

No. 393, S.]

[Published June 22, 1907

CHAPTER 290.

AN ACT to amend section 607 of the statutes relating to condemnation of lands.

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

SECTION 1. Section 607 of the statutes is amended to read:

* * * * *

Approved June 20, 1907.

(In effect July 1, 1907.)

No. 294, S.]

[Published June 22, 1907.

CHAPTER 291.

AN ACT to create sections 1778a—1 to 1778a—2, inclusive, of the statutes, relating to stringing electric wires over the tracks of a railroad company.

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

SECTION 1. There are added to the statutes two new sections to read:

* * * * *

Approved June 20, 1907.

(In effect July 1, 1907.)

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,

securely guyed, and, unless the railroad right of way is not of greater width, shall be set not more than one hundred feet apart at such crossings. All such wires shall be tied to insulators on pins set in the cross arms. The cross arms shall be attached to the poles by machine bolts and braced by at least one iron brace from each cross arm to the pole. All such wires shall be maintained not less than twenty-five feet above the surface of the rails at such crossing except the street railway trolley wires shall be maintained not less than twenty-two feet above the surface of the rails at such crossings.

(Ch. 291, 1907.)

Railroad commission to enforce; penalties. SECTION 1778a—2. The railroad commission of Wisconsin is hereby vested with authority to enforce the provisions of this act, and any person, firm or corporation ordered by the commission to change its wires so as to comply with this act failing to comply with such order within ten days from the service thereof shall be liable for a penalty or forfeiture of twenty-five dollars, and to a like penalty or forfeiture for every ten days during which it shall fail to comply with the order of the commission, unless a greater length of time to make such change shall be specified by the commission in said order, or upon cause shown. Any such penalty or forfeiture may be recovered in the manner provided by chapter 142 of the statutes for the collection of forfeitures.

(Ch. 291, 1907.)

Electric line companies: appraisal of compensation in condemnation proceedings. SECTION 1778d. 1. The commissioners shall take an oath that they will support the constitution of the United States and of the state of Wisconsin, and faithfully discharge their duty as commissioners to the best of their ability. Upon request of the corporation or any person interested in the property described in the petition, and not otherwise, they shall proceed with the performance of their duties, and may adjourn the proceedings, but not more than twice nor more than sixty days in all as to any one case.

2. They shall cause notice of the time and place of their meeting to consider the compensation to which the owner is entitled to be served personally on the owner or other person interested, or his agent, attorney or guardian ad litem, or by leaving the same at his residence, with a person of