

for such delinquent taxes; and all proceedings in relation thereto shall be the same in all respects as in the case of land sold for other delinquent taxes. Every county treasurer who shall collect or receive any moneys on account of such delinquent taxes shall pay the same to the treasurer of the proper village and take duplicate receipts therefor, and file one of said receipts with the clerk of his county; *provided, however, that said six per cent interest penalty shall not be added to such delinquent taxes in any case where certificates or special improvement bonds are issued covering such assessment pursuant to section 914b of the statutes.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 10, 1915.

No. 186, S.]

[Published June 14, 1915.

CHAPTER 219.

AN ACT to simplify and expedite legal procedure, amending sections 2647, 2603, 2610, 2949 and 3069 of the statutes, and adding four new sections to the statutes, to be known as sections 2836a, 2836b, 2857a and 3049a.

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

SECTION 1. A new section is hereby added to the Wisconsin Statutes, to be known as section 2836a, and which shall read as follows:

Section 2836a. Whenever an appeal is attempted to be taken in a matter, action or proceeding in which an appeal is authorized by statute from any inferior court, tribunal, officer or administrative board to any court of the state, and return is duly made to such court, the respondent shall be deemed to have waived all objections to the regularity or sufficiency of the appeal or to the jurisdiction of the appellate court over person or subject-matter, unless he shall make such objection by motion to dismiss such appeal before taking or participating in the taking of any other proceedings in said appellate court. And in case it shall appear upon the hearing of such motion that such appeal was attempted to be taken in good faith the court shall have power in its discretion to allow any defect or omission in the notice, undertaking or other appeal papers to be supplied, either with or without terms, and with the same effect as if the appeal had been originally properly taken. In case the court

or tribunal from which an appeal is taken had no jurisdiction of the subject-matter and the court to which the appeal is taken has such jurisdiction, the said last named court shall, if it appear that the action or proceeding was commenced in the good faith and belief that the first named court or tribunal possessed jurisdiction, allow the action or proceeding to proceed as if originally commenced in the proper court and shall allow the pleadings and proceedings to be amended accordingly; and in all cases in every court where objection to the jurisdiction of that court is sustained by order, judgment or in any other way, the cause shall be certified to some court having jurisdiction, provided it appear that the error arose from a bona fide mistake and not from design.

SECTION 2. A new section is hereby added to the Wisconsin Statutes to be known as section 2836b, and which shall read as follows:

Section 2836b. In all cases where upon objection taken or upon demurrer sustained or after trial it shall appear to the court that any party claiming affirmative relief or damages has mistaken his remedy, his action, proceeding, cross complaint, counterclaim, writ, or relation shall not be finally dismissed or quashed, but costs shall be awarded against him and he shall be allowed a reasonable time within which to amend and the amended action or proceeding shall continue in that court except in case that court has no jurisdiction to grant the relief sought, in which case the action in whole or in such divisible part in which jurisdiction is lacking shall be certified to some other court which has jurisdiction. Amendments may be made changing any action from one on contract to one in tort, and vice versa, from one at law to one in equity and vice versa, from a special proceeding to an action and vice versa, from any writ to any other writ, from any proceeding or action under or pursuant to any writ to any action and vice versa. The judgment in all cases of mistaken remedy shall be respondent ouster and for costs, the latter in the discretion of the court, but with leave to amend and proceed in that court or some other designated court; or part in that court and part in some other court in one or several actions or proceedings as justice may require.

SECTION 3. A new section is hereby added to the Wisconsin Statutes to be known as section 2857a, and which shall read as follows:

Section 2857a. Whenever in an action tried before a jury all the parties to the action shall, without reservation, move the court to direct a verdict, such motions shall, unless otherwise di-

rected by the court before the discharge of the jury, be considered as equivalent to a stipulation by the parties waiving a jury trial and submitting the entire case to the court for decision of the facts as well as the law.

SECTION 4. Section 2647 of the Wisconsin Statutes is hereby amended so that the same shall read as follows:

Section 2647. The plaintiff may unite in the same complaint several causes of action, whether they be such as were formerly denominated legal or equitable or both, * * *:

But the causes of action so united must * * * affect all the parties to the action and not require different places of trial, and must be stated separately.

SECTION 5. Section 2603 of the Wisconsin Statutes is hereby amended so as to read as follows:

Section 2603. Any person may be made a defendant who has or claims an interest in the controversy adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the questions involved therein. *A plaintiff may join as defendants persons against whom the right to relief is alleged to exist in the alternative, although recovery against one may be inconsistent with recovery against the other; and in all such actions the recovery of costs by any of the parties to the action shall be in the discretion of the court.*

SECTION 6. Section 2610 of the Wisconsin Statutes is hereby amended so that the same shall read as follows:

Section 2610. The court may determine any controversy between the parties before it, when it can be done without prejudice to the rights of others or by saving their rights; but when a complete determination of the controversy cannot be had without the presence of other parties, or any persons not parties to the action have such interests in the subject-matter of the controversy as require them to be made parties for their due protection, the court shall order them to be brought in; and when in an action for the recovery of real or personal property a person not a party to the action, but having an interest in the subject thereof, makes application to the court to be made a party it may order him to be brought in by the proper amendment. A defendant against whom an action is pending upon a contract or for specific real or personal property or for the conversion thereof may, at any time before answer, upon affidavit that a person, not a party to the action and without collusion with him, makes against him a demand for the same debt or property, upon due notice to such person and the adverse party, apply to the court for an order to substitute such person in his place and discharge

him from liability to either party, on his depositing in court the amount of the debt or delivering the property or its value to such person, as the court may direct; and the court may in its discretion make the order. *A defendant who shows by affidavit that if he be held liable in the action he will have a right of action against a third person not a party to the action for the amount of the recovery against him, may, upon due notice to such person and to the opposing party, apply to the court for an order making such third person a party defendant in order that the rights of all parties may be finally settled in one action, and the court may in its discretion make such order. This section shall be liberally construed in order that, so far as practicable, all closely related contentions may be disposed of in one action, even though in the strict sense there be two controversies, provided the contentions relate to the same general subject and separate actions would subject either of the parties to the danger of double liability or serious hardship.*

SECTION 7. Section 2949 of the Wisconsin Statutes is hereby amended so that the same shall read as follows:

Section 2949. In all actions, writs or proceedings in the supreme court, excepting criminal actions, costs shall be in the discretion of the court. In any civil action or proceeding brought to the court by appeal or writ of error, the prevailing party shall recover costs unless the court shall otherwise order, and such costs, unless fixed at a lower sum by the court, shall be as follows: The fees of the clerk of the supreme court, twenty-five dollars attorney's fees, the fees of the clerk below for transmitting and certifying the record, including the sum paid for such copies of the minutes of the phonographic reporter as are necessarily procured for the purpose of completing the record preparatory to an appeal and the sum paid for printing, not exceeding seventy-five cents per page for printing cases and briefs, in all not exceeding one hundred and fifty pages.

SECTION 8. A new section is hereby added to the Wisconsin Statutes, to be known as section 3049a, which shall read as follows:

Section 3049a. In case one of a number of parties jointly or severally bound by the same judgment appeals therefrom, he shall serve his notice of appeal on all parties who are bound with him by the judgment, and said parties shall thereupon within thirty days after such service, unless the time be extended by the trial court for cause shown, take and perfect their own appeals or be deemed to have waived their right to appeal. The supreme court may by order at any time after an

appeal is taken bring in additional parties upon their own application or upon application of one of the original parties to the appeal, and in such case the party or parties so brought in shall be given an opportunity to be heard before final judgment is pronounced in said court. In any case the respondent may have a review of the rulings of which he complains by serving upon the appellant any time before the case is set down for hearing in the supreme court a notice stating in what respect he asks for a review, reversal or modification of any part of the judgment or order appealed from.

SECTION 9. Section 3069 of the Wisconsin Statutes is hereby amended so that the same shall read as follows:

Section 3069. The following orders when made by the court may be carried by appeal to the supreme court:

(1) An order affecting a substantial right, made in any action, when such order in effect determines the action and prevents a judgment from which an appeal might be taken.

(2) A final order affecting a substantial right made in special proceedings or upon a summary application in an action after judgment.

(3) When an order grants, refuses, continues or modifies a provisional remedy or grants, refuses, modifies or dissolves an injunction, or sets aside or dismisses a writ of attachment for irregularity, grants a new trial or sustains or overrules a demurrer, *but no order of the circuit court shall be considered appealable which simply reverses or affirms an order of the civil court of Milwaukee county, unless the order of the civil court be an order granting, refusing, continuing, modifying or dissolving a provisional remedy or injunction.*

(4) Orders made by the circuit court vacating or refusing to set aside orders made at chambers, where by the provisions of this chapter an appeal might have been taken in case the order so made at chambers had been granted or denied by the circuit court in the first instance. For the purpose of appealing from an order either party may require the order to be entered by the clerk of record, and it shall be entered accordingly.

SECTION 10. This act shall take effect and be in force from and after September 1, 1915.

Approved June 10, 1915.