

CHAPTER 141.

[Published April 4, 1872.]

AN ACT to amend chapter fifty-five of the general laws of 1871, entitled "an act to amend section twenty of chapter one hundred and forty-one of the revised statutes, entitled 'actions for the recovery of real property.'"

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

SECTION 1. Chapter fifty-five of the general laws of 1871 is hereby amended so as to read as follows: Amended.
The court in which any judgment for the recovery of any specific real property or the possession thereof has been or shall be rendered at any time within one year thereafter, upon the application of the party against whom the same was rendered, his heirs or assigns, and upon payment of all costs recovered thereby shall vacate such judgment and grant a new trial in such cause: *provided, however,* that before any such new trial shall be granted, the party or parties applying for such new trial shall file an undertaking in such sum as the court shall direct, with good and sufficient surety or sureties, who shall justify upon their oath their responsibility in like manner as bail upon arrest, conditioned to pay all costs and damages including the mesne profits that may be awarded against such party or parties upon the final determination of the case; *and provided, further,* that if such cause shall within twenty days after such judgment be or have been taken to the supreme court upon appeal or writ of error, the time during which said suit is pending and remaining in the supreme court shall be excluded from and be no part of the year within which application to vacate such judgment and grant a new trial shall be made as aforesaid, but no more than one new trial shall be granted under this section.

Shall vacate judgment and grant new trial.

Party shall file undertaking.

Time suit is pending in supreme court excluded.

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

Approved March 25, 1872.