

CHAPTER 242.

[Published April 10, 1862.]

AN ACT to amend section 9 of chapter 93 of the revised statutes, entitled "of the sale of lands of minors, and other persons under guardianship, and securing the proceeds for their use."

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

SECTION 1. Section nine of chapter ninety-three of the revised statutes, is hereby amended so as to read as follows: "No such license shall be granted for the sale of any real estate of a ward residing in this state, excepting that of a minor, unless the supervisors of the town in which such ward is an inhabitant, shall certify in writing their approbation of the proposed sale." License for sale of real estate of a ward.

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

Approved April 7, 1862.

CHAPTER 243.

[Published April 10, 1862.]

AN ACT relating to the foreclosure of mortgages by action.

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

SECTION 1. All actions hereafter commenced in any court of this state, for the foreclosure or satisfaction of a mortgage upon real estate, shall be commenced, tried and determined in the county where the mortgaged premises, or some part thereof, are situated: *provided*, that the court in which any such action shall be pending, may award a change of venue therein, upon the application of either or any party thereto, for the same causes and in the same manner as in other civil actions. Action to be tried in county where lands are situated.

§ 2. In all such actions, the plaintiff, in his complaint, may pray for a judgment of foreclosure and sale of the mortgaged premises in his complaint described, and may also, in the same complaint, pray for a judgment. Change of venue. Plaintiff's complaint.

ment for any deficiency which may remain due to the said complainant on such judgment of foreclosure and sale, after the sale of such mortgaged premises, in pursuance of such judgment; and such complaint, so containing the several prayers aforesaid, shall not be taken, construed or adjudged to unite improperly several causes of action, or to be in violation of any law of this state, or of any rule of any court in this state.

Judgment may be rendered for deficiency.

§ 3. In all such actions now pending in any court, and in which the sheriff's or referee's report of the sale of the mortgaged premises has not been confirmed by an order of said court, and in all actions hereafter commenced for the foreclosure or satisfaction of a mortgage upon real estate, said court may, on motion of the plaintiff therein, in case the moneys arising from the sale of the mortgaged premises shall be insufficient to pay the amount due the plaintiff for principal, interest, costs and expenses of such sale, (*to*) enter or render a judgment against the defendant or defendants who executed the note, bond or other evidence of debt accompanying the mortgage, for the amount of such deficiency, at the time of the confirmation of the sheriff's or referee's report of sale, or at any time thereafter; and (*that*) such report shall specify the amount of such deficiency. If the mortgaged debt be secured by the obligation or other evidence of debt, executed by any other person besides the mortgagor, the plaintiff may make such person a party to the action, and the court enter or render judgment for the balance of such debt remaining unsatisfied after a sale of the mortgaged premises, as well against such other person as against the mortgagor, and may enforce such judgment as in other cases: *provided*, that the provisions of this section shall not apply to or affect actions or proceedings to foreclose any mortgage, or enforce any instrument or contract made or given by any person or persons to any corporation, in whole or in part, for subscription to the capital stock of such corporation, or given in payment of such capital stock, in whole or in part, or made with or given to any person or persons for the benefit of such corporation, either in payment as aforesaid, or as security for such payment.

The surety may be made a party to such judgment.

Not to apply to mortgages given to corporations.

Repealed.

§ 4. All acts and parts of acts inconsistent with or contravening the provisions of this act, are hereby repealed.

§ 5. This act shall be published immediately after its passage, and shall take effect and be in force immediately thereafter.

Approved April 7, 1862.

CHAPTER 244.

[*Published April 10, 1862.*]

AN ACT to authorize the transcribing and to make evidence of certain records.

(*See supplement to local laws.*)

CHAPTER 245.

[*Published April 7, 1862.*]

AN ACT to amend chapter 14 of the general laws of 1862, entitled "an act to provide for the re-levy of taxes in the county of Pierce, for the year 1861."

(*See supplement to local laws.*)

CHAPTER 246.

[*Published April 10, 1862.*]

AN ACT to appropriate to the Wisconsin state hospital for the insane, the sum of (\$30,000) thirty thousand dollars.

(*See supplement to local laws.*)