

[No. 185, A.]

[Published March 11, 1878.]

CHAPTER 107.

AN ACT to amend chapter twenty-five of the laws of 1876, entitled "An act to create a municipal court for the county of Chippewa."

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

Amendment;
vacancy—how
filled.

SECTION 1. Section two, chapter twenty-five of the general laws of 1876, entitled "An act to create a municipal court for the county of Chippewa," is hereby amended by adding thereto, at the end thereof, the words, "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."

The nearest
justice of the
peace shall
have jurisdic-
tion.

SECTION 2. Section eight of said chapter is hereby amended by striking out the words "county judge" when they appear in the first line of said section, and by inserting in lieu thereof the words "the nearest justice of the peace of said county," so that said section when amended shall read as follows: The nearest justice of the peace of said county, in case of a vacancy in the office of the municipal judge of said county, or in his absence or inability to act, shall have all the power and jurisdiction of the municipal judge, and it shall be his duty to act in the same, and discharge all the duties of said municipal judge until such vacancy is filled by election or such absence or inability to act by the municipal judge is removed.

Actions and
proceedings not
to be removed.

SECTION 3. Section ten of said chapter is hereby amended so as to read as follows: 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 proceedings, or that said judge is a material witness in said action, or is within the forbidden degree of consanguinity, the municipal judge shall notify the nearest justice of the peace in the county of Chippewa not disqualified to try said case or to hear said examination or other proceeding, for the reason stated above, to appear and try said action, 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 the court room of said municipal court, and to discharge

Procedure in
case of incom-
petency of mu-
nicipal judge.

the duties of judge of said municipal court on the trial of said 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 force and effect 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 as in other cases tried before said municipal judge. Said justice of the peace, while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like service.

SECTION 4. Section twelve of said chapter is hereby amended by striking out the words "in the court house," where they appear in third line of said section, and the words "to be selected by the county board of supervisors of," where they appear in lines three and four of said section, so that said section, when amended, shall read as follows: "The judge of the municipal court of Chippewa county shall hold his office in some suitable room at Chippewa Falls, Chippewa county."

Office of judge
to be at Chip-
pewa Falls.

SECTION 5. Said chapter twenty-five is hereby amended by adding thereto an additional section, to be known as section fifteen, as follows: "In all actions in the municipal court for the county of Chippewa, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney-fees, as follows: On all judgments taken by default, when the amount of the judgment exceeds one hundred dollars, and is less than three hundred dollars, ten dollars; when the amount of the judgment is three hundred dollars or upwards, fifteen dollars. On all other judgments, when the amount does not exceed one hundred dollars, an amount equal to ten per cent. of the amount of the judgment. When the amount of the judgment exceeds the sum of one hundred dollars, ten dollars on the first one hundred dollars, and five per cent. on the amount of the judgment in excess of one hundred dollars: *provided*, that in no case shall the amount of the attorney-fees exceed the sum of twenty dollars. And in case judgment shall be for the defendant, he shall be entitled to recover attorney-fees, as follows: In all cases where the plaintiff shall claim in his complaint one hundred dollars or less, an assessment equal to ten per cent. of such claim; in all cases where the plaintiff shall claim in his com-

Rights of
plaintiff.

Rights of
defendant.

Attorney fees.

plaint a sum over one hundred dollars, ten dollars for the first one hundred dollars, and five per cent. on the amount claimed in excess of one hundred dollars: *provided*, that in no case shall the amount of the attorney's fees exceed the sum of twenty dollars. The provisions of this act shall apply to proceedings for the recovery of possession of personal property, and the value of the property found and claimed shall be the basis for the taxation of attorney's fees, and in all other civil actions not herein provided for, an attorney fee of ten dollars shall be allowed to the party in whose favor the judgment is rendered: *provided, however*, that no attorney fee shall be allowed unless the party who recovers judgment shall appear by an attorney of a court of record.

Confession of judgment; limit.

SECTION 6. A judgment, by confession, may be entered before the municipal judge of the municipal court for the county of Chippewa, in any sum not exceeding five hundred 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 it 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 fact constituting the liability, and must show that the sum confessed does not exceed the same.

Oath of defendant.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1878.

[No. 359, A.]

[Published March 12, 1878.]

CHAPTER 108.

AN ACT to appropriate to Hugh Lewis a sum of money therein named.

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

Appropriation.

SECTION 1. There is hereby appropriated from the general fund out of any money not heretofore appro-