

subdistricts as he may deem best, and for each sub-district as well as for any specific purpose, may appoint one or more deputies, for whose conduct and fidelity in the discharge of his or their duties as such, he shall be responsible upon his official bond. And for the purpose of carrying out the objects of this act, each of said lumber inspectors shall have power and authority to administer oaths to their several deputies, or for any purpose relating to the duties of their office.

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

Approved March 8, 1869.

## CHAPTER 53.

[Published March 6, 1869.]

### AN ACT concerning proceedings by garnishment.

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

SECTION 1. In all cases wherein any person or corporation shall be served with notice and affidavit under the provisions of any law of this state relating to garnishment, except garnishment on execution, the liability of such person or corporation as garnishee shall cease and be discharged, unless the plaintiff in the action, within ten days after such service on such person or corporation shall file in the office of the clerk of the court in which the action is pending wherein the garnishment is made, his complaint duly verified, stating the amount of the indebtedness of the defendant in the action to him, over and above all legal set-off, and the circumstances out of which such indebtedness accrued.

When liability of garnishee shall cease.

SECTION 2. Whenever any complaint shall be filed as is provided in the first section, and the defendant therein shall desire to discharge the person or corporation garnished as aforesaid from liability upon such garnishment, he may file with the clerk of the court aforesaid, a written undertaking in the action, in double

How garnishee may be discharged.

the amount claimed in said complaint, with at least two sureties, who shall justify that they are worth in the aggregate double the amount specified in such undertaking, over and above all debts, liabilities and property exempt by law from execution, conditioned to pay the plaintiff the amount of the judgment, if any, which the plaintiff may recover in the action against the defendant, and serve a copy thereof, with the justification of such sureties and notice of the time of filing the same and of the residence of such sureties, upon the plaintiff or his attorney: *provided, however*, that the plaintiff may except to the sufficiency of the sureties within the same time, in like manner as upon bail on arrest, and a failure so to except shall be deemed an acceptance of the undertaking, and a discharge of the garnishee.

How sureties to justify under exceptions.

SECTION 3. Whenever the plaintiff shall except to the sureties in such undertaking, they shall justify upon oath touching their responsibility, before a judge of the court in which the action is pending, a court commissioner or county judge, in the same manner and upon like notice as a justification of sureties upon bail or arrest; and when they shall have justified to the satisfaction of the officer before whom the justification is had, he shall endorse his approval upon the undertaking.

If plaintiffs fail to except, garnishee to be discharged.

SECTION 4. Whenever the plaintiff shall fail to except as aforesaid, and whenever the sureties shall justify and the undertaking shall be approved as aforesaid, the garnishee shall be discharged from all further liability in the action.

Act to apply to all cases pending.

SECTION 5. This act shall apply to cases now pending: *provided*, that in all cases where the complaint has not been verified and filed, the plaintiff shall be at liberty to file the same with a verification, within such reasonable time as the court in which the action is pending may direct; *and provided*, that in no case wherein garnishee proceedings have been instituted prior to the passage of this act, shall the garnishee be discharged from liability, except by order of the court.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.