

answer, exceeding the sum of fifteen dollars, over and above the claim of the plaintiff, as set forth in the complaint, as he verily believes, the action shall be tried in the appellate court as cases originally brought there; but the said parties may, by written consent, signed by the parties or their attorneys, appearing on the return of the justice, admit such return or any part thereof as evidence on the trial of the appeal."

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

Approved March 31, 1864.

CHAPTER 263.

[Published April 16, 1864.]

AN ACT to amend chapter 145 of the private and local laws of 1857, entitled "an act to protect the lumber interests of Black river, and to amend certain laws therein named."

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

SECTION 1. Section one of chapter one hundred and forty-five of the private and local laws of 1857, is hereby amended, so as to read as follows: "Every person who shall willfully take, carry away or otherwise convert to his own use, without the consent of the owner, any log or cant suitable to be worked into plank, boards, joist, shingles or other lumber, the property of another, whether the owner thereof be known or unknown, lying and being in Black river or in any of its tributaries, or on or near the banks of said river, or on or near the banks of any of its tributaries, for the purpose of being driven or floated to market, shall be deemed guilty of the crime of larceny, and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than one month nor more than six months; and on a second conviction of a like crime, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the penitentiary not less than six months nor more than one year."

Penalty for converting logs, &c.

Penalty for cutting out or destroying marks.

SECTION 2. Section two of said chapter one hundred and forty-five is hereby amended, so as to read as follows: "Every person who shall cut out, alter or destroy any mark made or caused to have been made by the owner on any log, cant or other lumber lying and being as described in the first section of this act, without the consent of the owner thereof, shall, on conviction, be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than one month nor more than six months; and on a second conviction for a like crime, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the penitentiary for not less than six months nor more than one year."

Jurisdiction.

SECTION 3. Justices of the peace shall have jurisdiction over and cognizance of all actions and proceedings arising in their respective counties, under the provisions of this act, for a first offense.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 31, 1864.

CHAPTER 264.

[Published April 16, 1864.]

AN ACT to provide for the establishment of a state road from Whitehall, in Trempealeau county, to Mondovi, in Buffalo county.

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

Commissioners.

SECTION 1. D. S. Watson, David Cummings and J. P. Cummings are hereby appointed commissioners to lay out and establish a state road from Whitehall, in the county of Trempealeau, to Mondovi, in the county of Buffalo, in this state.

To make out and plat.

SECTION 2. After said commissioners shall have laid out said state road, they shall make out three correct maps or plats of survey of said road, one of which said plats of survey they shall file with each of the clerks of the boards of supervisors of the counties of