

pay for the per diem of said Johnson and his assistants during the present session.

SEC. 4. That there shall be paid to Lyman H. Seaver sergeant-at-arms of the senate the sum of fifty dollars in part payment for per diem pay of himself and messenger at this session: and also to John Malanphy sergeant-at-arms of the assembly the sum of one hundred dollars, in part pay for the per diem pay of himself and doorkeeper and messenger at the present session.

SEC. 5. The treasurer shall pay the above sums upon the warrants of the secretary of state who is hereby authorized to issue the same.

N. E. WHITESIDE,

Speaker of the Assembly.

HENRY M. BILLINGS,

President of the Senate, pro tem.

Approved June 29, 1848.

NELSON DEWEY.

AN ACT to provide for the election of Judges and for the classification and organization of the Judiciary of the State of Wisconsin.

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

SECTION 1. An election for Judges of the circuit courts of this state, shall be held in each of the judicial circuits on the first Monday of August in the year one thousand eight hundred and forty-eight: The election shall be conducted and votes canvassed in the same manner as at general elections for state and county officers: The inspectors or Judges of said election shall make returns to the clerk of the board of supervisors or county commissioners of their respective counties immediately after the same are

canvassed and the clerks of the boards of supervisors or county commissioners shall file the same in their office, and forthwith transmit a certified copy thereof to the governor of the state.

SEC. 2. On the fourth Monday in August or as soon as the returns from all the counties of any circuit are received by the governor, he together with the secretary of state and treasurer shall proceed to canvass the same: the person having the highest number of votes cast in each circuit shall be the judge of such circuit; and the governor shall transmit to the person so elected a certificate of his election, under the seal of the state: and in case there should be a tie, or a vacancy from any other cause in one or more of the circuits, the governor shall forthwith proclaim the fact and immediately order a new election to be held in the circuit or circuits where such tie or vacancy has happened.

SEC. 3. The judges elect shall before entering upon the duties of their office, each take and subscribe the following oath or affirmation "I ——— do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States and of the state of Wisconsin, that I will administer justice without respect to persons, and will faithfully and impartially discharge the duties of the office of judge of the supreme and circuit courts of the state of Wisconsin according to the best of my ability," which said oath shall be duly certified by the officer administering the same; and by said judge filed in the office of the secretary of state: said judges shall severally enter upon the duties of their office, as soon as elected and qualified.

SEC. 4. The Judges of the circuit court elected at the first election thereof shall be classified by lot to be publicly drawn by the secretary of state; and in his absence by any person appointed by the governor in the presence of the governor, treasurer, attorney general and the said judges or a majority of them at the office of the secretary of state immediately after the completion of the canvass of the votes given at the first election of such judges: The classes shall be numbered one, two, three, four and five; according to the time of service of each: the class having the shortest time to serve being number one; and the judge whose lot shall fall in class number one shall hold his office for two years, and until his successor shall be chosen and qualified: the judge whose lot shall fall in class numbered two shall hold his office for three years, and until his successor shall be chosen and qualified: the judge whose lot shall fall in class numbered three shall hold his office for four years, and until his successor shall be chosen and

qualified: the judge whose lot shall fall in class numbered four shall hold his office for five years, and until his successor shall be chosen and qualified: and the judge whose lot shall fall in class numbered five shall hold his office for six years, and until his successor shall be chosen and qualified: and the said judges shall then and there ballot for one of their number to be chief justice, and the person having a majority of all the ballots cast shall be the chief justice: and a certificate of said drawing classification and balloting shall be signed by the governor and secretary of state; and filed and recorded in the office of the secretary of state.

Sec. 5. The circuit courts shall have and exercise all the powers which have been heretofore exercised by the district courts of the territory of Wisconsin: they shall have original jurisdiction of all cases both in law and equity, and a supervisory jurisdiction over all inferior courts and jurisdictions: they may prescribe all such rules of practice and other rules to regulate their proceedings and to facilitate the administration of justice as they may deem necessary not inconsistent with the laws of this state: such rules shall be prescribed by the supreme court and shall be uniform in the several circuits.

Sec. 6. The judges of the circuit courts shall be conservators of the peace throughout the state and shall have the same powers to preserve the peace as have heretofore been conferred upon the judges of the district courts of the territory of Wisconsin.

Sec. 7. All writs issuing from the circuit courts shall be in the name of the state of Wisconsin: shall bear date the day they are issued, and shall be tested in the name of the judge of the circuit in which they are issued, and shall be returnable on the first day of the term next succeeding the date of their issue unless otherwise directed by the judge or by rule of court and be signed by the clerk and sealed with the seal of the court and shall run to the proper officer of the county in which it is issued, but alias writs after service upon one defendant may be issued to co-defendants, and be directed to any county in the state.

Sec. 8. Until seals for the circuit and supreme courts are provided, the seals of the supreme and district courts of the territory of Wisconsin shall be used and the affixing such seals shall be deemed a sufficient sealing of all writs and process, record exemplifications or attestation of said courts which by law are required to be authenticated by the seal of the court.

Sec. 9. The circuit court shall have power to issue writs of injunc-

tion, mandamus, certiorari, quo warranto, and all other writs process powers and commissions according to the common usage of courts of record of common law and equity jurisdiction, necessary to the full and complete jurisdiction of the parties and the causes; and to the full and complete administration of justice and to the carrying into effect of their judgments orders and decrees.

SEC. 10. All laws regulating the practice or proceedings or prescribing the powers and duties of the supreme and district courts of the territory of Wisconsin, or the judges thereof, in force on the thirteenth day of March A. D. 1848 not repugnant to the constitution of the state of Wisconsin, shall continue in force and apply to the supreme and circuit courts of this state until altered or repealed by the legislature; and all the rules of practice of said supreme and district courts of the territory of Wisconsin, shall continue valid and operative as far as the same may be applicable, until altered or amended by the supreme and circuit courts of this state respectively.

SEC. 11. In case the judge of the circuit court shall be interested in any cause or causes pending in said court or shall have acted as attorney solicitor or counsel for either of the parties thereto, the said judge shall not have power to hear and determine such cause or causes except by consent in writing of the parties thereto; and upon motion the said judge shall order a change of venue to an adjoining district and the judge of said district shall hear and determine said cause or causes.

SEC. 12. Any circuit judge may hold court in any circuit other than that for which he was elected in case of the absence sickness or other disability of any one of the judges to hold the regular term or terms of court.

SEC. 13. All process or commissions heretofore issued in the name of the territory of Wisconsin or in the name of the United States by virtue of any law of the territory of Wisconsin or under the authority of the same; and all judgments decrees and orders heretofore made by any court judge or justice of the peace acting or by virtue of any law of the territory or of the United States shall have the same force and effect as if the territorial government had not been terminated: and all writs heretofore issued and made returnable at the terms of the district courts of the territory shall be deemed and considered as returnable at the terms fixed by this legislature and until the election and qualification of the judges writs may be issued and tested in the name of the state of Wisconsin.

SEC. 14. In all cases where persons who were masters in chancery at the time of the adoption of the constitution have sold real estate by virtue of an order or decree of a court of chancery for that purpose since the adoption of the constitution or the admission of this state into the Union; the sales shall be and are hereby declared to be as valid as if said constitution had not been adopted or state admitted and the sheriff of the proper county is hereby authorized and empowered to make and execute deeds to the purchasers; the same as the master might have done.

SEC. 15. In all cases where masters in chancery in pursuance of any decree or order of a court of chancery for that purpose made, have advertised real estate for sale and the sale not yet made it shall be lawful for the sheriff of the proper county to proceed upon the said advertisement and make such sale; and in all other cases where a decree in chancery authorizing a sale has been obtained it shall be lawful for the sheriff of the proper county to proceed and advertise and sell in the same manner as the master in chancery might have done, and proceed therein the same as the said master could have done if his said office had not been abolished.

SEC. 16. The first term of the supreme court shall be held at the capitol in Madison on the second Monday in January next, and thereafter on the second Monday in January in each year.

SEC. 17. On each suit in the circuit court there shall be levied a tax of one dollar, which shall be paid to the clerk at the time of the commencement thereof, which tax so levied shall be paid into the treasury of the state and form a separate fund to be applied to the payment of the salary of judges; said sum of one dollar shall be taxed in the bill of costs and recovered as other costs of suit.

SEC. 18. The judge of probate in each organized county or, the person who may hereafter have probate jurisdiction shall act as a court commissioner, and shall have power to administer oaths, take the acknowledgment of deeds, allow writs of attachment and certiorari, and in the absence of the judge from the county, writs of injunction, except upon causes where judgments have been obtained; and habeas corpus in bailable actions: he may determine upon the amount and sufficiency of bail: he may take all such testimony or depositions of witnesses to be used in cases in law and in equity as may be provided for by law or by rule or order of the court: he may state accounts between parties in cases referred to him by order of court and tax costs.

SEC. 19 The said judges shall each receive the sum of one thousand five dollars per annum payable quarterly.

N. E. WHITESIDE, .

Speaker of the Assembly.

HENRY M. BILLINGS,

President of the Senate pro tem.

Approved, June 29, 1848.

NELSON DEWEY.

AN ACT to provide for revising the statute laws of this state. The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SEC. 1. At such time and place and in such manner as shall be agreed upon by joint resolution of the senate and assembly, there shall be three commissioners chosen whose duty it shall be and they are hereby authorized to collate and revise all such public acts of the legislature of this state which shall be in force at the close of the present session as are general and permanent in their nature: and in the performance of such duty, they shall carefully collect and reduce into one act, the different acts and parts of acts which from similarity of subject ought in their judgment to be so arranged and consolidated: distributing the same under such titles, divisions, and sections as they shall think proper, and omitting all such acts and parts of acts before passed as shall have been repealed or have expired by their own limitation or be repugnant to the present constitution of this state; and in every other respect they shall complete the said revision in such a manner as to them shall seem most useful and proper to render the said acts more plain and easy to be understood; and they shall lay before the legislature the acts so revised and arranged by them at the next session to be re-enacted if the legislature shall so determine.