

SECTION 2. The said James Hewitt, his heirs and assigns, shall maintain and keep in repair suitable slides and gates in said dam for flooding purposes, and for the purpose of sluicing and driving logs over, through and beyond said dam into Black river, and shall keep the same in repair, and shall hold the water back for the above named purpose whenever the case may require, and for that purpose said gates shall be closed.

Requirements of incorporator.

SECTION 3. The aforesaid James Hewitt, his heirs and assigns, shall enjoy the privileges granted in this act for the term of fifteen years from and after the passage of this act.

Limit of franchise.

SECTION 4. The said James Hewitt, his heirs and assigns, are hereby authorized and empowered to receive and collect from the owners of all logs passing over such slides, or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of ten cents per thousand feet, board measure, on all logs passing over such slides, and the aforesaid James Hewitt, his heirs and assigns, shall have a lien on all logs run over said dam, or driven by the aid thereof, until the aforesaid charges shall be fully paid, which lien shall be enforced in the same manner in which other liens for labor and services upon logs are enforced in Clark county, Wisconsin.

Rates of toll.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[Published March 20, 1877.]

## CHAPTER 237.

AN ACT to codify and amend the laws of this state relating to garnishee and garnishee proceedings.

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

SECTION 1. Section 2 of chapter 53 of the general laws of 1869, is hereby amended so as to read as follows:

Amended.

Section 2. If the original defendant in any garnishee proceeding in a court of record shall desire to discharge, the person or corporation garnisheed from liability, except in garnisheement on execution, he may file with the clerk of the court where the action is

How original defendant to secure discharge from garnishee proceeding.

pending, a written undertaking in double the amount of indebtedness stated in the affidavit for attachment, when an attachment has been issued, or in double the amount of indebtedness stated in the complaint duly verified, when such complaint has been served on the defendant with at least two sureties, who are freeholders and residents of this state, who shall justify that they are worth in the aggregate double the amount specified in such undertaking, over and above all debts, liabilities, and property exempt by law from execution, conditioned to pay the plaintiff the amount of the judgment, if any, which the plaintiff may recover in the action against the defendant, and serve a copy thereof with the justification of such sureties, and notice of the time of filing the same, and of the residence of such sureties, upon the plaintiff or his attorney; *provided, however*, that the plaintiff may except to the sufficiency of the sureties, within the same time, and in like manner as upon bail or arrest, and a failure so to except shall be deemed an acceptance of the undertaking and a discharge of the garnishee.

Proviso.

Repealed.

SECTION 2. Sections 1 and 5 of said chapter 53, of the general laws of 1869, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1877.

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[Published March 23, 1877.]

## CHAPTER 238.

AN ACT relating to evidence and amendatory of section 2, of chapter 134, of the general laws of 1858.

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

Amended.

SECTION 1. Section 2, of chapter 134, of the general laws of 1858, entitled "Of evidence," is amended so as to read as follows: A party to any civil action or special proceeding in any and all courts and before any and all tribunals and before any and all officers acting judicially may be examined as a witness in his own behalf or in behalf of any other party in the same manner and subject to the same rules of examination as any other witness; *provided*, that the assignor of a thing in action shall not be examined on behalf of said

When party may be heard as witness in his own behalf.

Proviso.