

CHAPTER 28.

[Published February 16, 1865.]

AN ACT to amend section four of chapter thirty-two of the general laws of 1863, entitled "an act relative to the commencement and prosecution of civil actions against persons in the military service of the country," approved March 2d, 1863.

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

Not applicable to executors, &c.

SECTION 1. Section four of chapter 32 of the general laws of 1863, is hereby amended, so as to read as follows, to wit: "This act shall not extend or apply to persons who are prosecuted as executors, administrators or trustees, or for debts created in fiduciary capacity; nor to proceedings for forcible entry and unlawful detainer; nor to persons who are made defendants only as subsequent encumbrancers to the principal defendant in actions to foreclose mortgages, or mechanics' liens; nor to persons who are made defendants only as encumbrancers to the principal defendant, in actions brought for the partition of lands or real estate owned by several persons; and in actions against persons jointly liable upon a contract, the action shall be allowed to proceed against the joint debtor or debtors not in the service, and the judgment may be entered, enforced and collected as provided in clause one of section eleven of chapter one hundred and twenty-four of the revised statutes."

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

Approved February 14, 1865.