

Such payments shall be made subject to conditions imposed by chapter 393 of the laws of 1891.

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

Approved May 1, 1899.

No. 350, A.]

[Published May 2, 1899.]

## CHAPTER 305.

AN ACT to amend section 1339 of the Wisconsin statutes of 1898, relating to damages caused by defective highways.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** Section 1339 of the Wisconsin statutes of 1898 is hereby amended by inserting after the word "village" in the fifth line thereof the words "provided, however, that no action shall be maintained by husband on account of injuries received by the wife, or by a parent on account of injuries received by a minor child;" and by adding at the end of said section the following words, "no action shall be maintained to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless such accumulation shall have existed for three weeks," so that said section when so amended shall read as follows: Section 1339. If any damage shall happen to any person, his team, carriage or other property by reason of the insufficiency or want of repairs of any bridge, sluiceway or road in any town, city or village, the person sustaining such damage shall have a right to sue for and recover the same

When action may be brought for damages caused by defective highway.

against any such town, city or village, provided, however, that no action shall be maintained by a husband on account of injuries received by the wife, or by a parent on account of injuries received by a minor child; but if such damage shall happen by reason of the insufficiency or want of repairs of a bridge, sluiceway or road which any county shall have adopted as a county road and is by law bound to keep in repair, such county shall be liable therefor and the claim for damages shall be against the county. If such damages shall happen by reason of the insufficiency or want of repairs of a bridge erected or maintained at the expense of two or more towns the action shall be brought against all the towns liable for the repair of the same and upon recovery of judgment the damages and costs shall be paid by such towns in the proportion in which they are liable for such repairs; and the court may in its discretion direct the judgment to be collected from or issue execution against each town for its proportion only. No such action shall be maintained against any county, town, city or village unless within thirty days in the case of any county or town, and fifteen days in the case of any city or village, after the happening of the event causing such damage, notice in writing signed by the party, his agent or attorney shall be given to the county clerk of the county, a supervisor of the town, one of the trustees of the village or mayor or city clerk of the city against which damages are claimed, stating the place where such damage occurred, and describing generally the insufficiency or want of repair which occasioned it and that satisfaction therefor is claimed of such county, town, city or village. No notice given hereunder shall be deemed insufficient or invalid solely because of any inaccuracy or failure therein in stating the time, describing the place or the insufficiency or want of repairs which caused the damage for which satisfaction is claimed, provided it shall appear that there was no intention on the part of the person giving

Notice of damages to be served.

such notice to mislead the other party and that such party was not in fact misled thereby; and provided further, that the amount recoverable by any person for any damage or injury so sustained shall in no case exceed five thousand dollars. No action shall be maintained to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless such accumulation shall have existed for three weeks.

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

Approved April 29, 1899.

No. 165, S.]

[Published May 2, 1899.

## CHAPTER 306.

AN ACT to amend section 1863a of the Wisconsin statutes of 1898, relating to the condemnation of land.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1863a of the Wisconsin statutes for the year 1898, is hereby amended by striking out the words "nothing herein shall be construed as conferring on any such corporation the right to lay or construct its track over or across the track of any steam railway company other than such as may now exist," and inserting in lieu thereof the following: "All the provisions of sub-division 6 of section 1828, of these statutes, relative to railroad crossings, shall apply to street and electric railways. The commissioners therein named shall have power to deter-

Provision of  
sub. 6 of §1828  
inserted.