

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