

CHAPTER 301.

[Published April 30, 1861.]

AN ACT to authorize the people of the town of Stevens Point to hold a town meeting.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

When meeting
to be held.

SECTION 1. The legal voters of the town of Stevens Point, in the county of Portage, are hereby authorized and empowered to hold a town meeting at the house of S. R. Hopkins, in said town, on the 27th day of May, A. D. 1861, for the purpose of electing such officers as are by law to be elected at town meetings, and for the transaction of such other business as may be transacted at the same.

How meeting
conducted.

SECTION 2. The proceedings at such town meeting shall, in all respects, be conducted in accordance with sections 13, 14 and 15 of chapter 15 of the revised statutes, entitled "of towns and town officers; powers and duties of towns."

Terms of office of
officers.

SECTION 3. The terms for which said town officers are elected, shall expire the same as if said officers were elected on the 2d day of April, A. D. 1861.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1861.

CHAPTER 302.

[Published April 26, 1861.]

AN ACT to create the municipal court of the city and town of Ripon.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Municipal court
—its jurisdic-
tion, &c.

SECTION 1. There shall be established in the city and town of Ripon, a municipal court, for the transaction of all business that may lawfully come before it; and for that purpose, the city and town of Ripon is hereby con-

stituted a municipality. The municipal court shall be a court of record, with a clerk and seal with a suitable device, to be procured by said clerk at the expense of the city of Ripon; and there is hereby conferred upon the said municipal court, jurisdiction in all civil actions, both as to matters of law and equity, equal to and commensurate with the circuit court for the county of Fond du Lac, within the city and town of Ripon.

CHAPTER 302.

SECTION 2. The qualified electors of the city and town of Ripon, shall, on the third Tuesday of May, A. D. 1861, and once in every four years thereafter, on the day of the annual town and city election, 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. Said electors shall also elect, at the time and place aforesaid, and once in every two years thereafter, a suitable person to the office of "clerk of the municipal court," who shall hold his office for the term of two years, and until his successor is duly elected and qualified. Said clerk shall, before he enters upon the duties of his office, take an oath to support the constitution of the United States and of the state of Wisconsin, and to faithfully discharge the duties of his said office, and file the same in the office of the city clerk, and shall also execute to the city of Ripon a penal bond in such sum and with such sureties as the common council of said city shall direct, and to be by them approved, conditioned that he shall account [for] and pay over to the city treasurer all fines, penalties and moneys pertaining to either the city or county treasury, which may come into his hands in virtue of his office as clerk, on or before the Tuesday next succeeding the first Monday in November in each year.

Election of judge and clerk.

Oath and bond of clerk.

SECTION 3. The mayor of the city of Ripon, the chairman of the town board of supervisors of the town of Ripon, and the city clerk of said city, are hereby constituted the board of canvassers of the election of the "municipal judge" and "clerk of the municipal court;" and for that purpose they shall meet on the Wednesday next after the election of said judge and clerk, at the office of the clerk of the city of Ripon, and from the statements of the inspectors of the several wards of [said] city of Ripon, delivered to the clerk of said city, and from the statement of the inspectors of the

Board of canvassers, and their duties.

CHAPTER 302 town of Ripon, delivered to the town clerk of the town of Ripon, they shall make an estimate and statement of the votes for the several candidates for said offices. They shall then determine the persons who have been, by the greatest number of votes, elected, respectively, to the offices of "municipal judge" and "clerk of the municipal court;" and such determination shall be reduced to writing, certified as correct, and attested by the signatures of the said mayor of the city of Ripon, the said chairman of the town board of supervisors of the town of Ripon, and the clerk of the city of Ripon, and shall be filed and recorded by the said city clerk. The clerk of the city of Ripon shall immediately make out, in pursuance of the determination of such board of canvassers, a certificate of election for each person having the greatest number of votes for the office of municipal judge and clerk of the municipal court, and deliver the same to such person upon his making application therefor. If either of the members of the board of canvassers shall fail or be unable to attend, at the time and place in this section before appointed, the member or members then present shall take to his or their assistance one or two justices of the peace of the county of Fond du Lac, as the case may require, who shall for that occasion constitute the board of canvassers, and shall proceed in all things as the board of canvassers are in this section hereinbefore directed.

Oath of office.

SECTION 4. The judge of the municipal court shall, before entering upon the duties of his office, take and subscribe an oath to support the constitution of the United States and [of] the state of Wisconsin, and to faithfully, honestly and impartially discharge the duties of his said office, which oath may be administered by any justice of the peace or other officer authorized by the laws of this state to administer oaths, and shall be filed in the office of the clerk of the city of Ripon.

Power and authority of court.

SECTION 5. The said municipal court shall have full power and authority to issue all legal and civil and criminal process proper and necessary to carry into effect the jurisdiction given it by this act; and to carry out such jurisdiction, shall have and possess all the powers usually possessed by courts of record under the common law, under the limitations and regulations imposed by statutes.

SECTION 6. The board of supervisors of the town of Ripon, shall annually, on or before the last day of May of each year, select and return to the clerk of said court the names of thirty-six persons, citizens of said town, qualified to serve as petit jurors in Fond du Lac county; and the common council of said city of Ripon shall, in like manner, select and return as aforesaid from the citizens of each ward thereof, the names of thirty-six persons qualified as aforesaid, as petit jurors. The clerk of the municipal court shall, in the presence of the marshal of said city, and a justice of the peace of the county of Fond du Lac, proceed to draw a petit jury for the municipal court, in the manner provided in chapter 209 of [the] general laws of 1860, and the same proceeding shall be had as are provided to be had in the circuit courts of this state, in civil and criminal cases; and the provisions of chapter 118 of the revised statutes, is hereby extended to and over the municipal court hereby created, so far as the same may be applicable.

CHAPTER 302.

Petit jury for municipal court.

SECTION 7. The rules of practice and proceedings of said municipal court shall conform, as near as practicable, to the rules of practice and proceedings of the circuit courts of this state. All laws conferring powers and jurisdiction, or regulating the proceeding of circuit courts, or the judges thereof, in civil cases, are hereby extended to and over the municipal court, and the judge thereof, so that the said municipal court and the judge thereof may do and perform all acts, matters and things which may be done and performed by the circuit court of Fond du Lac county, or the judge thereof, in civil cases.

Rules of practice of court.

SECTION 8. The municipal court shall be held at some suitable place in the city of Ripon, to be provided by said city. There shall be four general terms of said municipal court, for which terms petit jurors shall be drawn. Such terms shall be held, for the year 1861, as follows: on the first Monday in May, the first Monday in August, the second Monday in October, and the first Monday in December; and thereafter they shall be held in each year as follows: on the third Monday in April, the second Monday in July, the second Monday in October, and the first Monday in December.

Terms of court, &c.

SECTION 9. The clerk of the municipal court shall have the custody and care all of the books, papers and records of the court. He shall be present at all trials,

Powers and duties of clerk.

CHAPTER 302.

unless absent from sickness, or with the consent of the judge, in which case the court may appoint some person temporarily in his place; and in case of a vacancy occurring in the office of said clerk of said court, the judge thereof shall appoint some person as clerk until the vacancy can be filled by an election. The clerk may swear all witnesses and jurors, and administer oaths and affirmations. He shall keep minutes of all the proceedings, and enter the judgments, and make up and keep the records of the court. He shall issue all processes under his hand and the seal of the court, and tested in the name of the judge thereof, signing himself, "clerk of the municipal court," and tax costs.

Docketing of judgments.

SECTION 10. On filing a judgment roll upon a judgment, directing, in whole or in part, the payment of money, it may be docketed with the clerk of the municipal court, when rendered in said court, and shall be a lien on the real property, in the town and city of Ripon, of every person against whom such judgment shall be rendered, and which he may have at the time of docketing thereof, in the said town or city, or which he shall acquire at any time thereafter for ten years from the time of docketing the same in said town or city. A transcript of the original docket of any judgment docketed with the clerk of the municipal court, may be filed with the clerk of the circuit court in any county in this state, and when so filed, shall have the same force and effect, and be a lien upon the real estate of the defendant in said county, as provided in section 36 of chapter 132 of the revised statutes, [statutes.]

Officers of the court.

SECTION 11. The sheriff of Fond du Lac county and the city marshal of the city of Ripon, shall be officers of the municipal court. Either one of them may serve its process and carry into effect its lawful orders, judgments and biddings.

Powers and duties of court.

SECTION 12. All the general provisions of the statutes of the state of Wisconsin relating to the powers and duties of the circuit courts of this state in civil cases, shall apply to the municipal court hereby established, as they now exist or as shall hereafter be provided for the circuit courts of the state.

Contempt.

SECTION 13. The judge of the municipal court shall have 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 14. The judge of the municipal court may be removed from office in the manner provided for the removal of judges of the supreme or circuit courts, in the constitution of this state.

CHAPTER 302.

Judge may be removed.

SECTION 15. The process of the municipal court shall be, in substance, the same as is used in the circuit courts of this state, and the municipal court may, by rule, direct the practice of the same, and the form and direction of process, when not otherwise provided by law; and the process of said courts may be served in any part of this state.

Rules and practice.

SECTION 16. The judge of the municipal court shall have power whenever there shall happen to be a deficiency of jurors for any cause whatever, to award a special venire or venires through the term, or any day or days of the term, to summon a number of jurors sufficient to complete the number of the original panel.

Special venires.

SECTION 17. The judgments of the municipal court may be examined and reviewed by the supreme court, either upon appeal, writs of error or otherwise, in the same manner and to like extent as the judgments of the circuit courts of this state.

Review of judgments.

SECTION 18. The fees of jurors, witnesses, sheriffs and other officers, and the taxable costs of suits, shall be the same as are taxed respectively in similar cases in the circuit courts of this state.

Fees.

SECTION 19. The municipal court may, in its discretion, grant such continuances of cases pending before it as may be necessary. When the court is not in session, the clerk, on application, shall have the power to take bail for the appearance of the person under arrest before the court, subject to the revision of the court.

Continuances.

SECTION 20. The city attorney shall be the prosecuting officer in all city prosecutions before the municipal court.

Prosecuting officer.

SECTION 21. From and after the taking effect of this act, all appeals in civil actions from justices of the peace, in said city and town of Ripon, shall be taken to said municipal court, instead of the circuit court of the county of Fond du Lac, as now provided by law; and the like proceedings therein shall be had in said municipal court, and such appeals shall be tried and determined therein, in the same manner as is by law required in the circuit courts.

Appeals from justices.

CHAPTER 302.

Blanks, stationery, &c.

SECTION 22. The clerk of the municipal court shall, under the direction and with the consent of the board of the common council of the city of Ripon, (unless otherwise provided,) from time to time procure and furnish all the necessary blanks, stationery, court, jury room and office furniture, book and paper cases, desks, record books, lights and fuel, for the use of the court and of the clerk thereof, at the expense of the city of Ripon, for one-fourth of which expense the town of Ripon shall be indebted to, and pay the same to the city of Ripon.

Vacancies—how filled.

SECTION 23. Upon the happening of a vacancy in the office of municipal judge or clerk, the sheriff of Fond du Lac county shall by proclamation notify the electors of the city and town of Ripon thereof, and at the same time order an election to be held to fill the same for the unexpired term, giving at least twenty days' notice to the several wards of the city of Ripon and town of Ripon, of the time and place thereof. Such election shall be for the unexpired part of the term of office, and no longer.

Removal of civil actions from circuit to municipal court.

SECTION 24. From and after the taking effect of this act, any resident of the city of Ripon or town of Ripon, against whom a civil action or proceeding shall be commenced in the circuit court for the county of Fond du Lac, may demand that the place of trial be changed from the said circuit court to the said municipal court, and if not changed by the plaintiff, the change of place of trial shall be granted upon motion by the court: *provided*, the party or parties desiring the change of place of trial from said circuit court to the said municipal court, shall demand such change before the time to answer shall expire.

Change of venue

SECTION 25. In granting a change of place of trial, the judges of the circuit courts of this state may change the same to the municipal court by this act created, as well as to the circuit court of any other county: *provided*, that no cause specified in chapter 123 of [the] revised statutes exists against such change.

Suit tax.

SECTION 26. On each civil suit in the municipal court, there shall be levied a tax of one dollar, which shall be paid to the clerk at the time of the commencement thereof, and shall be paid to the judge of the municipal court, as part of his fees. Said sum of one dollar shall be taxed in the bill of cost, and recovered as other costs of suit.

SECTION 27. Costs shall be taxed in the municipal court in the same manner as in the circuit courts of this state. CHAPTER 302.
Taxing costs.

SECTION 28. The judge of the municipal court shall, in all civil actions and proceedings, receive such fees as are hereinafter provided, to be taxed for the services of said municipal judge, or to be paid to the said municipal judge. Fees of judge.

SECTION 29. The judge of said municipal court shall have the same power to hold special or adjourned terms of his court, as is now or may hereafter be conferred on the circuit courts of this state. Special terms.

SECTION 30. The use of the jail of Fond du Lac county shall be granted to the said municipal court, for the confinement of all persons sentenced by said court to imprisonment for contempt, or otherwise; and every such person shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible, as in other cases. Confinement.

SECTION 31. The judge of said municipal court shall not have power to try and determine any cause in which he shall be interested, or in which he shall have acted as counsel for either party, except by agreement of the parties; and in all cases where said judge shall be a party or shall have been counsel for either party, he shall transmit the cause to the circuit court of Fond du Lac county, certifying the reasons as aforesaid; and the circuit court shall thereupon proceed to try and determine the same, in the same manner and order as if it had originated in the circuit court. Causes not to be tried by the judge.

SECTION 32. In all civil actions or proceedings in said municipal court, the judge of said court shall receive the following fees for his services in term time or at chambers: Fees in civil actions.

For all services in any amicable action, when judgment is confessed on the first appearance of parties, one dollar and fifty cents. Confession of judgment.

For every continuance or adjournment of a cause, fifty cents. Adjournment, &c.

For taking bail, recognizance or other security when required by law, and approving the same, fifty cents. Bail, &c.

For every order or notice required to be made or given by the municipal judge in the progress of a cause, except orders made on the day of trial, one dollar. Order, &c.

For all services in a cause wherein judgment is con- Confession of judgment on return of process

<u>CHAPTER 302.</u>	fessed by defendant, or cause disposed of without trial on the merits, on return of process, two dollars.
Trial without jury. ;	For all services on the trial of a cause without a jury, including the rendition of judgment, two dollars and fifty cents; and in case the trial shall exceed one day, two dollars for every additional day.
Trial with jury.	For all services on the trial of a cause with a jury, including receiving and entering verdict and rendering judgment, four dollars; and if the jury be discharged and a new trial ordered, or the cause otherwise disposed of, two dollars; and in case the trial shall exceed one day, two dollars for every additional day.
Discontinuance.	For every judgment of discontinuance, after adjournment or dismissal of the action, or proceedings without trial, one dollar.
Habeas corpus, &c.	Deciding upon an application for a writ of <i>habeas corpus</i> or <i>certiorari</i> , seventy-five cents, whether such writ be allowed or not.
	Every attendance upon the hearing of any motion for any order which said judge is authorized to grant, fifty cents, and the like fee for attendance upon any motion for any official act to be done by said judge when no fee is specially provided for such act.
Next friend.	Admitting any person to prosecute as the next friend, or to defend as guardian of any infant, twenty-five cents.
Commissioner.	Every order for a commissioner to examine witnesses, twenty-five cents.
Certificate, &c.	Attending, settling and certifying interrogatories to be annexed to a commission, seventy-five cents.
Order to examine witness.	Every order for the examination of a witness conditionally, or upon any proceedings to perpetuate his testimony, fifty cents.
Per diem.	Every day's attendance on examination of such witness, two dollars.
Order.	Every necessary order in the progress of a cause, except orders to stay proceedings, fifty cents.
Signing Judg't.	Signing a judgment, twenty-five cents.
Taxing costs.	Taxing a bill of costs, twenty-five cents.
Acknowledgm't.	Taking the acknowledgment of satisfaction of a judgment, twenty-five cents.
Bond, &c.	Taking a bond, undertaking or recognizance, when the same is required or authorized by law, fifty cents.
Sureties.	For deciding on the sufficiency of sureties, and cer-

fyng such sufficiency in cases were it shall appear, CHAPTER 302.
fifty cents.

For every precept for a jury, summons for a witness or attachment against a witness, fifty cents. Precept, &c.

Receiving and filing the petition and accompanying papers of insolvent debtor, fifty cents. Filing petition, &c.

For every order, warrant, certificate or appointment of assignees in such proceedings, fifty cents. Order, &c.

For deciding upon the propriety of directing an assignment of the estate of an insolvent debtor, one dollar. Assignment.

Signing the discharge of an insolvent debtor, one dollar. Discharge.

For attending to the selection of referees and certifying their appointment, fifty cents. Referees.

For every order, warrant or attachment made or issued in any special proceeding authorized by law, fifty cents. Special proceedings.

For every notice to any party, officer or person, required to be given by such officer, fifty cents. Notice.

For every report and all other papers and proceedings which he may be required by law to prepare, in order to be signed by himself, in cases where no specific allowance shall have been made for such paper or proceeding, for drafting the same, twenty cents for each folio, and for copying, ten cents for each folio. Per folio.

Hearing and deciding on the return of a writ of *habeas corpus*, two dollars. Hearing *habeas corpus*.

For administering an oath in cases where no fee is specifically provided for by law, and certifying the same when required, twelve cents. Administering oath.

For taking and certifying the acknowledgment or proof of any conveyance or mortgage of real estate, or any other instrument which by law may be recorded, twenty-five cents for each person making such acknowledgment, or whose execution of such conveyance, mortgage or instrument shall be proved. Acknowledgm'ts

Taking a surrender of principal in any cause, twenty-five cents. Surrender.

For a commitment of such principal, fifty cents. Commitment.

Allowing a writ of *habeas corpus* or *certiorari*, fifty cents. Allowing *habeas corpus*.

A warrant of restitution, or to put any person in possession of land, one dollar. Warrant restitution.

For marrying and making certificates and return thereof, one dollar and fifty cents. Marrying.

CHAPTER 306. For perusing a bill or petition for an injunction, or
 Injunction, &c. *ne exeat*, and allowing or refusing writ, one dollar.
 Eligibility.

SECTION 33. No person shall be eligible for election to the office of judge of the municipal court, unless such person, at the time of his election, shall be a resident either of the city or town of Ripon.

Public act.

SECTION 34. This act shall take effect and be in force from and after its passage and publication. It is hereby declared to be a public act, and shall be favorably construed in all courts and places.

Approved April 15, 1861.

CHAPTER 306.

[Published April 30, 1861.]

AN ACT to revise [revive] and amend an act entitled an act to incorporate the La Crosse and Black River Falls railroad company, approved March 3d, 1855.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Revived.

SECTION 1. An act entitled "an act to incorporate the La Crosse and Black River Falls railroad company," approved March 3d, 1855, is hereby revived and declared to be in full force and effect.

Time extended.

SECTION 2. The time limited by the 18th section of the said act, hereby revived and amended, is hereby extended until the third day of March, in the year 1866.

Corporators.

SECTION 3. Leonard Lottridge, Thomas Spence, Harvey Rumsey, Theodore B. Edwards and Moses Anderson of the city of La Crosse, Charles M. Nichols of Onalaska, Chase A. Stevens of Stevenstown, Hugh Douglass of Melrose, William T. Price, D. D. Cheeney and Thomas O. Hearn of Black River Falls, are hereby declared corporators in said company, and shall constitute the board of directors of said company, instead of the persons named in the third section of said act, and shall have all the rights, powers and authority conferred by said act upon the first board of directors, and shall discharge all the duties of such directors.