

CHAPTER 31.

[Published March 3, 1863.]

AN ACT to extend the time for the collection of taxes, in the town of Dunn, Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Time extended
to March 31st.

SECTION 1. The time for the collection of the state, county and town taxes, for the year 1863, in the town of Dunn, Dane county, is hereby extended until the 31st day of March; and the town treasurer of said town shall have the same right to proceed to collect all the unpaid taxes upon the tax-roll in his hands, in all respects, in the same manner as he would have been authorized to do, had the time of his original warrant to collect the same not expired: *provided*, that nothing in this act shall be construed to extend the time for the payment to the county treasurer, of the state tax, as now required by law.

Proviso

SECTION 2. This act shall take effect from and after its passage.

Approved February 28, 1863.

CHAPTER 32.

[Published March 3, 1863.]

AN ACT relative 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 :

Persons in the
military service
exempt from
civil process.

SECTION 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, shall, during such service, be exempt from all civil process; and in all civil cases now pending against any person in such service, the proceedings shall be continued and stayed until the

Stay of proceedings,
&c.

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 the mustering of such person into the service, as hereinbefore mentioned.

SECTION 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 the preceeding [preceding] section, 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: *provided*, the exemption and stay shall not exceed the time mentioned in the preceeding [preceding] section. Ibid.

SECTION 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 certificates 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 alledging 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.

How fact that a person is in such service may be established.

Duty of the court when it is alleged that such person is in such service.

SECTION 4. This act shall not extend or apply to persons who are prosecuted as executors, administra- Not applicable to executors, &c.

tors 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; 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 collected as provided in clause one of section eleven of chapter one hundred and twenty-four of the revised statutes.

Explanatory.

SECTION 5. The time during which any person is exempt from the service of a civil process under the provisions of this act, 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 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1863.

CHAPTER 33.

[Published March 4, 1863.]

AN ACT to appropriate to William A. Pors the sum of three thousand dollars, and to obtain a reimbursement of the same from the general government.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

For property destroyed by mob.

SECTION 1. There is hereby appropriated to William A. Pors, out of any money in the state treasury not otherwise appropriated, the sum of three thousand dollars, being payment in full for loss sustained by him in the destruction of his property, by a violent resistance of the draft, while he was acting as draft commissioner for Ozaukee county, on the tenth day of November, 1862.

Proof of amount of property destroyed to be furnished.

SECTION 2. Before any of the amount appropriated by this act shall be drawn from the state treasury, the said William A. Pors shall present to the state treas-