

further sum of fifteen hundred dollars, to commence with the present year, to enable the society to supply needful books and other deficiencies in the several departments of its collections, to include reports on legislation of other states, on railroads, geological surveys, educational and humane institutions, for legislative reference and consultation; for binding books, reports, pamphlets, and especially newspaper files containing legal notices for future use in our courts of judicature; and to furnish increased facilities for all investigations into historical, scientific, inventive and literary subjects, by all our citizens, educators and students generally.

Where vouchers deposited.

SECTION 2. The vouchers for such expenditure shall be deposited with the governor during the month of January in each year, and for this appropriation as provided by chapter eighty-one (81), of the revised statutes, and chapter three hundred and twenty-seven (327), of the general laws of 1860, and chapter seventy-three (73), of the general laws of 1870, the society shall continue to be deemed the trustee of the state, and shall not sell, transfer or otherwise alienate any of its books, paintings or collections, without the consent of the legislature.

Transfer not to be made without consent of legislature.

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

Approved March 7, 1876.

CHAPTER 150.

[Published March 16, 1876.]

AN ACT in relation to new trials in civil and criminal actions.

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

Motions for new trials on new evidence.

SECTION 1. In motions for new trials founded, in whole or in part, upon newly discovered evidence, the motion may be heard and determined, without a case being made and settled, upon affidavits, and the record in the case, provided copies of the affidavits shall have been properly served, and the notice of motion specify that the motion is based on such affidavits, and the records in the case or such part of

them as the party may desire to use with such affidavits.

SECTION 2. If the moving party desires to base his motion upon the evidence, or part of it, taken on the former trial, the record or some part of it in the case, and upon affidavits, it shall be sufficient for a hearing of the motion to specify in the notice of motion served, with copies of the affidavits, that the motion is made upon such evidence and such record and such affidavits; *provided*, that the record and a copy of the evidence be present for examination at such hearing.

When motion based on evidence in former trial.

SECTION 3. If the judge in either of the cases above provided for, upon the bringing on of the motion, shall order that a case therein shall be made and settled for the hearing of the motion; he shall continue the motion until the same is heard upon the case, within such time as may be by him limited.

When motion to be continued.

SECTION 4. This act shall be in force and take effect from and after its passage.

Approved March 7, 1876.

CHAPTER 151.

[Published March 16, 1876.]

AN ACT relating to actions on undertakings given on appeals to supreme court.

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

SECTION 1. In all appeals taken or hereafter to be taken from a judgment directing the payment of money, to the supreme court, and where the execution was stayed by a written undertaking, in pursuance of section twenty-two (22), chapter two hundred and sixty-four (264) of the general laws of 1860, and the said appeal shall have been dismissed for want of prosecution by the appellant, the respondent may, after having issued an execution against the appellant and the same having been returned unsatisfied, either in whole or in part, commence an action on the undertaking so executed against the appellant, and the sureties therein, in the same manner and with the same effect as if the said judgment so appealed from had been affirmed.

Appeals from judgment.