

seem best, and may at any time require of any officer or employe, additional bonds and sureties, in its discretion.

Purchase of sites and erection of buildings.

SECTION 5. The common council of the city of Milwaukee, is hereby authorized and empowered to levy and collect general or special taxes on the taxable property of said city, for the purchase of sites or the erection of buildings for the purpose of establishing, maintaining, or of aiding in the establishment or maintenance, of any public school or educational institution in addition to the schools now established in said city, and for such purposes it may receive, by donation or purchase, suitable and sufficient sites, and construct suitable and sufficient buildings, and possess or donate the same, in such manner, to such parties and to such extent, as said council may deem proper and necessary to the interests of public education in said city, and to use therefor any moneys in the treasury of said city, not otherwise appropriated, and all acts of said council hitherto performed, with reference to the purposes expressed in this section, are hereby legalized and approved.

Taking effect of this act.

SECTION 6. Sections one, two and three of this act, shall take effect on the first day of January, 1882, provided, that if the common council shall before that date, in accordance with the provisions of section four, transfer to the fund at the disposal of the school board, a sum to be used by said board for minor and urgent repairs, said sections one, two and three shall take effect and be in force from the date of such transfer. Sections four, five and six of this act, shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

[No. 97, A.]

[Published March 15, 1881.]

CHAPTER 66.

AN ACT to amend sections three thousand seven hundred and fifty-six, three thousand seven hundred and sixty and three thousand seven hundred and sixty-one, of chapter one hundred and sixty, of the revised statutes, entitled, "of appeals from judgment in justices' courts."

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

Execution, how stayed on appeal.

SECTION 1. Section three thousand seven hundred and fifty-six of the revised statutes, is hereby amended so as to read as follows: Section 3756. If the appel-

lant desires a stay of execution of the judgment, except in actions of replevin, a written undertaking must be executed on the part of the appellant, by one or more sufficient sureties, to be approved by the judge of the appellate court or by the justice, to the effect that if the appeal shall be dismissed, or if judgment be rendered against the appellant, and execution on the judgment be returned unsatisfied in whole or in part, the sureties will pay the amount unsatisfied.

SECTION 2. Section three thousand seven hundred and sixty of the revised statutes, is hereby amended so as to read as follows: Section 3760. If the party making such affidavit shall perfect his appeal within the time required by law, and the successful party shall not have given the undertaking required by the preceding section, within the time therein prescribed, the appellant may, within five days after the expiration of the time for taking the appeal, cause an undertaking to be executed upon his part with one or more sufficient sureties, and filed with the justice to the effect that if the judgment appealed from be affirmed in the appellate court, as to any part of said property ordered to be delivered to the opposite party, or if the appeal shall be dismissed, he will return such property, or as much thereof as shall be adjudged to be returned, and pay all costs and damages awarded against him in the action, and abide any other order or judgment of the appellate court, and upon the filing of such undertaking, the justice shall enter an order in his docket requiring the officer who has the custody of such property to deliver the same to the appellant, who, upon being served with a copy of such order, shall deliver the same accordingly. The filing of such undertaking with the justice shall stay the issue of execution on the judgment for costs and damages; or if it has been issued, then service of a copy of such undertaking, certified by the court below, upon the officer holding the execution, shall stay further proceedings thereon.

Undertaking by appellant if successful party does not give undertaking.

SECTION 3. Section three thousand seven hundred and sixty-one of the revised statutes, is hereby amended so as to read as follows: Section 3761. If the appellant shall have filed his affidavit as required by section three thousand seven hundred and fifty-nine, of these statutes, and have perfected his appeal within the time prescribed by law, and neither party shall have made and filed an undertaking as above required within the time prescribed, then such property shall remain in the custody of the officer who seized the same, pending the

Property, when to remain in custody of officer; undertaking for stay of execution for damages.

appeal, subject at all times to the order of the appellate court. In all cases where the appellant shall not have made and filed the undertaking prescribed in the preceding section, the appellant may stay the execution as to damages and costs, by giving the undertaking required in section three thousand seven hundred and fifty-six, at any time within five days after the expiration of the time for taking the appeal.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1881.

[No. 126, A.]

[Published March 14, 1881.]

CHAPTER 67.

AN ACT to authorize A. C. Cushman, his associates and assigns, to construct and maintain a dam across the Kickapoo river, on lands owned by him.

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

Location of
dam.

SECTION 1. A. C. Cushman, his associates and assigns, are hereby authorized to construct and maintain a dam across the Kickapoo river, on lands owned by him, upon the northeast quarter of the southeast quarter of section twenty-four (24), township twelve (12), range three (3) west, in the county of Vernon. Said dam to be constructed for hydraulic and manufacture purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid person, his successors and assigns, shall build a suitable slide or chute in said dam, of the width of twenty feet, for running logs, timber or lumber over the same, and shall keep the same in repair. Said dam shall not be over five feet in height, in low water.

Chutes.

Penalty for
malicious des-
truction.

SECTION 2. Any person or persons, who shall willfully break or destroy said dam, or shall open the same, shall be liable to the proprietors thereof, in an action, to the amount of damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1881.