

then the full amount or amounts recovered shall be paid out of said fund.

(2) When the recovery for an injury shall be greater than the amount he or they shall be entitled to herein, then only so much thereof as he or they are entitled to herein shall be so drawn from said fund.

(3) When the recovery is for death, then the whole amount shall be paid out of said fund.

(4) No person or persons or personal representatives shall be paid hereunder during the pendency of any dispute as to the city's liability under the aforesaid chapter 50, laws of 1911, and any acts and laws amendatory thereof and supplemental thereto, unless he shall release the city from liability thereunder.

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

Approved July 6, 1915.

No. 748, A.]

[Published July 8, 1915.

CHAPTER 363.

AN ACT to create section 17m of chapter 218, laws of 1899, relating to new trials in the district court for Milwaukee county.

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

SECTION 1. There is added to chapter 218, laws of 1899, a new section to read: (Ch. 218, laws of 1899) Section 17m. The judge of said court may, at any time within ninety days after judgment has been rendered in any case, 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 in circuit courts or when it shall appear to the court that justice has not been done, and on such terms and 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 judge of the said court at least five 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 or city attorney at least five days before the argument of the motion, or such shorter time as the court may by order designate.

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

Approved July 6, 1915.