

[Published March 23, 1859.]

## CHAPTER 101.

AN ACT to amend chapter one hundred and thirty of the revised statutes, relating to proceedings against debtors by attachment.

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

- Amendment.** SECTION 1. Chapter one hundred and thirty of the revised statutes is hereby amended by inserting the words "writ of," before the word "attachment," whenever it occurs in said chapter.
- Amendments.** SEC. 2. Section two of said chapter is hereby amended by striking out the word "issued," and inserting in lieu thereof the word "executed." Section twenty-one of said chapter is hereby amended by inserting after the word "judgment," where it last occurs therein, "and costs and disbursements." Section twenty-three of said chapter is hereby amended by striking out the words "actions commenced," and inserting in lieu thereof the words, "writs of attachment issued."
- Attachment writs, how issued.** SEC. 3. The allowance of such writ of attachment by a judge, court commissioner, or other officer, shall not be necessary, but such writ may be issued by the clerk of the court, either at the time of the commencement of the action, or at any time thereafter before final judgment, and shall be attested in the name of the presiding judge of the court from which the same shall issue, and sealed with the seal of the court.
- Annexing and filing writ.** SEC. 4. Neither the writ nor the affidavit mentioned in section two of said chapter one hundred and thirty shall be annexed to the summons in the action, but the same shall be annexed to the undertaking mentioned in section five of said chapter, and filed therewith in the office of the clerk of the proper county within the time prescribed in section eight of said chapter, but the officer executing such writ, shall, before filing the same, endorse thereon all his proceedings under and by virtue thereof.
- Application to set aside.** SEC. 5. The defendant in any action in which a writ of attachment shall be issued under the provisions of said chapter one hundred and thirty, may at any time before the trial of such action, apply to the circuit court in which the same may be pending, or to the judge thereof in vacation, for an order that such writ be set aside and dismissed for irregularity; at least five days notice of such application shall be given to the plaintiff or his attorney,

which notice shall specify the time when, and the place where such application will be heard, and such application shall be heard and determined according to the rules and practice in like cases, and if upon such hearing, the judge or court shall determine that such writ was irregularly obtained or issued, an order shall be made setting the same aside.

SEC. 6. Section thirty-two of said chapter is hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its publication.

Approved March 14, 1859.

[Published March 26, 1859.]

## CHAPTER 102.

AN ACT to release the rights of the state to certain escheated lands.

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

SECTION 1. The governor of the state is hereby authorized to execute to Hercules L. Dousman, his heirs and assigns, a quit claim deed of lot number twenty-eight (28), of private claims on the east side of Fox River in the town of Bellaview, county of Brown, as provided in section two (2), of chapter thirty (30), of the revised statutes, entitled "of escheated lands," and such deed so executed, shall vest in said Dousman, his heirs and assigns, all the title and interest of the state, in and to said lot numbered twenty-eight, acquired by escheat to the former territory of Michigan or Wisconsin, or to the state of Wisconsin; *Provided*, that in no event shall the state be liable for any costs, or to pay any money for any purpose on account of the execution of said deed or otherwise.

SEC. 2. This act shall take effect from and after its passage.

Approved March 14, 1859.