

SEC. 2. That section seventy of chapter sixteen, of title six of the revised statutes, is hereby suspended in its operation, so far as relates to the road mentioned in the foregoing section of this act. Suspension of General Provisions.

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

FREDERICK W. HORN,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tempore of the Senate.

Approved, March 8th, 1851.

NELSON DEWEY.

An Act to prevent the killing of Deer in certain months of the year.

Chap. 171

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

SECTION 1. No person in this State, except Indians, shall kill any wild buck, doe or fawn, during the months of February, March, April, May or June. When deer to be preserved.

SEC. 2. Any person violating any of the provisions of this act, shall, upon conviction thereof, be fined a sum not more than ten nor less than five dollars and costs of suit. Penalty for violation of this act.

SEC. 3. The penalties prescribed in this act shall be sued for and recovered by and in the name of the Overseers of the Poor of the town where the offence was committed, in an action to be commenced within three months after the commission of the offence, and shall be applied for the use of the poor of said town. Fines how recovered.

SEC. 4. This act shall take effect from and after the first day of May next.

FREDERICK W. HORN,
Speaker of the Assembly.

SAMUEL W. BEALL,
Lt. Governor and President of the Senate.

Approved, March 10th, 1851.

NELSON DEWEY.

An Act to limit the rate of interest.

Chap. 172

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

SECTION 1. The rate of interest upon the loan or forbearance of any money, goods or things in action shall be seven dollars upon one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time: Provided, that it shall be competent for parties to contract for the payment and receipt of a rate of interest not exceeding twelve dollars on the one hundred dollars as aforesaid, in which case, Rate of interest seven per cent. per annum.

Proviso.

such rate (exceeding seven dollars on the one hundred dollars) shall be clearly expressed by agreement in writing.

Limiting clause. SEC. 2. No person or corporation shall directly or indirectly, take or receive in money, goods or other things in action, or in any other way, any greater sum or greater value, for the loan or forbearance of any money, goods or things in action than is above prescribed.

When limit is exceeded, the person paying may recover treble the amt't. SEC. 3. Every person, who, for any such loan or forbearance, shall pay or deliver any greater sum or value than is above allowed to be received, and his personal representative, may recover in an action against the person who shall have taken or received the same, and his personal representatives, treble the amount of the money so paid or value delivered, above the rate aforesaid, if such action shall be brought within one year after such payment or delivery.

Contracts for illegal notes to be void. SEC. 4. All bonds, bills, notes, assurances, conveyances, all other contracts or securities whatsoever, (except bottomry and respondentia bonds and contracts) and all deposits of goods or other things whatsoever, whereupon or whereby there shall be reserved or taken, or secured, or agreed to be reserved or taken, any greater sum or value, for the loan or forbearance of any money, goods or other things in action, than is above prescribed, shall be void, but this act shall not effect contracts made previous to the time this act shall take effect.

Persons offending to answer on oath. SEC. 5. Every person offending against the provisions of this act shall be compelled to answer on oath any bill that may be exhibited against him in the court of chancery in the proper county, for the discovery of any sum of money, goods or things in action so taken, accepted or received in violation of the foregoing provisions, or either of them.

Borrower need not offer to pay interest. SEC. 6. Whenever any borrower of any money, goods or things in action, shall file a bill in chancery for a discovery of the money, goods or things in action, taken or received in violation of either of the foregoing provisions, it shall not be necessary for him to pay or offer to pay any interest whatever on the sum or thing loaned; nor shall any court of equity require or compel the payment or deposit of the principle sum, or any part thereof, as condition of granting relief to the borrower, in any case of usurious loan forbidden by this act.

Defendant may examine plaintiff in a plea of usury. SEC. 7. Whenever in an action at law or suit in equity, the defendant shall plead the defence of usury, and shall verify the truth of his plea by affidavit, he may, for the purpose of proving the usury, call and examine the plaintiff or complainant as a witness, in the same manner as parties by law can now be made witnesses, and if the plaintiff or complainant shall fail to present himself as a witness, on due notice to him or his attor-

ney, or give his deposition, the defendant shall be a competent witness to prove the usury.

SEC. 8. Whenever it shall satisfactorily appear to a court, When Court shall declare securities void. that any bond, bill, note, assurance, pledge, conveyance, contract, security, or any evidence of debt has been taken or received in violation of the provisions of this act, the court shall declare the same to be void, and enjoin any prosecution thereon, and order the same to be delivered up and cancelled.

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved, March 10th, 1851.

NELSON DEWEY.

An Act to authorise Napoleon B. Millard and A. D. Bonesteel to build and maintain a [dam] across the Little Wolf River.

Chap. 173

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

SECTION 1. That Napoleon B. Millard and A. D. Bonesteel, their associates, successors and assigns, are hereby authorized to construct and maintain a dam across the Little Wolf river at their present mill site, about two and a half miles above Grignon's mill.

SEC. 2. The said dam may be so constructed as to give ten feet head, and the owner or owners thereof shall build and keep in good condition a sufficient slide, not less than thirty feet wide and so constructed as not to cause a fall of more than three feet to every twelve feet of surface, to admit of the passage of rafts and timber down said stream. How slide to be constructed.

SEC. 3. Any person or persons committing any malicious injury to said dam, shall be liable to the owner or owners thereof for the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction, and in accordance thereto, upon conviction therefor, be punished in the manner provided by law for offences of that nature. Penalty for wilful injury to dam

SEC. 4. This act may be altered, amended or repealed by any subsequent legislature.

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved, 11th, 1851.

NELSON DEWEY.