

of the parties. *If any defendant in his answer also alleges that he is in possession of the premises or any portion thereof and that he claims title thereto stating the nature of his claim of title and if it is found upon the trial that said allegations are true, the action shall be dismissed as to the tract of land so occupied by him.* In all cases where it may be necessary for the plaintiff to offer proof that the defendant is setting up or making some claim to said land the introduction in evidence of any instrument in writing, theretofore at any time appearing of record, or of the record thereof or of a duly certified copy of such record, purporting to convey to or otherwise in any way to affect in favor of the defendant, or any grantor, deviser, ancestor or other assignor of the defendant said land or any interest therein adversely to the plaintiff, or under or through which the plaintiff does not trace his claim of title, shall be sufficient proof of the making or setting up of such claim of title on the part of the defendant; and the court may, in any case, receive any other competent evidence tending to establish the fact of the making or setting up of claim on his part. In any such action where a person or persons is or are made a party by a fictitious name, or as an unknown owner, heir, grantee, representative or other like designation the plaintiff shall give in a note at the foot of the summons a brief description of the premises affected thereby. And any person * * * being the owner and holder of any lien or incumbrance on land, shall also have the same right of action as the owner in fee to test the legality and validity of any other claim, lien or incumbrance on such land or any part thereof.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 13, 1919.

* No. 190, S.]

[Published May 15, 1919.

CHAPTER 149.

AN ACT to create section 937b of the statutes, relating to the sale by cities of property seized, held, or confiscated pursuant to ordinance of such city.

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

SECTION 1. A new section is added to the statutes to read: Section 937b. The common council of any city, however incorporated, may sell any property heretofore or hereafter seized and held or confiscated and forfeited pursuant to any ordinance of such city prohibiting the sale of, or traffic in, intoxicating

liquors, the proceeds of such sale, after deducting the expense thereof, to be paid into the police pension fund of such city. Any such sale may be made in the manner provided by ordinance of said city or as provided by law for the sale of personal property on execution issued out of justice courts, but sales of intoxicating liquors may be made for non-beverage purposes only.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 13, 1919.

No. 232, S.]

[Published May 15, 1919.

CHAPTER 150.

AN ACT to amend section 1696 of the statutes, relating to indorsement of assignee's consent.

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

SECTION 1. Section 1696 of the statutes is amended to read: Section 1696. The assignees named in such assignment shall each, in the presence of the officer taking such bond, before delivering the copy of such assignment to said officer for the purpose specified in the preceding section, indorse in writing on such copy their consent to take upon themselves the faithful discharge of the several trusts specified in the assignment, and that the said copy so indorsed by them is a true and correct copy of the original; and such officer shall indorse thereon his certificate that the same is a true copy of the original and of the whole thereof, and that the said assignees named in such original assignment did in his presence make the indorsement thereon as required by this section. *Said true copy so indorsed, or a duly certified copy thereof may be recorded in the office of the register of deeds of any county wherein lands are conveyed by such assignment in the same manner and with the same effect as other conveyances; and any such record heretofore made is hereby declared to be and to have been legal and valid, and shall be receivable in evidence with the same force and effect as the record of other conveyances.*

SECTION 2. This act shall take effect upon passage and publication.

Approved May 13, 1919.