

shall not be less than nine hundred dollars per annum each, apportioned and paid monthly, two-thirds out of the treasury of Dane county and one-third out of the treasury of the city of Madison, until otherwise apportioned by the county of Dane and the city of Madison jointly.

SECTION 24. The judge of said superior court shall, by an order in writing filed in court, appoint a regular phonographic reporter who shall serve until his successor is appointed or until removed by the said judge. Such reporter shall take and subscribe the constitutional oath, and shall be furnished with all necessary stationery, and shall attend, when required by said judge, and report the proceedings had in such court, and perform such duties as the said judge shall require. The compensation of the phonographic reporter so appointed shall be two hundred and fifty dollars per month, the same to be paid monthly, out of the treasury of the county of Dane. For transcribing testimony he shall receive the same compensation provided by law for the phonographic reporter of the circuit court for Dane county. The appointment of said reporter shall be filed in writing with the county clerk of Dane county. The reporter so appointed may appoint a deputy as provided in the circuit court for Dane county.

SECTION 25. All fines and costs assessed and paid into said court in state cases shall by the clerk of said court be paid monthly to the county treasurer of Dane county. All fines and costs assessed and paid into said court in city cases shall by the clerk of said court be paid monthly to the city treasurer of the city of Madison.

SECTION 26. This act shall take effect upon passage and publication.

Approved June 24, 1929.

No. 485, A.]

[Published June 26, 1929.

## CHAPTER 218

AN ACT to create section 348.085 of the statutes, relating to gambling and providing a penalty.

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

SECTION 1. A new section is added to the statutes to read:  
348.085 (1) All devices or things whatever, whereby any per-

son shall or may be induced to believe that he will or may receive any money, thing or consideration whatever as the result, in whole or part, of any contest of skill, speed or power of endurance of man or beast, are hereby declared to be gambling devices and to be public nuisances. The so-called "contribution and refund" system and any and all variations thereof, whereby any person is or may be induced to believe that upon his paying to, or depositing with, any other person, any money, token or thing of value, he may as the result in whole or part of any contest of skill, speed or power of endurance of man or beast receive as a refund or otherwise any money, token or thing of value, is hereby declared to be gambling and to be unlawful and to constitute a public nuisance.

(2) The place, buildings and premises where any of the devices or things mentioned in subsection (1) are found, kept, issued, offered for sale, sold or redeemed, and also the places, buildings, and premises where any contest of skill, speed or power of endurance of man or beast is had or held, when any person has attempted to induce any other person to believe that as the result either in whole or part, of such contest any person will or may receive any money, thing or consideration whatever, are hereby declared to be and constitute a common gambling house and to be a public nuisance, and it is hereby made the duty of the attorney-general to take proper action to abate the same.

(3) (a) Whenever any nuisance as defined in the preceding subsection is kept, maintained or exists, any citizen of the county in which such nuisance exists may maintain an action, without showing special damage or injury on account thereof, to enjoin or abate such nuisance, the person or persons conducting or maintaining the same and the owner or agent of the building or ground upon which such nuisance exists.

(b) In such action the court may upon proper proof being made, allow a temporary writ of injunction without bond, upon three days' notice of application therefor to the defendants.

(c) In such actions evidence of the general reputation of the alleged nuisance and place shall be admissible for the purpose of proving the existence of said nuisance. No such action instituted by any citizen shall be dismissed unless the court shall be satisfied that said cause should be dismissed upon the merits, but upon application for dismissal being made the court may on its

own motion continue such action and by order require the attorney-general to prosecute the same.

(4) The provisions of foregoing subsections shall not apply to purses, prizes or premiums given or offered at state or county fairs nor to purses given to the actual contestants in any boxing match or other athletic contests conducted under chapter 169.

(5) Any person, or the officer or agent of any company or corporation, who shall violate any of the provisions of this section shall, upon conviction thereof be fined in a sum not less than one hundred dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year.

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

Approved June 25, 1929.

No. 18, A.]

[Published June 27, 1929.]

## CHAPTER 219

AN ACT to renumber paragraph (b) of subsection (1) of section 196.535 to be paragraph (c) of said subsection; and to create new paragraphs of said subsection to be numbered (b) and (d), relating to consolidation of public utilities.

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

SECTION 1. Paragraph (b) of subsection (1) of section 196.535 is renumbered to be paragraph (c) of said subsection.

SECTION 2. Two new paragraphs are added to subsection (1) of section 196.535 to be numbered and to read: (196.535) (1) (b) Any public utility or any public utility owning or operating a street railway or interurban railway may acquire the stock of any other public utility or any part thereof.

(d) Any public utility or any public utility owning or operating a street railway or interurban railway may sell, acquire, lease or rent any public utility plant or property constituting an operating unit or system.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 25, 1929.