

No. 985, A.]

[Published June 26, 1911.]

CHAPTER 443.

AN ACT to amend subsection (3), of section 959—45, of the statutes, relating to the removal of the chiefs or other members of police or fire departments.

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

SECTION 1. Subsection (3), of section 959—45, of the statutes, is amended to read: (Section 959—45) (3) Every person against whom charges are made shall be entitled to a copy of such charges and shall be given an opportunity to be heard in his own defense, and all such hearings shall be public. Both the complainant and the person against whom charges are filed, may be represented by an attorney, and may compel the attendance of witnesses by subpoena. Said subpoena shall be issued in the usual form by the president of the board on request; shall be served in the manner provided for service of subpoenas in justice court and shall have the same force and effect.

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

Approved June 24, 1911.

No. 999, A.]

[Published June 26, 1911.]

CHAPTER 444.

AN ACT to create section 1299h—3 to 1299h—8, inclusive, of the statutes, providing that any steam railroad corporation shall pay the cost of grading, paving or otherwise improving the intersection of its right of way with any street when said street is paved; and providing that any railroad corporation having a track running lengthwise of any street shall pave that part of the street between curb lines occupied by its tracks.

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

SECTION 1. There are added to the statutes six new sections to read: Section 1299h—3. 1. Whenever any city or village in this state shall cause any street, alley or public highway within its corporate limits to be improved by grading, curbing, paving or otherwise improving the same, where the cost of such improvement, or a part thereof, shall be assessed against abutting property, and such street, alley or public highway is crossed by the track or tracks of any railroad, operated in whole or in part by steam power, and engaged as a common carrier, the

common council or board of public works of such city, or the trustees of such village shall at any time after the completion and acceptance of such improvement by the municipality, cause to be filed with the local agent of the railroad corporation operating such railroad, a statement showing the amount chargeable to such railroad corporation for such improvement, which shall be an amount equal to the cost of constructing said improvement along said street, alley or public highway immediately in front of and abutting its right of way on each side of said street, alley or public highway, based upon the price per square yard, lineal foot or other unit of value used in determining the total cost of said improvement.

2. The amount so charged against any railroad corporation for improving the street, fronting or abutting its right of way, shall not exceed the average amount per front foot assessed against the remainder of the property fronting or abutting on said street, alley or public highway so improved. The amount arrived at as above set forth and contained in said statement, shall be due and payable by said railroad corporation to the said municipality, causing the same to be filed within thirty days of the date when the same shall be presented to the local representative of said railroad corporation.

Section 1299h—4. In case any railroad corporation shall fail or refuse to pay to any city or village the amount set forth in any such statement or claim for the making of street improvements, as provided in the preceding section, within the time therein specified, said city or village shall have a valid claim for such amount against said railroad corporation, and may maintain an action therefor in any circuit court within this state to recover the same.

Section 1299h—5. Whenever the track or tracks of any railroad, operated in whole or in part by steam power, shall be laid upon or along any street, alley or public highway within any city or village, the corporation operating such railroad or railroads shall maintain and improve such portion of the length of the streets as is occupied by its tracks; and said railroad corporation shall grade, pave or otherwise improve such street or portion thereof in such manner and with such materials as the common council of such city, or the village board may by resolution or ordinance determine; provided, however, that the total cost of such improvement shall not exceed three dollars per square yard, and that said railroad corporation shall not be required to pave or improve that portion of said street, alley or public highway occupied by it with different material or in a

different manner from that in which the remainder of said street is paved or improved.

Section 1299h—6. 1. When any city or village shall have ordered any street, alley or public highway to be paved, graded, curbed or improved, as provided in the preceding section, the clerk of such city or village shall cause to be served upon the local agent of such railroad corporation, a notice setting forth the action taken by such city or village relative to the improvement of such street.

2. If the railroad corporation shall elect to construct said street improvement, it shall within ten days of the receipt of said notice from the clerk of such city or village, file with said clerk notice of its intention to construct said street improvement, and it shall be allowed until the 30th day of June thereafter to complete said work, unless said work is ordered after May 20th of any year, and in that case said railroad corporation shall be allowed forty days from the time the clerk of the municipality presents the notice to the railroad agent, in which to complete said work.

Section 1299h—7. 1. Whenever any city or village shall order any street, alley or public highway improved, as provided in section 1299h—5 of the statutes, and notice shall be served on said railroad corporation, as provided in section 1299h—6 of the statutes, and said railroad corporation shall not elect to construct said improvement as therein provided, or having elected to construct said improvement, shall fail to construct the same within the time provided in section 1299h—6 of the statutes, the city or village shall at once proceed to let a contract for the construction of said improvement, and cause said street to be improved as theretofore determined, and when said improvement shall be completed and accepted by the city or village, the clerk of said city or village shall present to the local agent of said railroad corporation a statement of the cost of said improvement, and said railroad corporation shall within twenty days of such receipt thereof pay to the treasurer of such city or village the amount as shown by such statement of cost presented as aforesaid; provided, that the railroad corporation shall not be liable to pay for paving, grading or otherwise improving a street, more than three dollars per square yard for pavement or other improvement actually constructed.

2. In case any railroad corporation shall fail to pay the cost of constructing any pavement or other street improvement as herein provided, the city or village causing the same to be constructed shall have the right to enforce collection of such

amount by an action at law against said railroad corporation as provided in section 1299h—4 of the statutes.

Section 1299h—8. This act shall not operate to repeal any existing law, but shall provide a method of compelling a railroad corporation to pay its proportionate share of street, alley or public highway improvements in case any city or village shall elect to follow the provisions hereof.

(Am. 1911, c. 664, s. 74.)

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

Approved June 24, 1911.

No. 1040, A.]

[Published June 26, 1911.

CHAPTER 445.

AN ACT to amend section 3, of chapter 24, of the laws of 1895, relating to a municipal court, in and for the city of Oshkosh, county of Winnebago.

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

SECTION 1. Section 3, of chapter 24, of the laws of 1895, is amended to read: Section 3. The municipal judge, in addition to the powers vested in the municipal court as aforesaid, is vested with all the powers and jurisdiction of a justice of the peace in said county, in criminal actions and proceedings, and jurisdiction of all prosecutions for breach of any ordinance or by-law of the city of Oshkosh; and also with all the powers and jurisdiction of justices of the peace in said county in civil actions and proceedings, and also power to hear and determine any such case, although the title to land may come in question therein; and to exercise such jurisdiction, shall hold the municipal court as courts are held by justices of the peace; the general provisions of law relative to civil and criminal actions before justices of the peace shall apply to said court so far as applicable, *except that the judge thereof shall instruct the jury in all cases as in courts of record*; appeals from judgments rendered in said court, in civil actions, may be taken to the county court for Winnebago county, in the same manner as appeals from judgments of justices of the peace in similar actions; said judge shall open court each morning (Sundays and legal holidays excepted), and hear and dispose of, in a summary way, all cases for violations of the ordinances and by-laws of said city which shall be brought before him, by police officers or otherwise, either with or without process; proceedings therein shall