

such highway, established and determined by the verdict of a jury. In case the necessity of taking such property for the public use shall be established by the verdict of the jury in such proceedings, such common council or board of trustees shall thereupon appoint three commissioners on the part and behalf of such city or village, who shall be duly sworn to faithfully discharge their duty as such commissioners before entering on the same. Such commissioners acting for such city or village, and the town supervisors, acting on behalf of such town, shall then give notice and proceed in all respects pursuant to said application, as provided for the supervisors of adjoining towns in the next preceding section; and shall in their order laying out, altering or widening such highway, also determine the grade to and upon which such highway shall be made, improved and kept in repair; and such city or village shall be, in like manner as a town, responsible for that part of such highway determined to be made and kept in repair by the same, and for the share of damages assigned to the same. All proceedings and orders required to be filed and recorded, shall be filed and recorded in the office of the city or village clerk, as well as in the office of the town clerk; provided, that nothing herein shall be construed to interfere with or repeal the provision of the charter of any municipality relating to the same subject.

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

Approved April 9, 1885.

[No. 161, S.]

[Published April 20, 1885.]

CHAPTER 381.

AN ACT to amend chapter 25, laws of 1876, and chapter 107, laws of 1878, relating to the municipal court of the county of Chippewa.

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

Amended.

SECTION 1. Chapter 25, of the general laws of 1876, and chapter 107, of the general laws of 1878,

relating to the municipal court of Chippewa county is hereby revised, consolidated and amended so as to read as follows: Section 1. There is hereby created and established in and for the county of Chippewa, a municipal court with the powers and jurisdiction hereinafter specified and provided.

SECTION 2. On the first Tuesday of April, A. D. 1877, and every four years thereafter, there shall be elected in the county of Chippewa in the same manner county judges are elected, one municipal judge who shall hold his office for the term of four years and until his successor is elected and qualified, and in case of vacancy occurring in the office of municipal judge, the vacancy shall be filled by appointment by the governor, and the person appointed to fill such vacancy shall continue in office for the residue of the term for which his predecessor was elected.

Term when county judge shall be elected.

SECTION 3. The municipal judge of the county of Chippewa shall have jurisdiction to try and determine all actions at law, wherein the amount claimed shall not exceed the sum of five hundred dollars, and to try and determine all criminal actions, when the crime was committed in said county, and that are not punishable by commitment to the state prison, and on a plea of guilty by the accused, the municipal judge shall have jurisdiction to sentence the accused for an offense for which the highest penalty provided by law, shall not exceed five years' imprisonment in the state prison, and to arrest and examine and hold to bail all parties charged with other offenses against the laws of this state as provided by law, and exclusive jurisdiction of all penalties and offenses against the charter, ordinances and regulations imposed by the city of Chippewa Falls, and shall have all the jurisdiction given by law to each and every justice of the peace and police justice of said county, and the proceedings and practices of said court, shall, as far as practical, comply with the laws of justice courts of this state, and transcripts of the judgments of the municipal court shall be, with like effect, filed and entered with the clerk of the circuit court of said county, and all appeals, civil and criminal, from said court may be taken in the same manner and with like effect as are now provided from courts

Jurisdiction of municipal judge and duties prescribed.

of justice of the peace, and the judge shall have full power to sentence and commit all persons convicted of any of the offenses of which he has jurisdiction that the circuit judge and justices of the peace may lawfully do. Section 4. The municipal judge, before entering upon the duties of his said office, shall file with the clerk of the circuit court of said county, his oath of office duly sworn and subscribed to by him and an official bond with two sureties, in the form, and in the like amount, as is prescribed by law for justices of the peace. Section 5. The said judge shall keep one docket for criminal trials and proceedings and a separate docket for civil actions, and all docket entries and process shall be made and kept in the same manner, as far as applicable as the same are kept by justices of the peace under the laws of this state. Section 6. The same fees in all actions that are now allowed by law to justices of the peace, it shall be lawful for said municipal judge to charge and collect, and one dollar in addition thereto, for every action commenced in his court, and the further salary of not less than five hundred dollars for his services in conducting criminal trials and examination of offenders, to be fixed by the board of supervisors of Chippewa county, at its annual meeting, and which said salary shall be paid annually to said judge out of the county treasury of Chippewa county; and said judge shall pay over to the county treasurer of said county all fines and forfeitures paid to him, imposed and collected under the laws of this state; and to the city treasurer of the city of Chippewa Falls, all fines and penalties imposed and collected by virtue of the charter, ordinances, and regulations of said city. Section 7. All processes issued from said court shall be served by the sheriff of Chippewa county, or any one of his deputies only; provided, that in all cases where a violation of the charter, ordinances, or regulations of the city of Chippewa Falls is charged, said process may be served by any policeman of said city. Section 8. The nearest justice of the peace of said county, in case of a vacancy in the office of municipal judge of said county, or in his absence or inability to act, shall have all the power and jurisdiction of the municipal judge, and it shall be his duty

to act in the same, and discharge all the duties of said municipal judge until such vacancy is filled, or such absence, or inability to act, by the municipal judge, is removed. Section 9. Trial by jury, in the same manner and process as in justices' courts shall always be had in said court, when demanded by either party to the action to be tried. Section 10. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear, by affidavit, that the municipal judge is interested pecuniarily in the action, examination or other proceedings, or that said judge is a material witness in said action, or is within the forbidden degree of consanguinity to either of the parties to the action, he shall notify the nearest justice of the peace in the county of Chippewa, not disqualified to try said case, or to hear said examination or other proceeding, for the reason stated above, to appear and try said action, or hear said examination or other proceeding, as the case may be, whereupon it shall be the duty of said justice of the peace, so notified as aforesaid, to forthwith appear at the court room of said municipal court, and to discharge the duties of judge of said municipal court, on the trial of said case or the hearing of said examination, or other proceeding, in the same manner and with like effect, as said municipal judge would, if not disqualified to act, and the doings of said justice of the peace, while so presiding over said municipal court, shall have and be of the same force and effect, as like proceedings of said municipal judge, and when said action, examination or other proceeding is concluded, a like record, as in other like cases, shall be made in said court, and thereafter and thereupon execution may be issued, as in other cases tried before said municipal judge; said justice of the peace, while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like services. Section 11. Nothing herein contained shall be construed to deprive the circuit court of jurisdiction of any action now given by law. Section 12. The judge of the municipal court of Chippewa county, shall hold his office in some suitable room at Chippewa Falls, Chippewa county. Section 13. All needful stationery and all blanks, required by said court, in

criminal actions and examinations, and the judge's docket, required by law, shall be furnished at the expense of Chippewa county. Section 14. A judgment by confession may be entered before the municipal judge of the municipal court of Chippewa county, in any sum, not exceeding five hundred dollars, without action, either for money due or to become due, or to secure any person against contingent liability on behalf of the defendant, or both, if a statement in writing be made, signed by the defendant, and verified by his oath, to the following effect: First. It must state the amount for which judgment may be entered, and authorize the entry of judgment therefor by the municipal judge of said court. Second. If it be for money due, or to become due, it must state concisely the fact, out of which it arose, and must show that the sum confessed therefor, is justly due, or to become due. Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the fact constituting the liability, and must show that the sum confessed does not exceed the same. Section 15. In all actions in the municipal court, for the county of Chippewa, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney's fees as follows: On all judgments taken by default, when the amount of the judgment exceeds one hundred dollars, and is less than three hundred dollars, ten dollars; when the amount of the judgment is three hundred dollars or upward, fifteen dollars. On all other judgments, when the amount does not exceed one hundred dollars, an amount equal to ten per cent. of the amount of the judgment. When the amount of the judgment exceeds the sum of one hundred dollars, ten dollars on the first one hundred dollars, and five per cent. on the amount of the judgment in excess of one hundred dollars; provided, that in no case shall the amount of the attorney's fees exceed the sum of twenty dollars. And in case judgment shall be for the defendant, he shall be entitled to recover attorney's fees as follows: In all cases where the plaintiff shall claim in his complaint one hundred dollars or less, an assessment equal to ten per cent. of such claim; in all cases where the plaintiff shall

claim in his complaint a sum over one hundred dollars, ten dollars for the first one hundred dollars, and five per cent on the amount claimed in excess of one hundred dollars; provided, that in no case shall the amount of the attorney's fees exceed the sum of twenty dollars. The provisions of this act shall apply to proceedings for the recovery of possession of personal property, and the value of the property found and claimed shall be the basis for the taxation of attorney's fees, and in all other civil actions not herein provided for, an attorney fee of ten dollars shall be allowed to the party in whose favor the judgment is rendered; provided, however, that no attorney fee shall be allowed unless the party who recovers judgment shall appear by an attorney of a court of record.

SECTION 2. All laws and parts of laws in conflict with or contravening the provisions of said chapter 25, laws of 1876, and chapter 107, laws of 1878, as herein revised, consolidated and amended are hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1885.

[No. 186, A.]

[Published April 20, 1885.]

CHAPTER 382.

AN ACT relating to certain lands granted to the county of Chippewa for railroad purposes.

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

SECTION 1. Section 1, of chapter 232, of the laws of Wisconsin for the year 1883, is hereby amended by adding thereto the following: And in case the lands herein referred to granted to Chippewa county are not disposed of for railroad purposes, as provided herein, and in the act to which this is amendatory, before the fifteenth day of May, 1885, then the county treasurer of said county of Chippewa shall advertise said lands for sale at public auction by publishing a notice of said sale in some newspaper printed and published in said Chip-

Relating to certain lands granted to Chippewa county for railroad purposes.