

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1881.

[No. 144, S.]

[Published April 1, 1881.]

### CHAPTER 203.

AN ACT relating to water powers, and amendatory of sections three thousand one hundred and forty-nine, three thousand one hundred and fifty, three thousand one hundred and fifty-one, three thousand one hundred and fifty-two, of chapter one hundred and thirty-four of the revised statutes.

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

SECTION 1. Section three thousand one hundred and forty-nine of the revised statutes, is hereby amended so as to read as follows: Section 3149. In case of disagreement between owners of water powers or between owners of any rights or interests therein, respecting their rights as such owners, or the use of the waters of such power, or the expense of repairs of dams or other structures required for the operation, maintenance or preservation of the same, or other necessary expenses incident to the care, management, maintenance or preservation of such water power, either party may bring an action in the circuit court, as hereinafter provided, for a determination of any or all such matters of disagreement or difference, or for a partition of any property, pertaining to such water power held by the party bringing such action, and any other of such owners, as joint tenants, or tenants in common.

Procedure in case of disagreement.

SECTION 2. Section three thousand one hundred and fifty of the revised statutes, is hereby amended so as to read as follows: Section 3150. Such action shall be brought, and the persons parties thereto shall be served with process therein, as in proceedings under this chapter for the partition of lands, and when so served, or having so appeared, upon its being shown to be necessary or expedient in order to determine the rights of the parties, the court may, by order, appoint one or more commissioners, and empower and direct them to examine into any matters complained of, and upon reasonable notice to the owners, or occupants of such water-power, to enter upon and take control of the mills, machinery, flumes, gates, wheels and other appurtenances of such water-power, and to exercise such reasonable control of the same for such reasonable time

When commissioners to take charge of property may be appointed.

and in such reasonable manner as will enable them to ascertain the respective rights of the parties and to determine the manner of using, applying and preserving the same.

Duties and powers of commissioners.

SECTION 3. Section three thousand one hundred and fifty-one of the revised statutes, is hereby amended so as to read as follows: Section 3151. Said commissioners shall, before entering upon their duties, take and file in said court an oath faithfully to perform their duties as such; shall proceed with reasonable dispatch to investigate the matters referred to them by such order, and take all competent, pertinent evidence offered by any parties to the action touching such matters; such evidence to be taken upon notice given to all parties to the suit as in ordinary cases of trial by referees, and apply such tests as the nature of the case may require, to ascertain and determine the rights of the parties, and the manner of using and exercising such rights, interrupting as little as may be the operations of the owners or occupants of such water-power in the use thereof; shall determine the rights of the parties, and the manner of the use of such water-power, and apportion or determine the basis for the apportionment of such expenses between the persons or parties liable to contribute therefor; and shall report their determination with all the facts, and a full statement of their experiments and the evidence taken by them, to the court, which determination shall be binding upon the parties until changed or modified by the court. In investigating and determining the matters referred to them, such commissioners may also, if so ordered by the court at the time of the appointment of said commissioners, or at any time thereafter upon due notice, consider and act upon any and all data of experiments, observations and measurements, relating to such water-power, previously made by competent engineers and millwrights, reporting all such data considered and acted upon by them to the court as above provided.

Judgment of court.

SECTION 4. Section three thousand one hundred and fifty-two of the revised statutes, is hereby amended so as to read as follows: Section 3152. Upon the coming in of the report of such commissioners, and upon hearing the parties, the court before which the proceedings are pending, shall make such order and enter such judgment as the respective rights of the parties shall require, confirming or modifying the determination of said commissioners, or for the purpose

of more fully determining the the rights of such parties, may continue such commissioners, and upon reasonable notice, on the application of either party interested, order a re-examination of any of the matters complained of, and from time to time, modify its judgment, until the rights of the parties, and the manner of exercising the same, shall be fully settled and defined. Any issue of fact in any such action properly triable by jury, may be tried by jury, with like effect as in other cases; and any judgment or order therein falling within the class of appealable orders as provided by law, may be reviewed by the supreme court as in other cases.

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

Approved March 26, 1881.

[No. 213, A.]

[Published March 30, 1881.]

#### CHAPTER 204.

AN ACT to amend section one thousand five hundred and fifty-six, chapter sixty-six, of the revised statutes, relating to the sale of intoxicating drinks.

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

SECTION 1. Section one thousand five hundred and fifty-six, chapter sixty-six, of the revised statutes, is hereby amended by adding after the last word in said section, as follows: Any person who shall purchase, pay for, or by any device whatsoever, procure any such liquors or drinks, for or in behalf of any person other than himself, to be drunk as a beverage by such other person on the premises, or in any public place, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than ten dollars, for each offense. <sup>Penalty for treating.</sup>

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

Approved March 26, 1881.