

from and after its passage and publication, and shall be printed with the volume of the general laws for the year 1874.

Approved March 7, 1874.

CHAPTER 182.

[Published March 23, 1874.]

AN ACT to correct a clerical error in the enrollment of chapter 64 of the laws of 1874.

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

SECTION 1. The proviso at the end of section two of the act passed at the present session of the legislature, entitled "an act to amend chapter four hundred and thirty-six (436) of the private and local laws of 1870, entitled 'an act to revise, consolidate and amend the act to incorporate the city of Green Bay, and the several acts amendatory thereto,'" and published as chapter 64 of the laws of 1874, having been erroneously enrolled, is hereby declared to be and shall read as follows: "*provided*, that the treasurer and assessor shall each be freeholders of said city, and no person who may have held the office of city treasurer shall be eligible to such office for the next succeeding term thereafter."

Making certain city officers ineligible to re-election.

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

Approved March 7, 1874.

CHAPTER 183.

[Published March 24, 1874.]

AN ACT relating to the police court of the city of Eau Claire.

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

SECTION 1. The police court of the city of Eau Claire shall hereafter be called the municipal court of said city, and the police justice shall be the judge of said court, and shall be known as the municipal judge.

Style of court

Jurisdiction of court.

SECTION 2. The said municipal court shall have jurisdiction concurrently with the circuit court, to hear, try and determine all misdemeanors, and all other offenses which are punishable only by fine or imprisonment in the county jail, or both such fine and imprisonment.

Convictions and punishments.

SECTION 3. When any person or persons shall be tried and convicted in said municipal court of any such offenses, the punishment for such offenses shall be such as is now prescribed by law, and the judge of said court is hereby empowered to sentence such offenders, when so convicted, to such punishment, either by fine or imprisonment in the county jail or both such fine and imprisonment, at his discretion.

Municipal judge.

SECTION 4. The municipal judge shall have exclusive jurisdiction of all misdemeanors and other offenses arising within said city, as provided in section two of this act, and exclusive jurisdiction to conduct all examinations of offenders against any laws of this state, or persons accused of committing any criminal offense, when such offense shall be committed within the limits of said city, and of all actions arising by reason of the violation of any of the provisions of the charter of the city of Eau Claire, or of any of the ordinances or by-laws passed in pursuance thereof.

Fees of municipal judge.

SECTION 5. The provisions of the charter of the city of Eau Claire and all other laws of the state relating to the police court, shall be so construed as to apply to the said municipal court, so far as the same are not inconsistent with this act, and the jurisdiction and powers of the municipal court in both civil and criminal proceedings shall be the same as is now provided for the police court, except as modified and enlarged by this act. The judge of said court shall be allowed the same fees for his services as are now allowed by law to the police justice, and in addition to such fees he shall also be allowed the further sum of one dollar for each civil action commenced in said court, which is hereby imposed as a tax for entering such action upon the docket of said judge, which last sum shall be taxed and recovered as a part of the costs in such action in the same manner as the fees now allowed are taxed and recovered.

Attorney fees.

SECTION 6. In all civil causes brought in said municipal court, attorney's fees shall be allowed and taxed against the losing party, when an attorney of a court of record has appeared therein for the party obtaining judgment, either for damages or costs, or both, and in all cases when the amount of judgment shall be fifty

dollars or less, the attorney's fees taxed in favor of the prevailing party, shall be five dollars; and when the amount of the judgment shall exceed the sum of fifty dollars, the attorney's fees taxed in favor of the prevailing party shall be ten dollars: *provided*, that no more than five dollars attorney's fees shall be taxed when there has been no appearance by the party against whom judgment shall be rendered: *and provided, further*, that there shall be no attorney's fees taxed upon a confession of judgment.

SECTION 7. The municipal judge may provide a seal for said court, and all papers, depositions, certificates, acknowledgements, examinations and other documents, executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of a court of record. Seal of court.

SECTION 8. All summons, executions, and other suits and process both civil and criminal may hereafter be attested in the name of the municipal judge, and the form of all such suits and process may be the same as heretofore used in said police court: *provided*, that the judge of said court may alter and amend all such process and make them applicable to the municipal court, and no suit or proceeding shall be dismissed because issued by or in the name of the police justice. Summons and executions.

SECTION 9. In all criminal trials in said municipal court, and in all cases in which the city of Eau Claire shall be a party, the judge thereof may instruct the jury (when a jury trial is had) upon matters of law in relation to the case.

SECTION 10. In case of the absence, sickness or other inability of said municipal judge, or in case of a vacancy in such office, until the same shall be filled, any justice of the peace in said city shall have jurisdiction of all criminal causes and all other causes of action pending in said municipal court, and of all actions for violations of the charter of the city of Eau Claire, and the ordinances passed in pursuance thereof. In case of absence, sickness etc.

SECTION 11. The qualified electors of the city of Eau Claire shall, on the first Thursday of April, A. D. 1874, and once in every four years thereafter, elect a suitable person to the office of judge of said municipal court, to be called the municipal judge, who shall hold his office for the term of four years, and until his successor is duly elected and qualified, and the said judge shall, before entering upon the duties of his office, take Election of municipal judge.

and subscribe an oath to support the constitution of the United States and the state of Wisconsin, and to faithfully honestly and impartially discharge the duties of his said office, which oath shall be filed in the office of the city clerk of the city of Eau Claire, and a duplicate oath in the office of the clerk of the circuit court of the county of Eau Claire, and shall execute a bond to the city of Eau Claire with such security and conditions as the common council of said city may direct and approve.

Appeals.

SECTION 12. Appeals from the municipal court shall be made to the circuit court of Eau Claire county, and appeals shall be allowed in all cases tried in said court, under the laws of this state, whenever appeals are allowed from justices' courts, and the manner and form of taking such appeals may be the same as appeals from justices' courts, and all the laws of this state relating to justices courts shall be construed so as to apply to the municipal court of the city of Eau Claire, so far as the said laws do not conflict with this act.

Jury trial, how conducted.

SECTION 13. Jury trials in said municipal court may be conducted in the same manner as in justice court, until otherwise provided. The common council of the city of Eau Claire may by ordinance provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors for the said municipal court shall have the force and effect of law. Any juror when duly summoned to attend said court, and who shall not attend at the time he is summoned, shall be adjudged to be guilty of a contempt, and shall be fined in a sum not less than two nor more than ten dollars.

Power to punish contempt.

SECTION 14. The judge of the municipal court shall have the same power to punish contempts in the same manner and for like causes, and to the same extent, that the judges of the circuit courts are or may be authorized by law to punish for contempts.

SECTION 15. Nothing herein contained shall be so construed as to abridge or impair the jurisdiction of the circuit court.

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

Approved March 9, 1874.