

CHAPTER 168.

[Published March 19, 1864.]

AN ACT to amend chapter 122 of the revised statutes, entitled "of the forms of civil actions, and parties thereto."

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

SECTION 1. Whenever it shall appear to the court in which an action is pending, either by the affidavit of a party to the action, or by the answer properly verified of any party to the action, that a complete determination of the controversy cannot be had without the presence of other parties, or that any person, not a party to the action, is interested in the subject matter of the controversy, and whose interests in such subject matter are such as should be protected, it shall be the duty of the court, at the instance of any party to the action, to enter an order upon the minutes of the court, making the person or persons so interested a party to the action, and shall, at the same time, provide that a copy of such order, together with the notice of the object of the action, shall be served upon the person or persons so made parties to the action, and shall prescribe the manner in which such service shall be made, and also the time within which such person or persons so served shall appear and file an answer in such action, which time shall not be less than twenty days from the time of the service of such notice; and if the person or persons so made parties shall be minors, it shall be the duty of the court to appoint guardians for such minors, which appointment shall be made in accordance of the provisions of the statute.

All persons interested may be made parties to actions.

In case of minors

SECTION 2. When an order shall be entered, bringing in other parties, as provided in section one of this act, the action shall stand continued until the time prescribed by the court for the persons so made parties to answer, shall have expired; and after the expiration of the time so prescribed, the action shall be proceeded with in like manner and with like effect as actions in which all the parties thereto were made parties in the first instance.

Trial of action.

Application.

SECTION 3. This act shall be held to apply to cases now pending, and shall take effect from and after the passage and publication thereof.

Approved March 19, 1864.

CHAPTER 169.

[Published March 19, 1864.]

AN ACT to authorize trials by jury in certain cases.

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

Finding of jury in issues of fact, in action to foreclose mortgage given to corporation, conclusive.

SECTION 1. Every issue of fact joined in an action brought in any court of this state, for the foreclosure or satisfaction of a mortgage upon real estate, which has been heretofore or may hereafter be executed to any corporation, upon demand of either plaintiff or defendant, shall be tried by a jury, and the finding of the jury as to such issue of fact, shall be final and conclusive, as in other cases of trial by jury.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with or contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1864.