

No. 392, S.]

[Published June 15, 1921.]

CHAPTER 356.

AN ACT to amend section 1646—1 and to create section 1646—5 of the statutes, relating to the sale by railroad companies of unclaimed or refused property and providing for the depositing of the proceeds of such sale.

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

SECTION 1. Section 1646—1 of the statutes is amended to read: Section 1646—1. If any property delivered to any * * * forwarding merchant, wharfinger, or warehouseman, for carriage or storage, shall be in a state of decay, or manifestly liable to immediate damage and decay, the person in whose custody the same shall then be, his agent or attorney, may make an affidavit of such fact, and present the same to a circuit judge, county judge, court commissioner, or justice of the peace of the county in which such property shall then be, and such circuit judge, county judge, court commissioner, or justice of the peace, shall thereupon immediately make an order requiring the sheriff or any constable of such county to immediately inspect such property, and directing him, if the same shall be found by him to be in a state of decay, or manifestly liable to immediate damage or decay, to summarily sell the same without notice. If such sheriff or constable shall upon inspection, find such property to be in a state of decay, or manifestly liable to immediate damage or decay, he shall attach to such order his affidavit stating such fact, and shall make an inventory of said property, and shall thereupon summarily sell said property without notice, and shall make full return of his execution of said order to the judge or justice who issued the same, together with his affidavit, inventory, and the proceeds of said sale, after deducting his fees therefrom. From the proceeds of such sale, the judge or justice shall pay all legal charges that have been incurred in relation to such property, or a ratable proportion of each charge if the proceeds of such sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the treasurer of his county, with a copy of all the proceedings in said matter. The county treasurer shall file such copy in his office. The person in whose custody such property shall be when any such proceeding for the sale thereof shall be commenced, shall imme-

diately notify the consignor and consignee of such sale, which notice shall be in writing, and shall be served by leaving a copy thereof with the consignor and consignee, personally or by mail.

SECTION 2. A new section is added to the statutes to read: Section 1646—5. 1. Any property transported or stored, or left with any railroad company shall be subject to a lien for the lawful charges thereon for the transportation and storage thereof.

2. If any property not perishable in its nature shall be permitted to remain in the possession of the railroad company, unclaimed or refused, for a period of sixty days, with the lawful charges thereon due and unpaid, such railroad company may proceed to sell the same at public auction at its freight station at the destination of the shipment, after mailing notice by United States mail of the amount of the charges to the consignor and consignee, if their whereabouts are known, or if their whereabouts be unknown, then to the consignor at the originating point of the shipment and to the consignee at the destination of the shipment, and in addition thereto posting, at its freight station, in a conspicuous place accessible to the public, for a period of ten days after the mailing of such notices, a notice of the time and place of the proposed sale and a description of the property to be sold, if known, and if not, a description of the package in which it is contained, the amount of charges thereon and the name of the consignee and consignor thereof; provided, however, that if there be no satisfactory bid at such auction sale, the railroad company may remove the property to some other city of not less than five thousand inhabitants within the state and there proceed to sell the same at public auction after giving additional notice by mailing and posting as hereinbefore provided.

3. Fruit, fresh fish, oysters, game, and other perishable property after having been retained for twenty-four hours after notice to consignee, if he be known, may be sold, either at public or private sale in the discretion of the railroad company, for the highest price that the same will bring.

4. After the lawful charges of the railroad company for transportation and storage for the period of compulsory retention shall be deducted from the proceeds of the sale, the overplus, if any, shall be held by the railroad company subject to the order of the owner, and, at any time within twelve months after such sale, upon the demand of the owner, the railroad company shall pay the same to him.

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

Approved June 14, 1921.

No. 463, S.]

[Published June 15, 1921.

CHAPTER 357.

AN ACT to appropriate a certain sum of money named herein to the legislative committee appointed pursuant to Joint Resolution No. 60, S. and Joint Resolution No. 65, A.

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

SECTION 1. There is appropriated out of any money in the general fund not otherwise appropriated to the legislative committee appointed pursuant to Joint Resolution No. 60, S., not to exceed five hundred dollars to reimburse the members for their actual and necessary expenses incurred in the performance of their duties in carrying out the provisions of Joint Resolution No. 60, S. and Joint Resolution No. 65, A.

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

Approved June 14, 1921.

No. 395, S.]

[Published June 16, 1921.

CHAPTER 358.

AN ACT to amend sections 2, 4 and 6 of chapter 152, private and local laws of 1869, entitled "An act to incorporate the Saint John's Home of Milwaukee" and section 3 of said chapter 152, as amended by chapter 358, laws of 1919.

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

SECTION 1. Sections 2, 4 and 6 of chapter 152, of the private and local laws of 1869, are amended to read: (Chapter 152, private and local laws of 1869.) Section 2. The object of said corporation shall be the establishment and maintenance in the * * * diocese of Milwaukee of an institution for the care and relief of sick, aged and infirm persons, and as a temporary refuge for homeless persons, and such other charitable pur-