

CHAPTER 107.

[Published March 22, 1869.]

AN ACT concerning the terms of the circuit court in the fourth judicial circuit.

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

Terms of fourth circuit fixed.

SECTION 1. The general terms of the circuit court for the fourth judicial circuit shall hereafter be held as follows: In the county of Fond du Lac on the first Monday after the first day of January, on the first Monday of April and on the first Monday of October of each year. In the county of Sheboygan, on the first Monday of March, on the first Monday of June and on the fourth Monday of November of each year. In the county of Calumet, on the third Monday of June and the second Monday of December of each year. In the county of Manitowoc, on the fourth Tuesday of June and the third Tuesday of December of each year. In the county of Kewaunee, on the fourth Tuesday of January and the fourth Tuesday of July of each year.

Terms in Fond du Lac and Sheboygan to be special terms for whole circuit.

SECTION 2. Every term of said circuit court in the counties of Fond du Lac and Sheboygan shall also be a special term for the whole of said circuit, and all actions, motions, proceedings or other business now pending, or which may hereafter arise in any or either of the counties of said circuit, and not requiring a jury, may be heard, tried and determined or otherwise acted upon or disposed of at any or either of said special terms, in the same manner and with the same force and effect as if the same were heard, tried and determined or otherwise acted upon or disposed of, in the county wherein the same are now pending, or may hereafter arise, and when any causes or matters are pending in other counties different from the county in which the special term is held, the clerk of the court where said special term is held shall certify the orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending, and the said papers shall be filed and entered by such

clerk in the same manner as if said cause or matter had been heard or determined by the circuit court, at a term thereof, held in that county.

SECTION 3. There shall be no grand jury summoned or empaneled for the January term of the circuit court for said county of Fond du Lac, unless ordered by the judge of said fourth judicial circuit; when so ordered a grand jury shall be summoned and empaneled as provided by law in other cases.

No grand jury for January term in Fond du Lac.

SECTION 4. There shall be no grand jury summoned or empaneled for the March term of the circuit court for said county of Sheboygan, unless ordered by the judge of said fourth judicial circuit; when so ordered, a grand jury shall be summoned and empaneled as provided by law in other cases.

None for March term in Sheboygan.

SECTION 5. There shall be no grand or petit jury summoned or empaneled for the July term of the circuit court for the said county of Kewaunee, unless ordered by the judge of the said fourth judicial circuit, and notice given by said judge to the clerk of the circuit court of said county of Kewaunee, at least twenty days before the commencement of said July term of court; when so ordered, a grand and petit jury shall be summoned and empaneled as provided by law in other cases.

No jury for July term in Kewaunee.

SECTION 6. There shall be two special terms of the circuit court in Fond du Lac county in each year, to be held as follows: On the first Monday of May, and on the first Monday of July, at either of which terms any business arising within the fourth judicial circuit, which does not require the intervention of a jury, may be heard and disposed of. No grand or petit jury shall be drawn or summoned for said special terms, and no notice of the holding of the same shall be required; and at such special terms the issues of law, and motions and all other business that may be transacted thereat, pending in any and every county in said circuit, may be heard and disposed of with the same force and effect as it may now be heard and disposed of in the county in which the causes or matters are pending, and when the causes or matters are pending in other counties in the circuit different from the county in which the special term is holden, the clerk of the circuit court shall certify the orders and papers to the clerk of the circuit court of the county where the same is pending, and the

Two special terms in Fond du Lac, and the time fixed.

papers shall be filed and entered by the clerk of the court where the cause or matter is pending, in the same manner as if the cause or matter had been heard or decided by the circuit court at a term thereof holden in the county where it is pending.

Clerk of court may transmit papers to other counties for hearing of cause.

SECTION 7. For the purpose of the hearing or trial of any cause or matter in any other county than that where the same is pending, the clerk of the circuit court shall at the request of either of the attorneys in said cause or matter, transmit all the papers on file in said cause or matter to the place of trial or hearing, under his official certificate, certifying the same to be all the original files and papers in such action, cause or matter. Such papers or files shall be by such clerk enclosed in an envelop, sealed by him, directed by the clerk of the circuit court of the county where such term is to be or is being held, and the same may be transmitted by mail or by the hand of either of the attorneys in such cause, action or matter: *provided*, that before any clerk shall be obliged to transmit any such papers or files or orders, all necessary postage therefor shall be paid by the party applying therefor; *and*, *provided, further*, that no clerk shall be required to certify back any papers, files or orders to any such county where the same were originally pending, unless his fees in such cause or matter are paid.

Writs, etc., returnable at time fixed in this act.

SECTION 8. All writs, services, processes, proceedings and recognizances heretofore issued, commenced, made or entered into in or from said courts of said counties respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act for holding the said courts respectively in the said several counties respectively.

Not to affect March and April terms in Fond du Lac and Sheboygan.

SECTION 9. Nothing in this act contained shall affect the existing law authorizing the holding of the term of the circuit court in Fond du Lac county, on the first Tuesday of March, 1869, but the said term shall be held as now provided by law, and there shall not be held in the county of Sheboygan, a term of the circuit court on the first Monday of March, 1869, nor in the county of Fond du Lac, a term of the circuit court on the first Monday of April, 1869, but the said terms of

court for said year 1869, in said counties of Sheboygan and Fond du Lac shall be omitted.

SECTION 10. Chapter ~~seventy-seven~~ of the general laws of 1863, and all acts or parts of acts conflicting with or contravening any of the provisions of this act are hereby repealed, so far as they conflict with or contravene the same. Repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1869.

CHAPTER 108.

[*Published March 10, 1869.*]

AN ACT relating to bills of exceptions in criminal cases.

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

SECTION 1. That in all criminal actions tried in the circuit courts of this state, whether upon indictment or appeal, and whether tried before or after the passage of this act, bills of exceptions may be served, noticed and settled in the same manner and with the same effect as in civil actions. Bills of exception to be served same as in civil actions.

SECTION 2. The laws now in force relating to the settlement, signing and filing of bills of exceptions in civil actions, shall in all respects apply to criminal actions, whether such criminal actions shall have been heretofore or shall hereafter be tried. Same laws to apply.

SECTION 3. All laws now in force conflicting with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect from and after its passage.

Approved March 8, 1869.