

actions, as he or she would be entitled to bring if appointed such executor, administrator or guardian by any court in this state; *provided*, that in any such action such executor, administrator or guardian shall be required to give security for costs, the same as required by law in case of a non-resident plaintiff.

Provided.

SECTION 2. Section two, of said chapter twenty-eight (28), of the general laws of Wisconsin for the year A. D. 1860, is hereby amended to be and read as follows: Section two. Such foreign executor, administrator or guardian shall allege in the complaint the filing of such certificate or authenticated copy, stating the county by name wherein filed, and such allegation shall be taken to be true; and no proof of such allegation shall be required unless the defendant, by affidavit, or by an allegation in his answer verified, deny positively such allegation. The denial must be positive; if the denial be by affidavit, it must be served upon the opposite party before the time to answer elapses.

Amended.

Allegation of filing of certificate to be made in complaint and to be taken without proof unless denied.

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

Approved March 5, 1875.

CHAPTER 266.

[Published March 19, 1875.]

AN ACT to amend chapter 157, of the general laws of 1872, entitled "an act to revive and restore section six (6), of chapter 61, of the revised statutes."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section one, of chapter one hundred and fifty-seven, of the general laws of 1872, be amended by adding to said section one (1), the following words: *provided*, that the said act hereby revived shall not apply or have any force or application to any action now pending in any court of this state wherein an issue of fact had been joined before the passage of said chapter one hundred and fifty-seven of the general laws of 1872, so that said section as amended will read as follows: That section six, of chapter sixty-one, of the revised statutes be, and the

Amended.

Act revived not to apply to actions pending

same is hereby, revived, restored and re-enacted, and declared to be in full force and effect; *provided*, that the said act hereby revived shall not apply or have any force or application to any action now pending in any court in this state, wherein an issue of fact had been joined before the passage of said chapter one hundred and fifty-seven of the general laws of 1872.

Conflicting
acts repealed.

SECTION 2. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

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

Approved March 5, 1875.

CHAPTER 267.

[*Published March 19, 1875.*]

AN ACT to amend sections ten and eleven, of chapter eight, of the Revised Statutes, entitled, "of the elections of representatives in congress, of electors of president and vice-president and senators in congress."

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. Section ten (10), of chapter eight (8), of the Revised Statutes of this state, entitled, "of the election of representatives in congress, electors of president and vice-president, and senators in congress," is hereby amended so that said section shall read as follows: "Section 10. The president of the senate and speaker of the house shall cause duplicate statements of the result of such election to be made under their hands, certifying who has been chosen such senator, one of which certified statements shall be delivered to the governor and filed and recorded in the executive office, and the other shall be delivered to the secretary of state, who shall file and record the same in his office."

Duplicate
statements of
result of elec-
tion to be made
With whom de-
posited.

Amended.

SECTION 2. Section eleven (11) of said chapter eight (8) of the Revised Statutes, is hereby amended so that said section shall read as follows: "Section 11. Immediately thereafter the governor shall certify the election of such senator, under the seal of the state, to the president of the senate of the United

Governor shall
certify election
of senator.