

the purpose of enabling any institution to draw any moneys as hereinbefore provided, shall make any false statement relative to the value of the property of such institution, or as to the establishing and maintaining a normal department in connection therewith, the person so offending shall, on conviction thereof, be punished by imprisonment in the county jail not more than one year nor less than six months, and by fine not less than one thousand dollars nor more than three thousand dollars.

Discretionary
power.

SEC. 15. Whenever any town, city or village in this State shall propose to give a site and suitable buildings and fixtures for a state normal school, free from all incumbrances, said board of regents may consider the same, and if, in their opinion, the interests of education will be advanced thereby, they may, in their discretion, select from such propositions the one most feasible, and located in such place as is deemed easiest of access, and apportion to the same annually a sum not exceeding three thousand dollars, for the support and maintenance of teachers therein.

Relating to
tuition.

SEC. 16. No charge shall be made for tuition to any pupil or scholar in said state normal school, whose purpose is to fit himself as a teacher of common schools in this state; and the number and qualification of scholars, and regulations under which they shall be admitted, shall be determined by the board of regents.

Take effect.

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

Approved March 14, 1859.

[Published March 24, 1859.]

CHAPTER 95.

AN ACT conferring jurisdiction on the county court of Bad Ax county.

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

Jurisdiction
of county
court.

SECTION 1. There is hereby conferred upon the county court of Bad Ax county jurisdiction in all civil actions both as to matters of law and equity equal to and commensurate with the circuit court within the said county of Bad Ax, in all sums not exceeding the sum of one thousand dollars, and said county court may exercise the

same powers and jurisdiction within the said county of Bad Ax, as are now exercised by the circuit court in and for the said county in civil action within the above named limits.

SEC. 2. 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 powers and jurisdiction hereby given to it; and in order 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 the statute. To be a court of record, &c.

SEC. 3. The clerk of the circuit court of said county shall be the clerk of the said county court, and shall have the custody and care of all books and papers belonging to the said county court; and shall perform the duties of clerk of said county court, in the same manner as now required of him by law as clerk of the circuit court, so far as it shall be necessary and requisite to discharge the duties of 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 records of the proceedings and judgments had and rendered 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 clerk of the circuit court. Clerk, his duties.

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 may hereafter be possessed by the circuit courts of this state, and the same proceedings 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 effect as in the circuit courts. Said court, its powers,

SEC. 5. All the general provisions of the statutes of Wisconsin which now exist or may hereafter be made relating to the proceedings 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 courts, and the judge of said county court shall have power to punish contempts in the same manner that the judges of the circuit courts are or may be authorized by law to punish Provisions relating to civil actions.

Rules of practice. for contempts. The rules of practice in said county court shall be the same as in the circuit courts of this state as they now exist with such other rules as may be hereafter made for governing the practice in said circuit courts.

Relating to seal. SEC. 6. The county court of Bad Ax county shall continue to use the present seal of said court; *Provided*, that whenever it shall be necessary the judge of the said court may procure at the expense of the said county a new seal for said court.

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

Writs of error SEC. 8. 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.

Appeals in civil actions. 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 Bad Ax, 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 said 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 court thereof, shall from thenceforth be construed to mean and read to the said county court equally as well as to the said circuit court; *Provided*, parties may appeal to either of said courts as they may elect.

Proviso.

Petit juries. SEC. 10. A panel of petit jurors for each term of said court shall be drawn in the same manner as is now or may hereafter be provided by law for the circuit court of said county, and the persons serving on such panels of petit jurors shall be paid at the same rate and in the same manner as is now or shall be hereafter provided by law for the payment of jurors in the circuit court of said county; the jurors for the trial of issue shall be drawn, empanelled, and sworn in the same manner as in the circuit courts of this state, and the 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 first Monday of March, and the other on the first Monday of September in each year.

SEC. 12. The judge of the said county court shall have ^{Special terms} the same power to hold special terms and adjourned terms of said county court as is now or may hereafter 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 trial of issues of 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. Said judge shall within thirty ^{Notice of} days after the taking effect of this act, publish the times ^{terms.} 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.

SEC. 13. On each civil suit in the county court, there ^{Tax, for what} shall be levied a tax of one dollar, which shall be paid to ^{purpose.} the clerk at the time of the commencement thereof, which tax so levied shall be paid into the county treasury, and form a separate fund to be applied to the payment of the salary of county judge; said sum of one dollar shall be taxed in the bill of costs and recovered as other costs of suit are recovered and collected.

SEC. 14. Costs shall be taxed in the county court of ^{Costs.} ~~Bad Ax~~ county, in the same manner and to the same extent as in the circuit court.

SEC. 15. The judge of the county court shall receive ^{Salary.} the sum of three hundred dollars per annum, payable quarterly by the county treasurer of said county, out of the county funds, which sum shall be in full for all compensation for his services under this act; *Provided*, that ^{Proviso} this act shall not be construed so as to deprive the county judge from receiving the fees as heretofore authorized by law for all probate business by him done, in addition to the aforesaid salary.

SEC. 16. The judge of said county court shall not have ^{Where judge} power to try and determine any cause in which he shall ^{is interested.} be interested, or in which he shall have acted as counsel for either, except by the agreement of the parties in writing; and in all cases where the judge shall be a party, 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.

Repealed. SEC. 17. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Take effect. SEC. 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1853.

[Published March 25, 1859.]

CHAPTER 96.

AN ACT to amend chapter 18 of the revised statutes, entitled "of the assessment and collection of taxes."

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

Failure to raise tax. SECTION 1. Whenever any organized town in this state shall have failed to levy, collect or pay over to the county treasurer of the county in which such town is situated, any state, county or school tax, apportioned to and charged against such town in any year, and now is, or shall hereafter be delinquent for the same, or any part thereof, it shall be lawful and it is hereby made the duty of the board of supervisors of the county in which such town shall be situated in any succeeding year thereafter, to charge over any, and all such delinquent taxes, and a penalty of twenty-five per cent. to the town thus delinquent, and add the same to the amount of the annual or current tax apportioned to such town.

How remedied.

Duty of clerk of county board. SEC. 2. It shall be the duty of the clerk of the board of supervisors to certify such gross amount of tax to the clerk of such delinquent town in the same manner and at the same time as he is now required by law to certify the annual apportionment of taxes as provided in section 56 of the chapter to which this act is amendatory.

Duty of town clerk. SEC. 3. It shall be the duty of the town clerk of such town to calculate and carry out such gross amount of delinquent and current tax, in the manner and at the time now provided by law for carrying out taxes, as provided in section 59 of the chapter to which this act is amendatory.

Penalty for neglect. SEC. 4. Any town clerk who shall hereafter neglect or refuse to calculate and carry out upon the assessment roll, any tax or taxes apportioned to any town and certi-