

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 state-
ments.

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.

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.

Decision and
costs.

SEC. 4. If the court shall find for the defendant on such issue provided for by the first section of this act, the same proceedings shall thereupon be had as is provided by the 28th section of the act of which this act is amendatory, before the plaintiff shall be permitted further to proceed with said suit.

SEC. 5. The traverse of such statements in plaintiff's affidavit may be made at any time before issue is joined in the suit upon the merits of plaintiff's claim or demand.

SEC. 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

FREDERICK W. HORN,
Speaker of the Assembly.

DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 19th, 1851.

NELSON DEWEY.

An Act for the relief of the town of Deperc in the County of Brown.

Chap. 90.

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

SECTION 1. The Town Superintendent of schools of the town of Deperc in the county of Brown is hereby authorised to divide said town into convenient School Districts at any time before the first Monday in April next by giving the necessary and proper notice for that purpose as is now required by law for subdividing a town into school districts in the first instance, any law to the contrary notwithstanding.

District Subdivision.

SEC. 2. That the Town Superintendent of schools of the Town of Deperc in the county of Brown be and hereby is authorised and empowered to receive and distribute to the several school districts in said town, the full amount of school money which would have been due to them had the said several districts fully complied with the law regulating the distribution of school moneys for the year ending on the first Monday of April next any law to the contrary notwithstanding.

School Money.

FREDERICK W. HORN,
Speaker of the Assembly.

DUNCAN C. REED,
President pro tempore of the Senate.

Approved, February 19th, 1851.

NELSON DEWEY.

An Act to legalize the official acts of the Town Officers of the Town of Ellington, in Brown County.

Chap. 91.

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

SECTION 1. The Assessment roll of the Town of Ellington,