

Section 966 is renumbered to be section 17.06.

Section 967 is renumbered to be section 17.07.

Section 968 is renumbered to be section 17.08.

Section 968a is renumbered to be section 17.09.

Section 969 is renumbered to be section 17.10.

Section 970 is renumbered to be section 17.11.

Section 971 is renumbered to be section 17.12.

Section 972 is renumbered to be section 17.13.

Section 973 is renumbered to be section 17.14.

Section 974 is renumbered to be section 17.15.

Section 975 is renumbered to be section 17.16.

Section 976 is renumbered to be section 17.17.

Section 976a is renumbered to be section 17.18.

Section 976m is renumbered to be section 17.19.

Section 976s is renumbered to be section 17.20.

Section 976t is renumbered to be section 17.21.

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

Approved June 13, 1917.

No. 544, S.]

[Published June 16, 1917.

CHAPTER 409

AN ACT to create section 4232a of the statutes, relating to the commencement and prosecution of civil actions against persons in the military service of the country.

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

SECTION 1. A new section is added to the statutes to read:

Section 4232a. 1. All persons, residents of this state, now in the military service of the United States or of this state, and all those who may hereafter enlist, be appointed, or drafted into the military service of this state or of the United States, for the purpose of the present war, shall, during such service, be exempt from all civil process, and in all civil cases now pending against any person in such service, the proceeding shall be continued and stayed until the discharge of such person from such service, but such exemption or stay shall in no case extend or be extended for more than three years from the time of a mustering of such person into the service, as hereinbefore mentioned.

2. It shall be the duty of any court or judge thereof, and of any justice of the peace, whenever it shall appear that a suit has been commenced against a person while in the military service, as mentioned in subsection 1, to dismiss such suit as against

such person; and when it shall be made to appear, in any case now pending, that the principal defendant is in the military service of this state or of the United States, it shall be the duty of the court or judge thereof, or of a justice of the peace to stay all proceedings in such suit as against such defendant until he shall be discharged from such service, but such exemption and stay shall not exceed the three years mentioned in subsection 1. Whenever it shall be brought to the attention of any court of record that an attempt is being made to deprive any person mentioned in subsection 1 of any property rights in violation of subsection 2, it shall be the duty of such court or the judge thereof, to issue whatever order may be necessary to prevent any soldier or sailor from being thus deprived of property rights.

3. The fact that a person is in such service, may be proved or established, first, by the affidavit of such person, or any other person who may know the fact; or, 2nd, by an affidavit of any person proving that such party defendant has been mustered into such service; or, 3d, by a certificate of the adjutant general of this state to the effect that the muster roll in his custody shows that such person has been mustered into such service; or where it is alleged that the defendant is in the regular service of the United States, a certificate of the secretary of war, or some other officer competent to make such certificate, giving the date when such person was mustered into the service; provided, that the last mentioned affidavit and certificate shall be taken and deemed to be prima facie evidence, only, that such person is still in such service. Upon its being alleged that such person is in such service, it shall be the duty of the court, or justice of the peace, to suspend proceedings in the action, to enable the party so alleging to obtain proof thereof. It shall not be necessary to plead or answer such fact, but the relief may be obtained, with or without notice, as the judge or court may direct.

4. This section shall not extend or apply to persons who are prosecuted as executors, administrators or trustees, or for debts created in fiduciary capacity; nor to proceedings for forcible entry and unlawful detainer; nor to persons who are made defendants only as subsequent encumbrancers to the principal defendant in actions to foreclose mortgages, or mechanics' liens; nor to persons who are made defendants only as encumbrancers to the principal defendant, in actions brought for the partition of lands or real estate owned by several persons; and in actions against persons jointly liable upon a contract, the action shall be allowed to proceed against the joint debtor or debtors not in the service, and the judgment may be entered, enforced and col-

lected as provided in any other action where the proceedings against a codefendant are dismissed.

5. The time during which any person is exempt from the service of a civil process under the provisions of this section, shall not be taken as any part of the time limited by law for the commencement of any civil action in favor of or against any such person.

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

Approved June 13, 1917.

No. 227, S.]

[Published June 16, 1917.

CHAPTER 410

AN ACT to amend section 4 of chapter 313 of the laws of 1895, as amended by chapter 547 of the laws of 1911, and chapter 320 of the laws of 1915, to regulate the civil service of cities and providing for discharges of civil service employes.

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

SECTION 1. Section 4 of chapter 313, laws of 1895, as amended by chapter 547, laws of 1911, and chapter 320, laws of 1915, is amended to read: (Chapter 313, laws of 1895). Section 4. From and after the adoption of such rules, all appointments to subordinate offices, positions, and employments in the several departments of the service of such city, which are subject to such rules, shall be made by the respective heads of such departments under and in conformity with the provisions of such rules, and such heads of departments shall respectively have power to remove, * * * discharge * * * *reduce or suspend* any person holding any subordinate office, position, or employment in their respective departments, for *any just and adequate cause* which shall not be religious or political, * * * *No person or employe, subject to the rules of the city service commission, shall be removed, discharged, reduced or suspended for a term exceeding 30 days by the head of a department or the appointing power, except for cause and after trial as herein provided. The head of a department or appointing power, who shall remove, discharge, reduce or suspend any employe for a period exceeding 30 days, shall, if within 10 days after such removal, discharge, reduction or suspension a written appeal is made by the person or employe so removed, discharged, reduced or suspended to the city service commission, file a complaint in writing, setting forth his reasons for such removal, discharge,*