

No. 596, A.]

[Published May 4, 1905.]

**CHAPTER 145.**

AN ACT relating to nuisances.

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

**Action to enjoin nuisance.** SECTION 1. An action to enjoin a public nuisance may be commenced and prosecuted in the circuit court of the county in which the alleged nuisance exists, in the name of the state, either by the attorney general upon his own information, or upon the relation of a private individual having first obtained leave from said court to commence and prosecute the same. Unless the attorney general shall prosecute the action the state shall not be liable for any costs incurred in or arising out of such action.

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

Approved May 3, 1905.

No. 153, A.]

[Published May 4, 1905.]

**CHAPTER 146.**

AN ACT to make clear the power of courts of record in matters of reference under sections 2864 to 2868 inclusive of the statutes of 1898.

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

**Reference, when court may direct; to what courts not to apply.** SECTION 1. Section 2864 of the statutes of 1898 is hereby amended so as to read as follows: Section 2864. All or any of the issues in the action, whether of fact or of law, or both, may be referred, *in any court of record*, in the discretion

of the court, upon the written consent of the parties, *provided that this provision shall not apply to county courts in counties having a population of less than sixty-five thousand, nor to municipal courts.* When the parties do not consent to the reference, the court may upon the application of either party or of its own motion, direct a reference in the following cases:

1. When the trial of an issue of fact shall require the examination of a long account on either side; in which case the referee may be directed to hear and decide the whole issue or to report upon any specific question of fact involved therein; or

2. When the taking of an account shall be necessary for the information of the court before judgment or for carrying a judgment or order into effect; or

3. When a question of fact, other than upon the pleading, shall arise upon motion or otherwise in any stage of the action

**Trial by and powers of referee; report; appeal.** SECTION 2. Section 2865 of the statutes of 1898, is hereby amended so as to read as follows: Section 2865. The trial by referee shall be conducted in the same manner as a trial by the court. They shall have the same power to grant adjournments and allow amendments to any pleadings as the court upon such trial, upon the same terms and with the like effect. They shall also have the same power to preserve order and punish all violations thereof upon such trial, and to compel the attendance of witnesses before them by attachment and to punish them as for a contempt for non-attendance or refusal to be sworn or testify, as is possessed by the court; and they shall give to the parties or their attorneys at least eight days' notice of the time and place of trial; they must state the facts found and conclusions of law separately and report their findings, together with all the evidence taken by them and all exceptions taken on the hearing, to the \* \* \* court; and the \* \* \* court may review such report and on motion enter judgment thereon or set aside, alter or modify the same and enter judgment upon the same so altered or modified, and may require the referees to amend their report when necessary. The judgment so entered by the \* \* \* court may be appealed from to the *appellate* court in like manner as from judgments in other cases, and the report of the referees may be incorporated with the bill of exceptions. When the reference is to report the facts the report shall have the effect of a special verdict.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 68, A.]

[Published May 4, 1905.

## CHAPTER 147.

AN ACT to amend chapter 189 of the laws of 1899 entitled "An act regulating the operation and use of emery wheels or emery belts of all kinds in factories or workshops and prescribing a penalty for the violation thereof".

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

**Emery wheels and appliances to be hooded; to what machines not to apply.** SECTION 1. Section one of chapter 189 of the laws of 1899 is hereby amended by striking out from said section the following clause: "And provided that this act shall apply only to those wheels or belts which are used for polishing and which are contained in the room or apartment usually denominated the polishing room and which are used continuously therein," so that said section, when amended, shall read as follows: Section 1. That all persons, companies or corporations operating any factory or workshop where emery wheels or emery belts of any description are used for polishing, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buff, shall, when deemed necessary, by the factory inspector, assistant factory inspector or any officer of the bureau of labor, provide such polishing wheels or belts with blowers or similar apparatus, which shall be placed over, beside or under such wheels or belts in such manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building or to some receptacle placed so as to