

Statement of the Case.

inability to serve process occasioned by the defendant's absence from the State. It has provided for no other case of inability to make service. If this is an omission, the courts cannot supply it. That is for the legislature to do. Mere effort on the part of the defendant to evade service surely cannot be a valid answer to the statutory bar. The plaintiff must sue out his process and take those steps which the law provides for commencing an action and keeping it alive.

The judgment of the Circuit Court must be affirmed.

Spalding v. Watertown, No. 201. Error to the Circuit Court of the United States for the Western District of Wisconsin. Argued March 13, 1889. Decided April 8, 1889. MR. JUSTICE BRADLEY. This case is precisely like the one just considered, and judgment of affirmance must be rendered in this also.

Affirmed.

Mr. George P. Miller for plaintiffs in error.

Mr. George W. Bird and *Mr. Daniel Hall* for defendant in error.

KNOWLTON v. WATERTOWN.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
WESTERN DISTRICT OF WISCONSIN.

No. 198. Argued March 13, 1889. — Decided April 8, 1889.

Amy v. Watertown, No. 2, *ante*, 320, affirmed and applied to this case. In Wisconsin an action is not commenced for the purpose of stopping the running of the statute of limitations until service of process had been effected, or until service had been attempted and followed up by actual service within sixty days or publication within that time.

THIS was an action in contract to recover on bonds issued by the municipality of Watertown, in Wisconsin. Judgment for the defendant. The plaintiffs sued out this writ of error. The case is stated in the opinion.