

AN ACT to amend the act concerning proceedings in courts of Record, and for other purposes.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin :

§ 1. In any suit hereafter to be brought, when there are two or more defendants residing in different counties of the Territory, the same may be commenced in the county where either of the defendants may reside or be found, and process may be issued by the Clerk of the Court at the time of issuing the original process, to the county or counties where the other defendant may reside or be found, which shall be served by the officer to whom the same may be directed, and returned to the court from which it issued : *Provided*, That if the plaintiff shall not be a resident of the Territory, and a majority of the defendants shall not be residents of the county in which suit shall be commenced as aforesaid, it shall be in the power of the court upon the application of one or more of the defendants to remove the cause for trial to the county in which he or either of them, (as the case may be) may reside.

§ 2. Judgment may be entered in the District Court in vacation or in term upon a plea of confession signed by an attorney of such court, although there be no suit then pending between the parties, upon filing with the Clerk the authority for confessing such judgment or declaration—place of confession and a copy of the bond, contract or other evidence of the demand for which judgment is confessed : *Provided*, that the authority for confessing such judgment shall be in some proper instrument distinct from that containing the bond, contract or other evidence of demand.

§ 3. That judgments heretofore entered on confession in vacation shall be as valid and effectual to all intents and purposes as if the same had been entered in term.

§ 4. That upon any judgment or decree heretofore rendered or entered on which no execution shall have been issued, or which it may by law be necessary to revive for any debt, damage, sum of money or costs, the party in whose favor such judgment or decree was rendered, or entered, may have execution to the Sheriff, or other proper officer, to collect the amount due on such judg-

ment or decree, upon application to the proper court, accompanied by an affidavit of the party, his agent or attorney, setting forth the amount due on such judgment or decree, and that the same is unsatisfied, and the said court upon being satisfied that there is any sum due thereon shall direct the Clerk to issue execution therefor, in the manner now prescribed by law.

§ 5. That where any person shall be entitled to a conveyance of any lands or tenements which have been or shall hereafter be sold by virtue of any execution, or power of sale in any mortgage contained, such conveyance shall be executed by the Sheriff of the proper county, for time being.

GEO. H. WALKER,
Speaker of the House of Representatives.
MARSHALL M. STRONG,
President of the Council.

I hereby certify that this bill originated in the Council.
BEN C. EASTMAN, Secretary.

We hereby certify that this bill passed the Council and House of Representatives of the Territory of Wisconsin, on the twenty-seventh day of January, A. D. 1844, that it was reported by the committee on enrollment as correctly enrolled, signed by the Speaker of the House of Representatives and President of the Council, and reported by the said committee to the two Houses as having been by them presented to the governor for his approval on Saturday the 27th day of January, A. D. 1844, that the Legislative Assembly adjourned on Wednesday the 31st day of January, 1844, *sine die*, and that the same was not returned by the Governor to either house.

BEN C. EASTMAN,
Secretary of the Council.
JOHN CATLIN,

Chief Clerk of the House of Representatives.

I, GEORGE R. C. FLOYD, Secretary of Wisconsin Territory, did receive the above act upon the 11th day of April, 1844, from Mr. John Catlin, stating that the same was one of the laws of the Territory and desired that the same should be printed. I upon the same day gave it to Mr. Wyman for that purpose.

Given under my hand this day and date above written.
GEO. R. C. FLOYD.