

## CHAPTER 124.

[Published March 16, 1869.]

AN ACT to amend chapter 132 of the revised statutes, entitled "of issues, mode of trial and judgment in civil actions."

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

Amended,

SECTION 1. Section thirty-one of chapter one hundred and thirty-two of the revised statutes, entitled "of issues, mode of trial and judgment in civil actions," is hereby amended by adding at the end of said section, as follows: "*provided*, that where the property has been delivered to the defendant under the provisions of section 6 of chapter 128 of the revised statutes, and judgment shall be for the plaintiff, it shall be optional with the plaintiff to take judgment for the possession or for the recovery of the possession, or the value thereof in case delivery can not be had, and of damages for the detention or in lieu thereof, judgment absolutely for the value thereof and damages for the detention."

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

Approved March 9, 1869.

## CHAPTER 125.

[Published March 16, 1869.]

AN ACT to amend section 20 of chapter 141 of the revised statutes, entitled "of actions relating to real estate."

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

Amended.

SECTION 1. Section twenty of chapter one hundred and forty-one of the revised statutes, entitled "of actions relating to real estate," is hereby amended so as

to read as follows, to wit: "Section 20. The court in which such judgment 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*, that if such cause shall within ninety days after such judgment be or have been taken to the supreme court upon appeal or writ of error, the time during which the same is pending in and unremitted from the supreme court shall be excluded from, and be no part of the time within which application may be made as aforesaid, but no more than one new trial shall be granted under this section."

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

Approved March 9, 1869.

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## CHAPTER 126.

[*Published March 12, 1869.*]

AN ACT to authorize certain counties, towns, cities and villages to aid in the construction of the land grant railroad from Portage City and from Doty's Island to Lake Superior.

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

SECTION 1. It shall be lawful for the proper officers of any county through any portion of which any part of the railroad of the Portage and Superior, or of the Winnebago and Superior railroad company, or of the company consolidated by the two said companies from Portage City to Lake Superior, and from Doty's Island to Lake Superior shall run, or any town or incorporated city or village in such county, to levy a tax upon all the taxable property in such county, town, incorporated city or village, to aid in the location and construction of any portion of such road, and for the purchase of right of way and depot grounds, and for like purposes, May levy tax to aid railroads.