

city or village, the office thereof may be located in such city or village, and in such case the name shall embrace the name of one or more of such adjoining towns, and the subsequent division of the territory of the towns mentioned in the articles of organization, into new towns, shall not impair any power, duty or liability of such corporation.

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

Approved April 20, 1891.

No. 776, A.]

[Published May 1, 1891.

CHAPTER 315.

AN ACT to amend chapter 197 of the laws of 1881, entitled, "An act to re-establish a municipal court in Rock county."

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

Amends chapter 197, laws of 1881, as amended by chapter 237, laws of 1887.

Appeals.

SECTION 1. Section 1 of chapter 197, of the laws of 1881, as amended by chapter 237 of the laws of 1887, is hereby amended by inserting therein after the words, "in other cases," and before the words, "civil cases," in the thirty seventh line of said section the following: Provided, that in civil cases appealable from justices' and police court judgments, the party taking the appeal, may at his option, appeal to the circuit court for Rock county, instead of to said municipal court, and provided, further, that in all cases removed from said justices' or police courts on account of the title to lands coming in question, if the party pleading such title, shall at the time of filing his answer and bond, request in writing that the papers in said case be returned to the circuit court of Rock county, the papers in such case shall be certified and returned to the circuit court, instead of to the municipal court for said county.

Amends chapter 197, laws of 1881.

SECTION 2. Section 3, of said chapter 197, is hereby amended by striking out of said section,

commencing in the thirty-first line thereof, the following words: "And when in civil cases, a change of venue is taken to a justice of the peace, such justice shall have full power and jurisdiction to hear, try and determine the same in the same manner as said municipal judge or court might have done, if no change of venue had been taken, although the value of the property in controversy, or amount of money or damages claimed or sought to be recovered shall exceed two hundred dollars, or the title to land shall come in question," and by inserting in lieu thereof the following: "And when in civil cases, a change of venue shall be taken, if the amount in controversy exceeds the sum of two hundred dollars, or the title to land shall come in question, the papers in such case shall be certified and returned to the circuit court for Rock county, and if the party seeking such change of venue, shall desire to interpose the plea of title to land, he shall file his answer, setting up such title, before making such application for such change of venue; and in cases taken from said municipal court to justices' courts, on change of venue, no answer or plea of title to land shall be received or considered by such justice, and when a change of venue shall be taken where the amount in controversy shall be two hundred dollars or less, the papers in such case shall be certified and returned to the nearest justice of the peace, who shall be qualified to try the same, who shall proceed to hear, try and determine the same." And by inserting in said section 3, after the word "appeal," and before the words "the city marshal," in the fifty-second line of said section, the following: "Provided, that if, at the time of interposing such plea of title, the person interposing the same, shall request, in writing, that the papers in said action be certified and returned to the circuit court for Rock county, such papers shall be thereupon certified and returned to said circuit court, instead of to said municipal court, and the said circuit court shall thereupon hear, try and determine the same."

Changes of
venue.

SECTION 3. Section 6 of said chapter 197 is hereby amended by striking out the words, "to be provided and suitably furnished by said city,"

Amends chapter 197, laws of 1881.

in the second and third lines of said section, and inserting in lieu thereof the following: "To be selected by the judge of said court, at an annual rental not to exceed five hundred dollars, and said judge shall provide for the care and maintenance thereof, and the annual rental, and the cost of the care and maintenance thereof, and the expense of fitting and furnishing the same, shall be borne and paid by the city of Janesville and the county of Rock, in the same proportion that the salary of the judge of said court is now paid."

Court to be held, where.

SECTION 4. In case of the sickness, absence from said county, or other disability of the judge of said municipal court, upon being notified thereof by the clerk of said court, and the entry of said notice in the records of said court, the county judge of the county court of said Rock county, may and he is hereby authorized and empowered to act as judge of said municipal court during the sickness, absence, or other disability of the judge thereof, and when so acting shall have and possess all the powers and authority, and may perform and discharge all the duties imposed by law upon the judge of said municipal court.

Person acting as judge to take oath of office.

SECTION 5. Any person authorized to act in the place of the municipal judge, under the provisions of said chapter 197, and of this act, shall take and subscribe the oath of office, prescribed by the constitution, which oath shall be filed in the office of the clerk of said city, and a duplicate thereof in the office of the clerk of the circuit court of said Rock county.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1891.