

(g) Annually, beginning July 1, 1919, five thousand dollars, to carry out the provisions of section 1494f.

(8) On July 1, 1919, not to exceed fifteen thousand dollars, and on July 1, 1920, not to exceed fifteen thousand dollars, for inspection, testing and other work in connection with accredited herds, as provided by law and the regulation of the United States department of agriculture.

SECTION 4. This act shall take effect July 1, 1919.

Approved July 16, 1919.

No. 335, S.]

[Published July 23, 1919.

### CHAPTER 574.

AN ACT conferring civil and criminal jurisdiction on the county court of Columbia 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 Columbia county, jurisdiction in all civil actions and proceedings in law and in equity, concurrent with and equal to the jurisdiction of the circuit court in said county, for all claims, demands and sums and to and concerning all property, not exceeding the sum or value of 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 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 all actions for removing clouds and quieting title to real estate and all 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 or 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 in and for said county.

SECTION 2. There is hereby conferred on the county court of said county of Columbia, jurisdiction in all criminal actions and proceedings except those involving charges of murder, manslaughter or homicide, concurrent with and equal to the jurisdic-

tion of the circuit court in 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 of the district attorney for said county, be certified and returned to such county court, instead of to the circuit court for said county, within the time prescribed by law, and the attendance of witnesses upon the trial of any person so committed shall be secured in the same manner as provided by law in the circuit court, and 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 Columbia 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 equally 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 Columbia 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 Columbia county shall be had or made to 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, and if no jury be demanded by either party, shall be tried by the court.

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 second Wednesday of February, a term on the second Wednesday of June, and a term on the second Wednesday of October. 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 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 2621 and subdivision (1) of section 2622 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 Columbia county, or to the circuit court of some other county in a judicial circuit adjoining that in which said Columbia county is included; provided, however, that sections 2623 and 2625 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.

**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.

**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 what 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 from 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 fourteen

days nor more than thirty 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 actions commenced in said county court of which a justice court would have jurisdiction if the value of the property recovered by or damages awarded to plaintiff, or both, exclusive of interest shall be fifteen dollars or more, plaintiff shall be entitled to taxable disbursements, together with any attorney fee which would have been allowable in justice court, and in addition thereto shall be entitled to costs, which however, shall be limited as follows:

(a) If the value of the property recovered or amount of damages awarded, or both, be under fifty dollars such costs shall not exceed the sum of ten dollars.

(b) If the value of the property recovered or amount of damages awarded, or both be fifty dollars or more, but less than one hundred fifty dollars, such costs shall not exceed the sum of fifteen dollars.

(c) If the value of the property recovered or amount of damages awarded, or both be one hundred fifty dollars or more, such costs shall not exceed the sum of twenty-five 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.

In any situation not hereinbefore specifically referred to arising in any such action so commenced in said county court of which a justice court would have jurisdiction, the right to as well as the amount of costs and disbursements shall be in the discretion of the court, but such costs, exclusive of disbursements, shall not in such event exceed the sum of twenty-five dollars.

SECTION 21. The county judge of said Columbia county, Wisconsin, shall receive an annual salary of six hundred 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 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 said 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 perform 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 under-sheriff or one of his deputies, shall attend such court when actually in session for the transaction of court business other than the probate business, and the court shall designate the number of officers that shall be present when such court is in actual ses-

sion 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 Columbia 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 ten dollars for each day, and five 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 Columbia 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 Columbia upon the order of the judge.

SECTION 28. Court commissioners for the county of Columbia 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 Columbia county shall continue to be used as the seal of said court.

SECTION 30. The county of Columbia 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, 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 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 Columbia county.

SECTION 32. The general provisions of the statutes of Wisconsin 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 court, 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 July 16, 1919.

No. 219, A.]

[Published July 23, 1919.

## CHAPTER 575.

AN ACT to amend subsection (1) of section 29.28 of the statutes, relating to fishing through the ice in certain waters.

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

SECTION 1. Subsection (1) of section 29.28 of the statutes is amended to read: (29.28) (1) No person shall take, catch, or kill fish of any variety through the ice on Silver Lake, situated within the city limits of Portage, and Pardeeville Millpond in the