

their office for the term for which they have been heretofore appointed, respectively, as designated in their appointment. The present officers of said board shall hold their respective offices until the expiration of the time for which they have been elected. The rules, regulations, by-laws and acts of said board shall continue in force and effect.

Repealing
clause.

SECTION 15. All acts or provisions regulating the practice of pharmacy and the sale of poisons within this state, enacted prior to the passage of this act, are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1895.

No. 144, A.]

[Published April 17, 1895.]

CHAPTER 228.

AN ACT to create a municipal court in and for Vilas county.

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

Municipal
court for Vilas
county created.

SECTION 1. There is hereby created and established in and for the county of Vilas a municipal court, with the powers and jurisdiction hereinafter specified and provided.

Date of elec-
tion of judg-
and term of
office.

SECTION 2. On the first Tuesday in April, 1895, and every four years thereafter, there shall be elected in the county of Vilas in the same manner as county judges are elected, one municipal judge, who shall hold his office for the term of four years from the first Monday of May next following his election, 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 or appointed. Provided that upon the passage and publication of this act, the office of judge of said court shall be deemed to be vacant and shall be filled by appointment as herein provided.

SECTION 3. No person shall be eligible to the office of judge of said municipal court, except an attorney of a court of record, and such judge shall hold no other county office during the term for which he is elected.

None eligible except attorney of a court of record.

SECTION 4. The municipal judge before entering upon the duties of said office shall take and subscribe the constitutional oath of office, and file the same, duly certified, in the office of the clerk of the circuit court for said county, and execute to the said county a bond in the sum of one thousand dollars, with two or more sureties to be approved by the county treasurer of said county, and recorded and filed as provided in section 702, of the revised statutes, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office.

Shall take constitutional oath before entering upon duties of office.

SECTION 5. The judge of the municipal court of the county of Vilas shall hold his office at the county seat of said county in a suitable room for such purpose to be provided by the board of supervisors of said county.

Office to be held at county seat.

SECTION 6. The municipal judge of the county of Vilas shall have cognizance of, and jurisdiction to hear, try and determine, all actions and proceedings at law, wherein the amount of debt, damages, demand, penalty or forfeiture, shall not exceed the sum of five hundred dollars, actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars. Said municipi-

Jurisdiction of the judge define 1- practice.

pal judge shall have and exercise within said county the criminal jurisdiction of justices of the peace in the state of Wisconsin. Said judge shall further have all the jurisdiction, authority, powers and rights, given by law to justices of the peace, and shall be subject to the same prohibitions and penalties as justices of the peace. The proceedings and practice of said court shall in all respects be governed, as far as practicable, by the laws relating to justices' courts of this state, and transcripts of the judgments of the municipal court, may be filed and docketed with the clerk of the circuit court for said county, with the same effects as transcripts of judgments rendered by justices of the peace of said county may be, and appeals, civil and criminal, from said court may be taken in the same manner and with like effect, as are provided by law from courts of justices of the peace. Nothing herein contained shall be construed to give said municipal judge cognizance of any actions mentioned in subdivisions 1, 2, and 3 of section 3573, of chapter 154, of the revised statutes.

May exercise all the powers of a court commissioner.

SECTION 7. The municipal judge of Vilas county shall have and may exercise in his county, all the powers and perform all the duties of a court commissioner as defined in section 2434, of the revised statutes; and every authority granted to, or limitation of the powers of a court commissioner by the laws of Wisconsin, shall be construed to extend to the said municipal judge acting in such capacity, except when otherwise expressly provided. The official designation of said officer in matters where he shall so act shall be "municipal judge of Vilas county."

Judgment by confession may be entered.

SECTION 8. Judgment by confession may be entered before the judge of the municipal court for the county of Vilas, 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:

1. 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. Must state amount for which judgment may be entered.

2. If it be the 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. Where money is due or to become due.

3. 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. For the purpose of securing plaintiff.

SECTION 9. In case of sickness, absence or temporary disability of said municipal judge, he may, by an order in writing, to be filed in said court, appoint the county judge of said county to discharge the duties of said judge during such sickness, absence or disability, who shall have the same powers of said judge while administering such office. County judge may sit as municipal judge.

SECTION 10. No action, examination or other proceeding shall be removed from said court, but when previous to joining issue in any action or before the commencement of any examination, it shall appear by affidavit that the municipal judge is interested pecuniarily in the action, examination or other proceeding, or that said judge is a material witness, or is within the forbidden degree of consanguinity, or from prejudice will not decide impartially in the matter, the municipal judge shall notify the county judge of the county of Vilas, to hear said examination or other proceeding, as the case may be; whereupon it shall be the duty of said county judge 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 How proceedings or action may be removed from the court.

doings of said magistrate when 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 magistrate, while presiding over said municipal court, shall receive from said municipal judge the sum of one dollar and twenty-five cents for every half day.

Trial by jury same as in justices' courts.

SECTION 11. Trial by jury may be had in said court in the same manner and process as in justices' courts.

Peace officers.

SECTION 12. Sheriffs and constables of Vilas county shall have the same power to serve and execute process of this court as of justices' courts, and shall be entitled to receive the same fees as in justices' courts.

Two dockets shall be kept.

SECTION 13. The judge of said court 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 to this court, as the same are required to be kept by justices of the peace under the laws of this state. Provided, always, that the municipal judge may, in civil actions, sign in blank, summonses, writs, and other civil process, and deliver the same to attorneys and courts of record, to be issued by them. Such attorneys, upon issuing such summons, writ, or other process, shall subscribe the same, and shall file within twenty-four hours thereafter the affidavit, if any, upon which such summons, writ or other process was based, and a statement of the names of the parties to the action, the date of the summons, writ, or other process, the time when the same is returnable, and the nature of the demand or claim. Thereupon said judge shall forthwith docket said case, which docket entries shall have the same force and effect as

May sign summonses, etc.

if made at the time of issuing the summons, writ, or other process.

SECTION 14. The salary of said municipal judge shall be five hundred dollars per year, and shall be paid out of the county treasury as the salaries of other county officers are paid, and shall be in full for all services rendered by said court in criminal cases. The same fees in all actions, civil and criminal, 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 civil action or proceeding in his court. The fees so charged and collected in civil actions shall be retained by said municipal judge for his compensation therein. On the first day of November in each year, said municipal judge shall pay over to the treasurer of said county all fines paid him, imposed under the laws of this state, and all of the aforesaid fees collected by him in criminal actions since the first day of November of the preceding year, taking said county treasurer's duplicate receipt therefor, one of said receipts shall be filed in the office of the county clerk of said county. And said municipal judge shall file with said county clerk on said day, a statement, verified by his affidavit, of all fines and municipal court fees received by him in each criminal action in which any such fines or fees have been paid since the first day of November of the preceding year, together, with the statements required by other magistrates by section 679, and section 680, of the revised statutes as amended.

Salary of judge \$500 per year.

Lawful fees he may collect and retain.

Fines to be paid over annually to county treasurer.

SECTION 15. In all actions in the municipal court for the county of Vilas, attorney's fees shall be allowed to the prevailing party as provided in section 3775, of the revised statutes.

Attorney's fees to be allowed to prevailing party.

SECTION 16. All needful stationery and all blanks required by said court in criminal actions and examinations, and the judge's dockets, required by law, shall be furnished at the expense of Vilas county.

All needful stationery and blanks to be furnished by county.

SECTION 17. It shall be lawful for the municipal judge to call in a phonographic reporter

May employ a phonographic reporter.

skilled in the art of shorthand reporting, to take testimony in any action, examination or other proceeding in the municipal court, and the reporter's notes so taken may be filed in lieu of the minutes of testimony required by law to be taken by justices of the peace in like proceedings; provided, that in case of appeal in civil actions, said reporter, when requested by the appellant, shall file a transcribed copy of his notes verified by his oath which shall be returned as the testimony in the case, and the fees for transcribing said testimony, not exceeding five cents per folio, shall be taxed as part of the judge's fees in the case. Said reporter shall receive such compensation for taking testimony as shall be fixed by the municipal judge not exceeding three dollars per day for each day's actual attendance and two dollars for each half day's attendance on said court, which amount shall be taxed as costs in the case. In all criminal trials and proceedings said fees and per diem shall be certified, audited and paid out of the county treasury monthly; fees per diem shall be certified and audited by the certificate of the municipal judge, showing the title of the case and the amount due said phonographic reporter for services therein. Section 2439, of the revised statutes shall apply to said reporter and said court.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1895.