

\$300.00 nor more than \$1,000.00, or by imprisonment in the county jail not less than sixty days nor more than one year, or by both such fine and imprisonment.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 641, A.]

[Published June 28, 1905.

## CHAPTER 505.

AN ACT to amend section 1778, statutes of 1898 as amended by section 1, chapter 313, laws of 1901, and chapter 304 of the laws of 1905, relating to telegraph, telephone and power transmission companies.

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

**Telegraph, telephone and power companies; liability.** SECTION 1. Section 1778 of the statutes of 1898, as amended by section 1 of chapter 319 of the laws of 1901 and chapter 304 of the laws of 1905 is hereby amended so as to read as follows: Section 1778. Any corporation formed under this chapter to build and operate telegraph or telephone lines or systems for the transmission of heat, power or electric light for public purposes, or to conduct the business of telegraphing, telephoning or transmitting heat, power or electric light for public purposes may, subject to all reasonable requirements and regulations made by any city or village through, across or adjoining which said line, lines or systems may be proposed to be constructed, construct and maintain any such lines or systems with all necessary appurtenances, from point to point, upon, in, along, across or beneath the surface of any public road, highway or bridge or any stream or body of water, or upon the land of any owner consenting thereto, and from time to time to extend the same at pleasure and for such purposes may also acquire lands, or any interests therein in the manner provided in this act; and may connect and operate its lines or systems with the lines or systems of any person or cor-

poration engaged in like business within or without this state, and charge reasonable rates for the transmission and delivery of messages or the furnishing of heat, power or electric light for public purposes. But no such telegraph or telephone line, or heating, power or electric line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any road, highway, bridge, stream or body of water. Whenever the use of any such line shall be abandoned or discontinued the proper corporation shall forthwith take down, dig up and remove all wires, posts, pipes, conduits or other articles: and on failure for three months after such abandonment or discontinuance so to do any person owning land near, over, through or upon which such line shall pass, may take down, dig up and remove the same, or any part thereof, for his own use. Any person, association or corporation owning or operating any telegraph, telephone or power transmission line or heat system for public purposes doing business in this state shall be liable for all damages occasioned by the failure or negligence of their operators, servants or employees in receiving, copying, transmitting or delivering dispatches, messages or the furnishing of power to its patrons for public purposes. Nothing contained in this act shall authorize or empower such telegraph, telephone, electric light, heat or power transmission company, or corporation, to in any manner destroy, trim or otherwise injure any shade or ornamental trees along any such lines or systems or cause any damage to buildings, fences, crops, live stock or other property except by the consent of the owner, and any person or corporation violating any of the provisions of this section shall be liable to the person aggrieved in three times the actual damage sustained besides costs. Providing, however, that no corporation to build and operate electric light system or systems for the transmission of steam or hot water for heat, shall have any right hereunder in any city or village until it has obtained a franchise from such city or village, as now provided by law.

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

Approved June 20, 1905.