

CHAPTER 25.

[Published February 28, 1871.]

AN ACT to fix the time for holding terms of the circuit court in the tenth judicial circuit.

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

SECTION 1. The general terms of the circuit court for the tenth judicial circuit shall hereafter be held as follows: In the county of Brown, on the second Monday of September, on the second Monday of December and on the first Monday of April of each year; in the county of Oconto, on the first Tuesday after the third Monday of October, and on the first Tuesday after the third Monday of May of each year; in the county of Outagamie, on the second Monday of November and on the second Monday of March of each year; in the county of Shawano on the first Tuesday after the second Monday of January, and on the first Tuesday after the third Monday of June of each year; in the county of Door, on the first Tuesday after the second Monday of February, and on the first Tuesday after the second Monday of July of each year. Terms fixed.

SECTION 2. Every term of the said circuit court in the counties of Brown and Outagamie shall also be a special term for the whole of said circuit, and all actions, motions, proceedings or other business now pending, or which may hereafter arise in any or either of the counties of said circuit, and not requiring a jury, may be heard, tried and determined or otherwise acted upon or disposed of at any or either of the said special terms in the same manner and with the same force and effect as if the same were heard, tried and determined or otherwise acted upon or disposed of in the county wherein the same are now pending or may hereafter arise; and when any causes or matters are pending in other counties, different from the county in which the special term is held, the clerk of the court where such special term is held shall certify the orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending, and the said papers shall Every term shall be a special term for the whole circuit.

be filed and entered by such clerk in the same manner as if said cause or matter had been heard or determined by the circuit court at a term thereof held in that county.

No grand jury to be summoned.

SECTION 3. There shall be no grand jury summoned or empaneled for the December term of the circuit court for said county of Brown.

No jury for January term in Door county.

SECTION 4. There shall be no grand nor petit jury summoned or empaneled for the January term in Door county, nor for the June term in Shawano county, unless upon the order of the judge of said circuit, made and filed in the clerk's office of the county, at least fifteen days before the term. Such order so made and filed shall be sufficient authority for such clerk to draw and summons such grand and petit jurors, pursuant to the statutes in such case made and provided.

Judge of other circuits may hold term.

SECTION 5. The judge of any other judicial circuit of the state of Wisconsin is hereby authorized to hold any of the terms provided for in this act, when so requested by the judge of said tenth judicial circuit.

Special term in Brown county.

SECTION 6. There shall be one special term of the circuit court in Brown county in each year, to be held on the fourth Monday of January, at which terms, any business arising within the tenth judicial circuit which does not require the intervention of a jury may be heard and disposed of. No grand nor petit jury shall be drawn or summoned for said special term, and no notice of the holding of the same shall be required; and at such special term the issues of law and motions and all other business that may be transacted thereat, pending in any and every county in said 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 pending in other counties in the circuit different from the county in which the special term is holden, the clerk of the circuit 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 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 holden in the county where it is pending.

SECTION 7. For the purpose of the hearing or trial of any cause or matter in any other county than that where the same is pending, the clerk of the circuit court shall at the request of either of the attorneys in said cause or matter, transmit all the papers on file in said cause or matter to the place of trial or hearing, under his official certificate, certifying the same to be all the original files and papers in such action, cause or matter. Such papers or files shall be by such clerk enclosed in an envelop, sealed by him, directed to the clerk of the circuit court of the county where such term is to be or is being held, and the same may be transmitted by mail or by the hand of either of the attorneys in such cause, action or matter: *provided*, that before any clerk shall be obliged to transmit any such papers or files or orders, all necessary postage therefor shall be paid by the party applying therefor; and *provided, further* that no clerk shall be required to certify back any papers, files or orders to any such county where the same were originally pending, unless his fees in such cause or matter are paid.

Clerk shall transmit papers

SECTION 8. All writs, services, processes, proceedings and recognizances heretofore issued, commenced, made or entered into in or from said courts of said counties respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise shall be held and taken as returnable at the times mentioned in this act for holding the said courts respectively in the said several counties respectively.

All returns legalized.

SECTION 9. Nothing in this act contained shall affect the existing law authorizing the holding of the term of the circuit court in Shawano county on the first Tuesday after the first Monday in February, eighteen hundred and seventy-one (1871), but the said term shall be held as now provided by law.

Not to affect February term in Shawano county.

SECTION 10. Chapter thirty-nine of the private and local laws of 1866, and all acts and parts of acts conflicting with or contravening any of the provisions of this act, are hereby repealed, so far they conflict with or contravene the same.

Repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1871.