

[Published March 16, 1859.]

CHAPTER 52.

AN ACT relating to the Dane County Court.

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

Jurisdiction
of court.

SECTION 1. There is hereby conferred upon the county court of Dane county jurisdiction in all civil actions both as to matters of law and equity, equal to and commensurate with the circuit court of this State within the county of Dane, and the said county court shall exercise the same powers and jurisdiction within the county of Dane, as is now exercised by the circuit courts of this State, in all civil actions; *Provided*, that in all actions for money or property the jurisdiction of said county court shall not exceed five thousand dollars.

Proviso.

Court of re-
cord.

SEC. 2. The said county court shall be a court of record, with a clerk and seal, and shall have full power and authority to issue all legal process, proper and necessary to carry into effect the jurisdiction given to it by this act and the laws of this State; and to carry out such jurisdiction, shall have and exercise all the powers usually possessed by courts of record under the common law, and in equity under the regulations imposed by statute.

Clerk, duties
of.

SEC. 3. The clerk of the circuit court of said county shall be clerk of said county court, and shall have the custody and care of all the books and papers belonging to said county court, and shall perform the duties of clerk of the said county court in the same manner as now required of him by law as clerk of said circuit court, so far as it shall be necessary and requisite to discharge the necessary duties as clerk of said county court, and to carry into effect the provisions of this act, and the said clerk of the county court shall keep all necessary record of the proceedings and judgments had in said county court, in like manner as is now provided in the circuit court in all civil proceedings; and his fees and compensation therefor shall be the same as are now, or may hereafter be, provided by law for the fees and compensation of the clerks of the circuit court.

Fees.

Authority of
said court.

SEC. 4. Said county court shall have like power to issue all necessary and proper writs in all civil actions or proceedings as is now possessed or hereafter may be possessed by the circuit courts of this State, and the same proceeding shall be had by parties to procure such

writs, as in the circuit courts of this State, and every writ and process issuing out of said court shall be titled in the name of the judge thereof; and shall be issued, executed and returned in the same manner and with like effects as in the circuit courts.

SEC. 5. All the general provisions of the statutes of Wisconsin, which now exist, or may hereafter exist relating to the proceeding in civil actions in the circuit courts of this State, and to the powers and duties of courts of record, shall apply in like manner and with like effect to said county court as to said circuit court, and the judge of said county shall have power to punish contempts in the same manner that the judge of the circuit courts are or may be authorized by law to punish contempts. The rules of practice in said county courts shall be the same as in the circuit courts of this State, as they now exist, or shall hereafter be provided for said circuit courts in civil actions. Relating to
civil actions.

Rules and
practice.

SEC. 6. The county court of Dane county shall continue to use the present seal of said court: *Provided*, that whenever it shall be necessary, the judge of said county may procure at the expense of the county a new seal for said court. Seal.
Proviso.

SEC. 7. The county of Dane shall provide all books, blanks, and stationery necessary for keeping the records and proceedings of said county court. Books and
stationery.

SEC. 8. The parties to actions shall have the same rights to writs of error and appeal from said county court to the supreme court of this State, as are now allowed by law from the circuit courts of this State. Appeal, &c.

SEC. 9. From and after the taking effect of this act, all appeals in civil actions from justices of the peace, in said county of Dane, may be taken to said county court at the election of the appellant, instead of the circuit court of said county, as now provided by law; and the like proceedings therein shall be had in the county court, and such appeal shall be tried and determined therein in the same manner as is by law required in the circuit courts; and all laws providing for taking appeals from justices courts of said county to the circuit courts thereof, shall from thenceforth be construed to mean to read to the said county court equally as well as to the said circuit court. Proceedings
in case of ap-
peal.

SEC. 10. A panel of petit jurors for each term of said court shall be drawn in the same manner as now is or hereafter shall be provided by law for the circuit court of said county; and the persons serving on such panels Petit jurors.

of petit jurors shall be paid at the same rate and in the same manner as is now or hereafter shall be provided by law for the payment of jurors in the circuit court of Dane county, and jurors for the trial of issues shall be drawn, empaneled and sworn in the same manner as in the circuit courts of this State, and said county court shall have, exercise and use the same process for summoning such petit jurors as is now, or may hereafter by law be used by the circuit courts of this State.

Jury terms. SEC. 11. There shall be two jury terms of said county court, in each year, one of which shall be held on the third Tuesday of February, and the other on the second Tuesday of September.

Special terms SEC. 12. The judge of said county court shall have the same power to hold special terms and adjourned terms of said county court, as is or hereafter may be conferred upon the circuit courts of this State. Two special terms of said county court shall be held in each year by the judge thereof for the trials of issues at law, for the hearing and trial of causes without a jury, for the hearing of motions, and for the transacting of any and all business that may be done at a regular term, except the trial of issues of fact by a jury, at such times as the said county judge shall designate; and said judge shall within thirty days after the taking effect of this act, publish the times and places of holding said terms, and when designated they shall not be changed for one year thereafter, and at such terms the issues of law and motions, trials of issues of fact without a jury, and all other business above specified in this section may be heard, determined and disposed of with the same force and effect, as at a general term of said court.

**Time and
place of hold-
ing same.**

**Fees of coun-
ty judge.** SEC. 13. It shall be the duty of the county judge to keep an account of all fees for orders by him made at chambers in civil cases, and to render an account thereof to the county treasurer quarterly, and it shall be the duty of the clerk of the circuit court to keep an account of all fees in cases pending in the county court now by law taxable for the use of the county judge in civil cases, and shall also render an account thereof to the county treasurer quarterly, and there shall also be levied a tax of one dollar, which shall be paid to the clerk at the commencement of each civil action, which tax and all fees collected by the said clerk or judge shall be paid quarterly into the county treasury, and form a separate fund to be applied to the payment of the salary of the county judge; said tax of one dollar and all other fees now by law taxable

to the county judge shall be taxed in the bill of costs, and recoverable as other costs of suit.

SEC. 14. Costs shall be taxed in the county court Costs taxed. for Dane county, in the same manner and in the same extent as in the circuit court.

SEC. 15. The judge of the said county court of Dane Salary of county judge. shall receive the sum of fifteen hundred dollars per annum, payable quarterly by the county treasurer of said county, upon the certificate of the clerk of the circuit court, which sum shall be in full for all compensation for his services under this act: *Provided*, that this shall not Proviso. be construed so as to deprive the said county judge from receiving fees as heretofore for probate business.

SEC. 16. The judge of said county court shall not When judge is interested in suit. have power to try and determine any cause in which he shall be interested, or in which he shall have acted as counsel for either party, except by agreement of the parties; and in all cases where said judge shall be a party, Action in such case. or shall have been counsel for either party, he shall transmit the cause to the circuit court of said county, certifying the reasons as aforesaid, and the circuit court shall thereupon proceed to try and determine the same in the same manner and order as if it had originated in the circuit court.

SEC. 17. This act shall take effect and be in force To take effect. from and after its publication.

SEC. 18. Chapter seventy-six of the session laws of Repealed. A. D. 1857, and all the acts and parts of acts contravening the provisions of this act are hereby repealed.

Approved March 9, 1859.

[Published March 11, 1859.]

CHAPTER 53.

AN ACT to amend Chapter four of revised statutes, entitled "of Senate and Assembly Districts."

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

SECTION 1. The fifth subdivision of that part of How amended section two, of chapter four, of the revised statutes relating to the county of Dodge, is hereby amended so that it will read as follows: "The towns of Burnett, Beaver Dam, Westford, and the city of Beaver Dam, shall constitute an Assembly District."