

No. 40, A.]

[Published Feb. 25, 1897.]

CHAPTER 8.

AN ACT to appropriate to the governor's contingent fund a sum of money therein named.

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

Governor's
contingent
fund for 1897-8
\$4,000.

SECTION 1. There is hereby appropriated to the governor's contingent fund, out of any moneys in the state treasury not otherwise appropriated, the sum of two thousand dollars per annum for the years 1897 and 1898.

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

Approved Feb. 24, 1897.

CHAPTER 9.*

No. 59, A.]

[Published Feb. 27, 1897.]

AN ACT to amend section 4719, of the revised statutes relating to new trials in criminal cases.

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

Writ of error
to be issued by
supreme court
on application
of defendant.

SECTION 1. Section 4719, of the revised statutes is hereby amended by adding at the end of said section the following: When an application for a new trial under this section shall have been heretofore refused, or shall be hereafter refused, a writ of error shall, on the ap-

*Amended by chapter 172, laws 1897.

plication of the defendant, be issued from the supreme court to bring such matter before it, and upon such writ the supreme court shall have the power to review the order refusing to grant a new trial and render such judgment therein as it may deem proper, provided such writ shall be applied for within two years from the date of such order; so that said section when amended shall read as follows: Section 4719. The circuit court may at the term in which the trial of any indictment or information shall be had, or within one year thereafter, and in either case before or after judgment, on the petition or motion in writing of the defendant, grant a new trial for any cause for which by law a new trial may be granted, or when it shall appear to the court that justice has not been done, and on such terms or conditions as the court may direct. Such petition or motion shall be signed by the defendant, or his attorney, and shall set forth specifically the grounds upon which the defendant will rely for a new trial, and the same shall be filed with the clerk of the court of the county in which the action was tried at least twenty days before the argument of such motion; but the court may by order fix a shorter time. If the defendant desires to use any affidavits upon such motion, copies of the same shall be served upon the district attorney at least twenty days before the argument of the motion, or such shorter time as the court may by order designate. When an application for a new trial under this section shall have been heretofore refused, or shall be hereafter refused, a writ of error shall, on the application of the defendant be issued from the supreme court to bring such matter before it; and upon such writ the supreme court shall have the power to review the order refusing to grant a new trial, and under such judgment therein as it may deem proper; provided, such writ shall be applied for within two years from the date of such order.

Granting a new trial, when and how may be proceeded with.

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

Approved Feb. 26, 1897.

No. 8, S.]

[Published Feb. 27, 1897.

CHAPTER 10.

AN ACT to authorize the commissioners of public lands to invest a portion of the trust funds of the state in the bonds of school district number two, of the city of Appleton.

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

Commissioners of public lands authorized to loan public funds to school district No. 2, Appleton.

SECTION 1. The commissioners of the public lands are hereby authorized to loan and invest a portion of the trust funds of this state, not exceeding in the aggregate the sum of twenty-five thousand dollars, in the bonds of school district number two, of the city of Appleton, in the county of Outagamie; provided, that said school district shall not, during the period for which said bonds, or any part of them, shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted, as well as that herein referred to, than five per cent. of the average taxable property, as the same shall appear from the last two assessment rolls.

Application for loan to be filed with secretary of state.

SECTION 2. Before said school district shall contract for said loan, and before any of the funds shall be delivered to said school district in exchange for said bonds, the school board of said school district shall file its application for said loan with the secretary of state, and also file its acceptance of the provisions of this act, and of the terms and limitations herein provided.