

vit upon which the writ of attachment is issued. Before the officer shall approve of the undertaking, at least one of the party signing the same as surety, shall make an affidavit that he is worth the sum specified therein, over and above all debts, liabilities and exemptions, which affidavit shall be indorsed upon such undertaking or annexed thereto."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1863.

CHAPTER 152.

[Published April 15, 1863.]

AN ACT to provide for the inspection, repair and control of plank, gravel and other toll roads constructed by companies incorporated by, or which may hereafter be incorporated by, special acts of the legislature.

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

Statutes applicable to plank, gravel and other roads.

SECTION 1. All that portion of the revised statutes of 1858 which is contained between section 38 and section 59 of chapter 69, and as amended by chapter 202 of the general laws of 1859, shall apply to plank, gravel, turnpike and all other roads, however constructed, authorized to be constructed by companies incorporated or which may hereafter be incorporated by special acts of the legislature, and shall have the same effect when applied to such companies and such roads, as in the case of roads constructed by companies incorporated under chapter sixty-nine of the revised statutes, and without special amendment of such special acts.

Ibid.

SECTION 2. Chapter 380 of general laws of 1860, entitled "an act relating to repairs of plank and turnpike roads," shall apply to plank, gravel, turnpike and all other roads, however constructed, in like manner and effect as is provided for [by] chapter 69 of the revised statutes, in the preceding section.

May collect toll.

SECTION 3. After the filing of such certificate, as is provided for by section 2 of chapter 380 of the general

laws of 1860, the supervisors of the town, the mayor of the city, or the trustees of the village in which the road or the parts thereof needing repair may be situated, and have been repaired, are hereby authorized to demand, collect and receive tolls for passage over such length or section of road from gate to gate, any portion of which section may have been repaired, as provided by law, until such town, city or village shall have been repaid the costs of the repairs, with interest at the rate of seven per centum per annum, by such person or corporation as may be authorized to make such payment.

SECTION 4. The tolls which the supervisors of any town, the mayor of any city, or the trustees of any village may have received or collected, shall be paid into the treasury of such town, city or village, and be applicable to the repairs of highways and bridges. How to be applied.

SECTION 5. It shall be the duty of the supervisors of any such town, the mayor of any such city, or the trustees of any such village, to keep the road upon which such repairs have been made by such supervisors, mayor or trustees, in good and sufficient repair during the period of collection of tolls for the uses of any such town, city or village; and should the necessary costs of such repairs exceed the sum so collected, then such excess shall be added to and included in the statement of amounts expended, and to be repaid to such town, city or village. Road to be kept in good repair.

SECTION 6. Chapter 365 of the general laws of 1860, and all acts or parts of acts contravening the provisions of this act, are hereby repealed. Repeal.

SECTION 7. This act shall take effect from and after its passage.

Approved March 28, 1863.

CHAPTER 153.

[Published April 7, 1863.]

AN ACT to authorize John Ehlers to build and maintain a dam across the Milwaukee river, in Milwaukee county.

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

SECTION 1. John Ehlers, his successors, heirs and assigns, are hereby authorized to build and maintain a May erect dam and mills.