

and the defendant. In case of trial by the court the determination of the court shall have the same effect as the verdict of a jury."

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

Approved April 24, 1903.

No. 394, A.]

[Published April 27, 1903.

CHAPTER 118.

AN ACT relating to proceedings in justices' courts, and amendatory of certain sections of the statutes of 1898, and adding a new section thereto.

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

Of nonsuit. SECTION 1. Section 3659 of the statutes of 1898 is hereby amended by adding after the word "action" in the first subdivision of said section, the words, "at any time before the argument to the jury has been concluded or waived," and by adding after the fourth subdivision of said section, the words "but a compulsory nonsuit shall not be ordered by the justice after evidence has been submitted to the jury," so that said section 3659, as so amended, shall read as follows: Section 3659. Judgment of nonsuit shall be rendered against the plaintiff prosecuting an action before a justice of the peace in the following cases:

1. If he discontinue or withdraw his action at any time before the argument to the jury has been concluded or waived.
2. If he fail to appear on the return of any process, within one hour after the same is returnable.
3. If, after an adjournment, he fail to appear within one hour after the time to which the adjournment shall have been made.
4. If he become nonsuited on the trial; but a compulsory nonsuit shall not be ordered by the justice after evidence has been submitted to the jury.

Judgment, not invalidated. SECTION 2. A new section is hereby added to the statutes to be numbered and to read as follows: Section 3616a. After the parties have appeared and tried the case upon the merits, before any justice to whom the papers have been transmitted, the judgment rendered therein shall not be held invalid for any insufficiency of the oath or affidavit for, or irregularity in, the proceedings for removal.

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

Approved April 24, 1903.

No. 396, A.]

[Published April 27, 1903.

CHAPTER 119.

AN ACT providing that parties to civil actions and proceedings in courts of record may be granted leave to inspect real and personal property of opposing parties in litigation, and amending the statutes of 1898 by adding one section to be known and designated as section 4095a.

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

Inspection of parties of property before trial. SECTION 1. The statutes of 1898 are hereby amended by adding one section thereto to be numbered and to read as follows: Section 4095a. Any party to a civil action or proceeding pending in a court of record shall have the right after issue joined to apply to said court or the presiding judge thereof for an order for the inspection by such party or his witnesses, of any real or personal property in the possession or control of an opposing party the inspection of which may be deemed material and necessary to the trial and determination of the action or proceeding.

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

Approved April 24, 1903.