be prosecuted against the legal representative of the wrongdoer when the wrongdoer is deceased. Payne v. Meisser, 176 W 432, 187 NW 194.

279.02 History: R. S. 1849 c. 109 s. 1; R. S. 1858 c. 143 s. 1; R. S. 1878 s. 3171; Stats. 1898 s. 3171; 1925 c. 4; Stats. 1925 s. 279.02.

An allegation that defendant had cut large amounts of timber and wood is not sufficient to sustain an action for waste. Wright v. Roberts, 22 W 161.

In an action by a ward, alleging waste and fraud, it was error to dismiss for failure to prove fraud. The guardian should have been compelled to make good all damage caused by waste. Willis v. Fox, 25 W 646.

A tenant for life who neglects to pay taxes which accrue after his tenancy commences is liable for waste. Phelan v. Boylan, 25 W 679.

An action for waste lies only where there is privity of estate between the parties. Whitney v. Morrow, 34 W 644.

A gasoline filling station building and equipment were so attached to and used in the business conducted on the premises as to become part of the realty, as regards the lessee's right to remove the station at end of the term. Northwestern L. & T. Co. v. Topp O. & S. Co. 211 W 489, 248 NW 466.

Liability of periodic tenant for waste in absence of covenant to repair. Holz, 41 MLR 58.

279.03 History: R. S. 1849 c. 109 s. 2; R. S. 1858 c. 143 s. 2; R. S. 1878 s. 3172; Stats. 1898 s. 3172; 1925 c. 4; Stats. 1925 s. 279.03.

The question whether a life tenant has been guilty of waste in making changes necessary to make property useful is a question for the jury. Melms v. Pabst Brew. Co. 104 W 7, 79 NW 738.

279.04 History: R. S. 1849 c. 109 s. 3; R. S. 1858 c. 143 s. 3; R. S. 1878 s. 3173; Stats. 1898 s. 3173; 1925 c. 4; Stats. 1925 s. 279.04.

279.05 History: R. S. 1849 c. 109 s. 4; R. S. 1858 c. 143 s. 4; R. S. 1878 s. 3174; Stats. 1898 s. 3174; 1925 c. 4; Stats. 1925 s. 279.05.

279.06 History: R. S. 1849 c. 109 s. 5; R. S. 1858 c. 143 s. 5; R. S. 1878 s. 3175; Stats. 1898 s. 3175; 1925 c. 4; Stats. 1925 s. 279.06.

279.07 History: R. S. 1849 c. 109 s. 6; R. S. 1858 c. 143 s. 6; R. S. 1878 s. 3176; Stats. 1898 s. 3176; 1925 c. 4; Stats. 1925 s. 279.07.

279.08 History: R. S. 1849 c. 109 s. 9; R. S. 1858 c. 143 s. 9, 10; 1873 c. 76; 1875 c. 337; R. S. 1878 s. 3177; Stats. 1898 s. 3177; 1925 c. 4; Stats. 1925 s. 279.08.

Revisers' Note, 1878: Section 9, Chapter 143, R. S. 1858, as amended by Chapter 76, Laws 1873, and chapter 337, Laws 1875, and section 10, chapter 143, R. S. 1858, combined; chapter 76, Laws 1873; chapter 337, Laws 1875, amends section 9, and repeals the additional provision made by chapter 76, Laws 1873, and includes tax sales. All three are now retained, including execution sales expressly, which were included formerly only by implication. The action is given for an injunction pending the redemption, with the right to damages if the redemption be not made.

After sale on foreclosure and before issue of sheriff's deed removal of fixtures by a mortgagor is waste for which the purchaser may recover damages. Lackas v. Bahl, 43 W 53.

Persons holding land both as mortgagees and as grantees of the mortgagor are liable for waste to a second mortagagee. Scott v. Webster, 50 W 53, 6 NW 363.

A tax-title claimant cannot, under sec. 3177, R. S. 1878, maintain an action to recover the possession of timber cut upon the land before the issuance of the tax deed. Lacy v. Johnson, 58 W 414, 17 NW 136.

In sec. 3177, R. S. 1878, "waste" is employed in its strict technical sense of a permanent injury to land by a tenant or one having intermediate estate therein. Unless there is a privity of estate between the parties the injury is merely a trespass and an action for waste cannot be maintained. Such privity must be alleged in the complaint. Lander v. Hall, 69 W 326, 34 NW 80.

279.09 History: R. S. 1849 c. 109 s. 10, 11; R. S. 1858 c. 143 s. 10, 11; R. S. 1878 s. 3178; Stats. 1898 s. 3178; 1925 c. 4; Stats. 1925 s. 279.09.

CHAPTER 280.

Nuisances.

280.01 History: R. S. 1849 c. 110 s. 5; R. S. 1858 c. 144 s. 5; R. S. 1878 s. 3180; 1882 c. 190; Stats. 1898 s. 3180; 1925 c. 4; Stats. 1925 s. 280.01; 1935 c. 541 s. 375; 1939 c. 423; 1943 c. 398.

On exercises of police power see notes to sec. 1, art. I; on penalty for unlawful obstruction of navigable waters see notes to 30.15; and on abatement of nuisances see notes to 31.25.

1. Private nuisance.
2. Public nuisance.
3. Procedure.

1. Private Nuisance.

One who has created a nuisance will be liable for its continuance after he has parted with title and given covenants of warranty. Lohmiller v. Indian F. W. P. Co. 51 W 683, 8 NW 601.

A nuisance to be actionable must materially affect or impair the comfort or enjoyment of individuals or the use or value of property. No party is liable to another as and for a nuisance simply because he keeps a stockyard, if it is kept in such a place and manner as not to contaminate the atmosphere to such an extent as to substantially interfere with the comfort or enjoyment of others or impair the use of their property. Stadler v. Grieben, 61 W 500, 21 NW 629.

A creamery company will be enjoined from causing offensive waste matter to flow upon another's pasture to its injury. Price v. Oakfield H. C. Co. 87 W 536, 58 NW 1039.

The deposit of refuse in a river will be restrained at the suit of a lower riparian proprietor whose personal comfort is affected thereby and who is deprived of the use of the

water. Middlestadt v. Waupaca S. & P. Co. 93 W 1, 66 NW 713.

An electric light plant which, although it makes a buzzing noise and is operated late into the night, does not cause any material discomfort or injury to a neighboring resident or any material damage to his property, will not be abated by the courts as a nuisance. McCann v. Strang, 97 W 551, 72 NW 1117.

Where a railway company exercises reasonable care in the location of stock yards near its depots and arranges them with approved methods so as to prevent their becoming a nuisance, the fact that noises and smells emanate therefrom will not allow an action under sec. 3180, Stats. 1898. Dolan v. Chicago, M. & St. P. R. Co. 118 W 362, 95 NW 385.

While a sulphuric acid plant does not per se constitute a nuisance, or is not in itself unlawful, its direction and operation in close proximity to plaintiff's property, when it emits deleterious substances injurious to the plaintiff is a private nuisance. Holman v. Mineral P. Z. Co. 135 W 132, 115 NW 327.

A roller skating rink is not a nuisance if it is not physically annoying to persons of ordinary sensibility. Wahrer v. Aldrich, 161 W 36, 152 NW 456.

The operation of defendant's commercial airport and authorized flying school, which was not in violation of flying regulations, did not constitute a nuisance in fact, and where the plantiff had suffered no irreparable injury and he had an adequate remedy at law for damages, the denial of injunctive relief was not an abuse of discretion. Kuntz v. Werner Flying Service, Inc. 257 W 405, 43 NW (2d) 476.

As commonly used, the term "nuisance" connotes a condition or activity which unduly interferes with the use of land or of a public place. Conduct which interferes solely with the use of a relatively small area of private land is tortious but not criminal and is called a private nuisance. Conduct which interferes with the use of a public place or with the activities of an entire community is called a public nuisance, which is criminal, and which is also tortious to those persons who are specially harmed by it. A nuisance may be based on either negligent or intentional conduct, and where the conduct causing the nuisance is negligent and not intentional the defendant should be accorded the same defenses that would be available in any other action grounded on negligence. Schiro v. Oriental Realty Co. 272 W 537, 76 NW (2d) 355.

See note to 88.87, citing Stockstad v. Rutland, 8 W (2d) 528, 99 NW (2d) 813.

Even though a business may be lawful, nevertheless it may be conducted in such a way as to amount to a nuisance either because of its location or because of the effect of the operation. Smoke is not a nuisance per se, but smoke and soot and offensive odors may constitute a nuisance in fact when they interfere with the use and enjoyment of their property by persons of ordinary sensibilities. Sohns v. Jensen, 11 W (2d) 449, 105 NW (2d) 818.

A property owner can bring action to abate a nuisance resulting from operation of a city sewage disposal plant and need not show that the nuisance rendered his property completely unusable. Approval of the plant by the state board of health is not a defense. Costas v. Fond du Lac, 24 W (2d) 409, 129 NW (2d) 217.

Operation of a plant within the zoning laws does not prevent a finding of nuisance. Bie v. Ingersoll, 27 W (2d) 490, 135 NW (2d) 250.

Judicial zoning through recent nuisance cases. Beuscher and Morrison, 1955 WLR 440.

2. Public Nuisance.

Whether a milldam produces results which make it a nuisance is a question for the jury. Douglass v. State, 4 W 387.

Where the complainant has a special and private interest in the navigation of a stream, distinct from the public interest, which will be injuriously affected by an obstruction placed therein, a court of equity will grant relief by injunction. Barnes v. Racine, 4 W 454; Potter v. President and Trustees, 30 W 492.

The earth from an excavation in the street where it is unnecessarily placed there or allowed to remain so long as to obstruct the flow of water in the gutters is a nuisance. Hundhausen v. Bond, 36 W 29.

An obstruction, besides being a public nuisance, which prevents lawful use of a public highway is a special injury to adjoining lot owners. Pettibone v. Hamilton, 40 W 402.

Action to prevent or abate a public nuisance cannot be maintained by a private person without alleging facts showing that he will suffer or has suffered special damage. Larson v. Furlong, 50 W 681, 8 NW 1.

"One who sustains special damage peculiar to himself, either in person or in property, from a public nuisance, whether such damage be direct or consequential, may recover the same of the person or corporation creating or maintaining such nuisance. But it is essential to a recovery in such case that the plaintiff prove the damages are special to himself; that is, that they result from an injury of a different character from the injury suffered by the rest of the public, and not a part of the common injury caused by the nuisance." Clark v. Chicago & Northwestern R. Co. 70 W 593, 597, 36 NW 326, 327.

A complaint by a person who has granted to a railroad company the right to construct and operate its railroad in the street in front of his lot, "as the same was at the date of" the grant which alleges that the company has unlawfully occupied said street in such a way as to completely obstruct all travel with teams thereon and to entirely destroy its use as a public highway, shows that plaintiff has suffered such special damage as enables him to maintain an action under sec. 3180, R. S. 1878. Evans v. Chicago, St. P. M. & O. R. Co. 86 W 597, 57 NW 354.

The special damage which justifies the maintenance of a private action must not only differ in degree but in kind from that which is common to the public. Mahler v. Brumder, 92 W 477, 66 NW 502.

It is not essential to the maintenance of an action to abate a nuisance that the plaintiff alone should be affected. It is sufficient if he belongs to a class specially affected and whose damages differ, not only in degree but also in kind, from those of the public generally.

Anstee v. Monroe L. & F. Co. 171 W 291, 177 NW 26.

An artificial accumulation of ice on a public sidewalk rendering it dangerous for travelers constitutes a public nuisance. Smith v. Congregation of St. Rose, 265 W 393, 61 NW (2d) 896.

Where the icy condition was the result of thawing only a few hours before the accident, and there was no proof that the defendant church corporation knew or should have known of such condition a sufficient length of time prior to the accident to have remedied it, the defendant was not liable on the theory that it was maintaining a public nuisance. Meyers v. St. Bernard's Congregation, 268 W 285, 67 NW (2d) 302.

A "public nuisance" is conduct which interferes with the use of a public place or with the activities of an entire community; and it was the burden of a municipality alleging a public nuisance to prove that the quarry operations in question impaired a substantial portion of the property and the people of the city. Hartung v. Milwaukee County, 2 W (2d) 269, 86 NW (2d) 475, 87 NW (2d) 799.

Except as otherwise provided, such as by 81.15, a municipality is not liable on the theory of nuisance or otherwise for injuries suffered by one using a public facility for the purpose for which it is maintained. Laffey v. Milwaukee, 4 W (2d) 111, 89 NW (2d) 801.

3. Procedure.

Equity will not lend its aid to enforce by injunction the bylaws or ordinances of a municipal corporation, restraining an act, unless the act is shown to be a nuisance per se. Waupun v. Moore, 34 W 450.

Injunction restraining plantiff from bringing further suits will not be granted until defendants establish their equitable defense. Pennoyer v. Allen, 51 W 360, 8 NW 268.

Every continuance of a nuisance is, in law, a new nuisance. Hence, the statute of limitations is not available to defendants. Ramsdale v. Foote, 55 W 557, 13 NW 557.

Where the ground of relief stated is purely equitable the action is equitable and triable by the court. After trial by jury, the court may consider the verdict advisory and need not order a new trial unless the proceedings were not conducted as they should have been in an equity case. But if they were not so conducted a new trial is proper. Fraederich v. Flieth, 64 W 184, 25 NW 28.

A defendant may be restrained from discharging upon plaintiff's land collected surface waters and waters from a fountain and springs when the injury is constantly recurring. Wendlandt v. Cavanaugh, 85 W 256, 55 NW 408.

A town may maintain an action in equity to prevent the obstruction of one of its highways before the question of obstruction is determined in an action at law. Neshkoro v. Nest, 85 W 126, 55 NW 176; Fischer v. Laack, 85 W 280, 55 NW 398.

Notice by one who is injured by a nuisance need not be given to the author of it as a condition precedent to the maintenance of an action against him. But under a charter which provides that no action in tort shall lie or be maintained against the city unless a statement of the wrong shall be presented, etc., the statement must be alleged in the complaint. Steltz v. Wausau, 88 W 618, 60 NW 1054.

An action to abate a public nuisance must be instituted by the proper law officer. State ex rel. Hartung v. Milwaukee, 102 W 509, 78 NW 756.

Where the complaint alleges facts showing irreparable injury and that the same is constantly recurring and that any remedy obtainable in a court of law would be inadequate, it is sufficient. Winchell v. Waukesha, 110 W 101, 85 NW 668.

Where plaintiff elects to sue in equity under sec. 3180, Stats. 1898, he thereby waives the right to recover exemplary damages. Karns v. Allen, 135 W 48, 115 NW 357.

An action to abate a continuing nuisance and to recover damages for injuries already suffered is an equitable action. The fact that 2 kinds of relief are asked for does not render the complaint demurrable. Carthew v. Platteville, 157 W 322, 147 NW 375.

A city polluting a natural stream by turning into it the discharge of its sewers is liable for damages and to injunction and it is no defense to such an action by a private person that the nuisance is at the same time a public nuisance. In such an action private parties who cause further pollution of the stream may be joined as defendants, but the defendants are not joint tort-feasors. The judgment should apportion the damages. The recoverable damage to a private party is not enlarged by the fact that the nuisance is public. Mitchell R. Co. v. West Allis, 184 W 352, 199 NW 390.

Nuisances may be abated, whether the acts constituting them be declared so by statute or not, even though they constitute crimes. State ex rel. Cowie v. La Crosse Theaters Co. 232 W 153, 286 NW 707.

A city having no property that could be affected by the erection of a gasoline service station was not entitled to maintain an action to enjoin the erection thereof. Algoma v. Peterson, 233 W 82, 288 NW 809.

In an action in equity to abate an alleged nuisance, the verdict of the jury was merely advisory, and the trial court had the right to disregard it in whole or in part, injunctive relief being addressed to the discretion of the court. Whether a particular noise under particular circumstances constitutes a nuisance is for the trier of the facts. Schneider v. Fromm Laboratories, Inc. 262 W 21, 53 NW (2d) 737.

To recover damages for injury to the plaintiffs' farm from effluent and raw sewage which flowed from a city's sewer disposal plant down a valley and across such farm so as to create a wide ditch thereon and a private nuisance, the plaintiffs were not required to proceed under the statutes relating to eminent domain, but the plaintiffs could bring an action for the abatement of such nuisance and the recovery of damages, and the trial court had the power in such case to award damages as an incident to the pending action in equity to abate a private nuisance, and in lieu of granting injunctive relief. Briggson v. Viroqua, 264 W 47, 58 NW (2d) 546.

An action for damages arising out of a nuisance may be maintained against a religious or charitable corporation. Smith v.

Congregation of St. Rose, 265 W 393, 61 NW (2d) 896.

In an action in equity to abate a public nuisance and for damages, where the alleged nuisance was the maintenance of a dump by one defendant and the dumping of refuse by others, the action may be maintained even though some of the defendants had no right to enter the premises to abate the nuisance, since under 280.04 the judgment can direct the sheriff to abate it. Even if one defendant has stopped dumping, he may be ordered to abate since the nuisance continues. The awarding of damages in varying amounts against the several defendants, in proportion to the harm caused by each, would not indicate a misjoinder of causes of action under 263.04. Kamke v. Clark, 268 W 465, 67 NW (2d) 841, 68 NW (2d) 727.

The fact that a judgment of abatement of the same public nuisance, entered during the pendency of the instant action in another action brought by another party, may make it unnecessary or useless for the trial court to enter a judgment of abatement in the instant action, does not prevent the court from retaining jurisdiction in the instant action for the purpose of awarding damages, the jurisdiction of the court as a court of equity having been properly invoked at the time of the commencement of such action, and the court acting in its capacity as a court of equity in so awarding damages, even though subsequent events have made the granting of strictly equitable relief impracticable or useless. Kamke v. Clark, 268 W 465, 67 NW (2d) 841, 68 NW (2d) 727.

The 1935 amendment (1935 c. 541 s. 375) to 280.01 did not convert the nature of the action for abatement of a nuisance prescribed therein from one at equity to one at law. Kamke v. Clark, 268 W 465, 67 NW (2d) 841, 68 NW (2d) 727.

Where, in addition to applying for an injunctional order to which they were not entitled, the plaintiffs sought damages, an existing permanent injunction, issued in a prior action, did not preclude a determination of permanent damages in the present action, but if damages of that nature should be assessed, then a continuance of the existing permanent injunction will be subject to equitable considerations which the court may determine exist. Thomas v. Clear Lake, 270 W 630, 72 NW (2d) 541.

See note to 270.49, head 4, citing Nissen v. Donohue, 271 W 318, 73 NW (2d) 418.

Where the jury found that there was a nuisance as to the operation of trucks along a certain route, in that there was an unreasonable emission of noise, dust, and spilling from a substantial number of trucks using such route, a judgment which directed the trucks along a certain different route, and directed that the trucks should be so loaded and operated that there would be no spilling, had the effect of abating the nuisance found by the jury. Hartung v. Milwaukee County, 2 W (2d) 269, 86 NW (2d) 475, 87 NW (2d) 799.

With reference to municipal liability for nuisance, the defendant town, in making the road improvement in question, was acting in a proprietary, not a governmental, capacity or relationship as to plaintiffs living on adjoining premises and claiming injuries from contaminated well water because of the town's failure to provide ditches or other outlets for the flow of surface water stopped by the road improvement. With relation to the barring of actions for nuisance by statutes of limitation, every continuance of a nuisance is in law a new nuisance and gives rise to a new cause of action. Stockstad v. Rutland, 8 W (2d) 528, 99 NW (2d) 813.

Abatement of nuisance as a legal or equitable remedy. 39 MLR 163.

280.02 History: 1905 c. 145 s. 1; Supl. 1906 s. 3180a; 1917 c. 331; 1925 c. 4; Stats. 1925 s. 280.02; 1935 c. 541 s. 376; 1939 c. 423; 1943 c. 66, 398; 1969 c. 276.

Editor's Note: In the following cases, all decided before the enactment of ch. 66, Laws 1943, the supreme court held that 280.02 limited the rights of cities in respect to the abatement of nuisances: Madison v. Schott, 211 W 23, 247 NW 527; Juneau v. Badger Co-op. Oil Co. 227 W 620, 279 NW 666; and Algoma v. Peterson, 233 W 82, 288 NW 809.

Any place used for the unlawful sale of liquor may be enjoined as a public nuisance. State ex rel. Attorney General v. Thekan, 184 W 42, 198 NW 729.

280.02 applies to an action by the state brought on relation of a private person, having obtained leave therefor from the court. The relator need not show that he sustains special damage from the nuisance. State ex rel. Cowie v. La Crosse Theaters Co. 232 W 153, 286 NW 707.

The continuous playing on the defendants' premises of the game of bingo, as a gambling game and a lottery, is a "public nuisance"; and the abatement of such games is authorized by 280.02. State ex rel. Trampe v. Multerer, 234 W 50, 289 NW 600.

In an action on the relation of a private person, on leave of court granted pursuant to 280.02, to enjoin as a public nuisance an alleged violation by a power company of the requirement of 31.34 of so maintaining a dam as to pass at all times a prescribed minimum of the natural flow of the stream the trial court properly declined to entertain a contention that the condition complained of should be abated because the defendant had not constructed a fishway as required by the act authorizing the dam, since an issue as to fishways was not raised by the complaint and was not within the permission granted to bring the action. State ex rel. Priegel v. Northern States P. Co. 242 W 345, 8 NW (2d) 350.

Under 280.02, the attorney general may institute an action to enjoin a person from selling intoxicating liquors at retail under a license alleged to be void. State ex rel. Martin v. Barrett, 248 W 621, 22 NW (2d) 663.

280.02 must be construed strictly. Where the complaint in an action to enjoin a public nuisance alleged that the relator was the president of the Wisconsin board of examiners in optometry and commenced the action on behalf of the board, and the record also showed that the relator petitioned for leave, and was granted permission, to commence the action as such official, a demurrer to the complaint should have been sustained for lack

of the relator's legal capacity to sue. State ex rel. Abbott v. House of Vision, etc. 259 W 87, 47 NW (2d) 321.

Acts, including those in violation of penal statutes, if in fact constituting a public nuisance, may be abated whether or not they are declared by statute to be a public nuisance, and every place where a public statute is openly, continuously and intentionally violated is a public nuisance; and such rule is not confined in its application to acts which are absolutely and completely prohibited, as distinguished from acts which are merely regulated and only conditionally forbidden, but applies to acts repeatedly performed and with the avowed purpose of continuing, which violate a statute, whether or not they might be lawful under other and different circumstances. (State ex rel. Attorney General v. Thekan, 184 W 42, and State ex rel. Cowie v. La Crosse Theaters Co. 232 W 153, followed.) State ex rel. Abbott v. House of Vision, etc. 259 W 87, 47 NW (2d) 321.

For discussion of repeated violation of a statute as sustaining an action to restrain a nuisance, see State v. Texaco, 14 W (2d) 625, 111 NW (2d) 918.

See note to 146.14, citing 24 Atty. Gen. 658.

280.03 History: R. S. 1849 c. 110 s. 1; R. S. 1858 c. 144 s. 1; R. S. 1878 s. 3181; Stats. 1898 s. 3181; 1925 c. 4; Stats. 1925 s. 280.03; 1935 c. 541 s. 377.

Sec. 1, ch. 144, R. S. 1858, was construed in Remington v. Foster, 42 W 608.

In an action to abate a nuisance and recover damages it was shown that individual defendants caused the nuisance, and the defendant corporation after purchasing the land continued it, but the damages were not apportioned. In such case no damages could properly be awarded against the corporation, but a judgment for abatement was properly awarded against all defendants. Karns v. Allen, 135 W 48, 115 NW 357.

In an action to abate a nuisance and for damages the complaint is not demurrable if otherwise sufficient, simply because the court on final hearing might not grant all the relief prayed for. Holman v. Mineral P. Z. Co. 135 W 132, 115 NW 327.

See note to 280.01, on procedure, citing Mitchell R. Co. v. West Allis, 184 W 352, 199 NW 390.

The trial court should confine itself to enjoining a nuisance, and leave the methods of compliance to the party enjoined. Rode v. Sealtite I. M. Corp. 3 W (2d) 286, 88 NW (2d) 345.

The court could order a city to take specific steps to abate a nuisance resulting from a sewage disposal plant. Costas v. Fond du Lac, 24 W (2d) 409, 129 NW (2d) 217.

280.04 History: R. S. 1849 c. 110 s. 2; R. S. 1858 c. 144 s. 2; R. S. 1878 s. 3182; Stats. 1898 s. 3182; 1925 c. 4; Stats. 1925 s. 280.04.

280.05 History: R. S. 1849 c. 110 s. 3; R. S. 1858 c. 144 s. 3; R. S. 1878 s. 3183; Stats. 1898 s. 3183; 1925 c. 4; Stats. 1925 s. 280.05.

280.06 History: R. S. 1849 c. 110 s. 4; R. S. 1858 c. 144 s. 4; R. S. 1878 s. 3184; Stats. 1898 s. 3184; 1925 c. 4; Stats. 1925 s. 280.06; 1935 c. 541 s. 378.

280.065 History: 1935 c. 269; Stats. 1935 s. 280.065.

280.07 History: 1939 c. 423; Stats. 1939 s. 280.07; 1947 c. 362.

280.08 History: 1903 c. 81 s. 1, 2; Supl. 1906 s. 3185a; 1911 c. 633 s. 435; 1925 c. 4; Stats. 1925 s. 280.08; 1959 c. 332.

280.09 History: 1913 c. 526; Stats. 1913 s. 3185b; 1925 c. 4; Stats. 1925 s. 280.09.

Property used in violation of secs. 3185b-3185h, Stats. 1915, is a nuisance, and upon a proper showing a temporary injunction may issue. State ex rel. Zabel v. Grefig, 164 W 74, 159 NW 560.

280.10 History: 1913 c. 526; Stats. 1913 s. 3185c; 1925 c. 4; Stats. 1925 s. 280.10; 1933 c. 228; 1935 c. 541 s. 380; 1961 c. 495.

280.11 History: 1913 c. 526; Stats. 1913 s. 3185d; 1925 c. 4; Stats. 1925 s. 280.11.

280.12 History: 1913 c. 526; Stats. 1913 s. 3185e; 1925 c. 4; Stats. 1925 s. 280.12.

280.13 History: 1913 c. 526; Stats. 1913 s. 3185f; 1925 c. 4; Stats. 1925 s. 280.13.

In an action under 280.09, 280.13 and 280.14, defendant cannot be permitted to pay costs to prevent furniture and other fixtures from being sold. It is mandatory that such furniture be sold in the manner provided for sale of chattels under execution. 16 Atty. Gen. 199.

280.14 History: 1913 c. 526; Stats. 1913 s. 3185g; 1925 c. 4; Stats. 1925 s. 280.14.

280.15 History: 1913 c. 526; Stats. 1913 s. 3185h; 1925 c. 4; Stats. 1925 s. 280.15; 1933 c. 228.

280.16 History: 1955 c. 696 s. 53; Stats. 1955 s. 280.16.

280.20 History: 1955 c. 696 s. 54; Stats. 1955 s. 280.20.

Editor's Note: 348.11, Stats. 1941, relating to the leasing of buildings used as gaming houses, was cited in Rea Club, Inc. v. Rupp, 244 W 587, 13 NW (2d) 88. That section and the three following sections were repealed by sec. 197, ch. 696, Laws 1955.

280.21 History: 1959 c. 335; Stats. 1959 s. 280.21.

280.22 History: 1969 c. 299; Stats. 1969 s. 280.22.

CHAPTER 281.

Provisions Relating to Land.

281.01 History: R. S. 1849 c. 84 s. 34; R. S. 1858 c. 141 s. 29; R. S. 1878 s. 3186; 1893 c. 88; Stats. 1898 s. 3186; 1919 c. 148; 1925 c. 4; Stats. 1925 s. 281.01; 1935 c. 541 s. 381.

Revisers' Note, 1878: Section 29, chapter 141, R. S. 1858, with additional clause regulating pleadings in view of Page v. Kernan, 38 W 320.