

bank department, the above appropriation to be audited by the secretary of state, and paid by the state treasurer, and the bank comptroller shall annually report to the legislature a detailed account of the expenditure of the same together with the vouchers therefor.

Appropriation. SEC. 2. The sum of twenty-six dollars is hereby appropriated to the bank comptroller; for cash paid Rufus King & Co., for paper for blanks; also the sum of twelve dollars is hereby appropriated for cash paid for express charges on the notes of the North Western and Milwaukee banks. Approved March 31, 1855.

Chapter 67.

(Published April 30.)

An Act supplementary to chapter 95 of the Revised Statutes, entitled "Of change of venue, and of referring and consolidating causes."

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

When suits may be consolidated.

SECTION 1. Whenever several suits shall be pending in the same court of record, by the same plaintiff against the same defendant, for causes of action, which may be joined, the court in which the same shall be prosecuted, may, in its discretion, if it shall appear expedient, order the several suits to be consolidated into one action.

SEC. 2. When several suits shall be commenced against joint and several debtors, in the same court, the plaintiff may, in any stage of the proceedings, consolidate them into one action.

Cause may be referred to referees.

SEC. 3. Whenever a cause founded upon contract shall be at issue in any court of record, or a default for want of a plea shall be entered, and it shall appear that the trial of the same, or the assessment of damages therein, will require the examination of a long account on either side, such court may, on the application of either party, or without such application, after issue joined, or on the application of the plaintiff after default entered for want of a plea, order such cause to be referred to three impartial

and competent persons, or by the consent of the parties to a sole referee.

SEC. 4. If the parties agree on three persons as referees, such persons shall be appointed by the court; if they disagree, each party shall be entitled to name one, and if either party shall refuse or neglect to name a person as referee, the court shall name one for him, and the court shall appoint the person so named, if they are free from all exceptions, and such other person as the court shall designate.

Referees, how appointed.

SEC. 5. When a cause shall be noticed for trial at any circuit or county court, and it shall appear that the trial of the same will require the examination of a long account on either side, the judge holding such court, may, by rule, order such cause to be referred in like manner as in other cases under the provisions of this act.

SEC. 6. Whenever any civil action, other than those now by law authorized to be referred, shall be at issue in any court of record, such court may, by consent of all the parties, order the same to be referred to such referee or referees as shall be agreed upon by the parties; and in case the parties cannot agree upon such referees they shall be chosen in the manner provided by section four of this act, and such referees shall possess the powers and be subject to the provisions of this act.

SEC. 7. In any cause which may be referred to referees, it shall be the duty of the court or judge ordering the reference, with the consent of the parties, to appoint such one person as sole referee therein, as may be agreed upon by said parties, and such sole referee shall possess the powers and be subject to the provisions of this act.

SEC. 8. The referees appointed pursuant to the provisions of this act, shall proceed with diligence to hear and determine the matters in controversy.

SEC. 9. They shall appoint a time and place for the hearing, and shall adjourn the same from time to time as may be necessary; and on the application of either party, and for good cause, they may postpone such hearing to a time not extending beyond the commencement of the next term of the court in which the suit is pending; provided that they may postpone the same beyond such term by the written consent of parties.

Duties of referees.

SEC. 10. Before proceeding to hear any testimony in the cause, the referees shall be severally sworn, faithfully and fairly to hear and examine the cause, and to make a just

and true report, according to the best of their understanding; which oath may be administered by any person authorized to take affidavits or depositions to be read in the court in which the suit is pending, or by any justice of the peace.

Witnesses, how summoned.

SEC. 11. Witnesses may be compelled to appear before such referees, by subpoenas issuing out of the court in which the cause is pending, in the same manner and with the like effect as in cases of trials in such court, or issued by a justice of the peace.

Referees to administer oaths.

SEC. 12. Any one of the referees may administer the necessary oath to the witnesses produced before them for examination. All the referees must meet together and hear all the proofs and allegations of the parties; but a report by any two of them shall be valid.

SEC. 13. The referees may be compelled by the order of the court in which the cause is pending, to proceed to the hearing thereof, and to make report of the amount they find due to either party; and they shall if required by either party, report their decision in admitting or rejecting any witness; in allowing or overruling any question to a witness; in admitting or rejecting any testimony offered, or in allowing or overruling any answer to any question asked of any witness, and all other proceedings by them, together with the testimony before them, and their reasons for allowing or disallowing any claim of either party.

SEC. 14. When any party or any witness, duly notified or subpoenaed, shall refuse to produce any books, papers or documents, required by the referees, they shall report such refusal to the court, who shall proceed thereon against such party or witness in the same manner as is now provided by law in cases pending in the circuit court.

To be entered upon records of court.

SEC. 15. An entry of any reference under the provisions of this act shall, be made upon the records of the court, and day shall be given to the parties from time to time, until the referees report, or until they be thereof discharged. If the report of the referees be confirmed by the court, judgment shall be entered thereon, in the same manner and with the like effect, as upon the verdict of a jury, and execution shall issue thereon in the same manner as is now provided by law in cases of final judgments in said court.

Chap. repealed

SEC. 16 So much of chapter ninety-five of the revised statutes as conflicts with the provisions of this act, is hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 68.

(Published April 26.)

An Act to provide for levying a State Tax for the year 1855.

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

SECTION 1. There shall be levied and collected for the year 1855, a state tax of three hundred and fifty thousand dollars (\$350,000) to be apportioned among and assessed upon the several counties in this state, as provided in chapter seventy three of the session laws of 1854, entitled an act to establish a board of equalization of state tax and to provide for levying a state tax for the year 1854, approved April first, 1854, and levied upon the property, real and personal, in this state, according to the equalization to be made the present year by the state board of equalization, which tax shall be collected and paid into the state treasury as provided by law.

Approved March 31, 1855.

Chapter 69.

[Published April 14.]

An Act to repeal certain provisions in the Charters of Insurance and other Companies.

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

SECTION 1. All the provisions of any statute of this state that make or provide for making any promissory note,