

An Act to appropriate to Moritz Shoefler the sum therein named.

Chap. 87.

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

SECTION 1. There is hereby appropriated to Moritz Shoefler, forty dollars, in full, for four hundred copies of the Governor's Message in the German language, for the use of the Senate in the year 1851.

FREDERICK W. HORN,

Speaker of the Assembly,

DUNCAN C. REED,

President pro tempore of the Senate.

Approved, February 17th, 1851.

NELSON DEWEY.

An Act to amend an act entitled "An Act to authorise Eliphalet S. Miner and Henry Clinton to improve the navigation of the Grand Rapids in the Wisconsin river," Chap. 88. approved January 29th, 1847.

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

SEC. 1. John Werner, junior, assignee of Eliphalet S. Miner and Henry Clinton, and his heirs and assigns, wherever he shall have so improved the navigation of the Grand Rapids of the Wisconsin river, for running lumber rafts, that four men can run over the said Grand Rapids a single raft of lumber containing not more than twenty thousand feet of lumber, in safety, by using ordinary care and diligence; shall have, exercise and enjoy all the rights and privileges which are granted to the said Eliphalet S. Miner and Henry Clinton by the act of which this is amendatory.

SEC. 2. The said John Werner, junior, shall be authorised to collect and empowered to demand, receive, sue for and recover, six cents per thousand feet of sawed lumber instead of the sum of ten cents, as provided in the act of which this is amendatory.

SEC. 3. To enable the said John Werner, junior, to enforce the remedy by attachment, given by the third section of the act of which this is amendatory, it is hereby provided that whenever the said John Werner, junior, his agent or attorney, or his heirs or assigns, or their agent or attorney, shall make and file with any justice of the peace an affidavit stating that any person is justly indebted to the said John Werner, junior, or his heirs or assigns, in any sum for tolls due to him for the running of any raft, flat-boat, scow, or other water craft, over the said Grand Rapids, which sums shall be stated in such affidavit, and stating that such person refuses or neglects to pay such tolls, such justice of the peace shall issue a writ of attachment commanding the

remedy by attachment.

sheriff or constable of the county in which such writ shall issue, to attach such raft, flat-boat, scow or other water craft, or other property of such persons, which property when so attached shall be subject to all provisions of law in relation to property attached in other cases; and the said justice of the peace shall proceed to hear, try, and determine such writ so commenced by attachment and issue execution therein, in the same manner as is provided by law for the hearing, trying, and determining of other suits commenced by attachment before justices of the peace and issuing execution thereon.

FREDERICK W. HORN,

Speaker of the Assembly.

DUNCAN C. REED,

President pro tempore of the Senate.

Approved, February 18th, 1851.

NELLON DEWEY.

Chap. 89.

An Act to amend chapter one hundred and twelve of the Revised Statutes relative to proceedings in Attachment.

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

SECTION 1. In all actions at law now pending in any court or which shall be hereafter commenced by any person, in which a writ of attachment shall be issued in pursuance of said chapter one hundred and twelve (112) it shall be competent for the defendant in such writ of attachment, by plea or answer to deny the existence at the time of making the affidavit required to be annexed to the writ of any one or more of the material facts which shall be stated in the affidavit, whether such fact be stated upon the knowledge or belief of the deponent or otherwise.

Defendant may traverse statements.

Plaintiff to prove.

SEC. 2. The affirmative of such issue raised by said plea or answer of defendant shall be upon the plaintiff in the attachment and it shall be incumbent upon the said plaintiff to prove the statements or facts so traversed, and the trial of such issue shall be by the court in all cases.

Decision and costs.

SEC. 3. If the court shall find that the statements made by plaintiff in his affidavit are proven, the costs of such issue shall be paid by the defendant, and the suit shall thereafter proceed as if no issue had been made on the affidavit; but if the court shall find for the defendant on such issue, the property attached shall be released, and upon payment of costs of the issue by the plaintiff within twenty-four hours thereafter, he shall be permitted to proceed in his suit as in ordinary cases commenced by summons or declaration, and the said defendant shall appear and defend the said suit thereafter as in ordinary cases, or be liable to have his default entered for non-appearance.