

No. 254. S.]

[Published June 6, 1907.

CHAPTER 165.

AN ACT to amend section 1778, statutes of 1898, as amended, and relating to liabilities of telegraphic corporations.

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

SECTION 1778, statutes of 1898, as amended by section 1, chapter 319, laws of 1901 and chapters 304 and 505, laws of 1905, is amended to read:

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Approved June 6. 1907.

(In effect July 1, 1907.)

No. 246, A.]

[Published June 7, 1907.

CHAPTER 166.

AN ACT to appropriate a sum of money for the memorial hall.

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

Appropriation and expenditure. SECTION 1. The sum of three hundred dollars is appropriated annually for two years to be used under the direction of the custodian of memorial hall, established by authority of chapter 125, laws of 1901, in the purchase of pictures and books, the framing of pictures and the rebinding of books, the procuring of war relics, and in such other ways as may, in his judgment, best serve the purpose for which the said memorial hall was established.

Manner of payment. SECTION 2. The money thus appropriated shall be paid out of the state treasury on vouchers signed and certified by the said custodian and approved by the governor.

Failure to deliver telegrams; damages for mental anguish. SECTION 1778. 1. 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 system with the lines or systems of any person or corporation 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.

2. 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.

3. 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.

4. 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.

5. *Any person, association or corporation operating or owning any telegraph line, doing business in the state of Wisconsin, shall also be liable for all damages for mental anguish resulting*

directly and proximately from or occasioned by the failure or negligence of their operators, servants or employees in receiving, copying, transmitting or delivering dispatches or messages, not to exceed in amount the sum of five hundred dollars.

6. 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.

7. * * * 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.

(Ch. 165, 1907.)

Electric line ways across railroads: condemnation proceedings. SECTION 1778a. 1. Condemnation proceedings may be instituted for the taking, by such corporation of rights, easements or interests over bridges and streams, and in land on or within public highways, roads, streets and alleys (and in the case of telegraph, telephone, heat and power transmission corporations in and on or within private alleys, *and across railroad rights of way*) 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 highway, road, street, alley *or railway right of way* along, underneath or over which the line or system is to be or has been constructed, whether such 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 highway the line or system is or will be located; if made by the corporation; that