

No. 103, S.]

[Published May 18, 1903.]

## CHAPTER 280.

AN ACT amendatory of section 3105 of the statutes of 1898, relating to actions and proceedings for partition.

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

**Powers of court in actions for partition; trial by jury, when.**

SECTION 1. Section 3105, of the statutes of 1898, is hereby amended so as to read when so amended as follows: Section 3105. In all actions for partition the court may investigate and determine all questions of conflicting or controverted titles, quiet title, remove clouds in titles, assign dower and homestead, apportion incumbrances, adjust claims for improvements or for rents and profits; by its judgment invest titles without the forms of conveyances by infants, unknown owners or other parties, adjudge a sale either subject to or free from incumbrance, and order sales for the purpose of division in proper cases. Provided, that any legal issue made by the pleadings shall be triable by jury unless waived, and provided further that any issue in ejectment arising in the partition action shall be subject to the right of second trial as provided by sections 3092 and 3093.

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

Approved May 15, 1903.