

the jury, if necessary, in any such action, to find what specific articles, or what share or interest belongs to the respective parties, and the court shall enter up judgment in form of one or both of the parties against the other, according to such verdict

SEC. 2. This act shall take effect and be in force from and after its publication.

Approved April 21st, 1858.

Chapter 57.

Published April 27th, 1858.

AN ACT to establish the boundaries of the Tenth Judicial Circuit, and to establish and regulate the Courts therein.

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

SECTION 1. The Tenth Judicial Circuit of the State of Wisconsin shall constitute and be composed of the territories and counties as now provided by law, with the addition of the county of Winnebago, which is hereby detached and taken from the fourth judicial circuit, and attached to and made a part of the said tenth judicial circuit.

SEC. 2. There shall be held by the circuit judge of the said tenth judicial circuit, at least four special terms in said year for the trial of issues of law, for the hearing and trial of causes without a jury, for the hearing of motions, and 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 time and places as the judge of said circuit shall designate, except as hereinafter provided ; the said judge shall immediately designate and publish the times and places of holding said terms, and when designated, they shall not be changed within one year, and at such terms the issues of law and motions, and all other business that may be transacted thereat, pending in any and every county in the circuit, may be heard and disposed of with the same force and effect as it may now be heard and disposed of in the county in which the causes or matters are pending, and when the causes or matters are pend-

Tenth judicial circuit.

To hold four special terms.

To give notice of the times and places of holding such terms.

ing in other counties in the circuit different from the county in which the special term is held, the clerk of the court shall certify the orders and papers to the clerk of the circuit court of the county where the same is pending, and the papers shall be filed and entered by the clerk of the court of the county where the cause or matter is pending, in the same manner as if the cause or matter had been heard or decided by the circuit court at a term thereof held in that county.

In what counties such terms to be held.

SEC. 3. One of the said special terms for said circuit shall be held in the county of Winnebago, one in the county of Outagamie, at the usual places of holding courts in said counties, and the other two special terms shall be held in such county or counties in said circuit as the judge thereof shall designate: *Provided*, That such special terms, as provided for in section two of this act, shall not be held within two months of each other.

Proviso.

Judge of any other judicial circuit may hold such terms when requested.

SEC. 4. The judge of any other judicial circuit of the State of Wisconsin, is hereby authorized to hold any of such special terms, as provided for in this act, when requested by the judge of the said tenth judicial circuit.

To be held at the times now fixed by law.

SEC. 5. The terms of the circuit court to be holden in the several counties in said circuit, shall be held at the times now fixed by law, except as hereinafter provided.

Three terms to be held in Winnebago county.

SEC. 6. There shall be held in the said county of Winnebago, three general terms of the circuit court in and for said county of Winnebago in each year. Such terms shall be held as follows: On the first Monday of April and September, and on the second Monday of December in each year.

No jury to be summoned unless per order of the judge.

SEC. 7. There shall be no grand jury summoned or empannelled for the September term of the circuit court of said county of Winnebago, unless ordered by the judge of the said tenth judicial circuit. When so ordered, a grand jury shall be summoned and empannelled as now provided by law in other cases.

Recognizances &c., when returnable.

SEC. 8. All recognizances in criminal charges entered into before any justice of the peace, magistrate, or any other person in said county of Winnebago, authorized by law to take the same, shall be made returnable at the term next succeeding the entry thereof, at which a grand jury is required to attend, except in appeal cases to the circuit court of said county of Winnebago from

any justice of the peace or other magistrate of said county.

SEC. 9. All writs, indictments, summons and other proceedings (except those provided for in section 8 of this act) made returnable by any law of this State now in force, or by any court, to the terms of the circuit court of the said county of Winnebago, shall be returnable to the the terms of the circuit court of said county of Winnebago, as the same are hereinbefore fixed, and all adjournments, appearances, continuances, motions and notices of any proceedings in the circuit court of said county, made or taken to any term of a date subsequent to the term when this act shall take effect, shall be held to be made and taken for the time hereinbefore fixed for holding the terms of said court for said Winnebago county.

Writs, indictments, &c., when returnable.

SEC. 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1858.

Chapter 58.

Published April 27th, 1858.

An Act authorizing Garnishee Suits in Justice Courts in certain cases.

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

SECTION 1. Whenever any suit shall be commenced by summons before a Justice of the Peace, in an action founded upon contract, express or implied, the plaintiff or other person in his behalf, may make an affidavit that the affiant has good reason to believe that any person (naming him) is indebted to the defendant, or has property, (describing the same,) money, effects, or credits in his possession belonging to the defendant, and shall demand of the officer having such summons, to summon such person as garnishee; the officer shall summon such person in writing to appear before the Justice on the return day of the summons, to answer touching his liability as garnishee.

When suits to be commenced founded on contract, it requires affidavit that plaintiff is indebted to defendant.