

No. 787, A.]

[Published June 4, 1913.]

CHAPTER 383.

AN ACT to amend subsection 1, to repeal subsections 3 and 4, to create subsection 3, to amend subsection 5 and to renumber the same to be subsection 4, of section 1810, and to create section 1797—12o of the statutes, relating to fences along the right of way of railroad companies.

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

SECTION 1. Subsection 1 of section 1810 of the statutes is amended to read: (Section 1810) 1. Every railroad corporation operating any railroad shall erect and maintain on both sides of any portion of its road (depot grounds excepted) good and sufficient fences of the height of not less than * * * *forty-eight* inches, with openings or gates or bars therein, and suitable and convenient farm crossings of the road for the use of the occupants of the lands adjoining, and shall construct and maintain cattle guards at all highway crossings and connect their fences therewith to prevent cattle and other domestic animals from going on such railroad; provided, that the provisions of this section requiring cattle guards shall not apply to any crossing located in a city or incorporated village.

SECTION 2. Subsections 3 and 4 of section 1810 of the statutes are repealed.

SECTION 3. There is added to section 1810 of the statutes a new subsection to read: (Section 1810) 3. Any fence heretofore or hereafter built in conformity with any of the subdivisions of section 1390a of the Wisconsin statutes, 1911, shall be deemed a good and sufficient fence.

SECTION 4. Subsection 5 of section 1810 of the statutes is renumbered to be subsection 4 thereof and is amended to read: (Section 1810) * * * 4. No fence shall be required in places where the proximity of ponds, lakes, watercourses, ditches, hills, embankments or other sufficient protection renders a fence unnecessary to protect cattle or other domestic animals from straying upon the right of way or track; provided, that nothing herein shall affect or render unlawful any fence *heretofore* built by any railroad company * * * *pursuant to the requirements of any statute.*

SECTION 5. There is added to the statutes a new section to read: Section 1797—12o. Whenever a complaint is lodged with the commission by the owner or occupant of any land contiguous to the right of way of any railroad line in this state, to the effect that the railroad company operating such line has failed

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,