

purpose of certifying to copies and transcripts of all the records and files of said county court, to be used in any other state, agreeably to the act of congress of May 26, 1790; and in making such certificate he shall use the seal of said county court, and sign himself "clerk of the county court," and shall also have authority in such capacity to authenticate acknowledgements of all instruments taken by the judge of said county, and for such services the clerk shall receive the fee allowed by law for similar services.

SEC. 2. This act shall be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 82.

Published June 18.

An Act to provide for the annual compensation of the State Treasurer, as depository of the Banking Securities,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state treasurer shall receive a salary of six hundred dollars per annum, for his extra services for risk incurred in guarding and for the safe keeping of the state, school and university funds, and the banking securities entrusted to his care, to be paid out of the state treasury in the same manner as other state officers are paid.

Additional compensation to state treasurer.

Approved March 31, 1856.

CHAPTER 83.

Published June 11.

An Act in relation to the writ of Scire Facias.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever an execution shall not have been issued within the time allowed by law, after the recovery

Proceedings under writ of scire facias.

of any judgment, in any court of record within this state, the plaintiff, in any such judgment, may sue out a writ of *scire facias* to be issued out of the same court, by which the sheriff shall be commanded to summon the party against whom it issued, to appear before such court, at a certain day, to show if he have anything to say, why such plaintiff ought not to have execution of such judgment; and if, after being duly summoned, he do not come at the day, or do come and say nothing why execution ought not to be had, an execution shall thereupon issue according to the force, form and effect of the said recovery.

To revive judgments.

SEC. 2. Writs of *scire facias* shall also be issued in the cases not otherwise provided by law, to revive a judgment against the personal representatives of any deceased defendants, or in favor of the personal representatives of any deceased plaintiff; or where the situation of either party is changed by marriage; or to continue a suit by or against the representatives of either party, who shall have died in the progress thereof. But such writs, against the personal representatives of any party, shall be issued within one year after the cause for issuing the same shall arise.

To revive, &c.

SEC. 3. Writs of *scire facias* may also be issued out of the circuit court, for any county, to revive a judgment recovered in the county court of the same county, in the cases and for the purposes provided in the preceding sections of this act: *Provided*, That writs of *scire facias* to revive any judgment, or recovery docketed before this act takes effect, shall be brought within ten years thereafter; and such writs, when brought to revive any judgment or recovery, docketed after this act takes effect, shall be brought within ten years after the time of docketing thereof; *And provided further*, That nothing in this act contained, shall be construed so as to conflict with any statute of this state now in force in relation to the revival of judgments or suits or proceedings; but all such statutes are continued in force, and proceedings may be had or taken, in pursuance therewith, with like effect as if this act had not been passed.

Proviso.

Proviso.

Writs—how and when issued.

SEC. 4. Writs of *scire facias* may be issued at any time in term time or vacation; shall be tested, signed and sealed as other writs and process issuing out of courts of record; shall describe the judgment, or suit or proceeding to be revived thereby; may be directed to and served by the sheriff of any county in this state, where the person or

persons against whom the same is issued, or any, or either of them, shall reside or may be found; shall be returnable in twenty days after service thereof, on all the persons named therein, if to be found in this state: And it shall be the duty of the sheriff to whom any such writ of *scire facias* may be directed, to endeavor to serve the same, notwithstanding any directions which he may receive to the contrary, from the plaintiff therein, or his attorney.

SEC. 5. Every such writ shall be served by delivering a copy thereof, certified by the officer delivering the same, to the party required to be summoned, or by leaving such copy at his dwelling house with any person of proper age. If issued against a corporation, it shall be served in the same manner provided by law for serving process upon corporations. Serving same.

SEC. 6. In all cases where the writ shall be returned duly served in the manner prescribed by the preceding section, the appearance of the person or corporation so summoned, shall be entered by the clerk as in other cases, and if no plea be filed within twenty days after such service, the plaintiff may enter the default of the person so summoned for want of a plea, and may forthwith, in term time or vacation, render a judgment reviving the said judgment for the amount thereof, according to the form and force of the said recovery. Returned.

SEC. 7. If the sheriff return that any person who was required to be summoned by such writ, cannot be found, and has no place of residence within his county, the court shall, after the filing of the *scire facias*, direct a copy of such writ to be published in some newspaper printed and published in the county where such court shall be held, and in the state paper for six successive weeks, once in each week. And if such person shall not appear and plead to such *scire facias* within ten days after the last publication thereof, the plaintiff shall be entitled, upon filing due proof of such publication, to enter appearance and default of such defendant, and judgment shall be rendered upon such default, in like manner as if the writ had been returned served; *Provided*, That in such case, the plaintiff or some one on his behalf, who can testify to the facts, shall make and file an affidavit of the amount then actually due upon such judgment, and judgment shall thereupon be rendered, reviving such judgment for the amount then actually due. When parties cannot be found, &c.
Provido.

No declaration
required.

SEC. 8. No declaration shall be required to be filed upon the *scire facias*; but where executors or administrators are plaintiffs in any such writ, they shall make profert of their letters testamentary or of administration, in the *scire facias*, in the same manner as is now practiced in a declaration. And the defendant shall plead to such writ in the same manner as to a declaration.

Trial and
judgment.

SEC. 9. All issues, whether of law or of fact, joined upon any *scire facias*, shall be tried and judgment rendered thereon in the same manner as in personal actions.

SEC. 10. This act shall be published immediately after its passage, and shall be in force from and after such publication.

Approved March 31, 1856.

CHAPTER 84.

Published in Extra April 16.

An Act to provide for the manner of applying for pardons in cases of murder

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Manner of
applying for
pardons.

SECTION 1. All applications hereafter made to the governor of this state for the pardon of any person who shall have been convicted of the crime of murder, shall be accompanied with a recommendation of the judge who presided at the trial in which said conviction was had, or of the judge in office when the application is made, in the circuit where the trial was had, and shall also be accompanied by a full statement of the facts in the case, and the grounds of the application, which statement shall be verified by affidavit.

Judge to keep
minutes, &c.

SEC. 2. It shall be the duty of any judge presiding at the trial of any person indicted for murder, to keep full minutes of all testimony given upon such trial, and at the close of the trial, such minutes shall be delivered to, and shall be filed by the clerk of the court in which such trial is had; and upon any application for pardon of the person convicted upon such trial, said minutes of testi-