

No. 257, S.]

[Published May 18, 1903.]

CHAPTER 262.

AN ACT to appropriate to the Wisconsin State Poultry association the sum of money therein named.

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

Annual appropriation. SECTION 1. There is hereby annually appropriated to the Wisconsin State Poultry association out of any moneys in the state treasury, not otherwise appropriated, the sum of two hundred dollars.

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

Approved May 14, 1903.

No. 359, S.]

[Published May 18, 1903.]

CHAPTER 263.

AN ACT amendatory of subdivision 2, of section 3726 of the statutes of 1898, as amended by chapter 267 of the laws of 1901, relating to garnishment proceedings in justice court.

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

Appeal by defendant; stay of proceedings. SECTION 1. Subdivision 2 of section 3726 of the statutes of 1898 as amended by chapter 267 of the laws of 1901, is hereby amended by inserting the words "or the payment of money" after the word "property" in the thirty-first line of section 1 of chapter 267 of the laws of 1901, so that said subdivision 2 shall read as follows: 2. If the value of the property in the possession of the garnishee, as found by the justice or jury, shall exceed the amount of the judgment for damages and costs against the prin-

principal defendant, then for the amount of the judgment for damages and costs against the principal defendant, with the costs of suit in the action in which he is a garnishee, not exceeding the value as found by the justice or jury. The plaintiff at his election, instead of taking judgment as aforesaid for the value as so found against the garnishee, may enforce the delivery of the property found in his hands by proceedings as for a contempt in case of the garnishee's refusal to deliver the property found in his possession pursuant to the order of the justice requiring such delivery. An appeal may be taken from any order of the justice directing the delivery of the property or the payment of money in the garnishee's possession the same as if from a judgment. Proceedings under said order may be stayed during the pendency of the appeal by the execution by the defendant of an undertaking, with one or more sureties, to be approved by the justice, to the effect that if the order appealed from shall be affirmed or the appeal dismissed, the appellant will pay to the plaintiff the value of the property mentioned in said order, with interest, and the costs of the plaintiff on the appeal or, that, in either such event, he will deliver such property to the plaintiff and pay interest on the value thereof and such costs; but whenever an appeal shall be taken by a defendant from a judgment given against him and in favor of the plaintiff in the principal suit, and execution on such judgment shall be stayed by the filing with the proper justice of an undertaking for that purpose, approved as required by law, all proceedings in any garnishee proceeding in aid of such principal suit and upon any order or judgment which may have been given or made in such garnishee proceeding, shall be thereby also stayed until the final determination of such principal suit or such appeal; further proceedings in such garnishee action may be had upon filing a certified copy of the judgment in the original action with the justice of the peace before whom the same is pending and three days' notice to the opposite party.

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

Approved May 14, 1903.