

CHAPTER 52.

[Published March 19, 1872.]

AN ACT for the more speedy determination of the right to an office.

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

SECTION 1. In all actions of *quo warranto*, or to determine the right to an office in this state, pending in the circuit court where the defendant shall demur to the complaint, the issue raised by such demurrer shall have preference upon the calendar, and be tried before jury cases are tried, and if the demurrer shall be sustained by the court, and the plaintiff or relator desire to amend the complaint, such amendment may be made within twenty-four hours, and the action shall be tried and disposed of at the same term, unless continued for good cause; and if the demurrer shall be overruled by the court and the defendant shall obtain leave to answer the complaint, such answer shall be served and filed within twenty-four hours, unless good cause be shown for an extension of such time, and the issue upon said answer shall be tried and disposed of at the same term, unless continued for cause.

Actions of *quo warranto* to have precedence.

SECTION 2. When the defendant in such action shall apply for a continuance of the action, he shall be required not only to show the absence of some witness or other testimony, but shall also set forth in such application the facts which he expects to prove, and the plaintiff or relator shall be permitted to traverse the facts set forth in the application.

What affidavit for continuance to contain.

SECTION 3. When such action shall be commenced during the term of the office, the right to which shall be in controversy, and judgment shall not be obtained during the said term of office, the action may notwithstanding be prosecuted and tried, and a judgment entered which shall determine the right that any party had to the office.

Expiration of term not to prevent prosecution of action.

SECTION 4. This act shall apply to actions of *quo warranto* or actions brought to determine the right to any office now pending, as well as to any such actions

Application of act.

that may hereafter be commenced, and shall be so construed as to give as speedy a trial of such actions as can be had, and secure to the parties a fair and impartial trial.

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

Approved March 9, 1872.

CHAPTER 53.

[*Published April 3, 1872.*]

AN ACT to limit the time for the commencement of actions against towns, counties, cities and villages, on demands made payable to bearer.

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

Time limited.

SECTION 1. No action brought to recover any sum of money, on any bond, coupon, interest warrant, agreement or promise in writing, made or issued by any town, county, city or village, or upon any instalment of the principal or interest thereof shall be maintained in any court, unless such action shall be commenced within six years from the time when such sum of money has or shall become due, when the same has been or shall be made payable to bearer, or to some person or bearer, or to the order of some person, or to some person or his order: *provided*, that any such action may be brought within one year after this act shall take effect: *provided further*, that this act shall in no case be construed to extend the time within which an action may be brought under the laws heretofore existing.

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

Approved March 9, 1872.