

ing justices of the peace, if the judgment of the justice shall be affirmed or upon any trial of the district court, the defendant should be convicted, and a fine assessed the person so convicted, shall be sentenced to pay such fine as in other cases, and the court in addition shall enter judgment against the person so convicted, and his sureties in the appeal for the amount of such fine, and all costs and award execution for the same as in cases of appeal from justices of the peace in civil actions, and sections eighteen and nineteen of said article are hereby repealed.

On conviction to pay fine.
Judgment a. against sureties
Execution.

§ 3. That the jury in criminal trials before justices of the peace shall be drawn, and summoned in the same manner as now provided by law in civil cases; and it shall not be requisite for either party to pay the jury fee in advance in such cases, or for an appellant in criminal cases, to pay any fees in advance, upon the taking such appeal.

Jurors how drawn and sworn.
Need not pay Jury fee.

APPROVED, January 27, 1844.

AN ACT to organize the county of Sauk.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. That from and after the second Monday in March, 1844, the county of Sauk shall be and remain, to all intents and purposes, an organized county of this Territory, and shall have all the rights and privileges which organized counties in the same of right have; and the said county of Sauk, shall when the township lines within its limits shall be surveyed be bounded as follows, to wit: on the north by the town line between towns thirteen and fourteen, and the right bank of the Wisconsin river, wherever said bank extends south of said line, on the east by the range line between ranges seven and eight east, and the said right bank wherever the same extends west of said line, on the south by a line running through the middle of the main channel of the Wisconsin river, where the said river runs through ranges seven, six, five, four, and three east, and on the west by the range line between ranges two and three east, and until the said township

Organized.

Boundaries of the county.

lines are surveyed, its boundaries shall be as now prescribed by law.

§ 2. For the purpose of electing the first county officers, the polls of election shall be opened on the second Monday in March, 1844, at the house of William H Hubbard, in Sauk Prairie precinct, and at the house of James Webster, in the Baraboo precinct, in said county, and be conducted in all respects as is provided by law, for the election of officers in other counties.

§ 3. The returns of the first election shall be made to the clerk of the board of county commissioners of Dane county, who shall proceed to canvass the votes and issue certificates of election in the manner provided by law.

§ 4. All officers elected agreeably to the provisions of the preceding section of this act, shall hold their office until the time of holding the next succeeding general election in the Territory, and until others are elected and qualified; and all subsequent elections shall be held at the time and in the manner now provided by law for holding elections in other counties.

§ 5. Noah Phelps of Green county, Charles Hart of Milwaukie county, and John Morrison of Jefferson county—are hereby appointed commissioners to locate and establish the seat of Justice of said county of Sauk.

§ 6. The said commissioners, or a majority of them, shall meet at the house of William H. Hubbard in said county, prior to the first day of April next, and on such day as they may agree upon, and before proceeding to discharge the duties assigned them by this act, shall severally take an oath before some person authorized to administer the same for the faithful performance of the duties of their appointment.

§ 7. It shall be the duty of said commissioners to make a careful examination of said county, having regard to the present and probable future population of said county, and to locate the seat of justice thereof, where in their opinion it will be for the best interest of the county.

§ 8. So soon as the said commissioners shall have made the location as aforesaid, it shall be their duty to make and file their report in the office of the register of deeds for said county, who shall record the same, and said commissioners shall immediately certify to the Governor of the Territory, where the seat of justice of said county has been located by them, and the Governor shall there-

Elections
when and
where held.

Returns how
made.

Term of
office.

Commission-
ers.

When and
where to meet.

Take oath.

Shall examine
county.

Where to file
report.

Certify to Go-
v. or.

upon issue his proclamation, declaring the place so selected, and certified by them to be the seat of justice of said county.

Compensation
how paid.

§ 9. The said commissioners are hereby allowed three dollars per day, each to be paid out of the treasury of the said county of Sauk, for every day they are necessarily employed in such service.

Second Dis-
trict.

§ 10. The county of Sauk shall constitute a part of the Second Judicial District, and the term of said court shall be holden on the last Monday in September annually, and the first term of said court to commence in September, 1844.

Suits com-
menced.

§ 11. All cases which may have been removed by appeal or certiorari from the judgment of any justice of the peace of said Sauk county to the district court of Dane county before the taking effect of this act, shall be prosecuted to final judgment in said district court in the same manner, and the same court shall have jurisdiction to proceed therein as if this act had not been passed.

County Com-
missioners to
hold session.

§ 12. The board of county commissioners shall hold their regular sessions semi-annually at the seat of justice in said county on the first Monday in April and October.

Transcribe re-
cords.

§ 13. The register of deeds of the county of Sauk shall have the privilege of transcribing from the records of Dane county, free from charge, any record of conveyance of land or personal property, or any charge or mortgage concerning the same, lying and being in the county of Sauk, and the same to record in his own office; and such records shall be as good evidence in all courts as the original records of Dane county can be.

Tax.

§ 14. All personal property in the county of Sauk, shall be taxed in the same proportion that real estate is taxed.

Suits how pro-
suted.

§ 15. In all cases where suits have been commenced in the district court for Dane county, previous to the taking effect of this act, and which by the terms of this act could only after the passage of the same be commenced in the district court for Sauk county, it shall be competent for either party to such suit, by application to the clerk of the district court of Dane county, and payment of the legal fees of said clerk for making a certified transcript of all the proceedings therein, to remove such suit to the district court for the county of Sauk, and it shall be the duty of the clerk of the district court of Dane coun-

ty, in any such case, to make a certified transcript of all writs, process, pleadings, papers, and proceedings whatever, in such suit, and transmit the same to the clerk of the district court for Sauk county; and the district court for Sauk county shall have jurisdiction of all such suits the same as though they had been originally commenced in Sauk county.

§ 16. Nothing in this act shall be so construed as to prevent the collector of Dane county, from collecting any tax now due from the citizens of Sauk county.

APPROVED, January 10, 1844.

AN ACT to punish trespass on lands.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin.

§ 1. That any person who shall wilfully cut down or destroy or, by girdling or otherwise, shall injure any tree growing or standing upon the private property of any individual, or who shall wilfully cut upon, or take, carry or haul away from any such land any timber or wood previously cut or severed from the freehold, or who shall wilfully cut down or destroy, or by girdling or otherwise shall injure any tree standing or growing upon, or who shall dig or carry away any mineral, earth or stone, in or upon any of the lands reserved and set apart for the use and support of a University in the Territory of Wisconsin, or in or upon any lands reserved or set apart for school purposes, or any of the even sections upon the canal grant, sworn out of market by the settlers upon such lands, shall be held guilty of a misdemeanor, and upon conviction of any of said offences, shall be punished by imprisonment in the county Jail of the proper county, not more than one year, or by fine not exceeding five hundred dollars, nor less than five dollars: *Provided*, that any justice of the peace, shall have concurrent jurisdiction in his own county with the district court of any offence in this act, when the value of the trees, wood, timber, mineral, earth or stone shall be alleged, not to exceed the sum of fifty dollars, and in such case the punishment shall be by fine, not less than three, nor more than fifty dollars;

Cut or girdle any tree.

Or injure.

On any mineral or school land.

On conviction

Imprisoned and fined.

Proviso.

Justice to have jurisdiction,

Fine not less than \$3 nor more than \$50