

be drawn from the treasury under the provisions of section one hundred and seventy-two of the revised statutes.

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

Approved February 26, 1880.

[No. 61, S.]

[Published February 27, 1880.]

CHAPTER 47.

AN ACT to appropriate to the institution for the education of the deaf and dumb a sum of money therein named.

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

SECTION 1. There is hereby appropriated to the institution for the education of the deaf and dumb, out of any money in the general fund not otherwise appropriated, the sum of fourteen thousand (14,000) dollars, to meet the current expenses of the institution to March 1, 1880, the current expense fund of the institution having been exhausted by the exigency occasioned by the burning of its main building. Appropriation,
\$14,000-

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

Approved February 26, 1880.

[No. 97, A.]

[Published March 2, 1880.]

CHAPTER 48.

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

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 Barron, a municipal court, with the powers and jurisdiction hereinafter specified and provided. Municipal court
established.

SECTION 2. On the first Tuesday in April, A. D. 1880, and every four years thereafter, there shall be elected in the county of Barron, 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 of 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, Time of elec-
tion of munici-
pal 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.

Persons inel-
ligible.

SECTION 3. No person shall be eligible to the office of judge of said municipal court, except an attorney of a court of record, and such judge shall hold no other county office during the term for which he is elected.

Judge to take
oath of office
and give bond
in the sum of
\$3,000.

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 for said county, and execute to the said county a bond in the sum of three thousand dollars, with two or more sureties, to be approved by the county treasurer of said county, and recorded and filed as provided in section seven hundred and two 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.

Office to be at
county seat.

SECTION 5. The judge of the municipal court of Barron county shall hold his office at the county seat of said county, in the court room of the court house, or in some other suitable room thereat, to be provided by the board of supervisors of said county.

Jurisdiction of
court.

SECTION 6. The municipal judge of the county of Barron 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 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 the state 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 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, and shall be subject to the same prohibitions and penalties

Practice same -
as justice court.

as justices of the peace. The proceedings and practice of said court shall in all respect be governed, as far as practicable, by the laws relating to justices' courts of this state, and transcripts of the 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, civil and criminal, from said court, may be taken in the same manner and with like effect as are provided by law from courts of justices of the peace. Nothing herein contained shall be construed to give said municipal judge cognizance of any actions mentioned in subdivisions one, two and three of section three thousand five hundred and seventy-three of chapter one hundred and fifty-four of the revised statutes.

SECTION 7. A judgment, by confession, may be entered before the judge of the municipal court for the county of Barron, in any sum not exceeding five hundred dollars, without action, either for money due or to come 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 money due or to come 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.

Of judgments entered by court.

SECTION 8. 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 powers 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 or such absence or inability to act by the municipal judge is removed.

In case of vacancy.

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

When judge is pecuniarily interested in proceedings.

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 in the county of Barron, not disqualified to try said case, 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 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.

Upon removal
of case from
justice to muni-
cipal court.

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

Trial by jury.

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

Of sheriffs and
constables.

SECTION 12. Sheriffs and constables of Barron county shall have the same power to serve and execute process of this court as of justices' courts, and shall be entitled to receive the same fees as in justices' courts.

Judge to keep
docket.

SECTION 13. The judge of said court shall keep one docket for criminal trials and proceedings, and a separate docket for civil actions, and all docket entries and process shall be made and kept 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.

SECTION 14. The same fees in all actions, civil and criminal, that are now allowed by law to justices of the peace, it shall be lawful for said municipal judge to charge and collect, and one dollar in addition thereto for every civil action or proceeding in his court. For his services in conducting criminal trials and examinations of offenders, he shall receive a salary of three hundred dollars per year for the first term of said judge, payable quarterly at the end of each quarter out of the treasury of said county, and thereafter a salary of not less than three hundred dollars per year, payable in like manner, to be fixed by the board of supervisors of said county, as provided in section six hundred and ninety-four of the revised statutes. He shall pay over to the treasurer of said county all fines paid him, imposed under the laws of this state.

SECTION 15. In all actions in the municipal court for the county of Barroon, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney fees as follows: On all judgments taken in actions wherein the defendant does not appear and answer or demur, 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 complaint 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 fees exceed the sum of twenty dollars. The provisions of this section shall apply to proceedings for the recovery of possession of personal property, and the value of the

Of fees.

Attorney fees.

Not to exceed \$21.00.

property, as found, if judgment be for the plaintiff, and as claimed, if judgment be for the defendant, shall be the basis for the taxation of attorney 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.

Stationery and
blanks for
office.

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

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

Approved February 27, 1880.

[No. 131, S.]

[Published March 2, 1880.]

CHAPTER 49.

AN ACT to authorize the construction of a dam across the south branch of the Embarrass river, in Shawano county.

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

Location of
dam.

SECTION 1. F. S. Breed, his associates and assigns, are hereby authorized to erect and maintain a dam across the south branch of the Embarrass river, at a point on the north half of the southwest quarter of section number ten, township number twenty-six north, of range number twelve east, and to erect and maintain mills, machinery and necessary appendages, to enable him or them to use the water of said river for hydraulic and boomage purposes: *provided*, that said dam shall not raise the water to exceed eighteen feet.

Water not to be
raised over
eighteen feet.

Suitable slides
to be built.

SECTION 2. The aforesaid person, his associates and assigns, shall build suitable slides and chutes in said dam, so as to allow the free passage of logs and timber over said dam, and shall have full control of said dam, at all times, except for flooding and driving purposes: *and provided*, that he or they shall be subject to all of the provisions of chapter one hundred and forty-six, revised statutes, and acts amendatory thereto, so far as applicable hereto.

Logs etc., to
pass free.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1880.