

## CHAPTER 70.

[Published April 14, 1866.]

AN ACT to amend section 1 of chapter 174 of the general laws of 1863, entitled "an act to provide for an order of reference to take testimony, in certain cases."

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

Order may be granted by judge or court, commissioner.

**SECTION 1.** Section 1 of chapter 174 of the general laws of 1863, is hereby amended, so as to read as follows: "Section 1. In all actions now pending or hereafter commenced in the circuit courts of this state, if the defendant fail to answer the complaint, the plaintiff may apply to the judge of said court, a county judge, or court commissioner, and obtain an order of reference to take the proof of the facts and circumstances mentioned in the complaint in such action, and report the same to the next or some subsequent term of said court; and such reference may be executed in any county within the state best suited to the convenience of the plaintiff's witnesses and attorneys, and such order and report shall have the same force and effect as an order made in open court."

Where it may be executed.

**SECTION 2.** This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1866.

## CHAPTER 71.

[Published April 16, 1866.]

AN ACT in addition to section 41 of chapter 13 of the revised statutes, entitled "counties and county officers."

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

Competency of judge, in case of suits against counties.

**SECTION 1.** Section forty-one of chapter thirteen of the revised statutes, entitled "counties and county officers," is hereby amended, by adding thereto the following proviso: "*provided*, that no judge of a circuit court

to which any such appeal may be taken, shall be disqualified or be incompetent to try such appeal, by reason of being a tax-payer in the county in which such appeal is taken."

SECTION 2. This act shall apply to any such appeals now pending, shall be published immediately, and shall take effect from and after its passage and publication. Application.

Approved April 9, 1866.

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## CHAPTER 72.

[Published April 20, 1866.]

AN ACT to enable counties to secure certain dues.

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

SECTION 1. It shall be the duty of the several town clerks in this state, to furnish to the clerk of the county board of supervisors of the county in which they reside, annually, on the first day of November, a statement showing the number of licenses granted in their respective towns during the year, to persons to sell spirituous, ardent or intoxicating liquors, and the name or names of the person or persons so licensed, and the amount paid for each license so granted; also, the names and number of persons selling liquors in their respective towns without license from the town board of supervisors, during the year. Town clerks to furnish clerks of boards with list of liquor licenses granted, and list persons selling without licenses.

SECTION 2. It shall be the duty of the clerks of the county boards of supervisors of the several counties in this state, to carefully compare the statements furnished them in accordance with the requirements of section 1 of this act, with the returns of the several town treasurers of moneys received for licenses; and if it shall appear that the moneys paid for such licenses, now required by law to be paid into the county treasury, have not been so paid, or that any persons have been permitted to sell intoxicating liquors without license in any town, such county clerk shall charge such town thus in default, or permitting such sale without license, an amount equal to the minimum now required by law Lists to be compared, &c.  
Towns to pay for each person selling liquor, whether licensed or not.