

when a motion for a rehearing shall be sustained, the costs of the same shall abide the event of the cause, and be taxed against the losing party, as part of the costs in the cause.

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

Approved April 12, 1866.

CHAPTER 130.

[Published April 28, 1866.]

AN ACT to amend section 12 of chapter 141 of the revised statutes, concerning 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. Section twelve of chapter one hundred and forty-one of the revised statutes of this state, is hereby amended, so as to read as follows: "When the action is against several defendants, if it appear on the trial that any of them occupy distinct parcels in severalty or jointly, and that other defendants possess other parcels in severalty or jointly, the plaintiff shall elect, at the trial, against which he will proceed on such trial, which election shall be made before the evidence in the cause shall be deemed closed, and a separate trial or trials shall thereupon be awarded, as to the other defendant or defendants in such actions, who so hold any distinct parcel or parcels in severalty or jointly; and several judgments shall be rendered on the verdicts found in such actions, according to the rights and interests of the parties."

When plaintiff, if action be against several defendants, to elect against which he will proceed.

SECTION 2. All acts or parts of acts, the provisions of which conflict with this act, are hereby repealed.

Repeal.

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

Approved April 12, 1866.