

No. 408, S.]

[Published July 13, 1907.

CHAPTER 580.

AN ACT to amend section 1863a of the statutes, as amended relating to condemnation proceedings by street and electric railway companies.

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

SECTION 1. Section 1863a of the statutes is amended to read:
* * * * *

Approved July 12, 1907.

(In effect from and after date of publication)

No. 73, A.]

[Published July 13, 1907.

CHAPTER 581.

AN ACT to amend section 4256 of the statutes relating to the liability of railway companies for the death of any person.

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

SECTION 1. Section 4256 of the statutes is amended to read:
* * * * *

Approved July 12, 1907.

(In effect from and after date of publication)

therefor; provided, such highway or road be not so changed from its original course more than six rods, nor its distance thereby lengthened more than five rods.

(Ch. 613, 1907. Sec. number corrected by Sec. 20, Ch. 676, 1907.)

Railway spurs: use of streets, alleys and lanes; city's consent requisite. SECTION 1831a. Every railway company existing in whole or in part under any law of this state and operating a railway therein may build, maintain and operate branches and spur tracks from its road or any branch thereof to and upon the grounds of any mill, elevator, storehouse, warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal dock or other industry or enterprise, with all side tracks, storage tracks, wyes, turnouts and connections necessary or convenient to the use of the same; and every such company may acquire by purchase or condemnation in the manner provided in this chapter for the acquisition of real estate for railway purposes, other than for its main-track, all necessary roadways and rights of way for such branches, spur tracks, side tracks, storage tracks, wyes, turnouts and connections; and every such company may also acquire, in the same manner, such depot grounds, yards, grounds for round-houses, machine shops, warehouses, storehouses, elevators, docks, wharves and piers as may be necessary and convenient for the enjoyment and use of its road. *Provided, however, that if any such branches and spur tracks as are mentioned in this section shall be constructed across, along or upon any street, lane, or alley, at grade or otherwise, within the corporate limits of any city, however organized, such branches and spur tracks shall not be so constructed until application therefor shall have been made to and acted upon by the proper authorities of such city. The proper authorities of such city may prescribe any reasonable terms and conditions for the construction of any such branch and spur track.* The provisions of the preceding section shall not apply so as to affect this section if the branches and spur tracks herein mentioned shall not exceed five miles in length from the main track or any branch of the main road.

(Ch. 262, 1907.)

Street railways may condemn way for electrical current. SECTION 1863a. 1. Any street or electric railway corporation * * * may lay out its right of way not exceeding one hundred feet in width and acquire the same by con-

demnation and to construct its railway thereon; and may acquire a right of way not exceeding two rods in width, for the purpose of conveying or transmitting electrical current from the power house where the same is generated to the electric or street railway system operated thereby, and for the purpose of furnishing light, heat, and power for public purposes, * * * wherever such corporation has constructed its railway on any street or highway under a franchise granted to it by any town or village board or city council, such corporation shall not, during the term of such franchise, abandon or discontinue any part of such railway on a public street or highway within any town, village or city without the consent of the proper town or village board or city council.

And various other purposes. 2. For the purpose of cuttings and embankments and of obtaining gravel or other material such railway may take as much more land as may be necessary for the proper construction, operation and security of the road and cut down any standing trees that may be in danger of falling on the road, making compensation therefor as provided in chapter 87 of the statutes, for lands taken by railroad companies, and any such street or electric railway corporation may acquire by purchase, grant or condemnation and may hold or use such real estate or other real or personal property as may be necessary for the construction, maintenance and operation of its railroad and of the stations, depot grounds and other accommodations reasonably necessary to accomplish the objects of incorporation; and when reasonably necessary may take and acquire by condemnation or otherwise the right to run its cars over any bridge owned by any city of the second, third and fourth classes, towns and villages, and the approaches thereto on the rails of any other street or electric railway which it may meet, join, intersect or cross.

Other lines: power to intersect, join, unite; passage of trains. 3. All the provisions of subsection six 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 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 crossing, and may make such reasonable provisions as it shall deem necessary for public safety; provided the provisions of section 1808 of the statutes, 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.

Surveys. 4. * * * Such railways shall have the power to cause such examination and surveys for its proposed railroad to be made as may be necessary to the selection of the most advantageous route, and for such purpose, by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damage which shall be done thereto.

Eminent domain; fences, cattle guards. 5. All the provisions of these statutes relating to the exercise of eminent domain by railroad companies shall apply to street and electric railway corporations, * * * *but* nothing herein shall apply to any park or boulevard in any city or village, nor to any street, alley, bridge or viaduct therein, unless the use of such park, boulevard, street, alley, bridge or viaduct shall first be granted to such street or electric railway company by a franchise duly passed by the board of trustees or common council of such village or city; and * * * nothing herein shall apply to the right of the public or the title of any city or village, in and to any park, boulevard, street, alley, bridge or viaduct within its limits. * * * As far as applicable to the provisions of sections 1810, 1811, 1812, 1813, and 1814 of the statutes, relating to the construction and maintenance of fences and cattle guards by railroad companies, shall apply to street and electric railways.

Way for electrical current. 6. *All the provisions of these statutes relative to condemnation for the purpose of acquiring*

a right of way on which to construct and operate its railway, shall apply to acquiring such right of way for the purpose of transmitting electrical current as aforesaid; provided nothing herein contained shall be deemed to authorize such street or electric railway corporation to acquire any right of way for either or both purposes, exceeding one hundred feet in width.

(Ch. 580, 1907.)

Town mutuals: thirty towns maximum to a corporation.

SECTION 1927. 1. Any number of persons, not less than twenty-five, residing in the same town or in adjoining towns, not exceeding * * * *thirty* in number, except in cases where any county contains a larger number, when all the towns therein may be included, who collectively own insurable property of not less than twenty-five thousand dollars in value which they desire to have insured, may form themselves into a corporation for mutual insurance against loss or damage by fire or lightning by complying with the following conditions, namely: They shall sign articles of organization which shall be substantially in the following form:

2. The undersigned, residents of the town below named and owners of more than twenty-five thousand dollars' worth of property therein which we desire to insure, do hereby associate for the purpose of forming a mutual fire insurance corporation to do such insurance in the towns of (here insert the name of each town in which such corporation proposes to do business and the names of the counties in which they are situated), under the provisions of sections 1927 to 1941, inclusive, of the Wisconsin statutes. The name of such corporation shall be the (give name at length)

.....The officers shall be a board of directors..... (insert number, not less than five nor more than eleven), a president, secretary and treasurer and such others as may be provided for in the by-laws of such corporation, and the office of such corporation shall be in the town from which said directors shall elect their secretary, in the county of The following named persons shall constitute the first board of directors and shall hold their respective offices for one year and until their successors are elected (here insert the names). In witness whereof we have hereunto subscribed our names, this..... day of, A. D., 190..

3. Such articles of organization shall be subscribed by at least twenty-five persons, residents of the towns therein named