

No. 716, A.]

[Published May 24, 1905.

**CHAPTER 234.**

AN ACT amending chapter 134 of the statutes of 1898 by adding thereto five new sections, to be numbered 3153a, 3153b, 3153c, 3153d and 3153e, respectively, relating to the partition and defining of riparian rights and water frontage.

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

**Determination of riparian rights.** SECTION 1. Chapter 134 of the statutes of 1898 is hereby amended by adding at the

end of said chapter, immediately after section 3153, five new sections, which shall be known and read as follows: Section 3153a. In case of disagreement between owners of or parties interested in the land on a shore, concerning their rights or interests in the water frontage and riparian rights in any river, lake, harbor or bay, and the right to the use of such waters and the construction of docks therein, any one or more of such owners, whether the same are owned separately, jointly or as tenants in common, may bring an action in the circuit court as hereinafter provided, for a determination of any or all matters of disagreement as to riparian rights or water frontage, and for a determination in said action of the respective riparian right boundaries, and the amount of water frontage each owner is equitably and justly entitled to, and all owners of other lots along said shore that have water frontage and riparian rights, may join as plaintiffs or be made parties defendant to said action.

**Action how brought; other owners may be made defendants.** Section 3153b. 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 parties, the court may by order, bring in other owners of lands and parties, and make them defendants to said action.

**Court may appoint commissioners to determine rights; report of commissioners.** Section 3153c. The court may by or

der appoint one or more commissioners and empower and direct them to examine and inquire into and ascertain the respective rights of the parties, to water frontage and riparian boundaries. Said commissioners shall, before entering upon their duties, take and file in said court an oath to faithfully perform their duties as such, and shall proceed with reasonable dispatch to investigate the matters referred to them by such order, and take all competent and pertinent evidence offered by any parties to the action, touching upon such matters, such evidence to be taken upon notice given to all parties to the suit as in ordinary cases of trial by referee, and shall determine the rights of the parties, the water frontage, the riparian rights and lines, and locate the respective boundaries and lines between said shore owners from the shore to the established dock line, or termination of riparian right, and shall report their determination with all the facts and a full statement of the evidence taken by them, to the court, which report shall be deemed advisory to the court, and have no other force or effect.

**Judgment; continuance of commissioners; re-examination; jury; review by supreme court; plat.** Section 3153d. Upon the giving 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 party shall require, confirming or modifying the determination of such commissioners, or for the purpose of more fully determining the rights of such parties may continue such commissioners, and upon reasonable notice on the application of other parties interested, order a re-examination of any of the matters complained of, or the examination of any new matter, 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 the like effect as in other cases, and any judgment or order therein within the class of appealable orders, may be reviewed by the supreme court, and the rules in equity actions are made applicable hereto. In its judgment the court may order a plat to be made, showing its final determination on said matter, and the same may be filed with a copy of said decree in the office of the register of deeds of the county in which the property is located, and said decree and plat shall have the same force and effect as other decrees and judgments of said court.

**Payment of commissioners and other costs.** Section 3153e. The court before which such proceedings are pending may in its discretion from time to time make such orders as may be necessary for the payment of the commissioners herein provided for, and the other costs and disbursements therein, and may apportion the same among the respective owners in ratio of their respective interests.

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

Approved May 22, 1905.

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No. 342, A.]

[Published May 24, 1905.]

## CHAPTER 235.

**AN ACT** to authorize cities of the first class to levy taxes for the general city and other funds.

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

**Levies authorized; aggregate amount of all general taxes levied.** SECTION 1. The common council of every city of the first class, whether operating under general or special charter, is hereby authorized and shall have power to levy annually, for the general city fund, exclusive of the amounts required for the support of schools, and for the payment of interest and principal on the funded debt of the city, and other special funds authorized by law, a sum not exceeding seven mills on the dollar of the total assessed valuation of all property, real and personal, in said city subject to taxation; also for contingent fund a sum not exceeding one-half of one mill on the dollar of such assessed valuation; also for a sewerage fund in each sewerage district, a sum not exceeding one and one-half mills upon the dollar of the total assessed valuation of all property, real and personal, in such sewerage fund for said city, a sum not exceeding one mill upon the dollar of the total assessed valuation of property, real and personal, in said city, subject to taxation; also for a fund for ward purposes in each ward, a further sum not exceeding six mills upon the dollar of the total assessed