

No. 632, A.]

[Published April 3, 1897.]

## CHAPTER 172.

AN ACT to amend section 1, of chapter 9, of the laws of 1897, relating to new trials in criminal cases.

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

SECTION 1. Section 1, of chapter 9, of the laws of 1897, is hereby amended so as to read as follows: Section 1. Section 4719, of the revised statutes is hereby amended by adding at the end of said section the following: When an application for a new trial under this section shall have been heretofore refused, or shall be hereafter refused, a writ of error shall, on the application of the defendant, be issued from the supreme court to bring such matter before it; and upon such writ the supreme court shall have the power to review the order refusing to grant a new trial, and render such judgment thereon as it may deem proper; provided, such writ shall be applied for within two years from the date of such order, so that said section when so amended shall read as follows: Section 4719. The circuit court may, at the term in which the trial of any indictment or information shall be had, or within one year thereafter, and in either case before or after judgment, on the petition or motion in writing of the defendant, grant a new trial for any cause for which by law a new trial may be granted, or when it shall appear to the court that justice has not been done, and on such terms and conditions as the court may direct. Such petition or motion shall be signed by the defendant or his attorney, and shall set forth specifically the grounds upon which the defend-

When writ of error may be issued by the supreme court in criminal case.

ant will rely for a new trial, and the same shall be filed with the clerk of the court of the county in which the action was tried, at least twenty days before the argument of such motion; but the court may by order fix a shorter time. If the defendant desires to use any affidavits upon such motion, copies of the same shall be served upon the district attorney at least twenty days before the argument of the motion, or such shorter time as the court may by order designate. When an application for a new trial under this section shall have been heretofore refused, or shall be hereafter refused, a writ of error shall, on the application of the defendant, be issued from the supreme court to bring such matter before it; and upon such writ the supreme court shall have the power to review the order refusing to grant a new trial, and render such judgment thereon as it may deem proper; provided, such writ shall be applied for within two years from the date of such order.

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

Approved April 2, 1897.