

viously committed, the person committing such injury shall be liable to prosecution and punishment according to the provisions of law providing for the punishment of offences against private property. Persons to be punished for injuring bridge.

SEC. 5. This act may be altered or amended by any future legislature.

HARRISON C. HOBART,  
*Speaker of the assembly.*

ASA KINNEY,  
*President of the Senate, pro tem.*

Approved, March 29, 1849.

NELSON DEWEY.

An act for the relief of persons confined in jail on civil process.

Chap 159

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

SECTION 1. Every person confined in jail on an execution issued on a judgment recovered in an action of tort, shall be discharged therefrom at the end of ten days from his first confinement, upon the conditions hereinafter specified.

SEC. 2. Such person shall cause notice to be given to the plaintiff in the suit, his agent or attorney, in writing, that on a certain day and hour, and at a certain place, he will apply to two justices of the peace of the county where the person is committed, stating the names of such justices, for the purpose of obtaining a discharge from his imprisonment. Notice to be given.

SEC. 3. Such notice shall be served by a copy on the plaintiff, his agent or attorney, twenty-four hours before the hour of hearing the application, in cases where the plaintiff, his agent or attorney lives within twenty miles of the place of the hearing; and twenty four hours shall be added to the time of the notice, for every twenty additional miles, the plaintiff, his agent, or attorney shall reside distant from such place. Notice how served.

SEC. 4. At the time and place specified in such notice, such person shall be taken under the custody of the jailer or the sheriff, or his deputy, before such justices, who shall examine the prisoner on his oath, concerning his estate and effects, and the disposal thereof, and his ability to pay the judgment for which he is committed; and they shall also hear any other legal and pertinent evidence that may be produced by the debtor or the creditor. Custody of person—his examination.

SEC. 5. The plaintiff in the action may, upon such examination, propose to the prisoner any interrogatories pertinent to the inquiry, and they shall, if required by the creditor, be proposed and answered in writing, and the answers shall be signed and sworn to by the prisoner; and the plaintiff in the action may have a copy of the interrogatories and answers, certified by the justices, upon paying therefor the legal fees. Examination of prisoner.

SEC. 6. If upon such examination, the justices shall be satisfied that the prisoner is entitled to his discharge, they shall administer to him the following oath, to wit:—"I — do solemnly swear, Oath of prisoner.

that I have not any estate, real or personal, to the amount of twenty dollars, except such as is by law exempted from being taken in execution, and that I have not any other estate now conveyed or concealed, or in any way disposed of, with design to secure the same to my use, or to defraud my creditors : so help me God."

SEC. 7. After administering the oath, the justices shall make a certificate under their hands, as follows :

Justices' certificate.

"To the sheriff of the county of

The undersigned, two justices of the peace for said county, certify that ——— confined in your jail upon the execution and suit of ——— is entitled to be discharged from imprisonment, if he be imprisoned for no other cause."

Prisoner to be discharged.

SEC. 8. The jailor upon receiving such certificate, shall forthwith discharge the prisoner, if he be imprisoned for no other cause.

Prisoner may apply for discharge.

SEC. 9. If such justices should not discharge the prisoner, he shall be entitled to apply for his discharge at the end of every succeeding ten days, in the same manner as above provided, and the same proceedings shall thereupon be had.

Prisoner exempt from arrest, &c.

SEC. 10. The prisoner after being so discharged, shall be forever exempted from arrest or imprisonment for the same debt, unless he shall be convicted for having wilfully sworn falsely upon his examination before the two justices, or in taking the oath before prescribed.

Judgment to remain in force.

SEC. 11. The judgment against any prisoner who is discharged as aforesaid, shall remain in full force against any estate, which may then, or at any time afterwards, belong to him ; and the plaintiff in the action may take out a new execution against the goods and estate of the prisoner, in like manner as if he had never been committed on the execution.

SEC. 12. If the debtor shall undertake to satisfy the execution, he shall not be entitled to his discharge until he is [has] paid all the charges for his support in prison, in addition to the sum due on the execution, and the costs and charges thereon.

Plaintiff may order prisoner discharged.

SEC. 13. The plaintiff in the action may at any time order the prisoner to be discharged, and he shall not thereafter be liable to imprisonment for the same cause of action.

Pay for support of prisoner to be advanced.

SEC. 14. Whenever a person is committed to jail on execution issued on a judgment recovered in a civil suit, the creditor, his agent or attorney, shall advance to the jailor within twenty-four hours after such commitment, sufficient money to pay for the support of said prisoner, during the time for which he may be imprisoned ; and in case the money shall not be so advanced, or if during the time the prisoner may be in confinement, the money should be expended in the support of such prisoner, the jailor shall forthwith discharge such prisoner from custody, and such discharge

shall have the same effect as a discharge by order of the creditor.

HARRISON C. HOBART,  
*Speaker of the Assembly.*

ASA KINNEY,

*President of the Senate, pro tem,*

Approved, March 31, 1849.

NELSON DEWEY.

An act to provide for levying a state tax.

Chap 160

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

SECTION 1. There shall be levied and collected, for the year **Tax for 1849.** 1849, in each county of this state, a state tax of four mills on the dollar valuation, to be levied and collected, and paid into the state treasury in gold and silver.

SEC. 2. The supervisors of their respective counties are hereby **Duty of su-** required to levy the foregoing tax upon the taxable property in **pervisors.** their several counties, according to the provisions of an act entitled "an act for the assessment and collection of taxes," approved March 29, 1849.

SEC. 3. Whenever any county treasurer shall fail to pay into **Liability of** the state treasury any moneys in his hands for that purpose, at the **treasurer.** time prescribed by law, he shall in addition to other penalties, be liable to the following, viz: If he shall so fail for the space of ten days, he shall forfeit to the state twenty per cent. on the amount withheld, and if he shall fail to pay over such moneys for the space of thirty days after such specified time, he shall forfeit his office of treasurer and be declared a public defaulter.

SEC. 4. The secretary of state is hereby required immediately **Duty of Sec'y** upon the passage of this act, to cause one thousand copies of the **of state.** same, together with the "act for the assessment and collection of taxes," approved March 29, 1849, to be published by the state printer in pamphlet form, and transmit to each clerk of the board of supervisors of the several counties of this state, a sufficient number of copies thereof, to supply each and every assessor within such county with one or more copies; and the said clerks upon the receipt thereof, shall forthwith cause the same to be distributed to the several assessors in each town within such county, giving one copy to each and every assessor.

SEC. 5. This act, and the act entitled "an act for the assess- **When to take** ment and collection of taxes," approved March 29, 1849, shall **effect.** take effect and go into operation on the first day of May, A. D. 1849, at which time so much of an act approved August 21, 1848, entitled "an act to amend an act entitled an act to prescribe township and county government," approved February 18, 1847, as provides for assessing, levying, collecting any paying over taxes, at the times and in the manner therein specified, and also all acts and parts of acts contravening or conflicting with the provisions of the aforesaid act, entitled "an act for the assessment and collection