

the meaning of this act, unless authority to make such appropriation or conversion be shown, and a correct statement thereof appear to have been made at the time, in the regular book or books of account kept by or under the direction of such officer, director or member.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved May 15th, 1858.

## Chapter 112.

*Published May 26th, 1858.*

AN ACT concerning suits in equity commenced before the Code of Procedure took effect.

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

SECTION 1. In all cases where any bill in equity had been filed, in any of the courts in this State, before chapter 120 of the Session Laws of 1858 took effect, and was in force, wherein the subpœna had not been served on all of the defendants in such bill, at the time said chapter took effect, and in which process has not as yet been served on all of the defendants, the complainant, in such bill, may, at any time, cause subpœnas to be issued out of such court, and to be served on the defendants, not served in the same manner, and with the like effect as if the same had been served before said chapter one hundred and twenty took effect, and the proceedings prescribed by chapter eighty-four of the Revised Statutes, may be had and taken, to compel the appearance of parties, and to give the court jurisdiction over the person of any defendant therein, with like force and effect as if said chapter one hundred and twenty were not in force; anything therein contained to the contrary thereof notwithstanding; and as to all such actions, said chapter eighty-four is hereby declared to be, and to have been in full force since the passage of said chapter one hundred and twenty, and shall continue in force, and be applicable to all cases

To cause subpœnas to be served on all the defendants—how served and with what effect.

**Proviso.**

where the bill of complaint was filed before said chapter one hundred and twenty took effect: *Provided, however,* That nothing herein contained, shall, in any way, effect any proceedings had or taken in any such cases before the passage hereof, and any and all proceedings had or taken in any such cases, whether in pursuance of chapter eighty-four of the Revised Statutes, or of chapter one hundred and twenty of the Session Laws of 1856, are hereby declared to be as legal, regular, valid and effectual as if this act had not been passed.

SEC. 2. This act shall be published immediately, and shall be in force from and after its passage,

Approved May 15th, 1858.

### Chapter 113.

*Published May 18th, 1858.*

AN ACT relating to foreclosure of mortgages, and the sale of land under such foreclosure.

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

Defendants has six months time to answer complaint.

SECTION 1. That in all actions and proceedings at law hereafter commenced under that portion of chapter 84 of the Revised Statutes entitled "of the powers and proceedings of courts in chancery on bills for the foreclosure or satisfaction of mortgages," the defendant or defendants in such action or proceedings shall have six months time to answer the bill or complaint filed therein, after the service of summons or publication of notice as now required by law, and no default shall be entered in any such action until after the expiration of such time, any law to the contrary notwithstanding.

Mortgaged premises to be sold only upon six months notice.

SEC. 2. Whenever in such action or proceeding judgment shall be entered or an order made by the court for the sale of mortgaged premises, it shall, before the sale of said premises, upon six months notice of such sale, as hereinafter provided, and in all cases where, before the passage of this act, judgment has been rendered in any of the courts of this State, or in the district court of the United States for the district of Wis-