

No. 326, S.]

[Published May 6, 1891.]

CHAPTER 360.

AN ACT to amend sections 1332, 1333, 1334 and 1335 of the revised statutes, relating to encroachments.

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

SECTION 1. Section 1332 of the revised statutes is hereby amended by striking out the word "place" where it occurs in the eighth line, and inserting in lieu thereof the words, "at the office of such justice," so that when so amended, said section shall read as follows: Section 1332. If the occupant upon whom a copy of such order shall be served, shall, within thirty days after the service thereof deny such encroachment in writing, addressed to the supervisors, and deliver such denial to one of them, said supervisors, or some of them, shall apply to some justice of the peace of the county for a precept, which shall be issued by such justice, directed to any constable of the county, commanding him to summon six disinterested freeholders thereof, to meet at a certain day at the office of such justice and not less than four days after the issuing thereof, to inquire into the premises; and the constable, to whom such precept shall be directed, shall give at least three days' notice to one of the supervisors of the town, and to the occupant of the land, of the time and place at which such freeholders are to meet.

Amends sec.
1332, R. S. 1878.

Encroachment,
how enquired
into.

SECTION 2. Section 1333 of the revised statutes is hereby amended by adding at the end of such section the following: And the issue raised by the order of the supervisor and the written denial of the occupant of said land, shall be tried before such justice, the same as civil actions, in which the justice of the peace has jurisdiction to hear, try and determine, are tried in justice court, and all the proceedings applicable to such actions shall apply to this proceeding, and the jury, in the discretion of the court, may examine the premises described in the order, in charge of an officer ap-

Amends sec.
1333, R. S. 1878.

Issue on denial
of encroach-
ment, how
treated.

pointed by the court. After the case is submitted to such jury, the jury shall be kept together in charge of the officer until they agree upon their verdict or are discharged by the court; should the jury fail to agree upon a verdict or finding, the court may discharge them and, upon the discharge of such jury, the justice shall issue another precept commanding the officer to summon another jury for the trial of said issue, and so on, until a jury shall render a verdict and finding.

Amends sec.
1834, R. S. 1878.

Encroachment,
how removed.
Penalty for
failure.

SECTION 3. Section 1334 is hereby amended by adding after the word "made" in the fourth line thereof, the following: "And return the same to the court," so that, when so amended, said section will read as follows: Section 1334. If the jury find that any such encroachment has been made by the occupant of the land or any former occupant thereof, they shall make and subscribe a certificate in writing of the particulars of such encroachment, and by whom made and return the same to the court, which shall be filed in the office of the town clerk; and the occupant of the land, whether such encroachment shall have been made by him or by any former occupant, shall remove the fence, building or other fixture, causing such encroachment, within thirty days after the filing of such certificate under forfeiture of fifty cents for each day after the expiration of that time during which such encroachment shall continue.

Amends sec.
1835, R. S. 1878.

Judgment,
what to in-
clude. Execu-
tion.

SECTION 4. Section 1335 is hereby amended by inserting the following in the second line thereof, after the word "inquiry:" "The justice shall thereupon tax the costs including the fees of jurors, constable's fees, witness fees and expense of the view of the premises and enter a judgment in his docket in favor of the town, against the occupant of said land;" so that said section, when so amended, shall read as follows: Section 1335. If the jury finds that any such encroachment has been made, the occupant shall pay the costs of such inquiry; the justice shall thereupon tax the costs, including the fees of the jurors, constable's fees, witness fees and expense of the view of the premises and enter a judgment in his docket, in favor of the town, against the occupant of said land; and if the same shall not be paid in ten days, the justice shall issue an execution for the

collection thereof, directed to any constable of the county, commanding him to levy such costs and his fees thereon, of the goods and chattels of such delinquent, and make return thereof to such justice, within thirty days from its date, and the justice, constable, jurors and witnesses shall be entitled to the same compensation, as for other similar services in proceedings before justices of the peace.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.
Approved April 22, 1891.

No. 737, A.]

[Published April 30, 1891.

CHAPTER 361.

AN ACT to exempt certain property from taxation, and amendatory of section 1038 of the revised statutes.

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

SECTION 1. Subdivision 11, of section 1038, of the revised statutes as amended, is hereby amended so as to read as follows: 11. Wearing apparel, libraries, family portraits, kitchen furniture, growing crops, and two hundred dollars worth of household furniture and other personal property.

Amendssubdiv.
11, sec. 1038.

Property ex-
empt.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.
Approved April 22, 1891.