

CHAPTER 46.

[Published February 28, 1862.]

AN ACT to amend chapter 160 of the revised statutes, entitled
 “actions and writs of scire facias and quo warranto.”

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

Service of sum-
 mons.

SECTION 1. Whenever an action shall be brought in the supreme court, by the attorney general, in the name of the state, for the purpose of vacating the charter, or annulling the existence of a corporation, the summons shall be personally served upon some officer of the corporation named as defendant therein, if to be found within this state. Such service may be made by the sheriff of any county within the state. If any sheriff to whom such summons shall have been delivered for service, shall make return thereon, that no officer of such corporation can, after due diligence, be found within this state, and shall verify the same by his affidavit, the attorney general shall cause a copy of such summons to be published in the state paper, once in each week for at least four successive weeks. Upon filing such proof of that publication as is required by subdivision three of section 13 of chapter 124 of the revised statutes, with the clerk of said court, the service of the summons shall be deemed complete, and the court shall proceed as though personal service had been made on such corporation.

Ibid. by publica-
 tion.

Defense.

SECTION 2. If the summons shall not be personally served, the corporation or their legal representatives shall, on application and sufficient cause shown, be allowed to defend said action at any time before final judgment, but not thereafter.

Sale of property
 and disposition
 of proceeds.

SECTION 3. If in any such action, judgment shall be rendered against such corporation, and a receiver of its property, or of any property in which it has any interest, legal or equitable, be appointed, the court may, in its discretion, order a sale of all such property, and a disposition of the proceeds thereof among the creditors of such corporation. The court may also, in its discretion, order all costs and disbursements, duly taxed by the proper authority, to be paid from the effects in the hands of the receiver, to the persons entitled there-

to or to the attorney general, taking his or their receipt therefor.

SECTION 4. A sum sufficient to pay all necessary Appropriation: costs and disbursements incurred in bringing or prosecuting such actions, to be audited by the secretary of state, is hereby appropriated out of any money in the treasury not otherwise appropriated. It is hereby made the duty of the receiver appointed in any such action, or the duty of the attorney general, in case such moneys shall be delivered to him by such receiver, to repay to the state any money advanced by the state on account [of] such costs and disbursements.

SECTION 5. This act shall take effect and be in force from and after its publication.

Approved February 20, 1862.

CHAPTER 47.

[Published February 28, 1862.]

AN ACT authorizing the secretary of state to audit certain accounts.

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

SECTION 1. The secretary of state is hereby authorized to audit the accounts of all persons who are employed by the superintendent of public property for the state, to labor in and about the capitol, and draw his warrants on the state treasury for such amounts as shall be found due such persons. Such accounts shall be verified by the person so employed, and be accompanied by a certificate of the superintendent of public property, as to the amount due and as to the correctness of such account. Accounts of laborers about the capital.

SECTION 2. There is hereby annually appropriated Appropriation. out of the state treasury, out of any money not otherwise appropriated, a sum of money sufficient to pay such warrants, and the state treasurer is hereby directed to pay such warrants when presented.