

No. 618, S.]

[Published July 16, 1907.]

CHAPTER 631.

AN ACT to amend section 1778a, of the statutes, as amended by chapter 319, of the laws of 1901, and chapter 304, laws of 1905, relating to condemnation proceedings.

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

SECTION 1. Section 1778a of the statutes, as amended by chapter 319, laws of 1901, and chapter 304, laws of 1905, is amended to read:

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Approved July 13, 1907.

(In effect from and after date of publication.)

No. 403, S.]

[Published July 16, 1907.]

CHAPTER 632.

AN ACT to amend section 1548, of the statutes, as amended relating to sale of intoxicating liquors.

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

SECTION 1. Section 1548, of the statutes, as amended by chapter 116, laws of 1899, by chapter 20, laws of 1905 and by chapter 385, laws of 1905, is amended to read:

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Approved July 13, 1907.

(In effect from and after date of publication.)

directly and proximately from or occasioned by the failure or negligence of their operators, servants or employees in receiving, copying, transmitting or delivering dispatches or messages, not to exceed in amount the sum of five hundred dollars.

6. Nothing contained in this act shall authorize or empower such telegraph, telephone, electric light, heat or power transmission company, or corporation to in any manner destroy, trim or otherwise injure any shade or ornamental trees along any such lines or systems or cause any damage to buildings, fences, crops, live stock or other property except by the consent of the owner, and any person or corporation violating any of the provisions of this section shall be liable to the person aggrieved in three times the actual damage sustained besides costs.

7. * * * No corporation to build and operate electric light system or systems for the transmission of steam or hot water for heat, shall have any right hereunder in any city or village until it has obtained a franchise from such city or village, as now provided by law.

(Ch. 165, 1907.)

Electric line ways across railroads: condemnation proceedings. SECTION 1778a. 1. Condemnation proceedings may be instituted for the taking, by such corporation of rights, easements or interests over bridges and streams, and in land on or within public highways, roads, streets and alleys (and in the case of telegraph, telephone, heat and power transmission corporations in and on or within private alleys, *and across railroad rights of way*) over, upon or beneath which the line or system is, or is to be constructed or located, either by the corporation or any person interested in the land. They shall be commenced by petition to the circuit court or a circuit judge of the county in which the land lies.

2. The petition may be signed and verified in the same manner as pleadings in the circuit court, and shall contain the following, in substance: The highway, road, street, alley *or railway right of way* along, underneath or over which the line or system is to be or has been constructed, whether such line or system is to be or has been constructed by running wires and cables upon poles overhead, or by wires, cables or pipes in underground conduits, tunnels, or ways, or otherwise; the terminus of the line or system on such property, if any, and on which side or part of the highway the line or system is or will be located; if made by the corporation; that

it intends in good faith to use such real estate, and it is required for its use; if made by another, that it is used or is designed by the corporation to be used, for telegraph, telephone purposes or for the transmission of power, heat or electric light for public purposes.

(Ch. 631, 1907.)

Electric line companies may acquire lands by condemnation. SECTION 1778a. 1. Condemnation proceedings may be instituted for the taking by such corporations mentioned in section 1778 of rights, easements, * * * interests or ownership in any lands or over bridges and streams, and in land on or within public highways, roads, streets and alleys, * * * over, upon or beneath which the line or system is or is to be constructed or located, either by the corporation or any person interested in the land. They shall be commenced by petition to the circuit court or a circuit judge of the county in which the land lies.

2. The petition may be signed and verified in the same manner as pleadings in the circuit court, and shall contain the following in substance: The *land suitably described*, highway, road, street or alley, along, underneath or over which the line or system is to be or has been constructed by running wires and cables upon poles overhead, or by wires, cables or pipes in underground conduits, tunnels, or ways, or otherwise; the terminus of the line or system on such property, if any, and on which side or part of the *lands* or highway the line or system is or will be located; if made by the corporation; that it intends in good faith to use such real estate, and it is required for its use; if made by another, that it is used or is designed by the corporation to be used, for telegraph, telephone purposes or for the transmission of power, heat or electric light for public purposes.

(Ch. 662, 1907.)

Poles, cross-arms, wires: security, distance, heights. SECTION 1778a—1. It shall be unlawful for any person, firm or corporation to string any wire, electric or other, over the tracks of any steam railroad company except in accordance with the provisions of this section. All such wires shall be suspended over a double cross arm attached to a pole at each side of the crossing. The poles shall not be less than six inches in diameter at the top, set not less than five feet in the ground,