No. 408, A.]   [Published May 13, 1909.

CHAPTER 114.

AN ACT to amend section 3040 of the statutes, relating to discontinuance or dismissal of a writ of error or of an appeal.

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

SECTION 1. Section 3040 of the statutes is hereby amended to read: Section 3040. No discontinuance or dismissal of a writ of error or an appeal shall preclude the party from suing out another writ of error or taking another appeal in the same cause within the time limited by law. * * *

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

Approved May 12, 1909.

No. 164, S.]   [Published May 13, 1909.

CHAPTER 115.

AN ACT to amend section 1265 of the statutes, relating to highways.

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

SECTION 1. Section 1265 of the statutes is amended to read: Section 1265. When any six or more freeholders or applicants for a homestead under the laws of the United States, occupying the same, residing in any town, shall wish to have a highway laid out, widened, altered, or discontinued in such town, they may make application in writing to the supervisors of the town in which they reside for that purpose; and the said supervisors shall proceed to lay out, widen, alter, or discontinue such highway if in their opinion the public good will thereby be promoted; provided, however, that no town board shall discontinue any state road without laying out and opening a town highway connecting the portions of such state road separated by such discontinuance of such state road, unless the portions of such state road so disconnected by such discontinuance are already connected with a highway in existence at the time of such discontinuance; and provided, further, that no town board shall have power or authority to alter, change, or discontinue any highway laid out by the county board. Provided, further, that this act shall not apply to that part of any state road in any

8—L.