

§ 41. No complaint for flowing shall be abated by reason of the death of any party thereto, but the same may be prosecuted or defended by the surviving complainants or respondents, or the executors or administrators of the deceased, and if any such complaint shall be abated or otherwise defeated for any matter of form, or if after verdict for the complainant, the judgment shall be reversed for error, upon certiorari, or otherwise, the complainant, or any person claiming from, by or under him, may bring a new complaint for the same cause, at any time within one year after abatement or other determination of the original complaint, or after the reversal of the judgment therein, and may upon the new complaint recover such damages as shall have been sustained during the three years before the institution of the first complaint, or at any time afterwards.

Complaint not
affected by death
of parties.

§ 42. This act shall not in any way or manner affect any suit or suits now pending, either in law or chancery, nor shall it affect any causes of action, rights or remedies which may have occurred before the passage of this act.

§ 43. This act shall take effect from and after the first day of May, A. D., 1840.

Approved, January 13th, 1840.

Chap. 63.

Published, May 13, 1857.

AN ACT to pay the postage of the several State Officers.

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

§ 1. The Secretary of State is hereby authorized to audit the accounts of the Postmaster at Madison, for the postage of the Executive office, office of the Secretary of State, Attorney General, State Superintendent, Bank Comptroller, State Treasurer and Clerk of the Supreme Court, for the year 1857; said accounts to be certified by the said Postmaster at Madison by affidavit.

Sec. to audit ac-
count.

Appropriation.

§ 2. There is hereby appropriated to the Postmaster at Madison, out of any money in the Treasury not otherwise appropriated, a sum sufficient for the payment of the above accounts, to be drawn quarterly from the Treasury, upon the presentation of said accounts properly certified to by their respective officers.

Approved, March 6, 1857.

Chap. 64.

Published, March 27, 1857.

AN ACT to provide a State Hospital for the Insane.

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

Name.

§ 1. An institution is hereby established, the name of which shall be "The Wisconsin State Hospital for the Insane."

Board of Commissioners.

§ 2. For the purpose of the establishment, and the erection of the buildings of said institution, the Governor is hereby authorized to appoint three persons, who shall constitute a Board of Commissioners, who shall hold their said offices for the term of three years from and after the passage of this act, unless the said hospital buildings shall have been sooner completed, or until the legislature shall otherwise provide; who, before entering upon the duties of their respective offices, shall severally take and subscribe an oath or affirmation, before some officer authorized to administer oaths, to faithfully execute the trust reposed in them by this act, which said oath or affirmation shall be filed in the office of the Secretary of State.

Vacancy in board

§ 3. In case the Commissioners mentioned in the second section, or either of them, shall neglect or refuse to file his official oath or affirmation in the office of the Secretary of State, as aforesaid, for the space of thirty days from the passage and approval of this act, then such person or persons so refusing or neglecting, shall be considered as having declined said office, and there-