

No. 101, A.]

[Published May 2, 1945.]

CHAPTER 86.

AN ACT to amend 60.24, 60.57, 61.19, 300.20, 300.24 and 300.26 of the statutes, relating to the number of justices of the peace in villages and towns.

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

SECTION 1. 60.24 of the statutes is amended to read:

60.24 When a new town * * * is organized, if there be one or more justices of the peace residing therein, they shall be deemed justices thereof and * * * hold their offices according to their respective terms; and * * * thereafter the number of justices shall be * * * as provided in section 60.57.

SECTION 2. 60.57 of the statutes is amended to read:

60.57 There shall be * * * one justice of the peace in each town * * * elected at * * * the annual town meeting in every odd-numbered year. Any town board may by ordinance provide for additional justices to be elected in odd-numbered years and the board may change the number of or abolish such additional offices. No reduction in the number of justices shall deprive any justice of his office. Their term of office shall be 2 years from the first Monday of May next following such town meeting; provided, that in all counties which contain a population of 500,000 or more no justices of the peace shall be elected in the odd-numbered years, except to fill vacancies, and that in the even-numbered years 2 justices of the peace shall be elected for the term of 2 years.

SECTION 3. 61.19 of the statutes is amended to read:

61.19 At the annual spring election in each village in odd-numbered years, except as otherwise provided herein, there shall be chosen the following officers, viz.: A president, a clerk, a treasurer, an assessor, a supervisor, a constable, and a justice of the peace. Any village board may provide for additional justices to be elected in odd-numbered years and the board may change by ordinance the number of or abolish such additional offices. No reduction in the number of justices shall deprive any justice of his office. In villages in counties having a population of at least 250,000 no supervisor shall be elected and the other

officers named shall be elected for a term of 2 years on the first Tuesday of April of each year in which is to be held a general election for state officers. Any other officers shall be appointed annually by the village board at their first meeting after the first Tuesday in April unless such board shall otherwise provide. No person not a resident elector in such village shall be elected to any office therein. The village clerk may appoint a deputy clerk for whom he shall be responsible, and who shall take and file the oath of office, and in case of the absence, sickness or other disability of the clerk, may perform his duties and receive the same compensation unless the village board shall appoint a person to act as such clerk.

SECTION 4. 300.20 of the statutes is amended to read:

300.20 If any justice of the peace shall be about to be absent from the county for 3 days or more or be unable from sickness to attend to business, when there shall be pending before him any matter or action undetermined, he may call in * * * or he may deliver his docket and all the papers relating to such matter or action, with a minute of his proceedings therein, to some other justice of the same town *or if there is none then the nearest justice in the county*, who may thereupon proceed to hear, try and determine such matter or action in the same manner as if such matter or action had been commenced before him and with like effect; but the parties to such matter or action, their agents or attorneys shall be notified of such transfer previous to any hearing or trial of such matter or action, and the justice having such docket may, whilst the same shall remain in his possession, upon request of any party entitled thereto, issue execution upon or give a certified transcript of any unsatisfied judgment appearing therein, with like effect as if issued by the justice so delivering such docket to him.

SECTION 5. 300.24 of the statutes is amended to read:

300.24 Whenever any town clerk shall receive the books or any papers of any justice of the peace he shall, within 10 days after receiving the same, deliver them over to some other justice of the same town *or if there is none then the nearest justice in the county* and post up a notice in 3 of the most public places specifying the name of the justice whose books and papers have been so delivered and to what justice and when the same were delivered.

SECTION 6. 300.26 of the statutes is amended to read:

300.26 All actions and proceedings before any justice of the peace and undetermined when his office shall become vacant shall be continued as of course until the expiration of 10 days from the time when the books and papers of such justice are delivered over to another justice * * * as provided by law; of which time the justice to whom such books and papers shall be delivered shall cause at least 3 days' notice to be given to the parties to such action or proceeding, or such of them as shall be within the county.

SECTION 7. *No justice of the peace whose office will cease to exist by reason of this act or chapter 173, laws of 1943 shall after the expiration of the term to which he was elected have or perform any of the functions of a justice of the peace.*

Approved April 30, 1945.

No. 104, A.]

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CHAPTER 87.

AN ACT to amend 289.49 of the statutes, relating to liens of owners of certain breeding animals or methods and providing a penalty.

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

289.49 of the statutes is amended to read:

289.49 (1) Every owner of a stallion or jackass, or bull, or semen therefrom, kept and used for breeding purposes shall have a lien upon any dam served and upon any * * * offspring gotten by such * * * animal, or by means of such artificial insemination for the sum stipulated to be paid for the service thereof, and may seize and take possession of * * * such dam and * * * offspring or either without process at any time before the * * * offspring is one year old, in case the price agreed upon for such service remains unpaid, and sell the same at public auction upon 10 days' notice, to be posted in at least 3 public places in the town where the service was rendered, and apply the proceeds of such sale to the payment of the amount due for such service and the expenses of such seizure and sale, returning the residue, if any, to the party entitled thereto; pro-