

No. 410, S.]

[Published July 17, 1907.]

CHAPTER 662.

AN ACT to amend sections 1778a and 1778d of the statutes, relating to the proceedings of the commission on condemning lands by telegraph, telephone, power, heat and light companies.

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

SECTION 1. Section 1778a of the statutes is amended to read:

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SECTION 2. Section 1778d of the statutes is amended to read:

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Approved July 16, 1907.

(In effect from and after date of publication.)

No. 1031, A.]

[Published July 17, 1907.]

CHAPTER 663.

AN ACT to amend section 925—58 of the statutes, as amended, relating to presentation of claims against cities under general law.

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

SECTION 1. Section 925—58 of the statutes, as amended by chapter 127, laws of 1899, is amended to read: (Section 925—58.)

Approved July 16, 1907.

(In effect from and after date of publication.)

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

suitable age and discretion, at least ten days before such meeting. If such party be a non-resident, or his residence is unknown, and have no agent or attorney in the state known to the commissioners, the notice shall be served by publication, in such manner as the court or judge shall direct. Proof of the service of such notice, and the appearance of the parties, shall be filed in the clerk's office. No service of notice of any subsequent meeting, held pursuant to adjournment, shall be necessary.

3. The commissioner or commissioners shall view such of the premises described in the petition as are described in such written request, and hear the allegations of the parties and appraise, ascertain and determine the value of the *lands and* rights to be taken, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of such compensation to be made to each of such owners therefor; and in fixing the amount of such compensation said commissioner or commissioners shall include all damages for the erection, construction and maintenance of a telegraph, telephone, electric light, power or heat transmission line or system for public purposes over and along or beneath such lands, public highways, roads, streets or alleys, or over such bridges or streams or overhead or underground, including such additional wires, pipes or conduits as may from time to time be placed on said line or system and of replacing the poles, pipes, conduits or tunnels from time to time, as may be necessary.

4. The commissioners may, in case of dispute, determine the places along said line in which the poles shall be set or pipes or conduits laid.

5. In no case, except where the owner consents thereto, shall poles be set in front of or upon any residence property, or in front of a building occupied for business purposes, unless the commissioners shall find that the same is necessary.

6. After the condemnation proceedings have been completed the court may still determine as to the necessity of the location, and as to whether such line or any pole or fixture thereof might be removed to some other point or place.

7. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after the last viewing any of the property so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such property, making separate reports in relation

to the property of each distinct owner and setting forth the award made to each owner or owners thereof.

8. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the corporation taking any of the above enumerated *lands*, rights and easements.

(Ch. 662, 1907.)

Universities and colleges empowered to unite. SECTION 1784m. Any university or college whether organized under this chapter, or otherwise, may receive in connection with it any other university or college upon resolution of the board of trustees of the said institutions and such university or college so received shall become a branch of the university or college so receiving it and shall be subject to such rules, regulations, agreements and liabilities as may be agreed by the respective trustees of said college. Any such university or college so receiving any other university or college may grant such diplomas and confer such degrees as shall be appropriate to courses of instruction prescribed and pursued in such received university or college, and any such university or college so received may upon such terms as shall be agreed to by its stockholders and trustees sell or give an option of purchase of all its property, business and effects to such receiving college or university.

(Ch. 68, 1907.)

Mutual co-operative corporations: shares \$100 maximum; compulsory sale of excess holdings. SECTION 1786e.

1. Any number of persons, not less than five, may become a body corporate for the purpose of engaging in and carrying on any trade or business upon the mutual, reciprocal or co-operative plan, under such rules and regulations as they may adopt, conformably to the provisions of this section. Such association may sue and be sued, hold property, execute deeds and contracts and have all the rights and privileges of other corporations.

2. No member of such association shall hold more than one office at one time. Members, and not shares of stock, shall vote in electing officers and transacting business of whatsoever nature; but no proxies shall be allowed. No officer shall be elected nor the constitution or by-laws be changed except by a two-thirds vote by ballot of all the members present at a regular meeting of which each member shall have had reason-