

No. 31.

AN ACT concerning actions relating to real property.

Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, as follows:

SECTION 1. Whenever any action shall be brought against any tenant, to recover the land held by him, or the possession of such land, the landlord of such tenant, and any person having privity of estate or interest with such tenant, or with such landlord, in the premises in question, or any part thereof, may be made defendant with such tenant, in case he shall appear, or may, at his election, appear without such tenant, and in the latter case the court may order a stay of execution upon any judgment against the tenant in possession, until the further order of the court.

SEC. 2. Every tenant to whom a declaration, in ejectment, or any other process, proceeding, or notice of any proceeding, to recover the land occupied by him, or the possession thereof, shall be served, shall, forthwith, give notice thereof to his landlord, under the penalty of forfeiting the value of three years' rent of the premises so occupied by him, which may be sued for, and recovered by the landlord or person of whom such tenant holds.

SEC. 3. If any tenant or tenant for life in dower, or by the curtesy, be impleaded, and the person to whom the reversion or remainder appertains, shall come into court before any trial shall have been had in such action, or before judgment by default therein, and pray to be received to defend his right, he shall be received for that purpose, and shall be permitted to plead to the action upon such terms as the court shall deem just.

SEC. 4. When a husband and wife shall be impleaded, if the husband shall absent himself, and will not defend the wife's right, if the wife apply before judgment [she] shall be admitted to defend without her husband.

SEC. 5. When any person shall die, leaving heirs either in the same or different degrees, and when several persons shall be, in any other way, entitled to real estate as tenants in common, or as joint tenants, they may bring one action for the recovery thereof, or may bring several actions for their respective shares of interests.

Landlord may defend suits against tenant.

Tenant to give notice.

Forfeiture for neglect.

Also the reversioner, remainder man.

And a feme covert.

Persons jointly entitled, may sue jointly, or have several actions for real estate.

Infant defend-
ants how pro-
ceeded against.

SEC. 6. Actions relating to real property shall not be delayed, nor shall the remedy of any plaintiff be suspended, by reason of the infancy of any defendant therein, but guardians to defend the rights of infant defendants, shall be appointed, as in personal actions. And in all such actions against an infant, if he do not procure the appointment of a guardian, within the time required for his appearance therein, the plaintiff may proceed to have such guardian appointed, as in personal actions.

Notice to tenant,
agent, or attor-
ney of defendant,
when sufficient.

SEC. 7. In all actions of ejectment, if the defendant shall not be a resident of the county wherein the premises are situated, the declaration shall be served, by leaving a copy thereof, with the notice prescribed by law, with his tenant, agent, or attorney, and if there shall be no such tenant, agent, or attorney, within such county, known to the officer, the officer shall leave a copy of the declaration on the premises, and certify the facts in his return, and the court shall, thereupon, cause such further service of the declaration to be made, and such notice to the defendant to be given as they shall deem proper.

When no agent,
&c. what.

Approved, January 13th, 1840.

No. 32.

AN ACT requiring Samuel B. Knapp to pay certain monies, and for other purposes.

S. B. Knapp, as
fiscal agent, to
pay Collier and
Pettus, and make
report, &c.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, That Samuel B. Knapp, Esq., Fiscal Agent of the Legislature, be required to settle and pay to Messrs. Collier and Pettus of St. Louis, the unsettled balance due them on account of a loan made by this Legislative Assembly through Moses M. Strong, late fiscal agent; and that William B. Slaughter, Secretary of this Territory, be required to pay over to Samuel B. Knapp any monies which he may receive from Moses M. Strong, on account of his liabilities as fiscal agent, and that the said fiscal agent be directed to report his doings thereon at the extra session in August next; and further, that so much of the act passed at the present session, as requires William B. Slaughter, Secretary, to pay over the monies, above specified, to Collier and Pettus, be and the same is hereby re-
nealed.*