

No. 511, S.]

[Published June 22, 1907.

**CHAPTER 288.**

AN ACT to create section 1556a of the statutes, relating to sale of intoxicating liquors to prohibited persons.

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

SECTION 1. There is hereby added to the statutes a new section to read:

• • • • •

Approved June 20, 1907.

(In effect July 1, 1907.)

No. 458, S.]

[Published June 22, 1907.

**CHAPTER 289.**

AN ACT to amend sections 2447, 3803 and 3803a of the statutes, relating to proceedings in county courts.

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

SECTION 1. Section 2447 of the statutes is amended to read:

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SECTION 2. Section 3803 of the statutes of 1898, is hereby amended so as to read:

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SECTION 3. Section 3803a of the statutes of 1898, is amended to read as follows:

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Approved June 20, 1907.

(In effect July 1, 1907.)

**County judge must be an attorney.** SECTION 2441. There shall be a general election of county judge in each county on the first Tuesday in April, 1905, and every fourth year thereafter. The term of office of county judge shall be four years, commencing on the first Monday in January after such election. When a vacancy shall occur in the office of county judge or there shall be no person qualified to take the office at the commencement of a term, the governor shall appoint such judge, and the person so appointed shall hold until the first Monday of June next succeeding an election to fill such vacancy; but when no election to fill such vacancy is held then such appointment shall be for the residue of the term; and where any county judge shall be elected in a newly organized county the judge first elected shall hold his office until the first Monday of January following the first general election for county judges thereafter. \* \* \* *No person shall be eligible to the office of county judge who shall not, at the time of his election or appointment thereto, be an attorney of a court of record; provided, that the foregoing provision shall not disqualify any person who held such office in this state on or before the first day of July, 1907.* Every county judge may be removed from office by \* \* \* address in the manner provided in the constitution for the removal of justices of the supreme court or judges of the circuit courts.

(Ch. 660, 1907.)

**Affidavit that judge is partial: other judge called.** Section 2447. When the judge of any county court, his wife, child, parent, brother or sister shall be an heir, devisee or legatee, or when such judge shall be an executor, administrator, guardian of any ward or interested as creditor or otherwise in any question to be decided, *or when any heir, devisee, legatee, administrator, executor, trustee, guardian or other person interested in any matter, order, citation or proceedings in such county court shall on or before the day when such matter, order, citation or proceedings shall have been set for hearing, file in such court an affidavit stating that he has good reason to believe and verily does believe that from prejudice or other cause the judge of such county court, naming him, will not decide impartially in said matter,* he shall be disqualified to act in relation to \* \* \* such estate or in the decision of such question; \* \* \* *he shall thereupon request the county judge of any other county to hold court therein for the purpose of settling such estate*

or deciding such question. *If the court in which such matter is pending has two judges, the other judge shall preside and officiate therein.* It shall be the duty of such judge, upon such request, to attend and act in such matter so far as in his judgment the proper discharge of his other duties will permit. Whenever any county judge shall be required, pursuant to any law, to hold court in any county other than that for which he was elected he shall receive the sum of five dollars per day and his actual expenses, to be audited and paid by the county board of the county in which he so holds court. \* \* \*

(Ch. 289, 1907.)

**Judge may hold court in other counties.** SECTION 2450. The county judges may perform all official duties of county judges, including holding court in any county other than the one in which they shall have been elected, upon the request of the county judge of such other county, and while so doing they shall have the same powers as if elected for the county in which they are acting. \* \* \*

(Ch. 660, 1907.)

**County judge not to draft papers for actions; penalty.** SECTION 2454a. No county judge or his clerk or any person employed by him in or about his office \* \* \* shall be allowed to draft or prepare any paper or give advice pertaining to the drafting or preparation of papers or as to who shall prepare them, relating to any matter, proceeding or action pending in or which there is good reason to believe will be brought or instituted in the county court over which such judge presides, except such as are expressly given by law. Any county judge who shall \* \* \* violate any of the provisions of this section shall be fined not less than fifty dollars nor more than five hundred dollars and be subject to impeachment. \* \* \*

(Ch. 660, 1907.)

**Terms: civil actions and proceedings.** SECTION 2521. Said judge may, if he deem it best, by order in writing filed in court, direct terms to be held for the trial of all civil actions and proceedings and of offenses on which information may be filed, and of appeals from justices of the peace in civil or criminal cases, and actions over which a justice court has no jurisdiction not exceeding four in any one year. When such terms are ordered, the clerk of said court in the presence of the judge at

jurors' fees, when collected, shall be paid by the justice to the jurors entitled thereto.

(Ch. 312, 1907.)

**Attorney's fees: actions for labor.** [SECTION 3775.] 5. In actions for work and labor, an attorney's fee of five dollars on any amount recovered under fifty dollars when the plaintiff appears by an attorney of record, whether or not the defendant has appeared, but no such fee shall be taxed if defendant prevails in the suit.

(Ch. 337, 1907.)

**County courts: executor's bond.** SECTION 3795. If the executor shall be sole or residuary legatee instead of the bond prescribed in the preceding section he may give a bond in such sum and with such sureties as the court may direct, with a condition only to pay all the debts and legacies of the testator. \* \* \* An executor named in any will may be exempt from giving bond, when the testator has so ordered or requested in his will, unless the county court shall order otherwise; and such court may require a bond, with sureties, of any such executor at any time pending the settlement of the estate.

(Ch. 660, 1907.)

**Executors, etc.: grounds for removal.** SECTION 3803. If an executor, administrator, guardian or trustee shall reside out of this state, or shall neglect to render his account within the time provided by law or the order of the court, or shall neglect to settle the estate according to law, or to perform any judgment or order of the court, or shall abscond, or become insane or otherwise incapable or unsuitable to discharge the trust, the county court may \* \* \* remove such executor, administrator, guardian or trustee and appoint a successor therefor.

(Ch. 289, 1907.)

**Executors, etc.: removal; complaint requisite.** SECTION 3803a. Before any executor, administrator, guardian or trustee shall be removed under the provisions of the last preceding section, *a complaint stating the grounds for removal, duly verified by the person making the same, shall be first filed in such county court and such* \* \* \* county court shall cite such executor, administrator, guardian or trustee to appear before it at some designated general or special term and show cause,

if any he have, why he should not be removed from his said trust and a successor appointed. If such executor, administrator, guardian or trustee can be found within the county where the court is held such citation shall be personally served upon him, but if not, it shall be served by mailing a copy thereof to him at his last post office address, when such address can be ascertained. Every such citation not so personally served shall also be published once a week for three successive weeks before the day of hearing in some newspaper published in the county and shall specify the time and place of hearing. \* \* \*

(Ch. 289, 1907.)

**Special administrators to discharge records undischarged by decedents, determine inheritance taxes, etc.**  
 SECTION 3813a. Whenever it shall appear, by affidavit or verified petition, to the county court that an inhabitant of such county has died, leaving no debts unpaid or that his estate has been fully settled and the executor or administrator thereof has been discharged, and that any mortgage or judgment in favor of such deceased person remains undischarged of record or any other act remains unperformed on the part of such person the performance of which affects or is of importance to petitioner or any other person the court may appoint a special administrator for the purpose of releasing and discharging such mortgage or judgment of record or performing such other acts as may be deemed necessary in the premises. Upon the presentation of such petition or affidavit the court shall determine whether notice of the hearing thereon shall be given, and if such notice is ordered the order shall direct the manner and time of giving the same. If the court shall deem notice of such hearing unnecessary it may proceed to hear the matter without notice. If the court shall appoint a special administrator it shall in all cases, where money or property may come into his hands, require him to give a bond to the judge of said court in such sum, with such conditions and with such surety or sureties as said court shall direct. The order appointing such administrator shall require him to make to said court, without delay, a full report of his acts as such. Upon the filing of such report such further proceedings shall be had and such further order made in said matter by said court as it shall deem necessary. Such special administrator shall exercise no powers except those \* \* \* specifically granted by the order of said court. When he shall have fully performed the act or acts mentioned in the order appointing him his powers as such shall cease. The