

not exceeding five mills on the dollar in all, which said taxes may be spread over a period of five years or to borrow money and issue the bonds of the respective counties therefor in the manner and under the regulations provided by chapter 67 of the statutes; also to take by condemnation, lands necessary for a site for such memorials when the county board shall so order, by a two-thirds vote.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 15, 1929.

No. 272, A.]

[Published May 17, 1929.

CHAPTER 107.

AN ACT to amend section 60.61 of the statutes, relating to compensation for town assessors.

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

SECTION 1. Section 60.61 of the statutes is amended to read: 60.61 Town assessors shall be paid such compensation for their services as may be allowed them by the annual town meeting, * * * in all towns in counties having a population of * * * two hundred and fifty thousand inhabitants or upwards, and not less than three nor more than five dollars per day in other towns.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 15, 1929.

No. 552, A.]

[Published May 18, 1929.

CHAPTER 108.

AN ACT to confer criminal and civil jurisdiction upon the county court of Sauk county.

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

SECTION 1. There is hereby conferred upon the county court of Sauk county, jurisdiction in all civil actions and proceedings in law and in equity, concurrent with and equal to the jurisdiction of the circuit court of said county, for all claims, demands

and sums and to and concerning all property, not exceeding the sum or value of twenty-five thousand dollars, nor less than one hundred dollars, exclusive of interest, costs and disbursements; provided that said county court shall have jurisdiction in all actions in said county for the foreclosure of mortgages and mechanic's liens, in which the amount claimed does not exceed the sum above mentioned, although the value of the property to be affected by the judgment exceeds said sum; and of all actions for divorce or for affirmance or annulment of marriage contracts, and of actions for removing clouds and quieting title to real estate and of actions for partition of real estate; and to the amount and within the limits aforesaid the said county court shall be a court of general jurisdiction, with the same power and jurisdiction in all civil actions and proceedings, including the power of review of records on certiorari, discharging mortgages of record, and such other special powers as are now or may hereafter be conferred by the statutes upon the circuit court, coming within the above limitations, as belong to and are exercised by the circuit court of said county.

SECTION 2. There is hereby conferred upon the county court of Sauk county, jurisdiction in all criminal actions and proceedings except those involving charges of murder, manslaughter or homicide, concurrent with and equal to the jurisdiction of the circuit court of said county; and all examinations, recognizances and commitments from or by any examining magistrate of said county in bastardy cases and in all criminal actions, except charges of murder, manslaughter and homicide, shall at the option and on motion of the district attorney for said county, be certified and returned to such county court, instead of to the circuit court of said county, within the time prescribed by law, and the attendance of witnesses upon the trial of any person so committed or so charged shall be secured in the same manner as provided by law in the circuit court, and the said county court shall have power to appoint any attorney or counselor to defend a person charged with any offense in the same manner and upon the same conditions as the circuit court may now or hereafter appoint any attorney or counselor to defend persons charged with any offense.

SECTION 3. All actions commenced before a justice of the peace in Sauk county, where the title to lands will come in question, and which were heretofore required by law to be sent and

certified to the circuit court, may hereafter, at the election of the party making the plea or answer showing that the title of lands will come in question, be sent and certified either to the circuit court or to the county court.

SECTION 4. Appeals from judgments of justices of the peace in said county may hereafter be taken either to the circuit court or county court of said county at the option of the appellant, and if taken to said county court such appeal shall be tried and determined therein in the same manner as is by law required in the circuit court, and all laws providing for taking appeals in civil and criminal actions from justices of the peace of justices' courts of said county, shall hereafter be construed to apply to such appeals when taken to said county court.

SECTION 5. Any civil or criminal action or special proceeding now pending or hereafter commenced in the circuit court of Sauk county which would be within the jurisdiction of the county court of said county as defined in this act, may, by consent and stipulation of the parties or their attorneys, be transferred and transmitted to said county court; and the filing of such stipulation shall result in such transfer without any order of the circuit court therefor, and further proceedings therein shall be had in said county court in the same manner as though said action or proceeding had originally been commenced or instituted therein, but no change of venue or transfer, for any cause whatsoever, of any action or proceeding now or hereafter brought or pending in the circuit court of Sauk county shall be had or made to the said county court without the consent thereto of the parties to such action or proceeding or the consent of their attorneys.

SECTION 6. The said county court within the limits aforesaid, shall be a court of record, with a clerk and seal, and shall have full power and authority to issue all writs and legal process, proper and necessary to carry into effect the jurisdiction conferred by this act and the laws of this state, and to carry out such jurisdiction shall have and exercise all powers now possessed or which may hereafter be possessed by the circuit courts of this state, and the same proceedings shall be had by the parties to procure such writs and process as in circuit courts and such writs and process shall be issued, executed and returned in the same manner and with like effect as in the circuit courts.

SECTION 7. Every issue of law in any civil action or proceeding in said court, and every issue of fact in any action heretofore

cognizable only in a court of equity, shall be tried by the court, but the court may order such issue of fact tried by a jury; every issue of fact in a civil case properly triable by a jury, and not heretofore cognizable in a court of equity, shall on demand of either party, as hereinafter provided, be tried by a jury of not less than twelve persons, unless a less number be agreed upon by the parties, except where the amount involved is two hundred dollars or less, when the case shall be tried by a jury of six persons; and if no jury be demanded by either party, the case shall be tried by the court, but the court may order such issue of fact tried by a jury.

SECTION 8. All judgments, orders and decrees, made and entered in and by said county court, shall have the same force, effect and lien, and be executed and carried into effect and enforced as judgments, orders and decrees, made and entered in the circuit court, and all the remedies given, and proceedings provided for the collection and enforcement of the judgments, orders and decrees of the circuit court, shall apply to and be exercised by and pertain to said county court.

SECTION 9. All orders and judgments of said county court may be reviewed by the supreme court in the same manner and with like effect that judgments and orders of the circuit court may be reviewed; and the supreme court shall have the same power and jurisdiction over such actions, proceedings, orders and judgments as it has over actions, proceedings, orders and judgments in the circuit court of said county, and the parties shall have the same rights to writs of error and appeal from said county court to the supreme court of this state as now, or may hereafter be, allowed by law from circuit courts of this state, and may demand and shall be entitled to receive from the judge of said county court a bill of exceptions or case and have the same settled in the same manner and under the same restrictions as in the circuit court, and the same shall be heard and settled within the same time as now required or may hereafter be required in the circuit court, by law or the rules and practice of said circuit court or of said county court relative thereto.

SECTION 10. There shall be held at the county seat of said county three general terms, namely, a term on the first Wednesday of January, a term on the first Wednesday of May, and a term on the first Wednesday of September. Each term shall continue up to the first day of the succeeding term. Any trial,

hearing or argument or assessment which shall have been commenced during any term but shall not have been concluded before the commencement of any subsequent term, shall be continued and proceeded with at any subsequent term in the manner and with like effect as though it had been commenced at such subsequent term.

SECTION 11. Judgment may be had and entered in said county court, subject to the limitations of the jurisdiction thereof, if the defendant fails to answer the complaint, in the same manner and in like cases wherein judgments may now be had and entered in the circuit court in vacation, and the clerk of said court shall have the same powers and authority relative thereto as he has by law or otherwise in circuit court.

SECTION 12. Any circuit judge or any county judge of a county court having civil and criminal jurisdiction may hold court in the event of the absence, sickness or other disability of the judge of said county court upon the request of the judge thereof, and while so doing he shall have the same power as if elected judge of said county court.

SECTION 13. The provisions of law applicable to change of venue in the circuit courts of this state shall be applicable to said county court. When a change of venue shall be made pursuant to and as provided by section 261.03 and subsection (1) of section 261.04 of the statutes, it shall be direct to the circuit court of the proper county for the trial of the action. In all other cases where a change of venue is made as provided by statute it may be to the circuit court of Sauk county, or to the circuit court of some other county in a judicial circuit adjoining that in which said Sauk county is included; provided, however, that sections 261.06 and 261.08 of the statutes so far as applicable shall apply to said county court, and that the judge thereof shall have the right to call upon any circuit judge or any county judge of a county court having civil or criminal jurisdiction of like subject matter to attend, hold court and try such action, and while so doing he shall have the same powers as if elected judge of said county court. But the judge of said county court shall have and retain jurisdiction over all other actions and proceedings and may exercise such jurisdiction and hold court and try such actions and proceedings at the same time the judge called in is trying the action so transferred to him. Whenever any action, examination or other proceeding shall be removed

from any justice of the peace of said county of Sauk upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney, shall request in writing to said justice that the action, examination or other proceeding be removed to the said county court, then the action, examination or other proceeding and all papers therein, shall be transmitted to the said county court which shall proceed with the action, examination or other proceeding in the same manner as if originally instituted therein, under the provisions of this act and not as a justice court.

SECTION 14. No judge of said county court, while holding such office, shall be in any manner engaged or act as attorney or counsel in any action, cause or proceeding in or which he has good reason to believe may be brought in the county court of said county, or give advice therein; or draft or prepare any papers relating to any such matter or action, except such as might be lawfully prepared by a judge of the circuit court in an action pending therein; nor shall such judge engage in any private practice in any court in the state of Wisconsin.

SECTION 15. 1. Jurors shall be chosen for each term of said court by the same persons and in the same manner as jurors in the circuit court, and all provisions of law, rules and practice relating to the selection, qualifications, duties and compensation of jurors in the circuit court shall be applicable to said county court, except as herein otherwise provided.

2. Jurors shall be summoned as in the circuit court, and the county judge may direct at which time jurors shall be summoned to appear; but no jurors shall be summoned to attend upon any term of said court unless it shall appear to the satisfaction of the judge that a jury panel is necessary.

3. At least six days before each term, unless otherwise ordered by the judge, the clerk shall, in the presence of the judge draw from the list of persons provided therefor, twenty-four jurors for such term, and the list so selected shall forthwith be filed in the office of the said clerk. If the name of any person known to be disqualified or no longer liable to jury duty in said county be drawn, such name shall be cast out and the name of another juror drawn to take his place.

4. The panel of jurors selected for any term of said county court under its civil or criminal jurisdiction shall constitute the panel of jurors for all succeeding terms of court until discharged

by the court; but the judge of said court, in his discretion, may order a new panel of jurors to be drawn for the subsequent or any succeeding term.

SECTION 16. 1. Whenever directed by the judge the clerk of said county court shall issue a venire to the sheriff of said county to summon such jurors, returnable at such time as the judge may direct.

2. In case the whole panel is not summoned for the trial of any civil or criminal action or proceeding in which a jury trial is demanded or ordered, the parties shall strike from the panel of jurors selected for such term the jury for such action. The district attorney or plaintiff or plaintiffs shall be entitled to six peremptory challenges and the defendant or defendants to a like number of challenges to be made alternately, the district attorney or plaintiff or plaintiffs first challenging. When either party shall decline to challenge in his turn such challenge shall be made by the clerk by lot. When a jury shall have been selected as aforesaid, or otherwise agreed upon, a venire therefor returnable at such time as the judge may direct shall be issued by the clerk to the sheriff of said county.

3. If any of the jurors named in such venire shall not be found or shall fail to appear, or if there be any legal objection to any that shall appear; or if any of them be excused by the court or parties, the court may direct the sheriff or his undersheriff, or any of his deputies, to summon a sufficient number of talesmen to supply the deficiency; provided, that not more than four such talesmen shall be selected from the residents of any one town, city or village, except by consent of the parties. The officer summoning the same may insert the names of such talesmen on the venire, or the court may cause persons qualified to serve as jurors to be called from the bystanders.

SECTION 17. If a jury shall be required to make an assessment of damages in any case, the same shall be drawn from the names in such box, or the court may direct the same to be had and taken by any jury summoned in any other case, or may direct the clerk to issue a venire to summon a special jury for that purpose, to be composed of persons qualified to serve as jurors in said court, and unless objections are made, such assessment of damages may be made by the court, or judge thereof, without the intervention of a jury.

SECTION 18. The parties in any case, civil or criminal, wherein

a jury trial may be had, may agree upon a trial thereof by any number of jurors less than twelve.

SECTION 19. The court may set down any case, civil or criminal, on the calendar for trial on any particular day; and after issue joined in any civil action or proceeding or after information filed in any criminal action pending in said court, any party may, upon five days' notice to the other party or parties, and without any notice of trial having been previously served, apply to the said court or judge thereof to set down such case for trial on a particular day, and the court or judge shall, upon the hearing of such application, if it be reasonably possible, fix a definite time for such trial, which shall not be less than ten days nor more than twenty days from the time of the hearing of such application, unless for cause the court or judge shall otherwise order. When any action or proceeding is so set down for trial if it be one triable by jury the court shall require the parties in such action to determine and elect whether they wish a jury, and if both parties elect to try such case without a jury, or if both parties neglect or refuse to so determine or elect at said time, neither party shall be entitled to a trial by jury, but the court may, at its discretion grant a trial by jury; and if a trial by jury is demanded by any party to such action, the court may then or at any time afterwards direct that a jury be selected as aforesaid in such case, and issue a venire therefor, returnable at the time fixed for the trial of such action. If for any cause, in selecting a jury, the panel shall become exhausted the court may cause persons qualified to serve as jurors to be returned from the bystanders or from the county at large for the trial thereof and make the proper and necessary orders therefor.

SECTION 20. All costs, fees and disbursements, shall be taxed and allowed the prevailing party in the same manner and to like amounts as they are taxed and allowed in circuit court, except as herein otherwise provided. Provided, however, that in all actions commenced in said county court of which a justice of the peace would have jurisdiction wherein the value of the property recovered or damages awarded the prevailing party, or both, exclusive of interest, is less than one hundred dollars, the costs, fees and disbursements shall be taxed and allowed the prevailing party in the same manner and to like amount as they are taxed and allowed in justice court, and in addition thereto the clerk's fees; except in cases where by statute recovery of a lesser amount

entitles the prevailing party to costs in circuit court, the costs, fees and disbursements shall be taxed and allowed the prevailing party in the same manner and to like amounts as they are taxed and allowed in circuit court, even though the value of the property or amount of damages awarded is less than one hundred dollars. Provided further, if in any such action so commenced in said county court of which a justice court would have jurisdiction, if the value of the property recovered or amount of damages awarded plaintiff, or both, exclusive of interest, be less than fifteen dollars then defendant shall be entitled to costs not exceeding fifteen dollars, in addition to his taxable disbursements.

SECTION 21. The county judge of Sauk county shall receive an annual salary of eight hundred fifty dollars, for performing the duties required by this act, to be paid out of the county treasury in equal monthly installments at the end of each month.

SECTION 22. The clerk of the circuit court of said county shall ex officio be the clerk of said county court, and shall have the care and custody of all books and papers belonging to said county court, except those that appertain to the probate and juvenile jurisdiction thereof, and shall perform the duties of clerk of said county court in the same manner required of him as clerk of the circuit court, so far as it shall be requisite and necessary to discharge the necessary duties as clerk of said county court, and all other duties necessary to carry into effect the provisions of this act; and the same clerk of the county court shall keep all necessary records of proceedings and judgments had in said county court in the manner provided in the circuit court or as otherwise in this act provided.

SECTION 23. On each civil action commenced in or appealed to said county court there shall be paid a state tax of one dollar and an advance clerk's fee of two dollars at the same time and in the same manner as now provided for the payment of state tax and advance clerk's fees for actions commenced in or appealed to the circuit court.

SECTION 24. The deputy clerks authorized by law to be appointed by the clerk of the circuit court of said county, shall also be the deputy clerks of said county court, and may aid such clerk in the discharge of his duties as clerk of said county court and in the absence of the clerk from his office or from the court may perform all his duties and in case of a vacancy by resignation, death, removal or other cause the deputy appointed shall per-

form all such duties as clerk of said county court until such vacancy shall be filled.

SECTION 25. The sheriff of said county in person or by his undersheriff or one of his deputies, shall attend such court when actually in session for the transaction of court business other than the probate and juvenile business, and the court shall designate the number of officers that shall be present when such court is in actual session as aforesaid and such officers shall be entitled to receive the same compensation and payable in like manner as is, or may be provided by law for like services in the circuit court.

SECTION 26. The fees of the clerk, witnesses, jurors, and officers shall be the same as are allowed by law to the clerk, witnesses, jurors and officers in the circuit court of Sauk county.

SECTION 27. 1. The judge of said county court may employ and appoint a phonographic reporter for said court, and may also appoint an assistant phonographic reporter, who shall in the absence of, or during the disability of the phonographic reporter, have all the powers and perform all the duties of the phonographic reporter. The judge of said county court shall have power to remove at pleasure the phonographic reporter or assistant phonographic reporter so appointed.

2. Each of said officers shall take and subscribe the oath of office prescribed in the constitution, and shall be furnished with all necessary stationery, and attend, when required by said judge, and report the proceedings of trials at said court, and perform such duties as the judge may require.

3. Said judge shall fix the compensation of such reporter not to exceed five dollars for each day, and two and one-half dollars for each one-half day's attendance, which shall be in full compensation for services and for making transcripts from shorthand notes as may be required by said judge, which salary shall be paid out of the treasury of Sauk county at the end of each month. During the time the assistant phonographic reporter shall perform the duties of the phonographic reporter, he shall receive the compensation provided by law for the phonographic reporter, the same to be deducted from the salary of the phonographic reporter.

4. Said reporter and assistant reporter shall furnish parties to an action, or their attorneys, requiring them, transcripts of the testimony and proceedings had at a price not to exceed five

cents per folio, and two and one-half cents per folio for copies. Until otherwise fixed by law the compensation of said reporter and assistant reporter shall be paid out of the treasury of the county of Sauk upon the order of the judge.

SECTION 28. Court commissioners for the county of Sauk shall have the same powers and be subject to the same duties in respect to actions and proceedings in said county court as in actions and proceedings in circuit court.

SECTION 29. The seal of the county court of Sauk county shall continue to be used as the seal of said court.

SECTION 30. The county of Sauk shall provide all books, blanks and stationery for keeping the records and proceedings of said county court made necessary by this act; the county court of said county shall be held in the county court room, or in the circuit court room when the circuit court is not in session, or in such other room or rooms in the city of Baraboo, Sauk county, as shall be designated by the county judge in case of emergency, at the county seat of said county; all books and records pertaining to said county court shall be kept in said county court room, or the office of the clerk of the circuit court, and in the event that said room or rooms be inadequate or unsafe for such purpose, the county board shall procure, provide and furnish other suitable room or rooms at said county seat for said purpose.

SECTION 31. All fines and all costs collected by the clerk in every civil and criminal action or proceeding under the general statutes of this state tried or determined by the county court, which if tried or determined by the circuit court or circuit judge or by a justice of the peace would be paid over to the county treasurer, shall be accounted for and paid over quarterly by the clerk of said county court unto the county treasurer of said Sauk county.

SECTION 32. The general provisions of the statutes and all the general laws which may at any time be in force relative to the circuit courts and actions and proceedings therein, and in civil and criminal cases, shall apply also to said county court, unless inapplicable, and except as otherwise provided in this act; and the rules of practice prescribed or which may hereafter be prescribed by the justices of the supreme court for circuit courts, shall, unless inapplicable, be in force in said county court; and the judge of said county court shall have power to punish for contempt in the same manner that the judges of circuit courts

are or may be authorized by law to punish for contempts; and such county court shall have power to make and enforce such other rules of practice as may be necessary.

SECTION 33. This act shall take effect upon passage and publication.

Approved May 15, 1929.

No. 473, S.]

[Published May 17, 1929.

CHAPTER 109.

AN ACT to create paragraph (q) of subsection (11) and paragraph (j) of subsection (12) of section 20.17 of the statutes, relating to the state board of control and making an appropriation.

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

SECTION 1. There is appropriated from the general fund to the state board of control as an emergency appropriation for the year ending June 30, 1929, three hundred forty thousand dollars to be spent for operation, maintenance, and repairs as the board of control shall see fit, provided that two thousand three hundred fifty-five dollars and forty-three cents shall be used to reimburse the city of Janesville in Rock county for water furnished to the state school for the blind by said city from March 30, 1923 to March 1, 1927, for which it has never received compensation.

SECTION 2. New paragraphs are added to subsections (11) and (12) of section 20.17 of the statutes to read: (20.17) (11) (q) On May 15, 1929, seventy-five thousand dollars for furniture and furnishings for the three new inmate buildings.

(12) (j) On May 15, 1929, ninety thousand dollars for the construction and equipment of a heating and power plant.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 16, 1929.