

[No. 370, A.]

[Published April 27, 1887.]

## CHAPTER 228.

AN ACT to amend chapter 158, of the revised statutes, entitled, "of actions by attachment, and of garnishment."

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

Amending ch. 158, R. S., and creating section 3723a.

SECTION 1. Chapter 158, of the revised statutes, is hereby amended by adding after section 3723 thereof, a new section as follows: Section 3723a. If the garnishee, in his answer, shall disclose the fact that he has money, property or effects in his possession or under his control belonging to said defendant, and shall further answer that said money, property or effects are held and are subject to a garnishee proceeding or proceedings, or a warrant of attachment or attachments, issued by any court, either of a justice of the peace of the state of Wisconsin, or of a court of record of the state of Wisconsin, or of any of the United States courts, and said garnishee shall, on making such answer, request a stay of proceedings until such garnishee or attachment proceeding or proceedings are disposed of, it shall be the duty of such justice to enter upon his docket an order staying such proceedings for such period as such garnishee shall request, not exceeding one year, and shall adjourn said garnishee action until the day to which said proceedings are stayed; but the plaintiff may, on satisfactory proof that said garnishee or attachment proceedings, to await the disposal of which said garnishee action is stayed, have been disposed of, and on not less than six days' written notice to said garnishee, apply to said justice to have said stay of proceedings vacated, and said justice may in his discretion vacate the same and proceed to further examination of said garnishee, and if the further answer of said garnishee shall show that the garnishee has property left in his possession which has not been taken upon said prior proceedings, said justice shall proceed as to such property so left as in any other cases.

SECTION 2. Chapter 158, of the revised statutes is hereby further amended by adding after said section 3723a, in section 1, of this act, a new section, entitled, section 3723b: If the garnishee in his answer shall disclose the fact that he has money, property or effects in his possession, and that the same are not exempt from execution, and shall further state that said money, property or effects are claimed by some person or persons, not a party to the action, giving the name of such person or persons, and if possible his or their address, and that he is in doubt as to whom said property, money or effects should be delivered to, the justice may order said garnishee to pay said money, or order said property or effects into court, and give said garnishee a receipt therefor, which shall be a full discharge of all liability on the part of said garnishee, and the justice shall thereupon cause a notice setting forth the facts stated in said garnishee's answer to be served upon the person or persons mentioned in said answer as claiming said property, money or effects, which said notice shall be served upon said person or persons in the same manner as is provided for the service of garnishee summons, and which said notice shall summon said person or persons to appear and defend his or their rights to said property if any they have. Said justice shall thereupon adjourn said garnishee action to such time and place, not exceeding ninety days in all, as may, in his discretion, seem fit, and shall make said notice returnable at the time and place to which he has adjourned said garnishee action.

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

Approved April 1, 1887.

Amending ch.  
153, R. S., and  
creating sec-  
tion 3723b.