

No. 258, S.]

[Published May 13, 1913.]

CHAPTER 214.

AN ACT to create section 2405m of the statutes, relating to the powers of the supreme court on appeals.

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

SECTION 1. There is added to the statutes a new section to read: Section 2405m. In any action or proceeding brought to the supreme court by appeal or writ of error, if it shall appear to that court from the record, that the real controversy has not been fully tried, or that it is probable that justice has for any reason miscarried, the supreme court may in its discretion reverse the judgment or order appealed from, regardless of the question whether proper motions, objections, or exceptions appear in the record or not, and may also, in case of reversal, direct the entry of the proper judgment or remit the case to the trial court for a new trial, and direct the making of such amendments in the pleadings and the adoption of such procedure in that court, not inconsistent with the statutes governing legal procedure, as shall be deemed necessary to accomplish the ends of justice.

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

Approved May 10, 1913.

No. 149, A.]

[Published May 13, 1913.]

CHAPTER 215.

AN ACT to create subsection 5 of section 1329a of the statutes, relating to appeals to the county judge from the refusal of town boards to consent to the construction of electric lines on highways.

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

SECTION 1. There is added to section 1329a of the statutes a new subsection to read: (Section 1329a) 5. Any person, firm or corporation whose written application for permission to construct such lines within the limits of any highway of any town, has been refused, or when such application shall have been on file with the town clerk for twenty days and no action shall have been taken thereon, such applicant may file with such town clerk a notice of appeal to the county court. The town clerk shall thereupon make return of all the papers and action of the board to the county court, and such court shall proceed to hear and

try and determine such appeal, without a jury, on ten days' notice by the town board, or the applicant, or the adverse party. The order entered by the county court shall be final unless an appeal therefrom to the circuit court of such county shall be filed within thirty days after the entry of such order. All proceedings after such appeal from the order and decision of the county court shall conform to the rules of the proceedings of such circuit court.

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

Approved May 10, 1913.

No. 326, A.]

[Published May 13, 1913.

CHAPTER 216.

AN ACT to create subsection 5 of section 1022—58 of the statutes, providing a limit of time within which claims must be made for fees thereunder.

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

SECTION 1. There is added to section 1022—58 of the statutes a new subsection to read: (Section 1022—58) 5. Any person entitled to such fee shall claim and demand the same within a period of three years after receipt by the county treasurer of the warrant or certificate from the state registrar authorizing such payment, and no right to such fee shall exist after the expiration of such time. Provided that every claim and right now existing to such fees as are mentioned in this section of the statutes, whether arising thereunder or under any other law relating to such fees, shall become void, and every right of action for the collection thereof shall be barred, after the expiration of one year from and after the passage and publication hereof.

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

Approved May 10, 1913.

No. 439, A.]

[Published May 13, 1913.

CHAPTER 217.

AN ACT to create section 381m of the statutes, relating to employes of the university.

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

SECTION 1. There is added to the statutes a new section to read: Section 381m. The board of regents are empowered and