

CHAPTER 7.

[Published May 27, 1861.]

AN ACT to amend an act entitled "An act to declare the rights and privileges of such persons as may enroll themselves in the service of the country," approved April 17, 1861.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Exemption of
volunteers from
civil process.

SECTION 1. Section one of the act entitled "An act to declare the rights and privileges of such persons as may enroll themselves in the service of the country," approved April 17th, 1861, is hereby amended so as to read as follows: "All persons who have volunteered or enrolled themselves, or shall hereafter volunteer or enroll themselves, as members of any military company which has been or shall be received into the service of the United States or of this state, pursuant to any call which has been or shall be made by the president of the United States, or by the governor of this state, shall, during such service, be exempt from all civil process; and it shall be the duty of every court or judge thereof, and every justice of the peace, whenever it shall be made to appear by affidavit or otherwise, in the course of any civil action or proceeding whatever, that any party defendant thereto is a member or officer of any company, regiment, corps or division in the service of the United States or of this state, to cause such action or civil proceeding to be stricken from the calendar, and to suspend all proceedings in such action or proceeding until it shall be made to appear that such party defendant is no longer a member or officer of such company, regiment, corps or division: *provided*, that this section shall not be so construed as to extend to defendants who are subsequent incumbancers to the principal defendant or defendants in actions to foreclose mortgages or enforce mechanics' liens."

Duty of court.

Proviso.

How privilege to
exemption may
presented.

SECTION 2. Section two of said act to which this act is amendatory, is hereby amended so as to read as follows: "The privilege of all such persons to be exempt from all civil process and proceedings, may be presented to any such court, judge or justice of the peace by plea, answer or verbal suggestion, and any fact necessary or proper to established [establish] such privilege may be proved by affidavit or deposition; and

the fact of any such party defendant having been a member or officer of any such company, regiment, corps or division, and the fact of such company, regiment, corps or division having been mustered or received into the service of the United States or of this state, shall be received as *prima facie* evidence of the right to the exemption aforesaid: *provided*, the time ^{Provided.} during which any person is exempt from civil process under the provisions of this act, shall not be taken as any part of the time limited by law for the commencement of any civil action in favor of or against such person."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1861.

CHAPTER 8.

[Published May 25, 1861.]

AN ACT to provide for the aid of Volunteers in the service of the United States or of this State.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The non-commissioned officers, musicians and privates mustered into the service of the United States or of this state, in pursuance of any law of this state, shall receive from the time of being so mustered, in addition to the pay provided for like non-commissioned officers, musicians and privates in the army of the United States, the sum of five dollars per month to all volunteers having families dependent on them for their support. Additional pay to volunteers having families.

SECTION 2. The additional pay provided in section one of this act, shall not be paid at the expiration of each month, but shall remain in the state treasury, and the amount there accumulated to the credit of any soldier shall be used and appropriated by the state treasurer to pay such orders as may be drawn on him, in accordance with law for the support and maintainance of the family of such soldier; but if the pay so accumulated to the credit of any soldier shall not be drawn To be placed to the credit of the volunteers.