

No. 416, A.]

[Published July 6, 1955.

CHAPTER 308

AN ACT relating to conferring additional jurisdiction on the county court of Clark county.

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

SECTION 1. There is hereby conferred on the county court of Clark county, in addition to all powers and jurisdiction it now or hereafter may possess by virtue of statute, jurisdiction in the following actions, matters and proceedings:

(1) Said county court shall have and exercise civil jurisdiction concurrent with and equal to the jurisdiction of the circuit court for Clark county in all actions, suits and proceedings at law and in equity, including special proceedings of every kind and nature, except actions where the value of the property in controversy, or the debt or balance due, or damages claimed in the complaint shall exceed \$100,000, exclusive of interest, costs and disbursements, and including liens for which claims have been filed in the office of the clerk of the circuit court for Clark county.

(2) Said county court and presiding judge thereof shall also have and exercise jurisdiction concurrent with and equal to the jurisdiction of the circuit court for Clark county in all criminal cases except those where maximum penalty which could be imposed is life imprisonment.

(3) Said county court and the presiding judge thereof shall also have and exercise all of the jurisdiction, powers and authority in all

criminal actions and proceedings within the county which are possessed by justices of the peace, police justices and circuit court commissioners, including all offenses against county ordinances; and all jurisdiction, power and authority in criminal actions and actions for violating county ordinances now possessed by the justices of the peace, police justices and circuit court commissioners are hereby withdrawn and withheld, except that such courts and officers shall have concurrent jurisdiction with the county court and judge thereof of the offenses of assault and battery, words provoking an assault, proceedings for peace bonds, and all ordinances of any town, city or village within the county, and except that such courts and officers thereof may issue criminal warrants in all criminal actions to be made returnable to the county court consistent with this section.

(4) Said county court shall have concurrent jurisdiction with justices of the peace in all civil actions and proceedings, and justice court practice and procedure shall apply thereto.

SECTION 2. Said county court shall be a court of record when exercising all of the jurisdiction hereby conferred upon it excepting when exercising the jurisdiction which is now or was heretofore within the jurisdiction of justices of the peace and police justices.

SECTION 3. Said county court when exercising jurisdiction as a court of record shall be a court of general jurisdiction, subject to exceptions aforesaid, and shall possess the same powers as the circuit court for Clark county, including the power to issue all writs, orders and process throughout the state.

SECTION 4. The clerk of the circuit court for Clark county shall be the clerk of the county court when the county court is exercising jurisdiction as a court of record hereby conferred, and such clerk shall have and exercise like powers and duties to those exercised in the circuit court. The bond filed by the clerk of the circuit court shall be extended to cover all his actions and functions pursuant to this chapter. The seal of the county court shall remain the seal of the county court for all the purposes of this chapter.

SECTION 5. The salary of the county judge for Clark county shall be fixed by the county board of supervisors of Clark county, and shall be paid in the manner provided for the payment of other elected officers of the county, except that during the term commencing the first Monday in January, 1956, the said county board of supervisors may adjust said salary.

SECTION 6. The county court for Clark county shall be held in the Clark county courthouse in the city of Neillsville, except that court may be held at such other places within the county and at such times as the judge thereof may determine, and the judge shall hear such matters within the jurisdiction of the court as he shall determine.

SECTION 7. The sheriff of Clark county and his deputies shall be officers of said county court and shall attend its sessions whenever required by the presiding judge thereof.

SECTION 8. Jurors shall be chosen in the following manner:

(1) In all actions or proceedings wherein the county court is acting as a court of record pursuant to the jurisdiction conferred by this chapter, the jurors shall be chosen and summoned by the same persons and in the same manner as jurors in the circuit court and from the list of jurors provided pursuant to statute for the circuit court. Jurors for trial of each case wherein the county court is acting as a court of record, except as otherwise provided, shall be selected in the same manner as in the circuit court. No jurors shall be provided except upon order of the judge of the county court.

CHAPTER 308

(2) In all actions wherein the county court is not acting as a court of record, jurors shall be provided only upon demand of one of the parties to the action. Such jury, when provided, shall be a 6-man jury obtained and selected and upon the same terms as juries are pursuant to statute provided for in courts of the justices of the peace.

(3) The county court, when acting as a court of record in matters wherein jurisdiction is conferred by this chapter, shall hold regular terms on the second Tuesdays of January, April, July and October, and each regular term shall continue until the commencement of the succeeding term. The clerk of court shall prepare such calendars of cases and give such notice of cases pending as the judge of the county court shall direct.

SECTION 9. (1) In all actions wherein the county court is acting as court of record pursuant to jurisdiction conferred by this chapter, like fees and statutory charges shall be made as in the circuit court, to be collected by the clerk of circuit court and by him to be paid to proper authority pursuant to statute made for actions and proceedings in circuit court.

(2) In all actions and proceedings wherein the court is exercising jurisdiction conferred by this chapter not as a court of record, like fines, fees and statutory costs shall be made as provided for justices of the peace and police justices, and all such fines, fees and costs shall be paid by the county judge to the county treasurer, and by the county treasurer to be applied to the general fund of the county, except as otherwise provided by law.

SECTION 10. Appeals from justices of the peace of Clark county may be either taken to the circuit court for Clark county or to the county court for Clark county.

SECTION 11. Appeals from the county court for Clark county, wherein said court acted as a court of record, shall be taken directly to the supreme court. Appeals from said county court, wherein said court did not act as a court of record, shall be taken to the circuit court for Clark county, except as otherwise provided by law.

SECTION 12. (1) In any action or proceeding wherein the said county court is acting as a court of record pursuant to the jurisdiction conferred herein, the parties may, by written stipulation, or the county court by its own order may, with or without consent of the parties remove the same to the circuit court for Clark county.

(2) Any action or proceeding within the limits of the jurisdiction of the county court as set forth herein which is pending in the circuit court for Clark county may, upon written stipulation of the parties, be transferred to the county court for Clark county.

SECTION 13. In all actions or proceedings pending before any justice of the peace in Clark county, when proper affidavit pursuant to statute is filed with such justice, he shall remove the matter to the next nearest justice of the peace in Clark county, except that upon written demand of any party the action or proceeding shall be removed to the county court for Clark county.

SECTION 14. Any circuit judge or any county judge 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, or if said judge is unable to make such request, upon the request and order of the circuit judge for Clark county.

SECTION 15. (1) In all actions and proceedings wherein the county court for Clark county is acting as a court of record pursuant to the jurisdiction conferred herein, application for change of venue shall be

made in the manner and form prescribed for circuit courts. All orders by the county court directing a change of venue must transfer the cause to the circuit court for Clark county. An additional change of venue may be applied for by the same party, but only upon the ground of the prejudice of the county.

(2) In all actions and proceedings wherein the county court is acting not as a court of record pursuant to the authority conferred herein, application for change of venue must be made as provided for in courts of the justice of the peace. Upon proper affidavit the county judge shall request and order the circuit judge of Clark county, a court commissioner of the circuit court for Clark county, or another county judge to take jurisdiction to hear and determine the matter.

(3) In event a court commissioner is appointed, pursuant to a change of venue as provided by this section, he shall be compensated by fees heretofore allowed justices of the peace in like matters.

SECTION 16. This act shall take effect the first Monday in January, 1956.

Approved June 23, 1955.