

May issue
subpœnas, &c.

notice of the filing such award shall be given to the opposite party of the party filing the award; said committee of reference when sitting as arbitrators as aforesaid, shall have the right to issue subpœnas and compel the attendance of witnesses by attachment, the same as justices of the peace.

Imposing and
collection of
fine.

SEC. 9. Said corporation may inflict fines upon any of its members, and collect the same for breach of the provisions of the constitution or by-laws; but no fine shall in any case exceed five dollars; such fines may be collected by action of debt brought in the name of the corporation, before any justice of the peace, against the person upon whom the fine shall be imposed.

ower.

SEC. 10. Said corporation shall have no power or authority to do or carry on any business, excepting such as is usual in the management of boards of trade or chambers of commerce, and as provided for in the foregoing sections of this bill.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved May 17th, 1858.

Chapter 133.

Published May 29th, 1858.

AN ACT for the protection of Fruit and Fruit Trees, Ornamental Trees and Shrubbery.

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

Misdemeanor
—penalty.

SECTION 1. Every person who shall willfully and maliciously enter any orchard, nursery or garden, and carry away, mutilate or destroy any tree, shrub or vine, or steal, take or carry away any fruit or flower, without the consent of the owner thereof, or who shall willfully and maliciously mutilate, injure or destroy any tree or shrub planted for fruit, shade or ornament, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a period not exceeding three months.

SEC. 2. This act shall take effect from and after its passage and publication.

Approved May 17th, 1858.

Chapter 134.

Published May 22d, 1858.

AN ACT concerning Testimony.

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

SECTION 1. No person shall be disqualified as a witness in any civil action or proceeding by reason of his interest in the event of the same as a party or otherwise, except in the cases specified in the next section, but such interest may be shown for the purpose of affecting his credit as a witness. Not unqualified as a witness.

SEC. 2. A party to a civil action or proceeding may be examined as a witness in his or her own behalf on the trial, except in actions in which the opposite party sues or defends as administrator or legal representative of any deceased person; but such party shall not be examined in relation to any matter in controversy in any action or proceeding in which the plaintiff or defendant claims as assignee when the original assignor is dead, nor in relation to any matter in controversy arising out of any transaction managed or conducted by an agent of the opposite party, or by an agent of the original assignor of such party, unless such agent is living. May be examined in his or her own behalf, except.

SEC. 3. Notice of the intended examination of a party in his own behalf shall be given to the opposite party for such time as the court shall deem reasonable, in order to enable such opposite party to be present at the trial or to have his deposition taken to be used on such trial, but in cases where a party shall be sworn pursuant to such notice, or where the original assignor of a contract or thing in action, is sworn on behalf of the party claiming title through him, the opposite party shall be permitted to testify without such notice. Notice of such examination to be given—opposite party may testify.