

[No. 173, A.]

[Published April 25, 1887.]

CHAPTER 238.

AN ACT relating to the assessment and taxation of bank stock, and amendatory of section 1042, of the revised statutes.

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

Amending sec.
1042, R. S.

SECTION 1. Section 1042, of the revised statutes, is hereby amended by inserting after the word, "the," in the sixth line of said section, the words, "county and," so that said section, when so amended, shall read as follows: Section 1042. All the stock of every bank or banking association, whether organized under authority of any law of this state or of any act of the congress of the United States, and all the capital stock of every person, association or other corporation whatever, engaged in the business of banking, buying and selling exchange, and receiving deposits, shall be assessed and taxed in the county and assessment district where such bank or banking association or where such person, association or corporation is located for the transaction of business.

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

Approved April 1, 1887.

[No. 236, A.]

[Published April 26, 1887.]

CHAPTER 239.

AN ACT to create a municipal court for the county of Lincoln.

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

SECTION 1. There is hereby created and established in and for the county of Lincoln, a municipi

pal court with powers and jurisdiction hereinafter specified and provided, and the judge thereof shall be known and styled, "Municipal Judge."

Creating municipal court for Lincoln county.

SECTION 2. On the first Tuesday in April, 1887, and every four years thereafter, there shall be elected in the county of Lincoln 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 in 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

Judge, when and how elected.

SECTION 3. No person shall be eligible to the office of municipal judge except an attorney of a court of record.

Who eligible.

SECTION 4. The municipal judge before entering upon the duties of his 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 of said Lincoln county, and execute a bond to said county in the penal sum of three thousand dollars, with two or more sureties to be approved by the county clerk of said county, and be 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.

Judge to take and subscribe oath of office.

SECTION 5. The municipal judge of the municipal court of Lincoln county shall hold his office at the county seat of said county, in some suitable room in the city of Merrill, in said county, provided by the board of supervisors of said county.

Judge to hold office at Merrill.

SECTION 6. The municipal court of the county of Lincoln, and the municipal judge thereof, 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

Jurisdiction.

unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars, and all charges for offenses arising within said county, and which are not punishable by commitment to state's prison, and shall have power to sentence and commit all persons convicted of any offense of which he has jurisdiction. Said judge shall have power and jurisdiction throughout said county, to cause to come before him persons who are charged with committing any criminal offense and commit them to jail, or bind them over, as the case may require. Said judge shall further have all the jurisdiction, authority, powers and rights given by law to justices of the peace, together with the power and right, in his discretion, to charge the jury, upon written charges submitted by the parties, and said judge 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 judgments of the municipal court may be filed and docketed with the clerk of the circuit court for said county, with the same effect as may be transcripts of judgments rendered by justices of the peace of said county, and appeals from said court in all cases, both in civil and criminal cases, and other proceedings may be taken in the same manner and with the like effect as are provided by law from justices' court. Nothing herein contained shall be construed to give the said municipal judge cognizance of any actions mentioned in subdivisions 1, 2 and 3, of section 3575, of chapter 154, of the revised statutes of this state.

Judgment by
confession.

SECTION 7. A judgment by confession may be entered by the judge of the municipal court for the county of Lincoln, in any sum not exceeding one thousand 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: First. 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. Second. If it be for money due, or to become due, it must state concisely the fact out of which the indebtedness arose, and must show that the sum confessed therefor is justly due, or to become due. Third. If it be for the purpose of securing the plaintiff against a contingent liability it must state concisely the facts constituting the contingent liability, and must show that the sum confessed does not exceed the same.

SECTION 8. The nearest justice of the peace of the county, in case of a vacancy in the office of municipal judge of said county, or in his absence, or inability to act, shall have all the powers (and) jurisdiction of the municipal judge, and it shall be his duty to act and discharge all the duties, and exercise all the powers and functions of said municipal judge, until such vacancy is filled, or said judge returns, or such inability to act is removed.

When nearest justice to act as judge.

SECTION 9. No action, examination or other proceeding shall be removed from said court, but whenever 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, the municipal judge shall notify the nearest justice of the peace of Lincoln county not disqualified to try said cause, or to hear said examination or other proceeding, as the case may be, whereupon it shall be the duty of said justice so notified as aforesaid to forthwith appear at said court room of said court and to discharge the duties of said municipal judge on the trial of the 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 doings of said justice of the peace while so presiding over said municipal court shall have and be of the same effect and force 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 by said municipal judge as in other cases tried before him, or may be issued by said justice of the peace. Said justice of the peace while presiding over said municipal court

Removal of causes from court.

shall receive the same fees as are allowed by law to said municipal judge for like services.

Actions, etc., may be transmitted from justice's court, when.

SECTION 10. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of Lincoln upon the oath of the defendant, his agent or attorney according to the provisions of the law for such removal, if such defendant, his agent or attorney requests in writing to such justice, that the action, examination or other proceeding, and all the papers therein, shall be transmitted to the municipal judge who shall proceed with the action, examination or other proceeding in the same manner as if originally instituted in said municipal court.

Jury trials.

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

Power of sheriffs in service of process.

SECTION 12. Sheriffs and constables of Lincoln county shall have the same power to serve and execute process as of justices' courts and shall be entitled to the same fees, and subject to the same liabilities and penalties as in justices' courts.

Judge to keep docket.

SECTION 13. The judge of said court shall keep one docket for criminal cases, trials, examinations and proceedings, and a separate docket for civil actions, and all docket entries and process shall be made, kept and filed 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 summons, writs and other process and deliver the same to attorneys of courts of record to be issued by them, who upon issuing such summons, writ or other process shall file within twenty-four hours thereafter, the affidavit, if any, upon which such summons, writ or process was based and a statement of the names of the parties to the action, the date of the summons, writ or process, the time when the same is returnable and the nature of the demand or claim, upon which the said judge shall forthwith docket said case which docket entries shall have the same force and effect as if made at the time of issuing the summons, writ or other process.

Fees of judge.

SECTION 14. The municipal judge shall have and receive the same fees in all civil actions that are now allowed by law to justices of the peace

and one dollar in addition thereto, for every civil action or proceeding in his court, where the amount demanded in the complaint or the return of the property sought to be recovered exceeds two hundred (dollars). And for his services in conducting criminal trials and examinations, he shall receive a salary of four hundred dollars per year, payable quarterly at the end of each quarter out of the county treasury of said county; but in all criminal actions and proceedings he shall tax the same fees as justices of the peace are allowed by law to tax, and if the defendant in such suit or action is convicted, insert the amount of such fees in the entry of judgment against such defendant, and if paid by said defendant return the amount thereof, with the fine paid or collected to the county treasurer of said county.

SECTION 15. In all actions in the municipal Attorneys' fees. court for the county of Lincoln the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney's fees as follows: In default cases, when the judgment is one hundred dollars or less, ten per cent. on the amount of the judgment; when the judgment exceeds one hundred dollars, the plaintiff shall recover not to exceed fifteen dollars in the discretion of the judge; in all other civil actions when the judgment is one hundred dollars or less, ten per cent. of the amount of the judgment; when the amount of the judgment exceeds one hundred dollars, on the first hundred dollars, five per cent., on the second hundred dollars, two and one-half per cent., on the third one hundred dollars, and on the balance, whatever the said judge may allow in his discretion; provided, that in no case shall said attorney's fees exceed the sum of twenty-five dollars; and in case judgment shall be for the defendant he shall be entitled to recover attorney's fees as follows: In all cases when the plaintiff shall claim in his complaint one hundred dollars or less, ten per cent. of the amount so claimed; in all cases when the plaintiff shall claim in his complaint a sum exceeding one hundred dollars, ten dollars on the first one hundred dollars, five per cent. on the second one hundred dollars, two and one-half per cent. on the third one hundred dollars, and on the balance of the amounts so claimed, whatever the said judge in his discretion may allow; provided, that in no

case shall said attorney's fees exceed the sum of twenty-five dollars. In cases for the recovery of the possession of personal property the value of the property as proved, if judgment be for the plaintiff, shall be taken as the basis upon which to compute the attorney fee, and if judgment be for the defendant the value of the property alleged in the complaint shall be taken as the basis upon which to compute the attorney fees; and in all other civil actions not herein provided for, an attorney fee of ten dollars shall be allowed the party in whose favor judgment shall be rendered; provided, that no attorney's fee shall be allowed unless the party in whose favor judgment is rendered shall appear by attorney of a court of record.

Stationery,
blanks and
dockets to be
furnished by
Lincoln
county.

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

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1887.

[No. 342, A.]

[Published April 25, 1887.]

CHAPTER 240.

AN ACT to prevent deception in the sale of cheese.

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

To prevent de-
ception in sale
of cheese.

SECTION 1. Every person who shall, at any cheese factory in this state, manufacture any cheese, shall distinctly and durably stamp or mark upon each and every box, case, or package of cheese manufactured and sold, the name and location of the cheese factory at which the same was made, together with the grade of the same, as "full cream," "half cream" or "skim-milk," or as the case may be. And if any manufacturer of cheese shall sell or dispose of any cheese without such stamp or mark, or shall falsely stamp or