

Attached to first  
district.

**SECTION 4.** That the county of Green shall be attached to the first judicial district. There shall be two terms of the district court held annually at the seat of justice in said county of Green. The said district court for the said county of Green shall have and enjoy all the power, right and duties which courts in the other counties of this territory have and enjoy; and shall be subject to all the restrictions imposed upon said courts by the act entitled "an act for establishing judicial districts and for other purposes," passed at the first session of the legislative assembly; and that the courts hereby authorized to be held in the county of Green shall be held at the town of New Mexico, until otherwise ordered by law.

Approved Jan. 15, 1888.

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## No. 50.

**AN ACT** to provide for the collection of demands against boats and vessels.

Boat liable for  
supplies, labor,  
&c.

**SECTION 1.** *Be it enacted by the council and house of representatives of the territory of Wisconsin,* as follows: Every boat or vessel used in navigating the waters of this territory shall be liable, *first*, for all debts contracted by the master, owner, agent or consignee thereof, on account of supplies furnished for the use of said boat or vessel; on account of work done, or services rendered on board of such boat or vessel; or on account of labor done, or materials furnished by mechanical tradesmen or others, in and for building, repairing, fitting out, furnishing, or equipping such boat or vessel. *Second*, for all sums due for wharfage, or anchorage of such boat, or vessel, within this territory. *Third*, for all demands or damages accruing from the non-performance or mal-performance of any contract of affreightment, or any contract touching the transportation of persons or property, entered into by the master, owner, agent or consignee of the boat or vessel on which such contract is to be performed; and *fourth*, for all injuries done to persons or property by such boat or vessel.

For wharfage.

For non-fulfillment of contract.

For injuries done by boat.

SECTION 2. Any person having a demand as aforesaid, instead of proceeding for the recovery thereof against the master, owner, agent or consignee of a boat or vessel, may at his option, institute suit against such boat or vessel by name.

Suit may be instituted against the boat by name.

SECTION 3. Any plaintiff, wishing to institute suit against a boat or vessel, shall file his complaint against such boat or vessel by name, with the clerk of the district court of the county in which such boat or vessel may lie.

Mode of proceeding.

SECTION 4. The complaint shall set forth the plaintiff's demand in all its particulars, and on whose account the same accrued. It shall be verified by the affidavit of the plaintiff, or some credible person or persons for him, and shall stand in lieu of a declaration.

Complaint.

SECTION 5. Whenever any complaint as aforesaid, shall be filed in the office of the clerk of the district court, it shall be his duty to issue a warrant, returnable as a summons, directing and authorizing the sheriff to seize the boat or vessel mentioned in the complaint, and detain the same in his custody, together with its tackle, apparel and furniture, until discharged from such custody by due course of law.

Warrant.

SECTION 6. Upon the return of any warrant issued by virtue of the preceding section, proceedings shall be had in the district court against the boat or vessel sued, in the same manner as if suit had been instituted against the person on whose account the demand accrued.

Proceedings thereon.

SECTION 7. The master, owner, agent or consignee of the boat or vessel may appear on behalf of such boat or vessel, and plead to the action.

Who may appear and plead.

SECTION 8. The district court may by rule prescribe the time and manner of pleading, of exhibiting or filing papers, or taking any needful step in any suit to be commenced under this act, when the time and manner is not prescribed by this law.

Court to make rules.

SECTION 9. If the master, owner, agent or consignee shall, before final judgment in any suit instituted by virtue of this act, give bond to the plaintiff with sufficient security, to be approved of by the court, or the judge or clerk thereof in vacation, conditioned to satisfy the amount which shall be judged to be owing and due to the plaintiff in the determination of

Boat discharged by giving bond.

the [suit, together with all the costs accruing, such boat or vessel with the tackle, apparel and furniture belonging thereto, shall be discharged from further detention by the sheriff.

When boat to be sold.

**SECTION 10.** If judgment shall be rendered against any boat or vessel in favor of the plaintiff, the court shall make an order, directed to the sheriff, commanding him to sell such boat or vessel, together with its tackle, apparel and furniture, to satisfy the judgment and all costs that may have accrued in the cause; which order shall be executed and returned in the same manner as executions.

When execution to issue against principal and surety.

**SECTION 11.** If bond and security shall have been entered into, according to the provisions of the ninth section of this act, and judgment shall have been rendered in favor of the plaintiff, execution shall be issued for the amount of judgment and costs, in favor of the plaintiff, against the principal and security in such bond.

When justices to have jurisdiction.

**SECTION 12.** Justices of the peace, within their respective counties, shall have cognizance of all cases arising under this act, wherein the demand claimed shall not exceed the jurisdiction of a justice of the peace.

To be regulated by this act.

**SECTION 13.** In all their proceedings, justices of the peace shall conform to the provisions of the law governing justices courts, and as near as may be to the provisions of this act as apply in the district court.

Proceedings before justice to be summary.

**SECTION 14.** Each warrant issued by a justice of the peace under this act shall be returnable forthwith, and upon the return of such warrant it shall be the duty of the justice of the peace, to hear and determine the complaint of the plaintiff in a summary manner.

Warrants, how served and returned.

**SECTION 15.** All warrants issued by this act, shall be served and returned, as writs of attachment are served and returned.

Part of the boat may be sold.

**SECTION 16.** Whenever an order of sale shall be made for the sale of a boat or vessel, with its tackle, apparel, and furniture, the sheriff or constable shall have power to sell such part thereof, or such interest therein, as shall be necessary to satisfy the amount of the judgment rendered in favor of the plaintiff, and all the costs that may have accrued.

**SECTION 17.** Upon good and sufficient cause shown

by the master, owner, agent, or consignee of any boat or vessel sued under this act, the court or justice of the peace may grant continuance of the cause; but no such continuance shall operate as a discharge of such boat or vessel from the custody of the sheriff or constable.

Continuance  
not to discharge  
the boat.

SECTION 18. No continuance of a cause under this act shall be granted to the plaintiff.

SECTION 19. Sheriffs, constables, and other officers shall receive the same fees and compensation for their services under this act as are allowed them in cases of suits of attachment.

Fees.

SECTION 20. In all cases arising under this act if judgment shall have been rendered in favor of a plaintiff, the master, owner, agent or consignee of the boat or vessel, or other person interested, may appeal from the judgment, or sue out a writ of error, as if they or either of them had been sued.

Appeals.

SECTION 21. All actions against a boat or vessel under the provisions of this act, shall be commenced and sued within six months after the cause of such action shall have accrued: *provided*, that one year shall be allowed for the commencement of suits under this act in any of the counties bordering upon Lake Michigan.

Limitation of  
actions.

Approved Jan. 15, 1838.

## No. 51.

AN ACT concerning debtors and their securities.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin*, That when any person bound as security by bond, bill, note or otherwise, for the payment of money or performance of a contract, shall apprehend that the principal debtor, for whom he is bound, is likely to become insolvent or migrate from this territory, without previously satisfying or discharging such debts due, demand, or obligation, so that it will become impossible, or difficult, for such security after paying, satisfying or discharging such debts due, or demand, to recover the

The security on  
a note, &c. may  
require the holder  
to prosecute  
when due.