

[Published March 14, 1859.]

## CHAPTER 77.

AN ACT conferring civil jurisdiction on the county court of Monroe county.

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

Jurisdiction conferred.

SECTION 1. There is hereby conferred upon the county court of Monroe county, jurisdiction in all civil actions, both as to matters of law and equity, equal to and commensurate with the circuit court within the county of Monroe, for all sums not exceeding five hundred dollars; and said county court shall exercise the same powers and jurisdiction within the county of Monroe as are now exercised by the circuit court in and for said county, in civil actions within the above mentioned limits.

To be a court of record, &c.

SEC. 2. The said county court shall be a court of record, with a clerk and seal, and shall have full power to issue all legal process proper and necessary to carry into effect the jurisdiction granted by this act, and the laws of this state, and to carry out such jurisdiction shall have and exercise all the powers usually possessed by courts of record under the common law and in equity, under the regulations imposed by statute.

Clerk, duties of.

SEC. 3. The clerk of the circuit court of said county shall be the clerk of said county court, and shall have the custody and care of all the books and papers belonging to said county court, and shall perform the duties of clerk of said county court, in the same manner as now required of him by law as clerk of said circuit court, so far as shall be necessary and requisite to discharge the necessary duties as clerk of said county court, and to carry into effect the provisions of this act. And said clerk shall keep all necessary records of the proceedings and judgments had in said county court, in like manner as now provided in the circuit court, in all civil proceedings.

Fees.

And his fees and compensation therefor, shall be the same as are now or may hereafter be provided by law for the fees and compensation of the clerk of the circuit court.

Powers in civil actions.

SEC. 4. Said county court shall have like power to issue all necessary and proper writs and process in all civil actions and proceedings as is now exercised or may hereafter be exercised by the circuit courts of this state, and the same proceedings shall be had by parties to procure

such writs or process as in the circuit courts of this state, and every writ or process shall be titled in the name of the judge thereof, and shall be issued, executed and returned in the same manner and with like effect as in the circuit court.

SEC. 5. All the general provisions of the statutes of Wisconsin which now exist or may hereafter exist, relating to the proceedings in civil actions in the circuit courts of this state, and to the powers and duties of courts of record shall apply in like manner, and with like effect to said county court as to said circuit courts; and the judge of said county court shall have the same power to punish contempts, as the judges of the circuit courts are now or may hereafter be authorized by law to punish for contempts. The rules of practice in said county courts, shall be the same as in the circuit courts of this state, as they now exist or may hereafter exist by law, in civil actions in said circuit courts. General provisions. Rules of practice.

SEC. 6. The county court of Monroe county shall continue to use the present seal of said court; *Provided*, that whenever it shall be necessary, the judge of said court may procure a new seal for said court at the expense of the said county. Seal.

SEC. 7. The county of Monroe shall provide all books, blanks, and stationery necessary for keeping the records and proceedings of said court. Books and stationery.

SEC. 8. Parties to actions shall have the same rights to writs of error and appeal from said county court to the supreme court of this state, as are now allowed by law from the circuit courts of this state. Rights of parties.

SEC. 9. From and after the taking effect of this act all appeals in civil actions from judgments of justices of the peace in said county of Monroe, may be taken to said county court, at the election of the appellant, instead of the circuit court of said county, as now provided by law. And the like proceedings therein shall be had in said county court, and such appeals shall be heard, tried and determined therein in the same manner as is by law required in circuit courts. And all laws providing for taking appeals from justices of said county to the circuit court thereof, shall from thenceforth be construed to mean, and read to the said county court, equally as well as to the said circuit court. Appeals, how taken.

SEC. 10. A panel of petit jurors for each term of said court, shall be drawn in the same manner as now is, or hereafter shall be provided by law for the circuit court of said county. And the persons serving on such panels of

petit jurors, shall be paid at the same rate, and in the same manner as is now or hereafter may be provided by law for the payment of jurors in the circuit courts, and jurors for the trial of issues shall be drawn, empaneled and sworn in the same manner as in the circuit courts of this state, and said county court shall have, exercise and use the same process for summoning such petit jurors, as is now or may hereafter by law be used by the circuit courts of this state.

**Jury terms.** SEC. 11. There shall be two jury terms of said county court in each year, one of which shall be held commencing on the second Tuesday of July, and the other on the second Tuesday of January.

**Special terms** SEC. 12. The judge of said county court shall have the same power to hold special terms and adjourned terms of said court, as is or hereafter may be conferred upon the circuit courts of this state. Two special terms of said county courts shall be held in each year by the judge thereof, for the trial of issues at law, for the trial and hearing of causes without a jury, for the hearing of motions, and for the transaction of any and all business that may be done at a regular term, except the trial of issues of fact by a jury, at such times as the said county judge shall designate, and said judge shall within twenty days after the taking effect of this act, publish the times and places of holding such special terms, and when designated they shall not be changed for one year thereafter, and at such terms the issues of laws and motions, trials of issues of fact without a jury, and all other business above specified in this section, may be heard, determined and disposed of with the same force and effect as at a general term of said court.

**Tax, for what purpose.** SEC. 13. On each civil suit in the county 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 county treasury, and form a separate fund to be applied to the payment of the salary of the county judge; said sum of one dollar shall be taxed in the bill of costs, and recovered as other costs of suits.

**Costs.** SEC. 14. Costs shall be taxed in the county court of Monroe county, in the same manner and to the same extent, as in the circuit court.

**Salary.** SEC. 15. The judge of the said county court of Monroe county, shall receive the sum of five hundred dollars "per annum," payable quarterly by the treasurer of said county, which sum shall be a full compensation for all his

services under this act; *Provided*, that this shall not be <sup>Proviso.</sup> construed so as to deprive the said county judge from receiving fees as heretofore for probate business.

SEC. 16. The judge of said county court shall have <sup>Transmission</sup> no power to try, hear or determine any cause in which he <sup>of suits.</sup> shall or may be interested, or in which he shall have acted as counsel for either party, except it be by the agreement of the parties; and in all cases where said judge shall be a party, or shall have been interested as counsel for either party, he shall transmit the cause to the circuit court of said county, certifying the reasons as aforesaid, and the circuit court shall thereupon proceed to try and determine the same, in the same manner and order as if it had originated in the circuit court.

SEC. 17. All acts and parts of acts contravening the <sup>Repealed.</sup> provisions of this act are hereby repealed.

SEC. 18. This act shall take effect and be in force from <sup>Take effect.</sup> and after its passage.

Approved March 11, 1859.

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[Published March 22, 1859.]

## CHAPTER 78.

AN ACT to provide for the removal of the county seat of Buffalo county.

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

SECTION 1. At the annual election to be held on the <sup>Vote, to be</sup> first Tuesday in April, A. D. 1859, the legal voters of <sup>taken.</sup> the county of Buffalo shall be and are hereby authorized to vote upon the question of the removal of the county seat of said county, from upper Fountain City, to the north half of the north-west quarter of section twenty-two (22), town twenty-three (23), range (11), in said Buffalo county, which said north half of the north-west quarter of section 22, town 23, range 11, is hereby fixed as the point to which it is proposed to remove said county seat; and if a majority of all the votes cast on that subject at such election be in favor of such removal, then on the said north half of the north-west quarter of section 22, town 23, range 11 aforesaid, shall be the permanent county seat of said county.

SEC. 2. The votes cast upon the said question as <sup>Ballots.</sup> above provided, shall be by ballot, which shall have