

Repeal.

SECTION 7. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1861.

CHAPTER 139.

[Published March 29, 1861.]

AN ACT to amend Sections 12 and 19 of Chapter 264 of the General Laws of 1860, entitled "An act to amend Chapter 139 of the Revised Statutes, entitled 'Of Writs of Error and Proceedings thereon.'"

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

Provide—ap-
peals.

SECTION 1. Section 12 of chapter 264 of the general laws of 1860, is hereby amended by adding to said section the following words: "*Provided*, that the provisions of this section shall apply to appeals from orders made under the provisions of this act, if the appellant shall desire to settle a bill of exception, but this bill of exceptions must be served within thirty days after the service of written notice of the entry of such order."

Notice of appeal
in actions by at-
tachment or in-
junction, &c.

SECTION 2. Section 19 of chapter 264 of the general laws of 1860, is hereby amended so as to read as follows: "Upon an order made by a circuit court or by a circuit judge, in any action now pending or hereafter commenced, discharging an attachment or denying, dissolving, vacating or modifying an injunction, the party interested in continuing the attachment or in procuring or continuing the injunction, may give immediate notice of appeal to the opposite party, and may, within three days thereafter, tender to such opposite party a written undertaking, with sufficient surety, in such sum as the court or judge shall direct, conditioned to pay all costs and damages which may be sustained by such party in case the appeal shall be decided in his favor; and thereupon the court or judge shall make an order continuing the attachment, and in its discretion may make an order granting the injunction

asked for, or continuing it as originally granted until the decision of the appeal, unless the opposite party shall, at any time pending such appeal, give a written undertaking, with sufficient surety, in the amount to be fixed by the court or judge, to abide and perform the judgment in the action, if it shall be in favor of the appellant: *provided*, that the court shall discharge such last mentioned order, if it shall appear at any time that such appeal is not diligently prosecuted; and such want of diligence shall be deemed *prima facie* evidence of a breach of the conditions of the appellant's undertaking; *and provided, further*, that on notice of appeal being given, all proceedings under and in pursuance of the order appealed from, shall be stayed until the time allowed to the appellant to tender his undertaking to the opposite party shall have expired, or such undertaking shall have been tendered."

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

Approved March 29, 1861.

CHAPTER 140.

[Published April 1, 1861.]

AN ACT to amend Chapter 134 of the Revised Statutes, entitled
"Of executions and proceedings supplementary thereto."

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

SECTION 1. The party in whose favor judgment has been heretofore or shall hereafter be given, may, at any time within five years after the entry of judgment, proceed to enforce the same, as provided in this act. Executions may issue within five years.

SECTION 2. After the lapse of five years from the entry of judgment, an execution can be issued only by leave of the court upon motion, with personal notice to the adverse party, unless he be absent, or non-resident, or cannot be found to make such service, in which case such service may be made by publication, or in such manner as the court shall direct. Such leave shall not be given unless it be established by the oath of the After that only by leave of court