

SECTION 3. That upon the presentation of the certificate mentioned in the next preceding section, together with the copy of the said work so examined by said governor, chief justice of the supreme court and attorney general, the secretary [of state] is hereby directed to purchase of David Taylor, the author of said compilation, five hundred copies thereof, at the price mentioned in the first section of this act, and he is hereby authorized to draw his warrant upon the treasurer of the state for a sum sufficient to pay for the same, upon the delivery of said volumes to the said secretary at the capitol in Madison.

Number to be purchased.

SECTION 4. The treasurer is hereby required to pay all warrants drawn upon him by the secretary of state under the provisions of this act, and there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to pay said warrants.

Treasurer to pay warrants.

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

Approved March 24, 1871.

CHAPTER 161.

[Published March 31, 1871.]

AN ACT relative to proceedings against garnishees.

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

SECTION 1. In all cases in the courts of this state, when an affidavit is required for the purpose of procuring any person or corporation to be summoned, notified or charged as garnishee, the person making such affidavit shall state therein, that the property, money, credit, effects or indebtedness mentioned in such affidavit, are to the knowledge or belief of the person making such affidavit not by law exempt from seizure or sale upon attachment or execution.

What shall state in affidavit.

SECTION 2. In all cases when a summons or notice is required to be served upon any person or corpora-

Service of summons on defendant required.

tion, to summon, notify or charge such person or corporation as garnishee in any action pending in the courts of this state, a copy of such summons or notice shall be served on the defendant in such action within the time and in the manner that such summons or notice is required to be served on such garnishee, if such defendant can be found within the jurisdiction of the court in which such garnishee proceeding shall be commenced. If such defendant cannot be found within the jurisdiction of such court, but shall have an agent or attorney residing therein, then such summons or notice shall be served upon such agent or attorney within the time and in the manner aforesaid.

Defendant may claim property as exempt from execution.

SECTION 8. Whenever any person or corporation shall be summoned or notified as garnishee, and be required to answer touching his or its liability as garnishee in any action pending in any of the courts of this state, the defendant in such action may appear in such garnishee proceeding, at the time such garnishee is required to answer, and file with the court or officer before whom such garnishee is required to answer, a notice in writing, stating that he claims the property, money, credits, effects or indebtedness mentioned in the affidavit or a part thereof as exempt from seizure or sale on attachment or execution, or any other facts tending to show that the person or corporation so summoned or notified is not liable to be garnisheed, which notice shall state fully the facts upon which he claims that such property, money, credits, effects or indebtedness are exempt, or that such person or corporation is not liable to be garnisheed, and such defendant may also be sworn by such court or officer, and be examined in relation to facts stated in such notice, whereupon the defendant giving such notice shall be and become a party to said garnishee proceedings. The plaintiff in such action may traverse such notice like any other pleading, and the issue so formed shall be heard, tried and determined, like other issues in civil actions.

Garnishee may appeal from decision.

SECTION 9. The garnishee in any garnishee proceedings, or either party to the action in which any garnishee proceeding shall be commenced, may appeal from any decision, order or judgment made or rendered in such garnishee proceedings, in the same manner and with the same effect that appeals are taken in ordinary

cases pending in the court where such garnishee proceedings are pending.

SECTION 5. In all cases when a judgment shall be rendered against a garnishee, the costs and disbursements in the garnishee proceedings may be taxed and inserted in the judgment against the garnishee: *provided*, that such garnishee has property, money, credits or effects in his hands belonging to the defendant, or is indebted to such defendant in a sum sufficient to satisfy such judgment and said costs and disbursements; and if such garnishee has not property, money, credits or effects in his hands belonging to the defendant, nor is indebted to the defendant in a sum sufficient to satisfy such judgment and costs and disbursements, such costs and disbursements may be inserted in the judgment in the action in which such proceedings shall be commenced and be collected therewith.

Taxation of costs and disbursements.

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

Approved March 24, 1871.

CHAPTER 162.

[Published March 30, 1871.]

AN ACT relating to elections and amendatory of section 23 of chapter 7 of the revised statutes, entitled "of general and special elections," etc.

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

SECTION 1. Section 23 of chapter 7 of the revised statutes is hereby amended by inserting after the word, "town" in the second line thereof, the words, "or of the clerk of the board, together with the clerk of the court, and the register of deeds, of the county," so that said section when amended shall read as follows: "Section 23. Whenever in the opinion of the inspectors of election of any town or of the clerk of the board together with the clerk of the court, and the regis-

Amended.

May designate where other polls shall be held.