

ers or lakes within the jurisdiction of this territory, and a failure to comply with these provisions, shall subject the master and owners to a penalty of one hundred dollars, for each day the same shall be omitted, to be recovered in an action of debt, before any tribunal having jurisdiction thereof, one half to the use of the county in which the suit shall be brought, and the other to the use of the person who may sue for the same.

When this act  
to take effect.

SECTION 14. This act shall be deemed a public act, and shall take effect from and after the first day of May one thousand eight hundred and thirty-eight, and the secretary of the territory shall cause authenticated copies thereof, to be published in one of the newspapers published in each of the cities of St. Louis, Mo., Louisville, Ky., Cincinnati, O., Chicago, Ill., and Detroit, Mich., and cause at least one number of each of said newspapers containing the same to be filed in his office; and such publication shall be deemed sufficient notice of this act, to all masters, officers and owners of steam boats, who may come within its provisions.

Approved, Jan. 19, 1838.

---

## No. 88.

AN ACT to authorize evidence by the oath of parties.

When to prove  
accounts by ad-  
verse party.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That hereafter in all actions of debt, or assumpsit, commenced or hereafter to be commenced in any court in this territory, or the prosecution of any claim or demand to any court, when either party may not have a witness, or other legal testimony to establish his or her demand, discount or set-off, the party claiming such demand, discount, or set-off, may be permitted to prove the same by the testimony of the adverse party, by giving at least three days' notice to the adverse party, his agent, or attorney of his or her intention so to do. And if said adverse party shall not appear at the time of trial, or shall refuse to be sworn, or testify, then the party claiming the same shall be permitted to prove

When by his  
own oath.

his or her demand, discount, or set-off, by his or her own oath : *provided*, that such party claiming the benefit of <sup>Provisos.</sup> his or her own oath, or that of the adverse party, shall first make oath before the court that he or she has a demand, discount or set-off in said cause, and that they know of no witness by whom they can prove the same, except by their own oath, or that of the adverse party : *provided, further*, that no person shall be allowed to prove their demand, discount, or set-off, unless the adverse party shall have been notified thereof, or is present and consents to the same ; and for which purpose the court may continue the same, at the instance of the party claiming the same, for such time as may be necessary.

Approved, January 19, 1888.

---

### No. 89.

AN ACT to legalize the acts of the supervisors of Grant county.

WHEREAS, The supervisors of Grant county did, in the spring of the year one thousand eight hundred and thirty-seven, proceed to sell certain town lots donated for the use and benefit of said county, and likewise to contract for the building a court house, and whereas, doubts exist as to the legality of the sales and contract for building ; therefore,

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin*, That all bonds for the titles that have been given to guarantee the sales and titles, shall be and are hereby declared to be legal and valid in law.

SECTION 2. All contracts that have been entered into by the supervisors for the building of the court house shall be of binding and legal effect upon the county of Grant in their corporate capacity, any law to the contrary notwithstanding.

Approved January 19, 1888.