

CHAPTER 229.

[Published April 14, 1860.]

AN ACT to amend section fifty-three, of chapter one hundred and forty, of the Revised Statutes, entitled "Of miscellaneous proceedings in civil actions, and general provisions."

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

SECTION 1. Section fifty-three, of chapter one hundred and forty, of the Revised Statutes, entitled "Of miscellaneous proceedings in civil actions, and general provisions," is hereby so amended as to read as follows, viz: "Section 53. In all actions brought to compel a specific performance of a contract, or foreclosure of any mortgage, made by any person or persons who have died, either within or without this State, and the name or names of his, her, or their heir or heirs, or any of them, whether resident of this State or not, or the name or names of the heirs or legal representatives, whether resident of this State or not, of any person or persons who have died, either within or without this State, having an estate in or lien upon the premises affected by such proceedings, are unknown to the plaintiff or plaintiffs, it shall be lawful for him, her, or them, to proceed against such unknown heir or heirs, or legal representatives, as against absent defendants; and he, she, or they may be made defendant or defendants to the complaint in the cause, by the name or description of the unknown heir or heirs, or minor heir or heirs, or the unknown legal representative or representatives (as the case may be,) of —, deceased, filling the blank with the name or names of the deceased person or persons, and with a further statement of his, her or their last place of abode when living, if known, whose heir or heirs, or legal representative or representatives, may be proceeded against, and by such name, or description, notice shall be given by publication, as in case of actions against other non-resident defendants [defendants]; and after due publication of such notice, and proof thereof, the court shall, in all cases of infant defendants, appoint a guardian, *ad litem*, by such name or description as is given in the complaint.

Authorizing proceedings against unknown heirs, as against absent defendants.

After publication court shall appoint guardian.

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

Approved March 28, 1860.