

made for this specific purpose, to the purchase and improvement of the lands for such experimental farm. But if the said county of Dane, by its proper officers, shall not make provision for the issue and delivery of said bonds as aforesaid within thirty days after the passage of this act, and if in such case the citizens of said county shall fail within thirty days after the expiration of said first mentioned period of thirty days, to furnish guarantees satisfactory to the secretary of state, that the said amount of forty thousand dollars shall be placed at the disposal of the regents of the university at the first meeting of the board, then this act shall be null and void.

Repeal.

SECTION 17. So much and such parts of chapter twenty-one of the revised statutes, and of any and all acts, as contravene the provisions of this act, are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 115.

[Published April 25, 1866.]

AN ACT to facilitate reviews on appeals, in certain cases.

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

When new trial may be granted.

SECTION 1. In all actions wherein judgment shall be rendered in any of the courts of record of this state, and the judge by or before whom the same were tried, shall die or remove from the state before any bill of exceptions, as provided, required or authorized by law, shall have been settled therein, and before the time has elapsed for settling the same, as fixed by law or by the order of court, or by stipulation or agreement between the parties, the court in which [the] same was rendered shall grant a new trial therein, upon application of either one of the parties: *provided*, that such application shall be made at the first term of the court in

When application to be made

which such judgment was rendered after the death or removal of said judge; *and provided, further,* Must be made in good faith. that such application shall not be granted unless the party making such application, his agent, attorney or counsel, or some one on his behalf, shall make an affidavit that such application is made in good faith, and not for the purpose of delay.

SECTION 2. In all cases in any of the courts of record of this state, wherein at any time within three years immediately preceding the passage of this act, judgment shall have been rendered and entered, and the judge by and before whom the same were tried, has died or removed from the state previously to the expiration of [the] time fixed by law, or by the order of any judge or court, by stipulation or agreement between the parties or their attorneys therein, for settling a bill of exceptions therein, as authorized, provided or required by law, or as required or authorized by any of the provisions of chapter 264 of the general laws of (A. D.) 1860, of the state of Wisconsin, or of any act amendatory thereof, the court in which said case was tried and judgment rendered, shall upon the application of either one of the parties, vacate and set aside any such judgment, and grant a new trial in such action; and if an appeal in any such action, or from the judgment therein, shall have been made or taken to the supreme court, such application may be made either to such supreme court or the court in which [the] same was tried; and in case the application is made to the supreme court as above provided, such court shall make an order setting aside the judgment rendered therein, and direct that a new trial be had therein, and shall remand all papers therein: *provided,* that the supreme court may require the party making such application, to pay all clerk's costs in [the] supreme court, and all disbursements which the opposite party has been subjected to in said court for printing: *provided, however,* that all such applications under this section shall be made to the supreme court at the term which may be in session at the time of the passage of this act, if there be sufficient time to make such application at such term, if not, then at [the] next term, or at the first general term of the court in which such judgment was rendered, which shall be held after the passage of this act; *and provided, further,* that such application shall not be granted without the party making When judgment may be vacated, and new trial granted. In case of appeal to supreme court. Must be made in good faith.

[the] same, his agent, attorney, counsel, or some one on his behalf, shall make an affidavit that such application is made in good faith, and not for the purpose of delay.

Taxable costs.

SECTION 3. In all cases when a new trial shall be granted under the provisions of this act, the party applying therefor, in addition to the requirements of the preceding sections, shall also be required by the court to pay or tender to the opposite party all taxable costs which he may have incurred after the service of the notice of trial for the term at which the cause was tried.

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

Approved April 12, 1866.

CHAPTER 116.

[Published April 25, 1866.]

39. 151.69.
96. 75-

AN ACT to incorporate the "board of regents of normal schools," and to define the duties thereof.

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

Board of regents
to be body cor-
porate—their
powers.

SECTION 1. The "board of regents of normal schools," created by chapter 22 of the revised statutes, and the several acts amendatory thereof, and their successors in office, are hereby constituted a body corporate, with the name and style of the board of regents of normal schools of the state of Wisconsin; and under that name and style shall have perpetual succession, with the right to purchase, have, hold, control, possess and enjoy to them and their successors in office, in trust for the state of Wisconsin, for educational purposes solely, any lands, tenements, hereditaments, goods, chattels and effects of whatsoever nature or description the same may be, which may be necessary and required for the legitimate purposes, objects and uses of the state normal schools authorized by this act, and none other, with full power to sell or dispose of such personal property, or any part thereof, when in their judgment it shall be for the interest of the state; to make all such contracts and agreements as shall be