

No. 356, S.]

[Published June 28, 1941.

CHAPTER 306.

AN ACT to create 358.065 and 358.12 (7) and (8) of the statutes, relating to new trials and writs of error in criminal cases.

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

SECTION 1. A section of the statutes is created to read:

358.065 EFFECT OF GRANTING NEW TRIAL.

When a new trial is granted, such new trial shall proceed in all respects as if no former trial had been had. On the new trial the defendant may be convicted of any offense charged in the indictment or information irrespective of the verdict or finding on the former trial. The former verdict or finding shall not be used or referred to in evidence or argument on the new trial.

SECTION 2. Subsection (7) and (8) of section 358.12 of the statutes are created to read:

(358.12) (7) From a judgment and sentence of a trial court rendering a sentence not authorized by law.

(8) From rulings and decisions adverse to the state upon all questions of law arising on the trial, with the permission of the presiding judge, in the same manner and to the same effect as if taken by the defendant.

Approved June 25, 1941.

No. 381, S.]

[Published June 28, 1941.

CHAPTER 307.

AN ACT to amend 144.53 (3) of the statutes, relating to the chemical treatment of waters for the suppression of algae, aquatic weeds, swimmer's itch and other nuisance producing plants and organisms.

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

SECTION 1. Subsection (3) of section 144.53 of the statutes is amended to read:

(144.53) (3) To conduct scientific experiments, investigations, and research to discover economical and practicable

methods for the elimination, disposal, or treatment of industrial wastes to control pollution of the surface waters of the state. To this end the committee may cooperate with any public or private agency, *when requested by such agency*, in the conduct of such experiments, investigations, and research and may receive on behalf of the state any moneys which any such agency may contribute as its share of the cost under such cooperative arrangements. *To supervise chemical treatment of waters for the suppression of algae, aquatic weeds, swimmer's itch, and other nuisance producing plants and organisms. To this end the committee may conduct experiments for the purpose of ascertaining the best methods for such control. It may purchase equipment and may make a charge for the use of the same and for materials furnished, together with a per diem charge for any services performed in such work. The charge shall be sufficient to reimburse the committee for the use of the equipment, the actual cost of the materials furnished, and the actual cost of the services rendered plus 10 per cent for overhead and development work.*

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

Approved June 25, 1941.

No. 395, S.]

[Published June 28, 1941.

CHAPTER 308.

AN ACT to repeal section 5 (5); to amend section 1 (9), section 3 (6), section 5 (1) (a) and (4), section 8 (1) (a), and section 13; to renumber section 4 (p) to be section 4 (2) (a); and to create section 4 (2) (b) and section 5 (1) (b) 4, 5, and 6, all of chapter 396, laws of 1937, relating to retirement systems in cities of the first class for the payment of benefits to employes of such cities, and to the widows and children of such employes.

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

SECTION 1. Subsection (9) of section 1 of chapter 396, laws of 1937, is amended to read:

(Chapter 396, Laws of 1937) (Section 1) (9) "Earnable