

No. 59, S.] .

[Published June 7, 1907.

CHAPTER 178.

AN ACT to amend section 3526 of the statutes as amended by section 40, chapter 351 of the laws of 1899, relating to notice of foreclosure of mortgage by advertisement.

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

SECTION 1. Section 3526 of the statutes as amended by section 40, chapter 351 of the laws of 1899, is amended to read as follows:

* * * * *

Approved June 6, 1907.

(In effect July 1, 1907.)

No. 103, S.]

[Published June 7, 1907. .

CHAPTER 179.

AN ACT to amend section 1443, of the statutes, relating to cemetery associations.

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

SECTION 1. Section 1443 of the statutes is amended to read:
* * * * *

Approved June 6, 1907.

(In effect July 1, 1907.)

tory or district or foreign country where such infant or incompetent person resides and no guardian appointed in this state, the guardian or conservator, appointed in such state, district or territory or foreign country may file a copy of his, or its, appointment, duly authenticated, so as to make the same receivable in evidence in the circuit or county court in any county in this state, in which the real estate of such infant or incompetent person is situated. Upon the filing of such authenticated copy of such appointment, such foreign guardian or conservator may be licensed by the circuit * * * or county court or *presiding judge of either* of the county where such real estate is situated, to lease, mortgage, or sell the real estate of such infant or incompetent person in said county, or any portion thereof, or interest therein, in the same manner and upon the same terms and conditions and for the same purposes as prescribed in this chapter in the case of a special guardian appointed * * * in this state. And such * * * court, or the *presiding judge thereof* * * * may, in * * * *its* or * * * *his* discretion, upon the petition of such foreign guardian or conservator, appoint some suitable person residing in this state, special guardian of such infant or incompetent person to make such lease, mortgage or sale in the manner provided by this chapter. In case a special guardian shall be appointed for the purpose of making such lease, mortgage or sale, the moneys arising from such lease, mortgage or sale shall be paid out and disposed of or invested as may be directed by the court or judge appointing such special guardian. The duly authenticated copy of the appointment of any guardian or conservator appointed in any other state, district, territory or foreign country together with a duly authenticated copy of the appointment of the special guardian of such infant or incompetent person, shall also be properly recorded and tract indexed in the office of the register of deeds of the county in which such real estate is situated. The expense of such record shall in all cases be borne by the grantor or special guardian.

(Ch. 660, 1907.)

Mortgage foreclosure: six weeks notice and service upon subsequent grantee. SECTION 3526. * * * 1. Notice that such mortgage will be foreclosed by a sale of the mortgaged premises or some part of them shall be given as provided in section 2993.

2. A copy of such notice shall be served * * * in the manner of serving a summons in a civil action, *upon the mort-*

*gagor and upon any subsequent grantee or mortgagee whose conveyance shall be recorded at the time of the first publication of such notice at least six weeks before the date of sale if * * * they shall be found within the county. * * **

3. If the return of the sheriff, or *affidavit of the person making the service* shall show that * * * any such person can not be found, a copy of such notice shall be posted in a conspicuous place upon the mortgaged premises and also served upon the occupant thereof, if any.

(Ch. 178, 1907.)

Justice courts: summons in blank, filing. SECTION 3594. All process issued by a justice of the peace shall run in the name of the "State of Wisconsin," be dated on the day it is issued, be signed by the justice of the peace issuing the same, may be under seal or without seal and shall be directed to the sheriff or any constable of the proper county. Said process shall contain the names of the parties plaintiff and defendant, the name of the town, village or city and the county where the justice of the peace resides, and the day, hour, month and year of the return thereof. Justices of the peace may sign in blank any summons and deliver the same to any attorney duly authorized to practice law in Wisconsin, to be issued by such attorney as occasion may require, and upon the filing of such summons at any time before the same is returnable with the justice of the peace having so signed the same, such justice shall forthwith docket the case and his docket entries shall have the same legal force and effect as if made at the time of issuing such summons; provided, that no summons, so issued by any attorney, under the provisions of this section, shall be valid unless said attorney shall endorse thereon his name or the name of the firm of which he is a member, which endorsement shall be substantially in the following form: Issued by A. B., plaintiff's attorney. *Whenever any summons shall be signed in blank by the justice and be issued by the attorney to whom delivered, such summons shall be filed with said justice * * * at least seventy-two hours * * * before the time specified therein as the time of the return thereof, and upon failure to do so the action shall be dismissed.*

(Ch. 116, 1907.)

Surety to discharge garnishee; secondary liability. SECTION 3721a. 1. At any time after the service of a summons