

No. 487, A.]

[Published April 2, 1901.

CHAPTER 100.

AN ACT to amend section 2878 of the Wisconsin statutes of 1898, relating to motion for new trial on minutes of judge.

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

Motion not granted during term, deemed to be overruled.

SECTION 1. Section 2878 of the Wisconsin statutes of 1898 is hereby amended by adding at the end thereof the following: "If such motion be made but not decided during such term, it shall be taken as overruled, and an exception to such constructive denial of the same shall be allowed in the bill of exceptions;" so that said section when amended shall read as follows: Section 2878. The judge before whom the issue is tried may, in his discretion, entertain a motion to be made on his minutes, to set aside a verdict and grant a new trial upon exceptions or because the verdict is contrary to law or contrary to evidence, or for excessive or inadequate damages; but such motion if heard upon the minutes can only be heard at the same term at which the trial is had. When such motion is heard and decided upon the minutes of the judge and an appeal is taken from the decision, a bill of exceptions must be settled in the usual form, upon which the argument of the appeal must be had. If such motion be made, but not decided during such term, it shall be taken as overruled, and an exception to such constructive denial of the same shall be allowed in the bill of exceptions.

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

Approved March 30, 1901.