

“There is hereby appropriated annually, out of any money in the treasury, not otherwise appropriated, the sum of one hundred dollars to each county society, which shall be organized under the provisions of this [act.]”

Sec. 3. This act shall take effect from and after its passage.

Approved Oct. 2, 1856.

CHAPTER 111.

Published October 7.

An Act concerning Suits in Equity and Actions at Law.

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

SECTION 1. In cases when the subject of any suit in equity or action, or proceeding at law, shall be the title or any right or interest in, to, of or concerning land, such suit, action or proceeding may be commenced, and proceeded with to final judgment or decree, subject to existing laws in regard to change of venue, in the county where such land may be situate, and in case such land shall lie in more than one county, then in any county wherein is situate any of such land, any law to the contrary notwithstanding, and for the purpose of carrying out the provisions of this act, any and all process, may be directed for service or execution, to the sheriff of any and as many counties of this state, as may be needful, and the same may by such officer be served or executed in his county.

Suits in equity &c.—how proceeded with.

Sec. 2. Where any suit is commenced or is pending in any court of this state for the foreclosure of any mortgage, partition of real estate, or to compel the specific performance of any contract, relative to real estate, or to quiet title thereto, or to divest or transfer the like to the same by conveyance or decree, or to compel the sale of the same, for any purpose authorized by law, the complainant or plaintiff in such suit, in case any defendant therein may be absent from, or non-resident of the state, may

Suits commenced, &c.

give personal notice to such defendant in the state where he may be found, such personal notice may be by a copy of the subpoena, summons or process in the cause, attested by the clerk of the court, out of which the same shall issue, on the back of which a brief statement of the cause of action shall be endorsed, and for this purpose the clerk shall issue as many original subpoenas or processes so endorsed, as the plaintiff shall require.

Defendant required to appear and plead.

SEC. 3. Such process or subpoena shall require such defendant to appear and plead, in the court from whence the same was issued, in not less than two, nor more than six months from the service thereof, as shall be ordered by any court commissioner or judge at chambers, and it may be served by any sheriff, notary public, justice of the peace, or by any officer authorized by the laws of the state or territory where such defendant may be, to serve similar process in the county, city or jurisdiction where such service is made, and the person serving such process shall make affidavit of the time and manner of making the service, before some officer authorized by the laws of such state to administer oaths, and that he is such officer as is authorized by this section to serve such process; the official character and authority of the person administering such oath, shall be authenticated by the certificate of a clerk of a court of record, under his seal of office, or by the certificate and seal of the proper certifying officer of the county or jurisdiction where the person administering such oath exercises his office.

Affidavit of service.

SEC. 4. The affidavit of service and certificate required by the preceding section, shall be written upon or attached to a copy of the process or subpoena served on said defendant, attested as hereinbefore provided, and the same shall be transmitted to the clerk who issued such process, by mail or other conveyance.

In case defendant don't appear, &c.

SEC. 5. On filing such process and proof of service, in the court where such suit is pending, if the defendant so served shall not appear at the time required therein, such defendant shall be proceeded against as though said process had been served by the proper officer in this state; and no decree, order or judgment, in a cause where such proof of service has been filed, shall be opened for rehearing, or set aside, or in any way altered, by any proceeding in behalf of such absent or non-resident defendant, unless he shall satisfy the court, by affidavit, or other competent testimony, that the proof of service filed in the cause

is false, and that such defendant received no actual notice in such cause, but such order, judgment or decree, may be set aside or re opened, for such reasons as would be sufficient, provided service was had in this state.

SEC. 6. This act shall not be construed so as to prevent any plaintiff from proceeding against any absent defendant, as heretofore allowed, at the same time, or before, or after the proceedings under this act. How construed.

SEC. 7. This act shall immediately after its passage be printed by the state printer, and when so printed, shall take effect and be in full force.

Approved October 2d, 1856.

CHAPTER 112.

Published November 10.

An Act to secure the enlargement and immediate completion of the improvement of the navigation of the Fox and Wisconsin Rivers, and the payment of the scrip and other evidences of indebtedness issued by the State on account of the same, and for the protection of the settlers on the even sections, etc.

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

SECTION 1. The Fox and Wisconsin Improvement Company, a corporation created by an act of the legislature of the state of Wisconsin, July 6th, 1853, are hereby authorized and required, to make all the dams, locks, canals, feeders, and other structures, and to do all the dredging and other work, and furnish all materials necessary to complete the improvement of the navigation of the Fox and Wisconsin rivers, and the canal connecting the same, and to re-construct the locks at the Portage and Rapide Croche, and cause the same to be re-constructed at Depere, all in a substantial and workmanlike manner, so that all the locks, dams, and other works between Green Bay and the Wisconsin river shall be equal or superior in strength, capacity, kind and quality, of materials and workmanship to the best works of the kind heretofore constructed between Green Bay and Lake Winnebago; and that du- Fox and Wisconsin Rivers improvement.