

No. 408, S.]

[Published July 13, 1907.

CHAPTER 580.

AN ACT to amend section 1863a of the statutes, as amended relating to condemnation proceedings by street and electric railway companies.

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

SECTION 1. Section 1863a of the statutes is amended to read:
* * * * *

Approved July 12, 1907.

(In effect from and after date of publication)

No. 73, A.]

[Published July 13, 1907.

CHAPTER 581.

AN ACT to amend section 4256 of the statutes relating to the liability of railway companies for the death of any person.

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

SECTION 1. Section 4256 of the statutes is amended to read:
* * * * *

Approved July 12, 1907.

(In effect from and after date of publication)

Appeals: if judgment for defendant reversed, new action for plaintiff. SECTION 4235. If an action shall be commenced within the time prescribed therefor and a judgment therein for the plaintiff, *or the defendant*, be reversed on appeal, the plaintiff, or if he die and the cause of action survive, his heirs or representatives may commence a new action within one year after the reversal.

(Ch. 279, 1907.)

Survival of actions: damages to property rights or interests of another. SECTION 4253. In addition to the actions which survive at common law the following shall also survive: Actions for the recovery of personal property or the unlawful withholding or conversion thereof, for assault and battery, false imprisonment or other damage to the person, *for all damage done to the property rights or interests of another*, for goods taken and carried away, for damages done to real or personal estate, equitable actions to set aside conveyances of real estate, to compel a reconveyance thereof, or to quiet the title thereto, and for a specific performance of contracts relating to real estate.

(Ch. 353, 1907.)

Survival of action to brother or sister. SECTION 4256. Every such action shall be brought by and in the name of the personal representative of such deceased person, and the amount recovered shall belong and be paid over to the husband or widow of such deceased person, if such relative survive him or her; but if no husband or widow survive the deceased the amount recovered shall be paid over to his or her lineal descendants and to his or her lineal ancestors in default of such descendants; *but if no husband or widow or lineal descendant or ancestor survive the deceased, the amount recovered shall be paid over to the brothers and sisters*; and in every such action the jury may give such damages, not exceeding five thousand dollars, as they shall deem fair and just in reference to the pecuniary injury resulting from such death to the relatives of the deceased specified in this section.

(Ch. 164, 1907.)

Recovery of death damages: recipient's and maximum. SECTION 4256. Every such action shall be brought by and in the name of the personal representative of such deceased person,

and the amount recovered shall belong and be paid over to the husband or widow of such deceased person, if such relative survive him or her; but if no husband or widow survive the deceased, the amount recovered shall be paid over to his or her lineal descendants and to his or her lineal ancestors in default of such descendants; *but if no husband or widow or lineal descendant or ancestor survive the deceased, the amount recovered shall be paid over to the brothers and sisters*; and in every such action the jury may give such damages, * * * *not exceeding ten thousand dollars, as they may deem fair and just in reference to the pecuniary injury resulting from such death to the relatives of the deceased specified in this section.*

(Ch. 581, 1907.)

Renewal of sureties upon becoming insufficient and effects thereof. SECTION 4281m. If any bail bond, recognizance, undertaking or other bond or undertaking given in any civil or criminal action or proceeding, shall become at any time insufficient, the court or judge thereof, justice of the peace or any magistrate before whom such action or proceeding is pending, may, upon notice, require the plaintiff or defendant, as the case may be, to give a new bond, recognizance or undertaking. Every person becoming surety on any such new bond, recognizance or undertaking shall be liable from the time the original was given, the same as if he had been the original surety. If any person shall fail to comply with the order made in such case the adverse party shall be entitled to any order, judgment, remedy or process to which he would have been entitled had no bond, recognizance or undertaking been given at any time.

(Ch. 213, 1907.)

Assault and theft, being armed: fifteen years prison maximum. SECTION 4375. Any person who shall assault another and shall feloniously rob, steal or take from his person any money or other property which may be the subject of larceny, such robber being armed with a dangerous weapon, with intent, if resisted, to kill or maim the person robbed, or being so armed, who shall wound or strike the person robbed, shall be punished by imprisonment in the state prison not * * * less than three years *nor more than fifteen years.*

(Ch. 263, 1907.)