

imprisonment in the county jail may, in the discretion of the court, be upon a diet of bread and water only; provided, that in counties having workhouses the commitment may be made to the workhouse instead of to the county jail, in which case the provision as to diet may be applied to imprisonment in the workhouse. In all cases arising under the provisions of this section the wife of the defendant shall be competent to testify for or against him.

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

Approved April 29, 1905.

No. 46, S.]

[Published May 1, 1905.

CHAPTER 132.

AN ACT relating to restitution on reversal or setting aside a judgment.

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

Restitution on reversal of judgment; undertaking pending new trial. SECTION 1. There is hereby constituted a new section of the statutes of 1898 to be numbered 2894b, and to read as follows: Section 2894b. If any judgment or part of a judgment rendered by any circuit court or any county court having civil jurisdiction be collected and such judgment be afterwards set aside or reversed the court in which such judgment was rendered shall order the same to be restored with interest from the time of the collection, but in case a new trial is ordered the party who has collected such judgment may retain the same pending such new trial, upon giving an undertaking in such sum and with such sureties as the court shall order, conditioned for the restoration of the amount collected with interest from the time of collection. The order of restitution may be obtained upon proof of the facts upon notice and motion and may be enforced as a judgment. Nothing

herein shall affect or impair the right or title of a purchaser for value in good faith without notice.

Deposit of judgment collected pending appeal. SECTION 2. There is hereby constituted a new section of the statutes of 1898 to be numbered 2894e and to read as follows: Section 2894c. Whenever in a civil action on appeal to the supreme court the appellant shall have omitted to stay execution and pending such appeal the sheriff or other officer shall collect all or any part of the judgment appealed from the officer collecting the same shall deposit the amount so collected, less his fees, with the clerk of the court out of which execution issued. In case of reversal on such appeal restitution may be made in accordance with the provisions of section 2894b of these statutes. In case of affirmance the clerk shall pay over such deposit to the judgment creditor on the filing of the remittitur from the supreme court.

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

Approved April 29, 1905.

No. 161, S.]

[Published May 1, 1905.

CHAPTER 133.

AN ACT to appropriate a certain sum to the Board of Regents of Normal Schools for the use of the Whitewater Normal School.

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

Purpose of appropriation. SECTION 1. There is hereby appropriated to the Board of Regents of Normal Schools out of any money in the treasury not otherwise appropriated the sum of seven thousand dollars (\$7,000.00) to be by them expended, or so much thereof as may be necessary, in the construction of a separate boiler house for the Whitewater Normal School, the removal of the boilers from the school build-