

[No. 329, A.]

[Published April 8, 1882.]

CHAPTER 265.

AN ACT to amend section 2172 of chapter 98 of the revised statutes, entitled "estates in dower and by the curtesy.

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

Estates in dower and by the curtesy.

SECTION 1. Section 2172 of the revised statutes is hereby amended by inserting after the word homestead in the ninth line thereof, the words, "as if he had died intestate, leaving lawful issue," so that said section when so amended shall read as follows: Section 2172. When a widow shall be entitled to an election under either of the last two preceding sections, she shall be deemed to have elected to take such jointure, devise or other provision, unless within one year after the death of her husband, she file in the court having jurisdiction of the settlement of his estate, notice in writing that she elects to take the provisions made for her by law, instead of such jointure, devise or other provision; and upon filing such notice she shall be entitled to the same dower in his lands, and the same right to the homestead as if he had died intestate leaving lawful issue, and the same share of his personal estate as if he had died intestate; provided, that when he shall have died testate, the share of personal estate which she may so take, shall not exceed the one-third part of his net personal estate, and the provisions of this and the two next preceding sections shall not apply to any case where the husband shall die intestate, leaving no issue.

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

Approved March 29, 1882.

[No. 472, A.]

[Published April 5, 1882.]

CHAPTER 266.

AN ACT in relation to railroads.

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

Relating to railroads.

SECTION 1. Section 1858 of chapter 87 of the revised statutes entitled "of railroads," is hereby amended so as to read as follows: Section 1858. Any railroad corporation upon which any lands granted to this state shall have been conferred to aid in the construction of any railroad may sell, assign, and transfer the

lands so conferred upon it, or any portion thereof, to any other railroad corporation which shall by law have the right to construct a railroad along and upon the line or any portion of the line upon which such lands are applicable under the grant of this state, upon such terms and conditions as it shall fix; provided, that the corporation receiving such lands shall be bound to construct the part of the line of railroad to aid in the construction of which the lands were granted to this state, to which the assigned lands are applicable according to the terms of the grant by congress, and to comply fully with all conditions and requirements contained in the act in and by which the state conferred said lands upon said corporation. The terms and conditions of every such transfer shall be embodied in an agreement in writing, which shall be recorded in the office of the secretary of state; and provided further, that no such transfer or assignment shall be of any force or effect until two thirds of the full paid stockholders of the corporation making the same shall have assented in writing thereto and until such assent shall have been filed with the secretary of state. Whenever any grant of lands shall have been or shall hereafter be made to any corporation to aid in the construction of a railroad upon condition that such road or any portion thereof shall be completed within the period of time or times fixed or limited by the act or acts making such grant or grants, or by any act or acts amendatory thereof, and such corporation shall have failed or shall hereafter fail to complete such railroad, or any part or portions thereof, within the time or times fixed or limited by such act or acts, it shall be the duty of the attorney general of the state to immediately institute if the legislature shall not have revoked said grant, proceedings against such corporation in the supreme court of the state to ascertain judicially the facts in the premises, and if it shall appear that such corporation has failed to complete its railway, or any portion thereof, within the time limited by said act or acts, or has otherwise committed a breach of the condition or conditions upon which said grant was conferred upon it, or of the requirements of said act, judgment shall be entered in behalf of the state, forfeiting, vacating and setting aside such grant or grants, and annulling all rights and interests of such corporation in and to all lands granted to it and not fully earned, and restoring such lands to the state, and such corporation shall thereafter be barred and fore-

closed of all rights and interests in or to the lands so adjudged to be forfeited and restored to the state, and of all right to, in any manner, thereafter acquire the same.

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

Approved March 29, 1882.

[No. 217, S.]

[Published April 5, 1882.]

CHAPTER 267.

AN ACT to declare the legal effect of the payments made under chapter 10 of the laws of 1882, and to constitute the Chicago, St. Paul, Minneapolis & Omaha Railway Company the assignee of certain of the claims paid under said chapter and to authorize offsets and counter claims in the cases therein mentioned.

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

Legal effects
declared.

SECTION 1. All payments made to laborers and assignees of laborers out of the fund provided by and to be disbursed under sections 4 and 5 of chapter 10 of the laws of Wisconsin for the year 1882, entitled "an act to revoke, annual and resume the grant of lands made by chapter 126 of the laws of Wisconsin for the year 1874 to the Chicago & Northern Pacific Air Line Railway Company (now the Chicago, Portage and Superior Railway Company), and to repeal sections 8, 9 and 10 of said chapter 126, and to confer said grant of lands upon the Chicago, St. Paul, Minneapolis & Omaha Railway Company," shall inure to the benefit of the sub-contractors from whom such sums were due to said laborers, as fully as if the said sums had been paid to said laborers or their assignees by said sub-contractors and the said sub-contractors shall have the right to sue for and recover the said sums of money so paid to laborers from any person or persons, corporation or corporations, from whom or which they might have recovered the same had they paid said labor claims themselves, and the Chicago, St. Paul, Minneapolis & Omaha Railway Company having paid to the governor under the provisions of said section 4, the sum of seventy-eight thousand dollars, and having given the security to indemnify and save harmless the state against all expenses and liability incurred in feeding said laborers, as contemplated in and provided by said section 4 the said company shall be deemed in all courts and places the assignee and