

Secretary of
state to publish
the result.

votes for state officers are required to be counted, returned and canvassed, and the secretary of state shall immediately, on the completion of said canvass, publish a statement of the result thereof in the official state paper, and communicate the same to the governor, and he shall also deliver to the bank comptroller and state treasurer each a certified copy thereof.

SECTION 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved February 19, 1868.

CHAPTER 29.

[Published February 24, 1868.]

AN ACT to provide for the service of summons by publication in certain cases, and for attachment therein.

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

How summons
may be served
on non-resi-
dents in certain
cases.

SECTION 1. When a cause of action exists against any person or corporation, and such person is a non-resident of the state, or his residence is unknown and he has property within the state, or said corporation is a foreign corporation and has property within the state; and the cause of action is one sounding in tort, and growing out of a transaction relating to the sale of real or personal property, made by defendant, or his agent, or when the cause of action arises out of any other wrongful act sounding in tort, committed by defendant or his agent, and the court has jurisdiction of the subject matter of the action, and the defendant, after due diligence, cannot be found within the state, and the facts are made to appear in manner and form as now required by law, under section 10 of chapter 124 of the revised statutes, and the several acts amendatory thereto; service may be had and made by publication of the summons as in other cases now provided for by law.

SECTION 2. When the facts provided for in section one of this act are made to appear to a circuit judge, a county judge, or a court commissioner, by affidavit, and such judge or court commissioner is satisfied that a cause of action exists, sounding in tort, within the provisions of this act, he may order that the plaintiff proceed by attachment, against the property of the defendant found within the state, in the circuit court of the proper county, fixing by said order the amount of property in value to be attached; and the clerk of the circuit court of the county where the action is commenced, upon the filing of such affidavit and order shall issue an attachment against the property of the defendant, in the same manner and form, and subject to the same rules and like proceedings as in other cases of attachment now provided for by law.

When and how plaintiff may proceed by attachment.

SECTION 3. When it appears that the defendant in the action has an agent within this state, the judge or court commissioner making the order for the attachment, shall also order that a copy of the summons and complaint, the affidavit and order of attachment, together with the attachment and inventory of property attached, be served on such agent, and the plaintiff or the person making the affidavit in his behalf for the attachment, shall state in his affidavit, if he has or has not any information or belief, or any knowledge or information thereof sufficient to form a belief, as to the existence or being within the state, of any such agent; and after the action has been commenced as herein provided, the proceedings shall be the same as in other actions now provided for by law.

Writs may be served on defendant's agent.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1868.