

term of court at which the same is triable, by giving notice of trial at least ten days before such term of court. The party giving the notice shall furnish the clerk at least eight days before the term, with a note of issue containing the title of the cause, the names of the attorneys, the time when issue was joined, and stating whether it be for trial by the jury or the court or an issue of law, and the clerk shall thereupon place the cause upon the calendar, according to the date of the issue: *provided, however*, if the party giving such notice shall fail to furnish the clerk with such note of issue, the court may, in its discretion, place such cause upon the calendar.

SECTION 2. Chapter 71, laws of 1859 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1871.

CHAPTER 86.

[*Published April 1, 1871.*]

AN ACT to amend chapter 264 of the general laws of 1860, entitled "an act to amend chapter 139 of the revised statutes, entitled 'of appeals, writs of error and proceedings therein.'"

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

SECTION 1. Section six of chapter 264 of the general laws of 1860 is hereby amended so as to read as follows: "Upon an appeal from a judgment, the supreme court may review any intermediate order involving the merits and necessarily affecting the judgment, whether the same has been excepted to or not in the court below, nor shall it be necessary to take or file any such exception, or settle any bill of exceptions thereon in the court below to enable the supreme court to review any such intermediate order." Sec. 6 amended.
Supreme court may review order.

SECTION 2. Section 12 of said chapter 264 is hereby amended by striking out the words, "if any," in the thirty-eighth line thereof; and also by inserting Sec. 12 amended.

When bill of exceptions taken as agreed to.

after the words, "service thereof," in the fortieth line thereof, the following: "But in case no amendments to such bill of exceptions shall be served within the time aforesaid, the bill of exceptions shall be taken as agreed to as served, and may be signed by said judge without notice to the adverse party on proof of its service, and that no amendments have been served as aforesaid. In case the party serving such bill of exceptions shall accept the amendments served, the same as those amended may be signed by said judge without notice to the adverse party on proof of its service and the service of said amendments with a written acceptance thereof endorsed thereon."

SECTION 3. This act shall be published immediately, and shall take effect from its passage and publication.

Approved March 14, 1871.

CHAPTER 87.

[Published March 17, 1871.]

AN ACT to authorize the counties and towns through which the Dunleith, La Crosse and St. Croix River Shore Railroad passes to aid in its construction.

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

Lawful to issue bonds to aid railroad.

SECTION 1. It shall be lawful for any county through any portion of which any part of the Dunleith, La Crosse and St. Croix River Railroad shall run, or any town or incorporated city or village in such county, to issue and deliver to said corporation its bonds, payable to such person or persons, trustees or corporation, or to said company, at such time, for such sum or sums, at such rates of interest, not exceeding ten per cent. per annum, transferable by general or special endorsement or by delivery, and in such manner as may be agreed upon by and between the directors of said railroad company and the proper officers of such county, town, incorporated city or village, as hereinafter pro-