

to construct or keep in good repair suitable and proper fences along its right of way adjacent to such land, it shall be the duty of the commission to give notice to the railroad company in interest of the filing of such complaint, and to order a hearing thereon in the manner provided for hearings in section 1797—12. If upon such hearing it shall appear to the satisfaction of the commission that the lack of fences or the insufficiency of such fences as exist at the point mentioned in the complaint, subjects live stock which is or may be pastured on such land to injury from passing trains, said commission may order and direct said railroad company to repair such fence or fences so that the same shall be sufficient or to construct fences made of eleven strands of strong woven wire of at least No. 12 measurement; cross wires or meshes to be of not less than No. 16 wire. If cross wires are used, they are to be not more than six inches apart, and if meshes, no mesh shall exceed six inches square. The height of such woven wire fences shall not be less than forty-eight inches with the bottom wire close to the ground and the posts not more than sixteen feet apart. Fences of other material equivalent to the fences hereinbefore described may be ordered by the commission to be constructed whenever the circumstances of any case may seem to so require. Any fence constructed pursuant to and in compliance with the order of the commission shall be deemed a good and sufficient fence within the requirements of section 1810 of the statutes.

SECTION 6. This act shall take effect upon its passage and publication.

Approved June 2, 1913.

No. 842, A.]

[Published June 4, 1913.

CHAPTER 384.

AN ACT to amend subsection 2 of section 1317m—4 of the statutes, relating to improvements on state highways upon which railways are operated.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection 2 of section 1317m—4 of the statutes is amended to read: (Section 1317m—4) 2. Such special tax may be expended to pay the town's share of the cost of constructing bridges on a prospective state highway; in reducing the grades of hills; in clearing, grading, draining, protecting, or relocating a portion of the prospective state highway system; or in improving by grading, draining, and surfacing not less than nine feet nor more than eighteen feet wide with stone,

gravel, or other material approved by the state highway commission, a portion of the prospective system of state highways; *provided, that when an electric railway is operated on such highway, such improvement may not be less than twelve feet on each side of the railway track measured from the end of the ties under such track.* The plans and specifications for all work contemplated under this act must be prepared or approved by the state highway commission before construction is undertaken.

(See c. 668.)

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

Approved June 2, 1913.

No. 881, A.]

[Published June 4, 1913.

CHAPTER 385.

AN ACT to create section 4446e of the statutes, relating to shipment of chickens and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 4446e. 1. It shall be unlawful for any person, his agent or servant, to ship, or for any common carrier or the agent or servant of such common carrier to allow, aid or abet in the shipment of chickens confined in coops unless such coops are at least thirteen inches in height and are covered at the top by wires or screening containing meshes not to exceed one inch in size.

2. It shall be unlawful for any person, his agent or servant or for any common carrier or the agent or servant of such common carrier to so crowd or congest or to allow, aid or abet in the crowding or congesting of chickens within any coop in any shipment as to impair or endanger the well-being of such chickens during the course of transportation thereof; and any such crowding or congesting shall be deemed cruelty.

3. Whenever any regularly appointed agent of the Wisconsin humane society or any peace officer in this state shall ascertain or observe any shipment of chickens in a crowded or congested condition, such agent or peace officer may take or cause to be taken such steps as to give immediate relief.

4. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars