

Take effect.

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

Approved March 12, 1859.

[Published March 22, 1859.]

CHAPTER 90.

AN ACT in relation to affidavits in pursuance of an act of the Legislature of Michigan, entitled "an act concerning mortgages," approved April 19, 1833.

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

Relating to affidavit.

SECTION 1. Every affidavit made or taken in foreclosing any mortgage by advertisement, under the provisions of the act of the territory of Michigan, entitled "an act concerning mortgages," approved April 19, 1833, which was sworn before and certified by any officer then authorized to take the acknowledgment of deeds, shall be taken and held to have the same force and effect in law as if the same had been sworn before and certified by any of the officers mentioned in that behalf in the 14th section of the said act.

Remedy for illegal affidavits

SEC. 2. Every officer and person who made any affidavit in the course of foreclosure of any mortgage, under the provisions of the act mentioned in the 1st section of this act, which is or may be considered defective or insufficient in substance or form, or for the reason that the same was sworn before or certified by any officer not then authorized to take or certify the same, is hereby authorized to make such affidavit, according to the facts, before any officer authorized by law to take the acknowledgement of deeds, and such officer is hereby authorized and required to take such affidavit, to and subscribe his name to a certificate underneath the same, purporting that the person making such affidavit has appeared before him and made oath or affirmation to the same.

Effect of this act

SEC. 3. Any affidavit made in pursuance of the second section of this act, shall have the same force and effect as if made at the time and under the provisions of the act mentioned in the first section of this act, and all registers of deeds in the proper counties are required to record the same in the manner which was required by the act mentioned in the first section of this act, and the record of every such affidavit shall have the same effect

as if such affidavit had been made, certified and recorded at the time, under the provisions of the said act mentioned in the first section of this act. The true intent and meaning of the second and third sections of this act being to allow the affidavits therein mentioned to be sworn, certified, and recorded *nunc pro tunc* in cases where insufficient or defective affidavits, as herein before mentioned, were sworn, certified and recorded under the provisions of the said act mentioned in the first section of this act, and while the same was in force.

Approved March 14, 1859.

[Published March 23 1859.]

CHAPTER 91.

AN ACT to amend certain chapters and sections of the revised statutes, and to make certain corrections thereof. .

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

SECTION 1. The following sections of the revised statutes, viz: section fifty-three of chapter twenty-three, section forty-two of chapter one hundred and thirty-three, and section ten of chapter one hundred and ninety-one, section fifteen of chapter one hundred and fifty-five are hereby repealed. Repealed.

SEC. 2. The following sections of the revised statutes are hereby amended as follows, viz: section one of chapter ninety-seven is amended by striking out the proviso thereto; section thirty-five of chapter one hundred and eighteen, is amended by striking out the words, "which certificate shall be allowed by the board of county supervisors as other demands against said county;" section twenty of chapter one hundred and twenty-two, is amended by striking out the words, "shall have been," and inserting in lieu thereof, the words "should be;" subdivision two of section one of chapter one hundred and twenty-three is amended by striking out the word "protection," and inserting in place thereof, the word "partition;" section four of the last named chapter is amended by inserting the word "foreign," before the word "corporation;" subdivision one of section eleven, of chapter one hundred and twenty-four is amended by inserting after the word "all" where it last occurs, the words "and the separate property of the defendant served;" section Amendments.