

Expenses of actions &c.

purpose to cause an action to be instituted when there appears probable ground for supposing that judgment may be recovered and collected for such deficiency. Such action shall be brought by the attorney general, commenced, carried on and tried in pursuance of and according to the provisions of sec. 4 of chap. 123 of the R. S. The commissioners shall certify the expenses of such actions to the secretary of state, who shall draw his warrant for their payment upon the general fund and all costs collected in such cases, shall be paid to the state treasurer, who shall credit them to the general fund; and *provided, further*, that the commissioners may, in their discretion, at any time receive in full settlement the principal and interest owing to the state, and all costs and disbursements, deducting therefrom the net amount for which the commissioners may have sold the mortgaged lands.' ”

Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication; and all acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

Approved April 12, 1866.

CHAPTER 110.

[Published April 24, 1866.]

AN ACT relating to the license and keeping of dogs, and to repeal chapter 415 of the general laws of 1865, and chapter 404 of the general laws of 1862, relating to the license and keeping of dogs.

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

Assessor to make list of persons owning dogs, and return to town, city or village clerk.

SECTION 1. It shall be the duty of the assessor of each town, city or incorporated village, on or before the first Monday in July, or at the time he is required by law to make the assessment of such town, city or incorporated village, to annually make out and return to the office of the clerk of such town, city or village, a list of the names of each and every person owning or keeping any dog or dogs in the town, city or incorporated village

of which he is assessor, together with the number and sex of such dogs owned or kept by such persons, set opposite their respective names, which list shall be separate from his assessment roll, and shall be headed "list of persons owning or keeping dogs liable to be licensed." And said assessors of the several towns, cities or incorporated villages in the counties of Rock, Portage, Ashland, Burnett, Douglas, La Pointe [Bayfield,] Dallas, Polk, Green Lake and Juneau, shall also, at the same time that they return their assessment for their respective towns, cities and villages to the clerks of the boards of county supervisors, return to the county treasurers of said counties a duplicate copy of the list of persons owning, harboring or keeping dogs liable to be licensed.

To make and return to treasurers of certain counties, duplicate lists.

SECTION 2. It shall be the duty of the clerk of each town, city or incorporated village to make out a fair copy of such list as returned by the assessor, and to place a sum equal to two dollars for every male dog, and three dollars for every female dog, in a separate column prepared for that purpose, opposite the respective names of the persons owning, harboring or keeping such dogs, and shall deliver the same to the treasurer of his town, city or incorporated village on or before the second Monday of December, in each year.

List to be made out by town, city and village clerks—tax on dogs.

SECTION 3. It shall be the duty of the treasurer of each town, city or incorporated village, on the receipt of such list, and at the time he is authorized by law to collect the county tax, to personally demand of each person the sum set opposite such person's name in such list; and when such sum is received by the treasurer, he shall give his receipt for the same, signed officially, and stating that such money is received as license money for a dog or dogs, stating the number and sex, owned or kept by such person, and charged to such person on the license list.

Treasurer to collect tax.

SECTION 4. The treasurer shall keep an accurate and separate account of all sums received and paid out under the various provisions of this act, which account shall always be open to the inspection of any voter of the place; and he shall retain for his services five per centum of the whole amount of such license money received by him.

Account to be kept—fee for collecting.

SECTION 5. In case any person shall refuse or neglect for the space of five days after being demanded, to

Collection of license.

pay the license imposed on him by reason of owning, harboring or keeping any dog or dogs, the treasurer shall proceed to collect the same in the same manner as provided for the collection of town and county taxes.

Statement of delinquent licenses to be made for town clerks, &c.

SECTION 6. If any license money shall remain unpaid on the first Monday of February, or at the end of sixty days from the time such treasurer received such license list for collection, he shall make out and deliver to the clerk of such town, city or village a statement in writing, containing the names of the persons and the amount of the license remaining unpaid, and he shall make and subscribe an affidavit to such statement, before some justice of the peace, or other person authorized to administer oaths, that the license mentioned in such statement remains unpaid, that he has complied with the requirements of the law, and that after diligent efforts he has been unable to collect the same; and the treasurers of the several towns, cities and incorporated villages in the counties of Rock, Portage, Ashland, Burnett, Douglas, La Pointe [Bayfield,] Dallas, Polk, Green Lake and Juneau, in this state, shall make similar statements or affidavits to the county treasurers of their said counties, and shall at the same time pay over to the said county treasurers all moneys then in their hands collected under and by virtue of this act; and the said county treasurers are hereby required to receive the said money and keep the same as the sheep fund of their said counties, and pay out and dispose of the same in the same manner and for the same purposes, in their counties, as is directed in this act for the disposition of said license fund so collected and paid out by the town treasurers.

Ibid. for certain county treasurers, and payment of license moneys collected.

To be kept as sheep fund, &c.

Payment for sheep killed by dogs.

SECTION 7. The owner of any sheep or lambs suffering loss by reason of worrying, maiming or killing, by dogs or wolves, may present, within thirty days after such loss shall come to his knowledge, to the mayor or aldermen of the city, the president or trustees of any incorporated village, or supervisors of the town wherein the damage is done, proof thereof to the satisfaction of the board of supervisors, mayor, aldermen, the president or trustees of any village, verified by oath or affirmation by, one or more disinterested persons; and thereupon the said officers shall draw an order in favor of the owner of said sheep or lambs upon the treasurer of said county, town, city or incor-

porated village, for the amount of such loss. The treasurer shall register all such orders in full at the time of their presentation, and shall annually, on the first Tuesday in April, pay all such orders in full, if the gross amount received by said county, town, city or incorporated village under the provisions of this act, up to such date, after deducting all sums previously paid out under such provisions, if [be] sufficient therefor; otherwise, the treasurer shall divide said amount, after deducting as aforesaid, *pro rata*, among said orders, and in full discharge thereof: *provided*, that all surplus license money, if any there should be in the treasury of said county, town, city or incorporated village, after lying in said treasury three months, shall be paid into the fund for the support of schools in said county, town, city or village, as the case may be: *provided*, that the county treasurers of the counties of Rock, Ashland, Burnett, Portage, Douglas, La Pointe [Bayfield,] Dallas, Polk, Green Lake and Juneau, shall not pay to any town, city or incorporated village, or to any resident thereof, any of the moneys known as the dog license fund, that do not comply with the provisions of this act.

Surplus to be paid into school fund.

Residents of certain towns not to be paid for sheep killed.

SECTION 8. Any officer of any town, city or incorporated village, who shall refuse or neglect to perform the duties imposed upon him by this act, shall be punished by fine not exceeding twenty dollars for every twenty-four hours which he shall so neglect or refuse, which shall be paid into the treasury of such town, city or incorporated village.

Penalty.

SECTION 9. Upon drawing an order, as is provided in section seven of this act, the town, city or incorporated village may recover against the owner or keeper of any dog or dogs concerned in doing the damage, the full amount of the damage done, if such owner or keeper be known.

Prosecutions for damages by dogs.

SECTION 10. All fines and forfeitures imposed as a penalty for the violation of any of the provisions of this act, or neglect of any duty imposed by the same, shall be presented by complaint before a justice of the peace of the proper jurisdiction, and no mere technical objection to the complaint shall be alleged to defeat a prosecution so commenced; and prosecutions for fines and forfeitures under this act, shall be in the name of the state of Wisconsin.

Collection of fines and forfeitures.

How actions to be prosecuted.

SECTION 11. In all cases under the provisions of this act, when any person or corporation shall be entitled to recover damages, the same shall be recovered in a civil action, prosecuted according to the laws of this state; and it shall be the duty of the district attorney in any of the counties in this state, to prosecute any public officer for violation, neglect or evasion of any of the provisions of this act, upon the application of any tax-paying resident of said county.

Duty of district attorney.

Withdrawal of license moneys paid by certain towns, &c.

SECTION 12. The treasurer of any town, city or incorporated village in the counties of Jefferson, Waukesha, Columbia, Fond du Lac and Sheboygan, who may have paid the dog license fund to the county treasurer of any of the counties mentioned in this section, may withdraw the amount so paid, and such county treasurer shall, upon the application of said town, city or village treasurer, pay back said license fund, which shall be used by such town, city or village as provided in section seven of this act; and the time of paying orders, as provided in said section seven of this act, shall for the year 1866 be extended in the several towns, cities and villages in the abovenamed counties, from the first Tuesday in April, to the first Tuesday in May.

Liability of owners of dogs.

SECTION 13. The owner or keeper of any dog or dogs which shall have wounded, maimed or killed any cattle, horses, sheep or lambs, or injured any person, shall be liable to the owner or legal possessor of such cattle, horses, sheep or lambs, or to the person injured, in all damages so done by said dog or dogs, without proving notice to the owner or keeper of such dogs, or knowledge by him that his dog was mischievous, or disposed to kill or worry sheep; and all laws conflicting with this section are hereby repealed.

Repeal.

SECTION 14. Chapter 415 of the general laws of 1865, and chapter 404 of the general laws of 1862, relating to the license and keeping of dogs, and all acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.