

Court shall order
venire.

counties, in all cases commenced in said supreme court either for the trial of an issue of fact therein joined or for the assessment of damages, or both, and in such order the court shall award a *venire* and fix the return day thereof and direct the same to such sheriff as the court in its discretion shall think fit. The name of the jurors shall be contained in the *venire*, and shall be obtained, struck from thirty-six names, and summoned, and the same proceedings had in all respects as to manner and form, as now provided by law for obtaining a jury in the county courts in this state, except so far as such provisions may be in conflict with the other provisions of this act.

Duty of court
where issue of
fact is joined.

§ 2. The foregoing section shall not apply to cases of mandamus or writs of prohibition in the supreme court, but when in any such case an issue of fact shall be joined it shall be the duty of the supreme court to the circuit court for the county within which the material facts relative to such issue shall be alleged to have taken place, and shall be tried in such court in the same manner as other issues of fact are tried and returns shall be made thereupon, as directed by the supreme court.

§ 3. This act shall be printed by the state printer immediately after the passage thereof, and when so printed shall take effect and be in full force.

Approved, March 23, 1854.

Chap. 39.

AN ACT concerning *Suits in certain cases.*

Published, March 8, 1854.

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

Suits—against
whom maintain-
ed.

§ 1. Any person or persons, body or bodies, having any debt, claim, or demand not sounding in tort against any foreign corporation or corporations created by or under the laws of any state government or country other than

this state, or against any one excepting corporations so as aforesaid created, but which has in whole or in part ceased to act as a body corporate from any cause whatever, such person or persons, body or bodies, may commence, maintain, and prosecute to final judgment, any appropriate action, and may enforce satisfaction of such debt, claim, or demand, out of any moneys, credits, effects, or property lying or being in this state and belonging to or owned by or in which any such corporation has an interest, or which would belong to or be owned by, or in which any such corporation has or would have an interest had the same not ceased to act as aforesaid, whether held, managed, or controlled by such corporation, or by a trustee or trustees, assignee or assignees, agent or agents, for the use and benefit in whole or in part, of such corporation or the creditors thereof, or for the use and benefit of both such corporation and creditors, however created, made, constituted, or appointed.

§ 2. The owner or owners of any such debt, claim, or demand, as aforesaid, may institute a suit for the recovery and enforcement of satisfaction thereof, by suing out of any circuit court of this state a writ of summons or attachment. The plaintiff or plaintiffs in all suits for the recovery of any such debt, claim, or demand as aforesaid, shall to the extent of the final recovery on such suits, in all cases have a lien by virtue of such suit upon all moneys, credits, effects, property and interest aforesaid, from the time an appearance to the action shall be or has been entered, by or on the part of the defendant, (which shall be such corporation by its corporate name,) unless such corporation or some one on its behalf, shall make to such plaintiff a bond in the penal sum of double the amount claimed to be due, executed by two or more sureties resident free holders of this state, who shall swear that they are each worth of real estate lying in this state and liable to execution, at least one-half of the penal sum therein named, over and above all debts and legal liabilities, which bond shall be conditioned to pay and satisfy the final judgment that may be rendered in favor of such plaintiff or plaintiffs, for debt or damages or for both damages and costs, within sixty days from the rendition of such judgment. The provisions of this section shall in no case effect or invalidate any lien created or acquired by the execution or extending a writ of attachment upon any mon-

Institution of
suit.

Lien.

Not to effect any
lien created by
execution &c.,
on any property.

eys, credits, effects, property, or interest aforesaid, until such bond as aforesaid shall be filed with the clerk of, and be approved by the court in which the suit is pending. The judgment rendered in any such suit as aforesaid shall be a lien as in other cases, from the time of the rendition thereof.

Duty of officer to whom writ is directed.

§ 3. In all suits of attachment issued under the provisions of this act, the officers to whom the same is directed shall be commanded to attach the moneys, credits, effects, and property lying or being in this state, and belonging to or owned by or in which (naming the corporation,) has an interest, or which would belong to or be owned by, or in which (naming the corporation,) has or would have an interest, had the same not ceased to act as such corporation, or so much thereof as will satisfy the plaintiff's demand with costs, whether held, managed, or controlled by such corporation or by a trustee or trustees, assignee or assignees, agent or agents, for the use and benefit, in whole or in part, of such corporation or the creditors thereof, or for the use and benefit of both such corporation and creditors, however created, made, constituted, or appointed, and also to summon (naming the corporation,) to appear and answer to the plaintiff or plaintiffs in a plea of trespass on the case.

Writs—how served.

§ 4. Writs of summons and attachment as to the mandate to summon, may be served upon any officer of any such corporation as aforesaid, or upon any trustee, assignee, or agent aforesaid; and such service shall be as binding and effectual as personal service in suits between individuals in other cases.

To be like writs in other cases.

§ 5. The writs issued under this act shall conform as near as may be to the like writs in other cases, except in so far as is otherwise in this act provided.

All provisions of law to apply to suits commenced, &c.

§ 6. From the issuing of the writ under this act to final judgment and satisfaction, all the provisions of law shall apply to sales commenced or to be prosecuted under this act, so far as the same are consistent with and not repugnant to the provisions of this act, and no further.

Suits continued.

§ 7. All actions or suits heretofore commenced under the act entitled "an act concerning a writ of attachment, approved July 12, 1853," and printed or published as chapter 106 of the session laws of the year last aforesaid, shall be continued and proceeded with to final judgment and satisfaction, and shall be governed hereafter by the

provisions of this act, and the aforesaid chapter one hundred and six of the laws of the year last aforesaid, is hereby repealed, but the repeal aforesaid shall not effect or divest any right or lien accrued or acquired thereunder.

§ 8. This act shall be printed by the state printer immediately after the passage thereof, and when so published shall take effect and be in full force.

Approved, March 23, 1854.

Chap. 40.

AN ACT for the encouragement of Agriculture and its kindred Arts in this State.

Published, March 29, 1854.

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

§ 1. There is hereby annually appropriated, until the legislature shall by law otherwise direct, to the Wisconsin State Agricultural Society, the sum of three thousand dollars, to be expended by said society in such manner as it may deem best calculated to promote and improve the condition of agriculture, horticulture, and the mechanical, manufacturing, and household arts in this state, either for the payment of premiums at the annual cattle shows and fairs of the society, or in the purchase and distribution of choice seeds, cuttings, plants, or tubers which have been tested and found adapted to the soil and climate of this state, or in the prosecution of scientific investigations and experiments, and the collection and diffusion of information tending to develop the natural and agricultural resources of Wisconsin: *Provided*, That no part of the sums of money hereby appropriated shall be applied