

of Trempealeau and Buffalo, and one of which they shall file in the office of the secretary of state, within sixty days after the said road shall be laid out and established.

SECTION 3. The said commissioners shall receive for their services for laying out said road, such compensation from the counties of Trempealeau and Buffalo as the said county boards of said counties shall deem just and reasonable, but no money shall be paid out of the state treasury therefor. Compensation.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

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CHAPTER 265.

[Published April 6, 1864.]

AN ACT to protect the interests of the creditors of deceased persons.

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

SECTION 1. Whenever there shall be just reason to apprehend that the estate of a deceased person, as set forth in the inventory returned into court by his executor or administrator, may be insufficient to pay the debts of the estate, any one or more of the judgment creditors, or creditors whose claims against the estate shall have been allowed by the county judge or commissioner, may, on behalf of all, bring an action in the circuit court of the county where the letters testamentary or of administration were granted, to reach and subject to sale any real estate or interest therein, or any other assets not included in such inventory, which according to law ought to be subjected to the payment of such debts. Judgment creditors may bring action for sale of property of deceased person, &c.

SECTION 2. Such action shall not be brought to trial until it shall be ascertained whether the estate in the hands of such executor or administrator shall be sufficient to pay the debts of the estate, and if found suffi- When action to be brought to trial.

oient, then such action shall be dismissed at the cost of the plaintiff therein.

When action may proceed, and distribution of proceeds of sale.

SECTION 3. If found to be insufficient, then said action may be proceeded in to trial and judgment, and any property described in the complaint which ought by law to be subjected to the payment of the debts of the deceased, shall be sold under the order of such court, and the proceeds, after paying costs, shall be distributed, *pro rata*, to the creditors of the estate, according to the amounts due to them, respectively.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

## CHAPTER 266.

[Published April 16, 1864.]

AN ACT in relation to the allowance of injunctions or injunctional orders, in certain cases.

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

By whom injunctions against ferry boats on certain rivers to be granted.

SECTION 1. No injunction or injunctional order, or order with an injunction clause, shall hereafter be made, signed, allowed or granted to restrain or enjoin the using, running, operating or managing any ferry boat or ferry boats which now are running or which hereafter may run on either the Wisconsin, Chippewa, St. Croix or Mississippi river, by any judicial officer other than the judge of the circuit court in which an application may or shall be made for such injunction, injunctional order, or order with an injunction clause contained in it.

Notice of application must be previously given to owner.

SECTION 2. No injunction, injunctional order, or order with an injunction clause contained it, shall hereafter be made by any circuit judge to restrain the using, managing, operating or running of any ferry boat or ferry boats now running or hereafter to be run on either or any of the said rivers mentioned in the first section of this act, until a notice of at least ten days shall be given to the owner or owners, proprietor or proprietors of any such ferry boat or ferry boats, of the time when