

tion for the mandamus shall be alleged to have taken place; or in such other county as the supreme court, for cause shown, shall in its discretion order, and the circuit court before which such issue of fact is ordered to be tried, may try the same at a special as well as a general term, and shall have power to summon a jury for that purpose, when necessary, and prescribe the manner of summoning the same. And when such writ of mandamus shall be issued by any circuit court, any issue of fact therein may in like manner be tried, at a special or general term, and the court may summon a jury in like manner for the trial thereof. In any proceedings of mandamus against the board of state, district or county canvassers in the supreme court, to compel the execution and delivery of a certificate of election to any person claiming to have been elected to the office of member of the legislature of this state, or of member of the house of representatives of the congress of the United States, or of presidential elector, by the qualified electors of this state, at any general or special election for the same provided for by law, the court may, if it is deemed necessary to promote the ends of justice, inquire into the facts of such election, irrespective of the election returns, and determine who was in fact entitled to the certificate of election to such office by the greater number of legal votes cast for the same, and the certificate issued in pursuance of such determination, shall be taken as the true and only lawful certificate of election to such office, and any other certificate of election to the same office issued by the board of canvassers, shall be null and void, and such issue of fact may be tried as hereinbefore provided, or according to such rules and regulations as the court may prescribe.

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

Approved March 15, 1880.

[No. 363, A.]

[Published March 18, 1880.]

CHAPTER 232.

AN ACT to repeal section one thousand eight hundred and sixteen of chapter eighty-seven of the revised statutes of 1878, entitled "of railroads."

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

SECTION 1. Section one thousand eight hundred and sixteen of chapter eighty-seven of the revised stat-

Existing causes
and rights of
action not af-
fected.

utes of 1878, entitled "of railroads," is hereby repealed: *provided, however*, that this act shall not be so construed as to affect in any wise whatever any cause or right of action which shall have accrued under said section one thousand eight hundred and sixteen prior to the passage thereof, upon which an action shall be pending at the date of the passage hereof, it being the intention of this proviso to save fully all such causes and rights of action, and that all such actions shall proceed to judgment, the same in all respects, as if this act had not been passed.

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

Approved March 15, 1880.

[No. 227, S.]

[Published March 20, 1880.]

CHAPTER 233.

AN ACT to amend section two thousand seven hundred and thirty-one of the revised statutes of 1878, relating to proceedings by attachment.

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

SECTION 1. Section two thousand seven hundred and thirty-one of the revised statutes of 1878 is hereby amended by adding at the end of said section as follows: "An action may be maintained and a writ of attachment issued on a demand not yet due in any cases mentioned in this section except the cases mentioned in the fifth, sixth and seventh subdivisions, and the same proceedings in the action shall be had and the same affidavit shall be required as in actions upon matured demands, except that the affidavit shall state that the debt is to become due: *provided*, that the undertaking, specified in section two thousand seven hundred and thirty-two shall be conditioned in three times the amount demanded." In case an attachment be issued before the maturity of the debt, and a traverse to such attachment is sustained, the court shall dismiss the action and shall render a judgment of costs against the plaintiff.

Attachments on demands not yet due.

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

Approved March 15, 1880.