

No. 303, S.]

[Published May 10, 1927.]

CHAPTER 84.

AN ACT to renumber section 271.29 to be subsection (3) of section 271.28, and to create a new section 271.29 of the statutes, relating to suits by poor persons without giving security for costs.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 271.29 of the statutes is renumbered to be subsection (3) of section 271.28.

SECTION 2. A new section is added to the statutes to be numbered and to read: 271.29 (1) Any person may commence, prosecute or defend to conclusion any suit, action or proceeding in any court of the state, or any writ of error or appeal therein to an appellate court, without being required to give security for costs, upon filing in said court a statement under oath in writing that because of his poverty he is unable to pay the costs of said suit, action or proceeding, or any writ of error or appeal therein, or to give security for the same, and that he believes that he is entitled to the redress that he seeks by said suit, action or proceeding, or writ of error or appeal, and setting forth briefly the nature of his cause or appeal.

(2) After any such suit or action shall have been brought, or that is now pending, the defendant or appellee may answer and avoid a demand for security for costs by filing a like affidavit, and wilful false swearing in any affidavit provided for in this section shall be punishable as perjury is in other cases.

(3) The court may dismiss any such case so brought under this act if it be made to appear that the allegation of poverty is untrue.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 7, 1927.