

which shall hereafter be laid out shall cease to be considered a public highway at the expiration of four years from the time when it was so laid out, except such parts thereof as shall have been opened, traveled or worked within such time, and any such highway which shall have been or may hereafter be entirely abandoned as a route of travel and on which no highway taxes have been or shall be expended for five years shall be considered legally discontinued.

2. All roads not recorded which shall have been or shall be used and worked as public highways ten years or more shall be deemed public highways, except that roads and bridges built upon the bottoms and sloughs of the Mississippi river in this state by citizens or municipalities of any other state shall not become legal highways or a charge upon the town in which they are situated unless upon petition they are legally laid out by the supervisors of such town; *nor shall any grant of lands for highway purposes, which has not become a legal highway prior to the first day of July, 1913, become effective for such purposes, unless such grant shall have been duly accepted by the town board or by the town meeting of the town wherein such lands and proposed highway are situated, and until a resolution of such acceptance shall have been duly filed and recorded in the office of the town clerk of such town;* and in case any such laid out highways shall not have been fully and sufficiently described or recorded or if such records have been lost or destroyed the presumptive evidence shall be that the same were originally laid of the width of four rods.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 21, 1913.

No. 58, S.]

[Published June 24, 1913.

## CHAPTER 526.

AN ACT to create sections 3185b, 3185c, 3185d, 3185e, 3185f, 3185g and 3185h of the statutes, relating to nuisances.

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

SECTION 1. There are added to the statutes seven new sections to read: Section 3185b. Whoever shall erect, establish, continue, maintain, use, occupy or lease any building or part of building, erection or place to be used for the purpose of lewdness, assignation or prostitution, or permit the same to be used, in the state of Wisconsin, shall be guilty of a nuisance and the building,

erection, or place, in or upon which such lewdness, assignation or prostitution is conducted, permitted, carried on, continued or exists, and the furniture, fixtures, musical instruments and contents used therewith for the same purpose are declared a nuisance, and shall be enjoined and abated.

Section 3185c. Whenever a nuisance, as defined in section 3185b exists in any county the district attorney or any citizen of such county may maintain an equitable action in the circuit court in the name of the state to abate the same and to perpetually enjoin and restrain every person guilty thereof from continuing, maintaining or permitting such nuisance. Upon a verified complaint accompanied, when required by the court or presiding judge, by affidavits or depositions showing satisfactorily that a nuisance as defined by section 3185b exists in such county and naming the persons guilty thereof, and upon three days' notice to the defendant or defendants in such action, a temporary injunction may be granted, subject to modification or dissolution, restraining the defendant or defendants until the conclusion of the trial from continuing, maintaining or permitting such nuisance. All such injunctions issued in actions begun by public officers shall be issued without requiring the undertaking specified in section 2778 of the statutes, and in actions instituted by citizens it shall be discretionary with the court or presiding judge to issue them with or without such undertaking.

Section 3185d. In actions begun under section 3185c the existence of any nuisance defined by section 3185b shall constitute prima facie evidence that the owner of the premises affected has permitted the same to be used as a nuisance; and evidence of the general reputation of the place shall be admissible to prove the existence of such nuisance. If the complaint is filed by a citizen, it shall not be dismissed, except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal shall be approved by the district attorney of the county in writing or in open court. If the court is of the opinion that the action ought not to be dismissed it may direct the district attorney of the county to prosecute said action to judgment. If the action is brought by a citizen, and the court finds that there was no reasonable ground or cause for said action the costs shall be taxed to such citizen.

Section 3185e. A party found guilty of contempt for the violation of any injunction granted under the provisions of sections 3185b to 3185h, inclusive, shall be punished by a fine of not less

than two hundred nor more than one thousand dollars or by imprisonment in the county jail not less than three nor more than six months or by both such fine and imprisonment.

Section 3185f. If the existence of the nuisance be established in an action under section 3185b, or in a criminal proceeding, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, furniture, musical instruments, or movable property used in conducting the nuisance, and shall direct the sale thereof in the manner provided for the sale of chattels under execution, and the effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released. If any person shall break and enter or use a building, erection, or place so directed to be closed he shall be punished as for contempt, as provided in section 3185e.

Section 3185g. The proceeds of the sale of such personal property, shall be applied in the payment of the costs of the action and abatement and the balance, if any, shall be paid to the defendant. The plaintiff may file a notice of the pendency of the action as in actions affecting the title to real estate; and if the owner of the premises affected be adjudged guilty of the nuisance, the judgment for costs shall constitute a lien thereon prior to any other lien created after the filing of such *lis pendens*.

Section 3185h. The owner of any building or part of building affected by an action under section 3185c may appear at any time after the commencement thereof and file an undertaking in such sum and with such sureties as shall be required by the court to the effect that he will immediately abate the alleged nuisance, if it exists, and prevent the same from being reestablished in the building or part of building aforesaid within a period of one year thereafter, and will pay all costs that may be awarded against him in the action. Thereupon the court shall dismiss the action as to such building or part of building and revoke any order previously made closing the same; but such dismissal and revocation shall not release the property from any judgment, lien, penalty, or liability to which it may be subject by law.

SECTION 2. This act takes effect upon passage and publication.

Approved June 21, 1913.