

he has complied with the provisions of this act he shall be liable to be removed from office, as provided in section five, of chapter eleven, of the revised statutes.

SEC. 5. Proceedings under this act may be of a summary nature, and the testimony shall be taken under such reasonable regulations as to time and place, and in such manner as the judge shall prescribe.

The testimony or affidavit of the clerk may be received, in respect to the fact of his having transmitted a return, but no on other point.

SEC. 6. Moneys paid to the county treasurer pursuant to this act, shall be paid over by him upon the order of the state treasurer, and any such moneys remaining in his hands at the time when he is required by law to pay the state tax to the state treasurer, shall be paid therewith into the state treasury. Duties of co. treasurer.

SEC. 7. This act shall take effect from and after its passage and publication.

Approved, March 29, 1855.

Chapter 57,

[Published April 20.]

An Act to provide for entering up and docketing final judgment in vacation in certain cases.

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

SECTION 1. In all cases wherein, in any court of record in this state, the defendants default in any suit, and an order for interlocutory judgment therein shall have been or may hereafter be duly entered, according to the rules and practice of the court, the plaintiff may at the time of entering of such default or order as aforesaid, or at any time afterwards in term time or in vacation of such court, enter or cause to be entered an order in the common rule book, kept by the clerk of such court, that the said clerk assess the plaintiff's damages, or that a writ of inquiry issue to the sheriff of the proper county for that purpose, as the nature of the case may require, and such assessment may at any time thereafter, be made accordingly.

SEC. 2. Upon the making of the assessment and report thereof by the clerk, specifying the amount of the debt or damages by him ascertained and assessed and the time of making the assessment, or upon the return of the writ of inquiry and of the report of the assessment and inquisition by the proper sheriff's jury, the clerk of such court shall immediately append thereto, the amount of final judgment in the proper and usual form, for the debt or damages so found and assessed by himself, or the jury aforesaid, as the case may be; and upon the same being signed in the margin thereof, by the judge of the court, or court commissioners, with the date of signing the same endorsed thereon, shall attach the said report and award of judgment and all the other papers in the cause together, which he shall file in the cause, and which shall constitute the judgment roll. The said clerk shall also thereupon enter the award of judgment in the same manner and with like effect as if entered under the direction of the court; and the same shall be and remain from that time a lien upon real estate and chattels real of the defendant, and in all respects shall have the same force and effect, and execution may be issued thereon, and all other proceedings had as though the same had been rendered in open court. Such judgments shall be under the control of the court and may be set aside upon good cause shown, the same as other judgments. *Provided, however,* That this act shall not be construed so as to authorize the entering up of any final judgment in vacation of the court, unless the plaintiff or some other person shall make and file an affidavit in the cause showing personal service of the rule to plead upon the defendant or his attorney in the cause, twenty days previous to the default being entered. And, *Provided, also,* That the execution shall not issue upon any judgment entered in vacation until twenty days after the signing of the award of judgment as hereinafter provided by the judge or court commissioner.

Proviso.

SEC. 3. This act shall be immediately printed by the state printer after its passage, and shall then be in full force and effect.

Approved, March 29, 1855.