of the damages on account of injury to the land and improvements thereon within such right of way lines so awarded by the commissioners shall be made as directed in section 32.14 and payment of the amount found by the commissioners to be the fair annual value of the use of such land together with the amount so found to be the annual damage to the land from which such right of way is taken shall be made annually by the railroad company so long as such railroad is maintained and operated under this section.

(5) Every railroad so constructing and operating such a temporary railroad shall, during all the time said railroad is so

maintained, erect and maintain sign boards upon the right of way of such railroad upon which shall be printed the words: "TEMPORARY RAILROAD;" such sign boards to be located not more than one mile apart.

(6) Any person who shall falsely represent to another that such railroad is other than a temporary railroad shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

(195.16) (4) No such spur track shall be removed, dismantled or otherwise rendered unfit for service except upon order of the railroad commission made after hearing held upon notice to all parties interested, and for good cause shown.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 12, 1925.

No. 428, A.]

[Published June 17, 1925.

CHAPTER 329.

AN ACT to create section 40.255 of the statutes, requiring claims to be filed with school district boards before commencing an action.

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

SECTION 1. A new section is added to the statutes to read: 40.255 No action shall be maintained against a school district board upon any claim until the claimant shall first present his claim to such board and it is disallowed in whole or in part. Failure of the board to pass upon the claim within sixty days after presentation shall be deemed a disallowance. The clerk shall cause to be served on the claimant notice of any disallowance. The notice shall be served by registered mail and receipt therefor, signed by the claimant, shall be proof of service. Claimant may accept payment of a portion of his claim without waiving his right to recover the balance. No interest shall be