

No. 279, S.]

[Published May 21, 1947.]

**CHAPTER 142.**

AN ACT to create 305.23, 305.24 and 305.25 of the statutes, relating to the delivery of property to the defendant in replevin actions.

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

305.23, 305.24 and 305.25 of the statutes are created to read:

305.23 RETURN OF PROPERTY TO DEFENDANT. At any time before judgment, the defendant may require the return of the property upon delivering to the sheriff a bond, executed by sufficient sureties, to the effect that they are bound in a sum double the value of the property as stated in the affidavit of the plaintiff for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may be recovered against the defendant. Upon the receipt of such bond the sheriff shall promptly notify the plaintiff that the defendant has demanded a return of the property.

305.24 JUSTIFICATION OF SURETIES. The plaintiff may within 3 days after he is notified by the sheriff that the defendant demands a return of the property, notify the sheriff that he excepts to the defendant's sureties, otherwise he waives his right to except. If he excepts, the defendant's sureties shall justify as provided in section 305.25. Upon such justification the sheriff shall deliver the property to the defendant. The sheriff shall be responsible for the defendant's sureties until they justify or until justification is waived, and may retain the property until that time.

305.25 AFFIDAVIT AND JUSTIFICATION OF SURETIES. (1) The sureties under this chapter shall append to their bond their affidavits, in which each shall swear that he is a resident freeholder and is worth the sum stated in the bond above his liabilities in property in this state not exempt from execution.

(2) The justification of sureties under this chapter shall be before a judge on not less than 2 nor more than 6 days' notice. Each surety must swear that he is a resident freeholder in this state and is worth the sum stated in his bond above his liabilities in property in this state not exempt from execution, but if there are more than 2 sureties on any bond they may be

accepted if they shall justify severally in sums which aggregate double the sum named in the bond.

Approved May 19, 1947.

No. 283, S.]

[Published May 21, 1947.

### CHAPTER 143.

AN ACT to amend, revise and renumber various provisions of the statutes, for the purpose of correcting errors, correcting references and names of institutions, clarifying language, renumbering for better location, reconciling conflicts, supplying omissions, and eliminating duplications and obsolete and unconstitutional provisions.

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

SECTION 1. The first line of the form in 6.32 (4) (g) is amended to read: "I, A. B., ..... of election in the ..... of ....., county of ....., do hereby solemnly swear".

SECTION 2. 29.565 (2) is amended by substituting "American Legion" for "Minnewawa" in the 4th line.

SECTION 3. 38.24 (14) (c) is amended by substituting "section" for "subsection" in the second reference to "925-xx".

SECTION 4. The first sentence of 49.26 (11) (b) is amended to read:

49.26 (11) (b) (first sentence) If such special administrator \* \* \* is not \* \* \* satisfied with the justness of any such claim he may object thereto and the matter *shall be* heard before the court upon proper notice.

SECTION 5. 59.51 (11) is amended by striking out the word "To" at the beginning of the first line and by substituting "sale" for "sales" at the beginning of the second line; and 59.51 (12) is amended by striking out the words "Every register of deeds shall" at the beginning of the first line.

SECTION 6. 59.55 (1) is amended by substituting "of" for "to" after the word "description" in the second line.

SECTION 7. 60.06 (5) is amended to read:

60.06 (5) The credits and indebtedness as between the town so created and the town or towns of which it was formerly a