

any town, may have and maintain his action against such town for the recovery of all moneys so unlawfully levied and collected from him, and proceed therein to find judgment.

Towns shall be credited with amount paid over.

SECTION 2. In case any town shall have paid such judgment after having paid over to the county treasurer, the state, county and county school tax, levied and collected as part of such unlawful tax, such town shall be credited by the county treasurer on the settlement with the town treasurer of the taxes for the ensuing year, the whole amount of such state, county and county school tax, so paid into the county treasury.

State treasurer shall allow amount to counties.

SECTION 3. The county treasurer shall also be allowed by the state treasurer the amount of state tax so illegally collected and paid to said state treasurer, on settlement by the county treasurer with said state treasurer of state taxes of the ensuing year, after judgment and collection thereof.

SECTION 4. This act shall not have any retro active effect, and shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 89.

[Published March 17, 1870.]

AN ACT to constitute and re-organize the twelfth judicial circuit; to change the limits of the first and ninth judicial circuits, and to change the time for holding the terms of the circuit court for the county of Jefferson.

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

Detached and ferred into twelfth circuit.

SECTION 1. The counties of Rock and Green are hereby detached from the first judicial circuit, and the county of Jefferson from the ninth judicial circuit, and said counties of Rock, Green and Jefferson shall constitute a judicial circuit, which shall be known and designated as the twelfth judicial circuit.

Terms fixed.

SECTION 2. The terms of the circuit court in said counties of Rock and Jefferson shall be held at the

time now provided by law for holding the same, and the terms of said court for said county of Green shall commence in each year on the fourth Monday of February, the fourth Monday of September and the second Monday of July.

SECTION 3. No jury shall be summoned for either of the terms of the circuit court, to be held in the months of June, July and August but said court shall have power at such terms, to transact any business or do any act which may be lawfully transacted or done at a general term of the circuit court, without the intervention of a jury. Jury not to be summoned.

SECTION 4. An election for judge of said twelfth judicial circuit, for the term of six years, shall be held in the several towns and wards therein, on the first Tuesday in April next, which election shall be conducted, and the votes given thereat shall be canvassed and returned, in all respects in accordance with existing laws providing for the election of circuit judges, and the term of office of the person who shall be chosen judge of said circuit at such election, shall commence on the first day of January, A. D. 1871. No notice of such election is required, and the same shall not be held invalid for want of any notice thereof. Election of judge.

SECTION 5. This act shall take effect on the first day of April next, but the several counties composing the said twelfth judicial circuit shall for the judicial purposes, remain a part of the several judicial circuits to which they have been heretofore attached, until the end of the thirty-first day of December next. When take effect.

SECTION 6. All acts or parts of acts contravening the provisions of this act are hereby repealed. Repealed.

Approved March 16, 1870.