

[*Published March 26, 1859.*]

CHAPTER 111.

AN ACT to provide for levying a state tax for the year 1859.

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

SECTION 1. There shall be levied and collected for the year 1859 a state tax of one hundred and fifty thousand dollars for the estimated expenses of the year 1860, to be apportioned among and assessed upon the several counties of this state, as provided in chapter 18 of the revised statutes, (sections 43, 44, in relation to the equalization of assessments, and manner of assessing taxes,) and shall be levied upon the property, real and personal, in this state, according to the equalization to be made the present year by the state board of equalization; which tax shall be levied, collected and paid into the state treasury, as now provided by law.

SEC. 2. The state board of equalization shall, on or before the first day of October after the passage of this act, proceed to, and make the equalization aforesaid, and immediately certify the same to the several counties in this state as provided by law, to have full force and effect for the year 1859.

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

Approved March 16, 1859.

[*Published March 28, 1859.*]

CHAPTER 112.

AN ACT to amend chapter one hundred and twenty of the revised statutes, entitled "Of courts held by justices of the peace."

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

SECTION 1. In all actions hereafter tried by a justice of the peace for the recovery of the possession of personal property, in which an order is made and judgment entered, according to the provisions of chapter one hundred and twenty of the revised statutes, the property mentioned in such order shall not be delivered to the

party in whose favor the same is entered, until the expiration of twenty-four hours after the entry of such order.

Notice of appeal. SEC. 2. If within twenty-four 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 action, and that he intends to remove the same to the circuit court by appeal, then such property shall not be delivered to the successful party until the time for taking the appeal shall have expired, unless the party in whose favor such order is entered shall enter into a recognizance to the opposite party, in double the amount of the value of the property mentioned in such order, with two or more sufficient sureties, to be approved by the justice, which recognizance shall be substantially 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, chattels, lands and tenements, to the use of the said _____ or his assigns, if default be made in the condition following, to wit: Whereas, the said _____ did, on the _____ day of _____ A. D. 18—, commence an action before _____ Esquire, a justice of the peace of the county of _____, in which action the following described property, to wit: (here insert a full description of the property) was seized; and whereas, the said justice did, on the _____ day of _____ A. D. 18—, order that the said property be delivered to _____ (plaintiff or defendant, as the case may be); and whereas, the said _____ did, within twenty-four hours thereafter, make and file with the said justice an affidavit as provided by law in such case; now, if the said _____ shall remove said action to the circuit court, and if the judgment rendered by said justice shall be reversed as to any part of said property, the said _____ shall return the said property, or so much thereof as shall be adjudged to be returned, to the said _____, and shall abide the order and judgment of the court in the premises, then this recognizance to be void, otherwise of force.

Failure to file recognizance. SEC. 3. If, at the expiration of the time for appeal, the appeal has been perfected, and the successful party has not filed his recognizance, as provided by this act, then such property shall be delivered to the party bringing such appeal.

Sureties to be given by appellant. SEC. 4. If the property mentioned in such order has been delivered to the appellant, the appeal shall not be effectual for any purpose, unless, within the time

provided for taking the appeal, there shall be filed with the justice a written undertaking on the part of the appellant, with two sureties, in a sum not less than double the value of the property as found by the justice or jury, to the effect that if judgment be rendered against the appellant by the appellate court, he will pay such judgment, together with all costs, damages, and disbursements recovered against him, and that he will abide by such other or further order, or judgment, as the court may make in the premises.

SEC. 5. If the property mentioned in such order has been delivered to the appellee, proceedings in the judgment rendered by the justice shall not be stayed until an undertaking shall be filed with the justice, on the part of the appellant, in a sum of not less than fifty dollars, with two sureties, to the effect that he will pay all costs, disbursements and damages that may be recovered against him in the appellate court.

SEC. 6. The sureties mentioned in sections four and five of this act shall severally justify their responsibility on oath, and be approved by the justice; and such justification shall be either entered upon the back of, or attached to said undertaking; and the sureties mentioned in section two of this act shall also justify in like manner; and on filing of either of the undertakings aforesaid, all further proceedings on such judgments shall be stayed, and if execution be issued, the same shall be returned forthwith.

SEC. 7. The provisions of chapter one hundred and twenty of the revised statutes, relating to appeal to the circuit or county court from justices judgments, so far as the same are applicable, and not inconsistent with the provisions of this act, shall apply to appeals from judgments mentioned in this act relating to the recovery of the possession of personal property; and the provisions of section two hundred and seventeen of said chapter one hundred and twenty are hereby declared to be applicable to appeals from judgments rendered in justice court for the recovery of the possession of personal property; and the value of the property as found by the justice or jury shall be taken as the amount of such judgment, exclusive of costs.

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

Approved March 16, 1859.