

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

Approved March 6, 1866.

CHAPTER 15.

[Published March 18, 1866.]

AN ACT to repeal sections seven, eight, nine and ten of chapter 242 of the general laws of 1863, entitled "an act to provide for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service."

~~REPEALED~~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

SECTION 1. Sections seven, eight, nine and ten of chapter 242 of the general laws of 1863, entitled "an act to provide for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service," is hereby repealed.
^{Repeal.}

SECTION 2. All acts and parts of acts inconsistent with this act, are hereby repealed.
^{Repeal.}

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

Approved March 10, 1866.

CHAPTER 16.

[Published March 20, 1866.]

AN ACT to amend chapter 52 of the revised statutes, entitled "of restraining [distraining] sheep running at large, &c."

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

SECTION 1. Section one of chapter fifty-two of the revised statutes, entitled "of restraining [distraining] sheep running at large, &c.," is hereby amended, so as to read as follows: "If the owner of any diseased sheep, infected with the disease known as 'foot rot,' or
<sup>Diseased sheep
not to run at
large—penalty
therefor, and how
recoverable.</sup>

any other contagious disease, shall drive, suffer or permit to be driven such diseased sheep, or any of them, along any public road, or along any path or byway off from the premises of the person owning such sheep, or any of them, so infected, [or] shall suffer or permit such diseased sheep, or any of them, to go at large out of his inclosure, at any season of the year, such person shall forfeit the sum of ten dollars for each and every such sheep, to the person who shall enter complaint, for each time such sheep, or any of them, shall be driven, suffered or permitted to be driven, or shall be so found running at large, with the knowledge or consent of the owner thereof, which forfeiture may be recovered by action before any justice of the peace of the county where such offense shall have been committed, when such justice shall have such jurisdiction of the case to the amount claimed; and when a justice of the peace shall not have jurisdiction, the same may be sued for and recovered in an action in the circuit or county court of the proper county, with costs of suit.

Such sheep may
be distrained.

Proceedings
thereupon.

And if the owner of such diseased sheep shall, upon reasonable request, refuse or neglect to keep and restrain them from going or running at large, it shall be lawful for any person to take up said sheep, and put them in some secure inclosure, other than the ‘public pound,’ and the same may be disposed of in the manner hereinafter provided. It shall be the duty of the person so taking up said sheep, within three days thereafter to notify the owner thereof, and of the place where said sheep are confined; and thereupon the owner may obtain possession of the same, upon giving bond, with good and sufficient surety, to be approved by any justice of the peace of the proper county, and such bond shall be filed with the clerk of the county court of such county, conditioned that such owner will restrain them from going or running at large, and will pay all damages that may be sustained by any person in consequence of such sheep so going or running at large, and pay the cost of taking up and keeping such sheep. And if such owner shall neglect or refuse for the space of six days after being so notified, to comply with the provisions of this section, it shall be lawful for the person having possession of such sheep, to sell the same at public vendue, after giving the like notice as is required in case of constable’s sale of goods taken

on execution; and it shall be one of the conditions of such sale, that the person to whom said sheep, or any part thereof, may be struck off at said sale, shall give the bond hereinbefore required; and the proceeds of such sale, after deducting the costs of keeping such sheep and the costs of such sale, shall be paid to the owner thereof."

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

Approved March 15, 1866.

CHAPTER 17.

[Published March 19, 1866.]

AN ACT to provide a punishment for offenses committed against certain real property.

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

SECTION 1. If any person shall sever from the soil of another, any produce growing thereon, or any timber or trees standing or growing thereon, or shall sever from any building or from any gate, fence or other railing or inclosure, any part thereof, or any material of which it is formed, and shall take and convert the same to his own use, he shall be deemed guilty of larceny, in the same manner and of the same degree as if the articles so taken had been severed at some previous and different time, and shall be punished in the same manner as is provided in sections 16 and 17 of chapter 165 of the revised statutes, for larcenies of property of [the] same value.

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

Approved March 15, 1866.

Penalty for severing timber, trees, fences, &c.