

hold over any lands, tenements or other possessions, after the determination of the time for which they are demised or let to him or her, or to the person under whom he or she holds possession, or contrary to the conditions or covenants of the lease or agreements under which he or she holds, or after any rent shall have become due according to the terms of such lease or agreement, and shall remain unpaid for the space of three days, in all such cases, if the lessor, his heirs, executors, administrators, assigns or attorney shall make demand in writing of such tenant, or, in case he or she cannot be found in the county, then upon any member of his family, of suitable age and discretion, that he or she shall deliver possession of the premises held as aforesaid, and if such tenant shall refuse or neglect, for the space of three days after such demand, to quit the possession of such lands or tenements, or to pay the rent therefor, so due and unpaid, as aforesaid, upon complaint thereof to any justice of the peace of the proper county, the justice shall proceed to hear, try and determine the same in the same manner as in other cases hereinbefore provided for: *provided*, that in all cases mentioned in this section, the justice shall impose no fine upon such tenant."

SECTION 2. This act shall be in force from and after its passage.

Approved April 2, 1863.

## CHAPTER 304.

[*Published April 4, 1863.*]

AN ACT to amend an act entitled "an act to create the municipal court of the city and town of Ripon," approved April 15th, 1861.

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

Suit tax—when to be paid.

SECTION 1. In all actions hereafter commenced in the municipal court of the city and town of Ripon, the summons and complaint shall be filed with the clerk of said court, and the tax of one dollar paid within ten

days after the service of the summons in such action, and in default thereof such action shall be dismissed on special motion; but the court shall have power to retain the same upon payment of the costs of the motion, and such other terms as in its discretion may be just.

SECTION 2. The said municipal court, in addition to the jurisdiction now conferred by law upon it, shall have cognizance of all actions wherein the damages claimed or sum demanded shall not be less than fifty dollars; and in all actions in said court, if the plaintiff recovers fifty dollars or over, he shall recover costs at the rate provided by law; but if he recovers less than fifty dollars, and in all other cases where by law the defendant is now entitled to costs, the defendant shall recover costs: *provided*, that in all actions in said court when judgment by default shall be rendered for a sum less than one hundred dollars, the attorneys' fees therein shall not exceed the sum of five dollars, and the clerk's fees in the same, the sum of two dollars.

Jurisdiction of court extended.

Costs.

Attorney fees.

SECTION 3. The venue in all actions commenced in said municipal court, may be changed in the same manner as actions in the circuit court: *provided*, that in no case shall the place of trial be changed except upon payment of the fees of the judge and clerk of said court; and *provided, further*, that in the event of a change of venue of any action commenced in said municipal court, the plaintiff shall recover the same costs on the trial as he might have recovered had the place of trial not been changed, and the action had proceeded to judgment in said municipal court.

Change of venue, fees of judge and clerk, costs, &c.

SECTION 4. So much of the act constituting the said municipal court, and to which this act is amendatory, as relates to the election of a clerk of said court, is hereby repealed; and from and after the first Tuesday in April next, the clerk of the city of Ripon shall be the clerk of said municipal court *ex officio*, and shall possess all of the powers and perform all of the duties now possessed by and required of the clerk of said court, by virtue of the said act to which this is amendatory. The clerk of said city shall, before entering upon the duties of the office of clerk of said court, take and file the oath now prescribed by law, and shall also execute and file the bond now required by said clerk, to be approved in the same manner.

Clerk of city to be *ex officio* clerk of court.

Oath and bond of clerk.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1863.

## CHAPTER 305.

[Published April 28, 1863.]

AN ACT concerning proceedings in court in certain cases.

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

**Actions to cancel mortgages.**

SECTION 1. Actions may be brought in the circuit courts of the proper counties to quiet the title of real estate, or to cancel mortgages or other titles to real estate, or to discharge the same of record, and to declare the obligations which they they may purport to secure, illegal, invalid, inoperative, void or satisfied.

**How brought.**

Such actions may be brought by the maker of such mortgage or other title, or by his legal representatives having an interest in the premises covered by such mortgage or other title. And when any such mortgage

**If holder not known, may proceed as against unknown persons.**

or other title or obligation has been assigned or transferred, and the assignee or holder thereof shall be unknown to the plaintiff, such plaintiff may [may] proceed against the unknown assignee or holder of such mortgage or other title or obligation, as against "persons unknown;" and in all such cases, service of the summons shall be made on such unknown assignee or holder of such mortgage or other title or obligation, by publication, in the manner now provided by law, and on the mortgagee, assignee or other grantee or claimant of record, service of the summons shall be made in the manner now provided by law.

**Service of summons.**

SECTION 2. Such actions shall be commenced and prosecuted in the same manner as now provided by law for civil actions, except as herein otherwise prescribed.

**How actions prosecuted.**

SECTION 3. Whenever in any such action the plaintiff, [plaintiff,] or his agent or attorney, shall make and present to the judge of the circuit court in which such action is pending, or to a court commissioner, his affidavit, stating that he has good reason to believe that

**Affidavit of assignment to unknown person, and service of summons by publication.**

SECTION 3. Whenever in any such action the plaintiff, [plaintiff,] or his agent or attorney, shall make and present to the judge of the circuit court in which such action is pending, or to a court commissioner, his affidavit, stating that he has good reason to believe that