

Chap 272

An Act to amend chapter eighty-eight of the Revised Statutes.

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

When property
to be given up.

SECTION 1. In all actions of replevin hereafter tried before a justice of the peace, in which an order shall be presented, judgment rendered agreeably to the provisions of sections one hundred and fifty and one hundred and fifty-one of chapter eighty-eight of the revised statutes, the property named in such order shall not be delivered to the party in whose favor the same is entered, until the expiration of twelve hours after such order is entered.

To file affidavit.

SEC. 2. If, within twelve hours after the entry of such order, the losing party shall file with the justice an affidavit setting forth that he believes injustice has been done him, in the cause in which such order is entered and that he intends to remove such cause to the county court, by appeal or certiorari, then the property shall not be delivered to the successful party, until the time for taking the appeal or certiorari, as the case may be, shall have expired, unless the party in whose favor the said order is entered shall before such delivery, enter into a recognizance in double the amount of property replevined before the justice, with two or more sureties to be approved by the justice, and shall be in the following form: "We, _____ and _____, acknowledge ourselves to owe and be indebted unto _____ in the sum of _____ dollars, to be levied of our several goods

Recognizance.

and chattels, lands, and tenements, to the use of _____ or his assigns, if default be made in the conditions following, to wit: Whereas, the said _____ did, on the _____ day of _____, A. D. 18—, sue out a writ of replevin before _____, Esquire, a justice of the peace in the county of _____, on which the following described property, to wit: _____ was replevied; and whereas, such proceedings were had in said cause that the said justice did, on the _____ day of _____, A. D. 18—, order that the said property be delivered to _____; and whereas, the said _____ did, within twelve hours, make and file with the said justice an affidavit that he believed injustice had been done him in said cause, and that he intended to remove said cause to the county court. Now, if the said _____ shall remove said cause to the county court, and if the judgment rendered by said justice shall be reversed in said county court, the said _____ shall return the said property to the said _____, and abide the order and judgment of the court in the premises, then this recognizance to be void; otherwise of force.

SEC. 3. If, at the expiration of the time for appeal or certiorari, the appeal or certiorari has been perfected and the successful party has not filed the recognizance mentioned in the second section, then the property shall be delivered to the party bringing such appeal or certiorari.

When property to be delivered.

SEC. 4. The recognizance to be given on appeal or certiorari, in cases mentioned in this act, shall be in a sum not less than double the amount of property as found by the justice or jury.

Amount of recognizance.

SEC. 5. In all cases of appeals in actions of replevin taken to the circuit or county court, the finding or verdict of the jury the judgment or order of the court and the execution issued thereon, shall be, so far as practicable, the same as if the action had been originally commenced in such court, and a plaintiff or defendant having possession of the property by virtue of this act, shall be regarded, for the purposes expressed in this section as a plaintiff who obtained such possession by means of the issuing of a writ of replevin, or a defendant who retained such possession notwithstanding the issuing of such writ.

Form of verdict.

SEC. 6. This act shall take effect from and after its passage.

J. McM. SHAFER,
Speaker of the Assembly.
E. B. DEAN, JR.,
President pro tem. of the Senate.

Approved, April 9, 1852.

LEONARD J. FARWELL.

[Published, June 2, 1852.]

An Act concerning the County Seat of LaFayette County.

Chap 273

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

SECTION 1. There shall be held, in the several towns of the county of LaFayette, in this state, on the third Tuesday in the month of May, in the year of our Lord one thousand eight hundred and fifty-two, a special town meeting, for the exclusive purpose of voting on the question of removal of the county seat of said county from Shullsburgh to Avon, in said county; which latter place is hereby fixed as the point to which it is proposed to remove the county seat of said county.

Special election

SEC. 2. All votes given or cast on the question of the removal of said county seat shall be by ballot, and shall be either written or printed or partly written and partly printed; and shall be in one of the following forms, viz: "County seat"

Form of ballot.