

such to be paid out of the county funds upon certificate of the justice of the peace by whom they were summoned. The justice of the peace, sheriff and constable shall receive their fees from their respective counties as provided by law in criminal cases.

Report to be made to governor.

SECTION 11. The state veterinarian shall, in October of each year make a report to the governor of the state.

Annual appropriation.

SECTION 12. There is hereby annually appropriated from any moneys in the treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this act.

SECTION 13. All acts or parts of acts inconsistent herewith, are hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1885.

---

[No. 365, A.]

[Published April 20, 1885.]

## CHAPTER 468.

AN ACT to amend the charter of the city of Portage.

(See Vol. 2.)

---

[No. 130, A.]

[Published April 18, 1885.]

## CHAPTER 469.

AN ACT relating to liens upon logs, timber and lumber, cord-wood, railroad ties, tan and other barks, piling, telegraph poles, telephone poles and fence posts, and amendatory of sections 3329, 3330, 3331, 3333, 3335 and 3340, of the revised statutes, as amended by chapter 319, of the laws of 1882.

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

Lien law amended.

SECTION 1. Section 3329, of the revised statutes, as amended by chapter 319, of the laws of 1882, is

hereby amended so as to read as follows: Section 3329. Any person who shall do or perform any labor or services in cutting, felling, hauling, running, driving, rafting, booming, cribbing, towing, sawing or manufacturing into lumber, any logs or timber in any of the counties in this state, shall have a lien upon such logs, timber or lumber for the amount due, or to become due, for such labor or services, which shall take precedence of all other claims or liens thereon. In the counties of Door, Florence, Kewaunee, Marathon, Langlade, Marinette, Oconto, Portage, Shawano, Taylor and Waupaca, any person furnishing any supplies in the cutting, felling, hauling, running, driving, rafting, booming, cribbing, towing, sawing or manufacturing into lumber any logs or timber, or any person furnishing any supplies, or doing or performing any labor or service in cutting, felling, piling, handling or hauling cord-wood, or in cutting, felling, peeling, scoring, hewing, handling or hauling any railroad ties, tan or other barks, piling, telegraph poles, telephone poles or fence posts, shall have a lien thereon, for the amount due or to become due for such supplies, labor or services, provided, such lien for labor or services shall take precedence of all other claims thereon.

SECTION 2. Section 3330, of the revised statutes, is hereby re-enacted and amended so as to read as follows: Section 3330. The word supplies as used in the preceding section, shall be construed to mean and include all rafting or other materials and food used by the men and teams in and about the cutting, felling, hauling, driving, running, rafting, cribbing or towing any such logs or timber, or in cutting, felling, peeling, piling, handling or hauling any such cord-wood, railroad ties, tan or other barks, piling, telegraph poles, telephone poles, or fence posts and all other materials and articles usually used in the performance of any such labor or services, including all groceries, provisions, clothing and other articles ordinarily used by the laboring man and his family or either of them, and which are furnished to any such laboring man or his family, or to his employer to be used by any such laborer or his family while doing or performing any such labor, or services upon any such logs, timber, cord-wood, railroad ties, tan or other barks,

The word supplies construed to mean rafting and other materials.

piling, telegraph poles, telephone poles or fence posts, and the same is furnished to apply in payment for the labor and services on such logs, timber, cord-wood, railroad ties, tan or other barks, piling, telegraph poles, telephone poles or fence posts, and to an amount not exceeding the agreed wages for such labor or services, but the word supplies shall not include horses, cattle, team, bob sleighs, sleds, wagons, harnesses, bed or bed clothing.

Lien described  
and defined.

SECTION 3. Section 3331, of the revised statutes, as amended by said chapter 319, laws of 1882, is hereby amended so as to read as follows: Section 3331. No debt or demand for such supplies furnished or labor or services done and performed shall remain such lien unless a claim therefor, in writing, shall be made and signed by the claimant or his attorney and verified by the claimant or some one in his behalf, in the same manner that pleadings in civil actions may be verified, setting forth the nature of the debt or demand for which the lien is claimed, the amount claimed to be due, the description of the logs, timber, lumber, cord-wood, railroad ties, tan or other barks, piling, telegraph poles, telephone poles or fence posts against which the lien is claimed, and that the claimant claims a lien thereon, pursuant to this chapter and the chapter to which this is amendatory; such claim for labor or services done or performed, or for supplies furnished, shall be filed in the office of the clerk of the circuit court of the county in which such supplies were furnished or labor or services were done or performed, except that the claim for such liens for any such labor or services done or performed, or supplies furnished upon logs, timber or lumber gotten out upon the Wolf river, or any of its tributaries for the purpose of being run down said river or its tributaries, shall be filed in the office of the clerk of the city of Oshkosh. If the supplies were furnished or labor or services done or performed between the first day of November and the first day of May following, the claim for such lien shall be filed on or before the first day of June next thereafter, but if such labor shall have been done or performed or supplies furnished after the first day of May and before the first day of November thereafter, or if the furnishing of such supplies

or the doing or performing of such labor or services shall be continuous from the first day of November or a day prior thereto, to a date beyond the first day of May following, the claim for lien shall be filed within thirty days after the last day of furnishing such supplies, or of doing or performing such labor or services, and such furnishing of such supplies and such labor or services shall be deemed continuous notwithstanding a change of ownership in said logs, timber, lumber, cord-wood, railroad ties, tan or other bark, piling, telegraph poles, telephone poles or fence posts. The clerk with whom such claim for lien is filed shall receive twenty-five cents for filing each such claim or lien.

SECTION 4. Section 3333, of the revised statutes, as amended by chapter 319, of the laws of 1882, is hereby amended so as to read as follows: Section 3333. The plaintiff in such actions may have the remedy by attachment of the property upon which the lien is claimed provided by law in personal actions, and such attachments may be issued and be served and returned and like proceedings had thereon, including the release of any attached property upon giving security as in civil actions. The affidavit for the attachment must state that the defendant who is personally liable to the plaintiff therefor, is indebted to him in the sum named over and above all legal set-offs, for such supplies furnished or such labor or services done or performed as entitles the plaintiff to a lien thereon under this chapter and the chapter to which this is amendatory, describing such logs, timber, lumber, cord-wood, railroad ties, tan or other barks, telegraph poles, telephone poles, or fence posts, and that the plaintiff has filed his claim or lien pursuant thereto and no other fact need be stated in such affidavit; no undertaking upon such attachment or security for costs in actions hereunder before justices of the peace need be given, unless upon application of some defendant in the action, showing by affidavit that he has a good and valid defense to the plaintiff's claim and to how much thereof, and if it be only to a part of such claim, unless the residue be paid to the plaintiff at the time of the application which payment, if made, shall not affect the jurisdiction of the court; and no order shall be made by any

The plaintiff's  
remedy pre-  
scribed.

circuit court or a judge thereof, requiring the giving of such undertaking or security for costs, except upon ten days' notice to the plaintiff; the attachment shall direct the officer to whom it is issued to attach the property named in the affidavit or so much thereof, as shall be necessary to satisfy the sum claimed to be due thereon and to hold the same subject to further proceedings in the action. The officer executing the attachment shall pay any boorage due upon the property attached and the amount so paid shall be taxed as part of the cost of the action.

When a lien is not discharged.

**SECTION 5.** Section 3335, of the revised statutes, as amended by chapter 319, laws of 1882, is hereby amended so as to read as follows: Section 3335. The taking of a promissory note or other evidence of debt for any such labor or services done or performed, or supplies furnished, shall not discharge the lien therefor hereby given, unless expressly received in payment therefor and so specified therein.

Duties of the court and jury in trying the cause.

**SECTION 6.** Section 3340, of the revised statutes, as amended by chapter 319, of the laws of 1882, is hereby amended so as to read as follows: Section 3340. The court or jury which tries any action hereunder, shall in addition to the sum due the plaintiff, find, if such be proven, that the same is due for the supplies furnished or the labor or services done or some part of them alleged in the complaint and that the same is a lien upon the property or some part thereof, described in the complaint, and the judgment shall be in accordance with the findings, costs shall be taxed and allowed as in personal actions. The execution in addition to the directions and commands of ordinary executions upon judgments for money shall direct that such logs, timber, lumber, cord-wood, railroad ties, tan or other barks, piling, telegraph poles, telephone poles or fence posts, describing them or so much thereof as may be necessary for such purposes, to be sold to satisfy said judgment and costs, including the costs of sale. If the court, justice or jury shall find that the amount found due the plaintiff is not a lien upon any part of such logs, timber or lumber, cord-wood, railroad ties, tan or other barks, telegraph poles, telephone poles or fence posts, they shall be released from the attachment, if they have been attached. The

plaintiff shall in such case have judgment for the amount so found due, with costs as in ordinary civil actions, but he shall not recover the costs of executing such attachment.

SECTION 7. All acts or parts of acts conflicting with the provisions of this act are hereby repealed, <sup>Repealing section.</sup> except chapter 222, of the laws of 1880.

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

Approved April 13, 1885.

[No. 642, A.]

[Published April 20, 1885.]

## CHAPTER 470.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)

[No. 207, S.]

[Published April 16, 1885.]

## CHAPTER 471.

AN ACT to prohibit the catching for sale or offering for sale or barter, any brook trout caught in any of the streams, ponds or lakes of the state.

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

SECTION 1. Any person who shall catch for sale or offer for sale or barter, any brook trout caught in any of the streams, ponds or lakes of this state, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than five dollars nor more than ten dollars, and upon conviction for a second violation of the provisions of this act, shall be punishable by a fine of not less than ten dollars nor more than twenty dollars; provided, that this act shall not prohibit the catching for sale or barter, brook trout, raised and propagated in any of the private streams or ponds of the state by the own- <sup>Trout law amended.</sup>