

SECTION 2. The legislature reserves the right to alter, amend or repeal this act at any time.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1893.

No 642, A.]

[Published March 18, 1893.]

CHAPTER 33.

AN ACT to create and establish a superior court in and for Douglas county, Wisconsin.

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

SECTION 1. There is hereby constituted and established in and for the county of Douglas, a court to be known as the superior court of Douglas county, which shall be held at West Superior, in the city of Superior, in said county, by a judge to be elected for that purpose.

Superior court established.

SECTION 2. Said superior court shall have and may exercise powers and jurisdiction concurrent and equal with the circuit court of said Douglas county in all cases of crimes and misdemeanors arising in said county, and appellate jurisdiction of all crimes and misdemeanors tried before the judge of the municipal court, or justices of the peace in said county, in the same manner as is now provided by law for appeals to the circuit court in such cases. Said superior court shall have exclusive appellate jurisdiction in all cases of appeal from the municipal and justices' courts in said county, in all civil actions, and in all actions commenced in said court where an answer shall be put in showing that the title to lands will come in question, all of which cases shall be certified, and all official returns made to said superior court in the manner prescribed by law; and such court shall have and exercise powers and jurisdiction in all civil actions and proceedings in law and equity, except as to actions and proceedings under chapter 151, of these stat-

Jurisdiction concurrent with circuit court in some cases.

Appellate jurisdiction.

General jurisdiction.

Amount in controversy not to exceed five million dollars.	utes, concurrent with and equal to the jurisdiction of the circuit court of Douglas county, when the value of the property in controversy, or the amount of money claimed or sought to be recovered after deducting all payments and set-offs, shall not exceed five million dollars; and of all actions for divorce, and for affirmance or annulment of the marriage contract. The presiding judge thereof shall have and exercise the powers of a circuit judge at chambers as to all actions or proceedings in said superior court.
Presiding judge, powers of.	SECTION 3. A judge of said superior court of Douglas county shall be elected on the first Tuesday of April, 1893, and on the first Tuesday of April, 1898, and every sixth year thereafter, in the same manner as provided by law for the election of judges of the circuit and county courts, and all the provisions of the Revised Statutes relating to the elections of county judges are made applicable to the election of the judge of said superior court. The term of office of the judge of said superior court shall be six years and shall commence on the first Monday of January next after his election, except that the term of office of the judge first elected under this act shall commence on the first Monday of May, 1893, and expire on the first Monday of January, 1899; provided, that failure to give notice of election will not invalidate said election in 1893, and nomination papers in said year may be filed to within seven days of said election.
Judge how elected.	SECTION 4. Every person elected or appointed judge of said superior court, shall, before entering upon the duties of his office, take and subscribe before some officer authorized to administer oaths, and file in the office of the clerk of the circuit court of said county, duly certified, the following oath of office: "I do solemnly swear, that I will support the constitution of the United States and of the state of Wisconsin; and that I will administer justice without respect to persons; and I will faithfully and impartially discharge the duties of the office of judge of the superior court of Douglas county, according to the best of my ability." He shall receive annually a compensation of thirty-six hundred dollars, to be paid quarterly out of the treasury of Douglas county.
Term of office.	SECTION 5. The resignation of the judge of
Oath of office.	
Salary.	

the superior court of the county of Douglas, may be made to the governor of the state. Whenever a vacancy shall occur in the office of such judge, from any cause, or there shall be no person qualified to take the office at the commencement of the term of office, the governor shall appoint a judge of said superior court, and the person so appointed shall hold for the residue, or for the whole term.

Resignation of judge.

Vacancy, how filled.

SECTION 6. The general provisions of law which may at any time be in force, relating to the circuit courts and to civil actions and proceedings therein, shall relate also to said superior court, unless inapplicable, and except as herein otherwise provided; and the rules of practice prescribed by law and the justices of the supreme court for circuit courts shall be in force in said superior court. Court commissioners in said county shall have the same powers and be subject to the same duties in respect to actions and proceedings in said superior court as in the circuit court.

Laws and rules relating to circuit courts to apply.

Court commissioners.

SECTION 7. Any circuit judge of this state may hold court as the judge of said superior court, in case of the absence, or sickness (or other disability), or upon the request of the judge thereof, and while so doing, he shall have the same powers as if elected the judge of said court.

Circuit judge may sit, when.

SECTION 8. The terms of said superior court shall be held on the first Monday of January, the first Monday of May (the first Monday of August), and the first Monday of November in each year. A jury shall be summoned for the first day of each of said terms unless otherwise ordered by said court. Jurors shall be chosen for each term of said superior court by the same persons, in the same manner as jurors in the circuit court, and all the provisions of law and rules of practice relating to the selection, qualifications, duties and compensation of jurors in the circuit court shall be applicable in said superior court. Provided, it shall be the duty of said court on the first day of the first term thereof, and at any succeeding term thereafter when necessary, to provide for a jury by ordering a special venire to issue, in the manner provided by law whenever at any term of the circuit court

Terms of court.

Jury.

Special venire.

there shall be an entire absence of jurors of the regular panel.

Sheriff to attend when court in session.

SECTION 9. The sheriff of Douglas county, in person, or by one or more of his deputies, as shall be required by the judge thereof, shall attend the superior court of Douglas county, when actually in session for the transaction of business, and shall be entitled to the same compensation therefor, payable in like manner as is or may be provided by law for like services in the circuit court.

Compensation.

No appeal.

SECTION 10. No appeal to the circuit court in any cause tried or determined in said superior court shall be made or allowed, but all orders and judgments made or rendered therein may be removed to and reviewed by the supreme court in the same manner that orders and judgments of the circuit court may be.

Notice of election of judge.

SECTION 11. Within ten days after the passage and publication of this act the county clerk of the county of Douglas shall give notice of the election of a judge of the superior court provided by this act, at the election to be held on the first Tuesday of April, 1893, in the same manner as provided for notice of election of judges of the circuit and county courts, so far as such provisions are applicable.

Commissioner to procure court room.

SECTION 12. It shall be the duty of the judge of the circuit court of Douglas county, immediately after the passage and publication of this act to appoint a commission of three men, one from the board of county commissioners, and two lawyers from West Superior. It shall be the duty of said commission to forthwith procure, provide and furnish suitable room or rooms in West Superior, in the city of Superior, for holding court as in this act provided. Said room or rooms and furniture to be maintained and paid for by the county of Douglas.

Clerk of the court.

SECTION 13. The clerk of the circuit court of Douglas county, shall be *ex-officio* clerk of said superior court, and shall under the direction of the judge thereof provide a seal therefor. It shall be the duty of said clerk either in person or by deputy to keep and maintain an office in the building in which the session of said superior court shall be held, and to keep the same open for the transaction of business during the business hours of each secular day in the same man-

Office.

ner as the office of the clerk of the circuit court; and to file and safely keep in said office all papers and pleadings relating to any action or proceeding therein. Whenever a judgment shall have been perfected in any action or proceeding in the superior court it shall be the duty of the clerk thereof forthwith to enter, docket and index the same in suitable books kept for that purpose in his office, and also in the office of the clerk of the circuit court of Douglas county, without additional fees therefor. The deputy clerk of said superior court is hereby authorized and empowered to tax costs, enter default judgments, and perform all other acts in relation to actions and proceedings in said court that the clerk of the circuit court is authorized by law to perform. Before entering upon the duties of his office, said clerk shall execute to Douglas county a good and sufficient bond, with two or more sureties, to be approved by the judge of said court, in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties as such clerk; and he shall be entitled to the compensation for services rendered in said court provided by law for like services in the circuit court.

Judgments,
how docketed.

Deputy clerk,
powers.

Bond of clerk.

SECTION 14. The judge of said superior court may appoint a phonographic reporter, skilled in the art of short-hand reporting, for said superior court, and may remove such reporter at pleasure and appoint another in his place. Every person so appointed phonographic reporter shall be deemed an officer of said court and before entering upon his duties shall take and subscribe the constitutional oath, and file the same duly certified in the office of the clerk of said court; and such reporter shall give a bond running to Douglas county, in the sum of five thousand dollars, with one or more sufficient sureties, to be approved by the judge of said court, appointing him, for the proper performance of the duties of his said office. Such phonographic reporter so appointed shall receive as compensation the sum of twelve hundred dollars per year, to be paid in equal monthly installments out of the treasury of said Douglas county. Such reporter shall upon the request of a party to an action or proceeding in said court transcribe in long-hand the evidence or any other proceedings taken by him

Phonographic
reporter.

To be officer of
the court.

Oath.

Bond.

Compensation.

Transcript of proceedings, etc., reporter to furnish.

in such action or proceedings, or any part thereof, so requested, duly certified by him to be a correct transcript thereof, for which he shall be entitled to receive from the party requesting the same, five cents per folio; and for each additional copy thereof two cents per folio, when written out in full, and when, at the request of the party, it shall be written in narrative form, ten cents per folio.

SECTION 15. This act shall take effect from and after its passage and publication.

Approved March 17, 1893.

No. 304, A.]

[Published March 23, 1893.

CHAPTER 34.

AN ACT to amend section 3, chapter 28, of the private and local laws of 1858, as amended by chapter 274, of the general laws of 1878, relating to the incorporation of the synod for the Norwegian Evangelical Lutheran Church of America.

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

Amends sec. 3, ch. 28, private and local laws of 1858, as amended.

SECTION 1. Section 3, chapter 28, of the private and local laws of 1858, as amended by chapter 274, of the general laws of 1878, is hereby amended by inserting after the words "within this state," where they occur in said section, the following words, "and in any of the states adjoining this state, or in any state or territory within the United States," so that said section when so amended shall read as follows: Section 3. The said synod may hold its meetings, at such times and places within this state, and in any of the states adjoining this state, or in any state or territory within the United States, as may be chosen and designated from time to time by the members thereof, according to the rules and by-laws of said synod.

Meetings of synod, where may be held.