

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.

mine the place at and manner in which grade or other crossings shall be made, and on an appeal from the determination and award of such commissioners to the circuit court, as provided by this chapter in condemnation proceedings, such court shall have power to review, reverse, modify or affirm such award, both as to the amount of compensation therein provided, and as to the manner of making such a crossing, and may make such reasonable provisions as it shall deem necessary for the public safety, provided the provisions of section 1808 of the Wisconsin statutes of 1898 shall not apply to trains operated by steam at crossings of such electric railways, and provided further that the appeal herein authorized shall not prevent the construction of such crossing, in the manner determined by the commissioners and the use of the same by the petitioner, upon the filing of such determination and award with the clerk of the circuit court, and the payment of the amount of compensation awarded, to the railroad company, or to the clerk of the court for its benefit, but the circuit court may, in its discretion, require the petitioning company to maintain a flagman or other safeguard at such crossing, pending the determination of such appeal," so that said section when amended shall read as follows: Section 1863a. Any street or electric railway corporation may acquire by purchase, grant or condemnation or hold or use such real estate or other property as may be necessary for the construction, maintenance and operation of its railroad, and of the stations, depot grounds and other accommodation reasonably necessary to accomplish the objects of its incorporation. 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 determine the place at and manner in which grade, or other crossings shall be made, and, on an appeal from the determination and award of

Condemnation  
of land by  
street or elec-  
tric railways.

such commissioners to the circuit court, as provided by this chapter in condemnation proceedings, such court shall have power to review, reverse, modify or affirm such award, both as to the amount of compensation therein provided, and as to the manner of making such crossing, and may make such reasonable provisions as it shall deem necessary for the public safety. Provided the provisions of section 1808 of the Wisconsin statutes of 1898 shall not apply to trains operated by steam at crossings of such electric railways. And provided further that the appeal herein authorized shall not prevent the construction of such crossing in the manner determined by the commissioners, and the use of the same by the petitioner upon the filing of such determination and award with the clerk of the circuit court, and the payment of the amount of compensation awarded, to the railroad company, or to the clerk of the court for its benefit; but the circuit court may, in its discretion, require the petitioning company to maintain a flagman or other safeguard at such crossing, pending the determination of such appeal. All the provisions of these statutes relating to the exercise of eminent domain by railroad companies, shall apply to street and electric railroad corporations; provided, that nothing herein shall apply to any street, alley, viaduct, park or boulevard in any city or village.

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

Approved April 29, 1899.