

CHAPTER 262.

[Published April 16, 1864.]

AN ACT to amend section 217 of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace."

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

In what cases
appeals may be
heard and tried
as original
cases.

SECTION 1. Section two hundred and seventeen of chapter one hundred and twenty of the revised statutes, is hereby amended, so as to read as follows: "Section 217. The appeal shall be heard on the original papers and the return of the justice containing all the material evidence and his rulings in the action, in case where the judgment, exclusive of costs, does not exceed fifteen dollars; but where the judgment shall exceed that sum, (the costs excluded,) and also where judgment is against the plaintiff or in his favor, for a sum not exceeding fifteen dollars, exclusive of costs, if he shall make oath at the time of appealing, that he has a valid claim against the defendant as set forth in his complaint, exceeding the sum of fifteen dollars, as he verily believes, the action shall be tried in the appellate court as cases originally brought there; and in case the judgment is rendered in favor of the plaintiff for a sum not exceeding fifteen dollars, exclusive of costs, and the defendant shall have appealed, if the plaintiff shall make an affidavit that he has a valid claim against the defendant, exceeding the sum of fifteen dollars, as set forth in his complaint, and shall file the same with the clerk of the court in which such appeal may be pending, and serve a copy thereof on the defendant or his attorney eight days prior to the term at which the appeal may be tried, the action shall be tried in the appellate court as cases originally brought there; but the parties may, by consent in writing, signed by the parties or their attorneys, appearing on the return of the justice, admit such return or any part thereof as evidence on the trial of the appeal: *provided*, where judgment is rendered against the defendant or in his favor, for a sum not exceeding fifteen dollars, exclusive of costs, if such defendant, at the time of appealing, shall make oath that he has a valid claim against the plaintiff, as set forth in his

answer, exceeding the sum of fifteen dollars, over and above the claim of the plaintiff, as set forth in the complaint, as he verily believes, the action shall be tried in the appellate court as cases originally brought there; but the said parties may, by written consent, signed by the parties or their attorneys, appearing on the return of the justice, admit such return or any part thereof as evidence on the trial of the appeal."

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

Approved March 31, 1864.

CHAPTER 263.

[Published April 16, 1864.]

AN ACT to amend chapter 145 of the private and local laws of 1857, entitled "an act to protect the lumber interests of Black river, and to amend certain laws therein named."

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

SECTION 1. Section one of chapter one hundred and forty-five of the private and local laws of 1857, is hereby amended, so as to read as follows: "Every person who shall willfully take, carry away or otherwise convert to his own use, without the consent of the owner, any log or cant suitable to be worked into plank, boards, joist, shingles or other lumber, the property of another, whether the owner thereof be known or unknown, lying and being in Black river or in any of its tributaries, or on or near the banks of said river, or on or near the banks of any of its tributaries, for the purpose of being driven or floated to market, shall be deemed guilty of the crime of larceny, and on conviction thereof shall 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 of 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 not less than six months nor more than one year."

Penalty for converting logs, &c.