

[*Published March 14, 1859.*]

CHAPTER 88.

AN ACT supplemental to chapter 139 of the revised statutes, relating to appeals and writs of error, and proceedings thereon.

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

SECTION 1. In all cases of appeal from the judgment of a circuit court to the supreme court, if the judgment appealed from direct the abatement or restrain the continuance of a nuisance either public or private, the execution of the judgment shall not be stayed unless an undertaking be entered into on the part of the appellant with at least two sureties in such sum as the court or judge thereof, or court commissioner shall direct, to the effect that the appellant will pay all damages which the opposite party may sustain by the continuance of such nuisance, and if the judgment appealed from direct or restrain the doing of any other particular act or thing, the execution thereof shall not be stayed, unless an undertaking be entered into on the part of the appellant with at least two sureties in such sum as the court, or judge thereof, or court commissioner shall direct, to the effect that the appellant will pay all damages the opposite party may sustain by doing or not doing such act or thing—and in all cases of appeals from such judgments as are mentioned in this section, which have been made or taken since the first day of January A. D. 1859, the appellant or appellants as the case may be, shall comply with the provisions of this act, by having such undertaking as in this section provided, entered into and a copy thereof served upon the opposite party or his attorney within thirty days after the passage of this act, or proceedings on such judgment shall not be stayed, and the appeal shall be dismissed.

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

Approved March 12, 1859.