

third article of the act of which this is amendatory, and judgment shall be rendered in favor of the plaintiff in such suit, execution may be issued against both the property and body of such defendant, unless such defendant shall enter an appeal or stay execution as now provided by law, or shall satisfy the justice before whom the judgment may be rendered by his own oath, or other competent testimony, that he is unable to pay the debt, or damages and costs, adjudged against him.

Execution may run against both property and body when

SEC. 6. When any person shall be committed to prison, or the prison limits, on an execution issued as is provided in the preceding section, such person shall be entitled to all the benefit and privileges of "An act for the relief of persons confined in jail on civil process."

Defendant how released from imprisonment.

SEC. 7. The justice before whom any process issued under the tenth article aforesaid, may be returnable before proceeding to examine the merits of the case, is hereby authorized and required, when application is made for that purpose, to hear any competent testimony tending to disprove the facts set forth in the affidavit, and if, in the opinion of such justice, the same are disproved, the defendant shall be discharged from custody and the suit proceed as in case of summons.

When from arrest before trial.

SEC. 8. In all cases before a justice of the peace, if the defendant will make oath, that from prejudice or other cause, he believes such justice will not decide impartially in the matter, such justice shall immediately transmit all the papers in the case to the nearest justice qualified by law to try a cause between the parties in such suit, who shall proceed to hear and determine said cause in the same manner as if it originated before him.

Removal of trial to another justice.

SEC. 9. So much of any law as contravenes any of the provisions of this act is hereby repealed.

Approved, January 8th, 1840.

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No. 17.

AN ACT to prevent the sale of intoxicating liquors to Indians.

*Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, as follows.*

SECTION 1. That, if any person shall sell, barter, give or in any manner dispose of any intoxicating drink to any Indian

Penalty.

within this Territory, he shall forfeit, for every such offence, the sum of fifty dollars, to be recovered by any person, who will sue for the same in his own name, in an action of debt, before any Justice of the Peace of the county, in which the offence shall be committed; and if the person so convicted shall be a licensed grocer, or tavern keeper, he shall, in addition thereto, forfeit his license, and it shall be unlawful for the county commissioners to grant a license to such person to keep a grocery or tavern for the space of one year after such conviction.

Intoxicating liquor may be seized and destroyed if found within, &c.

SEC. 2. It shall not be lawful for any person to sell, give, or dispose of, or keep for any such purpose, any intoxicating liquors, at any place within five miles of the mouth of Wolf river, in the county of Brown, and any agent Indian Agent, or any civil Magistrate, sheriff or constable, shall have, and is hereby given the authority to seize and destroy any liquor found within the said five miles, without any other or further warrant therefor. Provided, that this section shall not authorize any such officer to enter a permanent dwelling, or storehouse, of a person residing within said five miles, nor shall such permanent resident be prohibited from keeping or disposing of liquors, within his said dwelling or storehouse, if thereunto licensed by the proper authorities of the county.

Approved, January 8th, 1840.

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No. 18.

AN ACT for the relief of the county officers of Crawford county.

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

Certain actions against, barred unless commenced in one month from, &c.

SECTION 1. It shall not be lawful for any person, who may have paid the taxes, levied by the county officers of Crawford county, in the years 1837, 1838, and 1839, for county purposes or to defray the expenses of building a bridge across the Marais St. Friel, in said county, to sue for or recover the same from the Collector of said county, unless suit to recover the same shall be commenced within one month after this act shall take effect.

SEC. 2. The county commissioners shall be, and are hereby authorized to levy and collect taxes equal to and to pay judg-