

CHAPTER 180.

[Published April 5, 1872.]

AN ACT to amend section one of chapter ninety-six of the general laws of 1860, entitled "an act to amend section twenty-six of chapter 139 of the revised statutes, entitled 'of appeals and writs of error, and proceedings thereon.'"

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

Amended.

SECTION 1. Section one of chapter ninety-six of the general laws of 1860, entitled "an act to amend section twenty-six of chapter 139 of the revised statutes, entitled 'of appeals and writs of error and proceedings thereon,'" is hereby amended so as to read as follows : Section twenty-six of chapter one hundred and thirty-nine of the revised statutes of this state is hereby amended so as to read as follows : "Section 26. No writ of error shall operate to stay or supersede the execution in any civil action, unless the plaintiff in error or some person in his behalf shall give bond to the defendant in error in double the amount of the judgment of the court below, with one or more sufficient sureties, conditioned that the plaintiff in error shall prosecute his action to effect, and pay all costs and damages which may be awarded against him therein; and in case the judgment of the court below is affirmed, will pay the amount thereof with costs; and in case such bond shall not be given to stay the execution as aforesaid, then in order to render such writ of error effectual for any purpose, a bond must be executed on the part of the plaintiff in error, by at least two sureties, to the effect that the plaintiff in error will pay all costs and damages which may be awarded against him therein, not exceeding the sum of two hundred and fifty dollars, or that sum must be deposited with the clerk with whom the judgment below is entered, to abide the event of the writ. Such last mentioned bond or deposit may be waived by a written consent on the part of the defendant in error.

Not to stay execution unless bond is given or money deposited.

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

Approved March 25, 1872.