

Penalty for cutting out or destroying marks.

SECTION 2. Section two of said chapter one hundred and forty-five is hereby amended, so as to read as follows: "Every person who shall cut out, alter or destroy any mark made or caused to have been made by the owner on any log, cant or other lumber lying and being as described in the first section of this act, without the consent of the owner thereof, shall, on conviction, be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than one month nor more than six months; and on a second conviction for a like crime, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the penitentiary for not less than six months nor more than one year."

Jurisdiction.

SECTION 3. Justices of the peace shall have jurisdiction over and cognizance of all actions and proceedings arising in their respective counties, under the provisions of this act, for a first offense.

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

Approved March 31, 1864.

CHAPTER 264.

[Published April 16, 1864.]

AN ACT to provide for the establishment of a state road from Whitehall, in Trempealeau county, to Mondovi, in Buffalo county.

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

Commissioners.

SECTION 1. D. S. Watson, David Cummings and J. P. Cummings are hereby appointed commissioners to lay out and establish a state road from Whitehall, in the county of Trempealeau, to Mondovi, in the county of Buffalo, in this state.

To make out and plat.

SECTION 2. After said commissioners shall have laid out said state road, they shall make out three correct maps or plats of survey of said road, one of which said plats of survey they shall file with each of the clerks of the boards of supervisors of the counties of

of Trempealeau and Buffalo, and one of which they shall file in the office of the secretary of state, within sixty days after the said road shall be laid out and established.

SECTION 3. The said commissioners shall receive for their services for laying out said road, such compensation from the counties of Trempealeau and Buffalo as the said county boards of said counties shall deem just and reasonable, but no money shall be paid out of the state treasury therefor. Compensation.

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

Approved March 31, 1864.

CHAPTER 265.

[Published April 6, 1864.]

AN ACT to protect the interests of the creditors of deceased persons.

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

SECTION 1. Whenever there shall be just reason to apprehend that the estate of a deceased person, as set forth in the inventory returned into court by his executor or administrator, may be insufficient to pay the debts of the estate, any one or more of the judgment creditors, or creditors whose claims against the estate shall have been allowed by the county judge or commissioner, may, on behalf of all, bring an action in the circuit court of the county where the letters testamentary or of administration were granted, to reach and subject to sale any real estate or interest therein, or any other assets not included in such inventory, which according to law ought to be subjected to the payment of such debts. Judgment creditors may bring action for sale of property of deceased person, &c.

SECTION 2. Such action shall not be brought to trial until it shall be ascertained whether the estate in the hands of such executor or administrator shall be sufficient to pay the debts of the estate, and if found suffi- When action to be brought to trial.