

No. 57, S.]

[Published May 4, 1891.]

CHAPTER 408.

AN ACT to amend section 3030, of chapter 131, of the revised statutes of the state of Wisconsin, for the year 1878, relating to remedies supplementary to execution.

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

SECTION 1. Section 3030, of chapter 131, of the revised statutes of Wisconsin, for the year 1878, is hereby amended by adding at the end thereof the following: Provided, that if an execution has been issued and returned unsatisfied, in whole or in part, within five years previous to the issuing of such order, nothing herein shall be construed to require the judgment creditor to issue more than one execution, in order to entitle him, at any time during the life of the judgment, to the remedies provided by this section. The fact that garnishee proceedings may have been commenced in aid of, or that property has been levied on under a second execution, issued upon the judgment, after the first execution has been returned unsatisfied in whole or in part, shall not be a bar to the proceedings under this section, during the existence of such levy or the pendency of such garnishee action; but if it is made to appear to the satisfaction of the officer before whom such proceedings are pending, that the property so levied on or garnished will be sufficient to satisfy such judgment in full, with all costs, then the proceedings provided by this section may, in his discretion be either dismissed, or be adjourned to a time after the occurrence of the sale under such second execution, or the termination of such garnishee proceedings." Said section 3030, when so amended shall read as follows: Section 3030. When an execution against property of the judgment debtor, or of any one of the several debtors in the same judgment issued to the sheriff of the county where he resides, or if he do not reside in the state, to the sheriff of a county where a judg-

Amends
section 3080,
R. S. 1878.

Creditor may
have remedy
by supplement-
ary proceed-
ings during
time of levy
or garnishee
proceedings.

ment roll or transcript of a justice's judgment is filed, is returned unsatisfied, in whole or in part, the judgment creditor, at any time after such return is made, is entitled to an order from the judge of the court, or a county judge or a court commissioner of the county to which the execution was issued, requiring such judgment debtor to appear before him and answer concerning his property, at a time and place specified in the order, within the county to which the execution was issued. Provided, that if an execution has been issued, and returned unsatisfied, in whole or in part, within five years previous to the issuing of such order, nothing herein shall be construed to require the judgment creditor to issue more than one execution, in order to entitle him at any time during the life of the judgment, to the remedies provided by this section. The fact that garnishee proceedings may have been commenced in aid of, or that property has been levied on, under a second execution, issued upon the judgment, after the first execution has been returned unsatisfied, in whole or in part, shall not be a bar to the proceedings under this section, during the existence of such levy, or the pendency of such garnishee action, but if it is made to appear to the satisfaction of the officer before whom such proceedings are pending, that the property so levied on or garnished will be sufficient to satisfy such judgment in full, with all costs, then the proceedings provided by this section may, in his discretion, be either dismissed or be adjourned to a time after the occurrence of the sale under such second execution, or the termination of such garnishee proceedings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 23, 1891.