

except in cases where the city owns the works *or plant or plants*; and in cases where the water works *or heating plant or plants* are now owned or may hereafter be purchased by the city, the extension of mains after such purchase shall be made at the expense of the city at large, or at the expense of abutting property, as the council shall determine.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1911.

No. 245, S.]

[Published May 27, 1911.

## CHAPTER 187.

AN ACT to amend section 4724a of the statutes, and to create a new section of the statutes to be number 4645a, relating to practice in criminal cases.

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

SECTION 1. Section 4724a of the statutes is hereby amended to read: Section 4724a. \* \* \* *A writ of error may be taken by and on behalf of the state in criminal cases:*

1. *From an order or judgment quashing, setting aside, or sustaining a demurrer to any indictment or information, or any count thereof.*

2. *From an order or judgment sustaining a plea in abatement or a special plea in bar made or rendered, before jeopardy has attached.*

3. *From any final order or judgment, adverse to the state, made or rendered before jeopardy has attached.*

4. *From an order granting a new trial.*

5. *From an order in arrest of judgment.*

6. *From an order or judgment of conviction upon a record containing rulings adverse to the state, in every case where the defendant prosecutes a writ of error. In every such case the whole record shall be carried before the supreme court and the case treated and presented as in cases of cross appeals in civil actions, and all questions of law thus presented shall be decided by the supreme court.*

SECTION 2. There is added to the statutes a new section to read: Section 4645a. Any objection to a prosecution or the sufficiency of an indictment or information that may be raised by motion to quash, demurrer, plea in abatement, or special plea in bar, shall be so raised before a jury is impanelled or testimony taken, and unless so raised, shall be deemed waived; and objection to the validity or constitutionality of the statute

upon which the prosecution is based, in whole or in part, shall be so raised or deemed waived. Provided that the court may, in its discretion, on the application of the defendant, entertain any such objection at a later stage of the trial, but in every such case the application shall constitute a waiver, by the defendant, of any jeopardy that has theretofore attached.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1911.

No. 264, S.]

[Published May 27, 1911.

## CHAPTER 188.

AN ACT to create sections 4442m, 4442n, and 4442o of the statutes, relating to prehistoric and historic Indian remains on public lands, and providing a penalty.

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

SECTION 1. There are added to the statutes three new sections to read: Section 4442m. It shall be unlawful except as hereinafter provided to destroy, deface, mutilate, injure, or remove any Indian burial, linear or effigy mounds, enclosures, cemeteries, graves, plots of corn hills, garden beds, boulder circles, pictograph rocks, caches, shell or refuse heaps, spirit stones or manitou rocks, boulder mortars, grindstone rocks, or other prehistoric or historic Indian remains located upon the public lands, state parks, forestry reserves, lands of state educational or other state institutions, or upon other lands or properties belonging to the state; provided, however, that the board, commission, or other state officer or officers having control under the laws of the state of the lands or properties upon which they, or any of them, are situated may grant to state, county, municipal, or national educational institutions, or regularly organized archaeological or historical societies, permission to explore or investigate for educational or scientific purposes.

Section 4442n. The state park board is authorized to grant permission to remove or destroy any of the prehistoric or historic remains herein enumerated whenever said board shall deem such removal or destruction necessary.

(Am. 1911, c. 664, s. 20.)

Section 4442o. Any person violating any of the provisions of section 4442m of the statutes shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than ten dollars nor more than one hundred dol-