

and the person so elected to the office of municipal judge under the provisions of chapters 94 and 315, of the laws of 1889, shall exercise the powers and jurisdiction by this act conferred for the term of four years from the first Monday in January, 1894.

Repeals ch. 94
and ch. 315,
laws of 1889.

SECTION 18. Chapters 94 and 315, of the laws of Wisconsin for the year 1889, are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication Approved April 17, 1893.

No. 292 S.]

[Published April 28, 1893.

CHAPTER 242.

AN ACT to amend section 2865, and section 3070, of the Revised Statutes of 1878, relating to trial by the court or by referees, and determination on appeal.

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

Amends sec.
2865, R. S.

Referees, trial
by and powers
of.

SECTION 1. Section 2865, of the Revised Statutes, is hereby amended so as to read as follows: Section 2865. The trial by referees shall be conducted in the same manner as a trial by the court. They shall have the same power to grant adjournments and allow amendments to any pleadings as the court upon such trial, upon the same terms and with the like effect. They shall also have the same power to preserve order and punish all violations thereof upon such trial, and to compel the attendance of witnesses before them by attachment, and to punish them as for contempt for non-attendance or refusal to be sworn or testify, as is possessed by the court. And they shall give to the parties or their attorneys at least eight days' notice of the time

and place of trial. They must state the facts found and conclusions of law separately, and report their findings, together with all the evidence taken by them, and all exceptions taken on the hearing, to the circuit court; and the circuit court shall review such report and on motion enter judgment thereon or set aside, alter or modify the same, and enter judgment upon the same so altered or modified, and may require the referees to amend their report when necessary. The judgment so entered by the circuit court may be appealed from to the supreme court in like manner as from judgments in other cases, and the report of the referees may be incorporated with the bill of exceptions.

Report, how made.

SECTION 2. Section 3070, of the Revised Statutes, is hereby amended so that the same shall read as follows: Section 3070. Upon appeal from a judgment, as well as upon a writ of error, the supreme court shall review any intermediate order or determination of the court below, which involves the merits and necessarily affects the judgment appearing upon the record transmitted or returned from the circuit court, whether the same were excepted to or not, nor shall it be necessary in any case to take any exception or settle any bill of exceptions to enable the supreme court to review any alleged error, which would without a bill of exceptions appear upon the face of the records. All questions of law or fact presented by the record upon such appeal or writ of error, shall be reviewed by the supreme court, and it shall be the duty of the supreme court to examine and review the evidence when the same is preserved by a bill of exceptions, and give judgment according to the right of the cause, regardless of the decision upon questions of fact or law made by the court below, according to law and equity.

Amends sec 3070, R. S.

Appeals to supreme court, what to be reviewed.

Questions of law or fact.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.
Approved April 17, 1893.