

to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter one hundred and fifty of the revised statutes," if the plaintiff in any such action shall demur (or may have demurred) to the answer of the defendant therein, or to any part thereof, or shall make a motion (or may have made) to strike such answer out or from the files, or to make the same or any part thereof more definite or certain, the defendant may notice such action for hearing and trial, or either, both upon the questions of law and fact therein, without reference whether an issue of fact has been joined therein or not; and such demurrer or motion shall be disposed of by the court at the commencement of the term at which [the] same is noticed for hearing; and if such demurrer or motion is overruled by the court, the court shall proceed at such term of court at which the same shall be so noticed for trial, to try said action; and if it shall be necessary in any such action wherein such demurrer or motion shall have been made, to reply to the answer of the defendant therein, or to any part thereof, he shall reply at once, and go to trial at such term: *provided, however*, that such action may be continued for the same causes required to be shown for second continuances in other cases.

Reply to answer.

Proviso.

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

Approved March 26, 1861.

## CHAPTER 120.

[Published April 1, 1861.]

AN ACT to amend Chapter 79 of the Revised Statutes, entitled  
"Of Railroads."

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

Where actions  
may be brought.

SECTION 1. Chapter seventy-nine of the revised statutes, entitled "Of railroads," is hereby amended as follows: All actions concerning real estate against railroad corporations created by the laws of this state, may be brought or instituted in any county in the state wherein such real estate is situated.

SECTION 2. The process for the commencement of any such action shall be served upon the president, secretary, superintendent, general attorney, directors or any or either of them, of such railroad corporation: *provided*, that when such process be served upon the general attorney or upon the directors, or any or either of them, of such railroad corporation, it shall be necessary for the plaintiff or his attorney in such action, within five days thereafter, to serve a notice by mail or otherwise upon the secretary of such corporation of the commencement and pendency of such action.

Upon whom process to be served.

SECTION 3. All actions heretofore brought against any such corporation, in which service of process has been had on any director of said corporation, the proceedings therein shall be held legal, unless the president or secretary of said corporation within six months after personal notice of such proceedings, shall make a motion to set aside the proceedings: *provided*, this section shall not apply to cases where there has been an appearance in the suit on the part of such corporation.

Prior actions.

SECTION 4. The notice in the preceding section named, may be served by mail on either the president or secretary of such corporation, and proof thereof made and filed with the clerk of the circuit court as in other cases.

Notice may be served by mail.

SECTION 5. In all actions hereinbefore mentioned when the proceedings are set aside, the suit thereby shall not be dismissed, but the defendant shall have such time to answer the plaintiff's complaint as shall be deemed by the court just and reasonable.

Suit not to be dismissed.

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

Repeal.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1861.