

such request shall be made within thirty days after the passage by the respective town, or village board or common council of the city of a resolution or ordinance authorizing the issue of such bonds then the question of the issue of such bonds shall be submitted to a vote of the people in accordance with the provisions of section 943 of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 16, 1921.

No. 48, S.]

[Published March 19, 1921.

### CHAPTER 31.

AN ACT to amend section 2180 of the statutes, relating to estates by curtesy.

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

SECTION 1. Section 2180 of the statutes is amended to read: Section 2180. The husband on the death of his wife shall hold the lands of which she died seized and which were not disposed of by her last will and testament for his life as tenant thereof by the curtesy; provided, that if the wife, at her death, shall leave issue by any former husband, to whom the estate might descend, such issue shall take the same discharged from the right of the surviving husband to hold the same as tenant by the curtesy; *provided further, that in case of any husband whose wife dies after August 31, 1921, then any right of curtesy he may have attained shall be extinguished upon his remarriage.*

SECTION 2. This act shall take effect and be in force from and after the thirty-first of August, 1921.

Approved March 16, 1921.

No. 219, A.]

[Published March 19, 1921.

### CHAPTER 32.

AN ACT to abolish the municipal court of Chippewa county and to confer civil and criminal jurisdiction on the county court of Chippewa county.

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

SECTION 1. Chapter 25 of the laws of 1876, chapter 107 of the laws of 1878, chapter 381 of the laws of 1885, chapter 510 of the

laws of 1887, chapter 89 of the laws of 1889, chapter 295 of the laws of 1891, chapter 54 of the laws of 1909, chapter 288 of the laws of 1915 and chapter 584 of the laws of 1915 are hereby repealed, and the municipal court of Chippewa county is hereby abolished. All actions pending in said municipal court at the time this act takes effect shall be transferred into the county court of Chippewa county. All public records of every nature of said municipal court shall be transferred to the county judge of Chippewa county and shall thereafter be considered and treated as the records of said county court in the same manner as if such records had originally been made in said county court and with the same authority in regard thereto as though said records were still in the official custody of the municipal judge, had said municipal court been continued.

SECTION 2. There is hereby conferred on the county court of Chippewa county jurisdiction of the following actions, matters and proceedings, to wit:

1. The said county court shall have and exercise jurisdiction concurrent with and equal to the jurisdiction of the circuit court of said county in all civil actions, suits and proceedings, either at law or in equity, of every kind and nature and in all special proceedings of every kind and nature, except in actions at law where the debt or balance due or damages claimed in the complaint exceeds the sum of twenty-five thousand dollars.

2. The said county court shall also have and exercise jurisdiction in bastardy actions and in all criminal cases except murder, manslaughter and homicide. Subject to the exceptions aforesaid the said county court shall be a court of general jurisdiction, with the same power and jurisdiction to issue writs and processes of every kind and nature, and to hear, try and determine all civil and criminal suits, actions and proceedings of every nature and kind, as are now or may hereafter be conferred by the constitution or statutes of this state upon the circuit courts and circuit judges of this state.

SECTION 3. Appeals from judgments of police justices, municipal judges and justices of the peace in said county in all criminal and civil actions may hereafter be taken either to the circuit court or county court of said county, at the option of the appellant, and if taken to the said county court such appeals shall be tried and determined therein in the same manner as is by law required in the circuit court and in accordance with the rules and prac-

tice of the county court of Chippewa county in force at the time of such trial, and all laws providing for taking appeals in civil actions from justices of the peace or justices' courts of said county, or from police courts or municipal courts of said county, shall be construed to apply equally to such appeals when taken to said county court.

SECTION 4. 1. All examinations, recognizances and commitments from or by any examining magistrate of said county, including the county judge of said county, when such judge acts as an examining magistrate, in bastardy cases and in all criminal action, except charges of murder, manslaughter and homicide, may hereafter be certified and returned, either to the circuit court or county court of said county, at the option of the defendant, within the time prescribed by law, and the attendance of witnesses in said county court upon the trial of any person so committed, certified or returned, shall be secured in the same manner as provided by law in the circuit court, and the said county court shall have power to appoint any attorney or counselor to defend a person charged with any offense, in the same manner and upon the same conditions as the circuit court may now or hereafter appoint any attorney or counselor to defend persons charged with any offense, and no justice of the peace within said county shall exercise any jurisdiction in criminal cases where the offense charged is punishable by imprisonment in the state prison.

2. The county judge of Chippewa county shall have jurisdiction in any criminal case to sit as an examining magistrate for the purpose of holding preliminary examinations with the same authority as is by law conferred upon examining magistrates. Upon proper showing being made before him at any preliminary examination the person charged with a crime shall be bound over for trial, either to the county court or circuit court at his option; and in the event that the person so charged with a crime does not exercise such option the county judge as examining magistrate may exercise said option for him and bind the defendant over for trial either to the county court or circuit court.

SECTION 5. Every issue of law in any civil action or proceeding in said court, and every issue of fact in any action heretofore cognizable only in a court of equity, shall be tried by the court, but the court may order such issue of fact to be tried by a jury; every issue of fact, in a civil case, properly triable by a jury, and not heretofore cognizable in a court of equity shall, on demand of

either party, as hereinafter provided, be tried by a jury of not less than twelve persons, unless a less number be agreed upon by the parties, and if no jury be demanded by either party, shall be tried by the court. Every criminal action shall be tried in the same manner as in the circuit court, unless a jury is expressly waived as herein provided.

SECTION 6. The county judge shall have all the jurisdiction and powers that are now or hereafter may be conferred upon justices of the peace in said county in all civil and criminal actions and proceedings and the power to hear and determine all such cases although the title to land may come into question therein, and shall have jurisdiction to try all actions arising under the ordinances of the city of Chippewa Falls and of Chippewa county.

All provisions of law which may at any time be in force relative to justices' courts, to actions and proceedings and judgments therein, and appeals therefrom, in civil and criminal cases, shall apply to said county court, so far as applicable, except as otherwise provided herein.

The judge of said court shall keep a justice docket, shall have the care and custody of all books, papers and records therein, shall preside at trials, administer oaths, issue process as in other cases, tax the costs, and perform all of the duties required of and imposed upon justices of the peace in such cases.

All fines and all costs collected by the judge in every civil action and in all criminal prosecutions and proceedings under the general statutes of this state tried or determined by the county court, which, if tried or determined by a justice of the peace would be paid over to the county treasurer, shall be accounted for and paid over quarterly by the judge of said county court unto the county treasurer of the county of Chippewa and in like manner all fines and costs collected by the judge in every civil action and in all criminal prosecutions and proceedings under the ordinances of the city of Chippewa Falls tried or determined by the county court shall be accounted for and paid over quarterly by the judge of said county court unto the city treasurer of the city of Chippewa Falls.

Costs and fees shall be taxed and allowed in the same amount as would be allowed in justice court.

The fees of witnesses, jurors and officers shall be the same as would be allowed in justice court for similar services, except when otherwise provided.

The judge of said court shall be disqualified to hear or deter-

mine any case in which he shall have acted as counsel for either party, except by agreement of the parties.

In case of the disqualification of said judge to hear, try or determine any case, or in case of his disability, sickness or temporary absence, or in case of a change of venue from him, he shall, by an order in writing filed and recorded in said court, appoint a properly qualified justice of the peace, not otherwise disqualified, to discharge the duties of such judge relative to such action or proceeding, or during such disability, sickness or temporary absence. The justice of the peace so appointed shall have all the powers of such judge over the actions and proceedings that may come before him. He shall receive for his services the sum of five dollars per day to be paid out of the county treasury.

When acting under the provisions of this section said court shall not be a court of record and no state tax shall be collected on cases commenced in said court by virtue of this section.

The provisions of this section shall apply only to actions and proceedings within the jurisdiction of justices of the peace and to no other actions or proceedings whatsoever. And no other section of this act shall have any application whatsoever to the actions or proceedings within the jurisdiction of justices of the peace.

In civil actions brought under this section, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney's fees as follows: On all judgments taken by default, the sum of ten dollars; on all other judgments, ten per cent of the amount of the judgment, provided that the minimum attorney's fee in such cases shall be the sum of ten dollars; and like fees shall be allowed to the defendant when judgment shall be rendered in his favor, the basis on which the percentage shall be figured in such cases being the sum for which the complaint of the plaintiff demands judgment; and in all other civil actions not herein otherwise provided for, the sum of ten dollars.

SECTION 7. All judgments, orders and decrees, made and entered in and by said county court shall have the same force, effect and lien and be executed and carried into effect and enforced as judgments, orders and decrees made and entered in the circuit court and all the remedies given and proceedings providing for the collection and enforcement of the judgments, orders and decrees of the circuit court shall apply to and be exercised by and pertain to the said county court, provided however, that it shall be necessary to transcript a judgment of said

county court rendered when said court is acting within the jurisdiction of a justice of the peace under the provisions of section 6 of this act.

SECTION 8. Any person, firm, copartnership, corporation, mutual association or other body having corporate powers, aggrieved by any order, judgment, decree, determination or denial of said county court, shall have the right to have the same reviewed by a writ of error or appeal from the county court to the supreme court. In all appeals from said county court to the supreme court the law and rules of practice relating to circuit courts shall govern and control. In all proceedings the jurisdiction of said county court may be tried and determined by a writ of certiorari issued from the circuit court.

SECTION 9. There shall be held at the county seat of said county two general terms of said county court, a term on the second Tuesday of January and June of each year. Special terms of said court may be called and held by order of the judge of said court, a copy of which order shall be mailed at least fifteen days before such special term to each of the practicing attorneys of said county.

SECTION 10. Judgments may be had and entered in said county court, subject to the limitations of the jurisdiction of said court, if the defendant fail to answer the complaint, in the same manner and in like cases wherein judgments may now be had and entered in circuit court in vacation, and the clerk of said court shall have the same powers and authority relative thereto as the clerk of the circuit court has by law.

SECTION 11. If the judge authorized to hold such court shall not attend for that purpose before two o'clock in the afternoon of the day appointed for such court to meet, it shall be the duty of the sheriff or clerk to adjourn said court from day to day for three days, unless the judge shall sooner appear, and if the judge does not appear within that time, the court shall stand adjourned for the term, and all cases shall be continued until the next term of said court. In the event of the absence, sickness or other disability of the judge of said county court, upon the request of the judge thereof, any circuit judge or the county judge of any county having civil or criminal jurisdiction of like subject matter may hold court, and while so doing he shall have the same powers as if elected judge of said county court.

SECTION 12. The provisions of law applicable to change of

venue in the circuit courts of this state shall be applicable to said county court, except that when the venue of any action shall be so changed it shall be changed to the circuit court of Chippewa county; and such change of venue shall not prevent the granting by said circuit court of a further change of venue as provided in section 2622 of the statutes, provided however, that nothing herein contained shall be construed as abrogating the right to a change of venue provided for by section 2621 of the statutes, and when such change of venue shall be made, it shall be made by said county court direct to the proper county for the trial of the action, and provided further that section 2625 of the statutes so far as applicable shall apply to said county court, and that the judge thereof shall have the right to call upon the circuit judge or any judge of a county court having civil or criminal jurisdiction of like subject matter, to attend, hold court and try such action, and while so doing he shall have the same powers as to said action as if elected judge of said county court. But the judge of said county court shall have and retain jurisdiction over all other actions and proceedings and may exercise such jurisdiction and hold court and try such actions and proceedings at the same time the judge called in is trying the action so transferred to him. If any person charged upon indictment or information with a criminal offense shall have procured a change of venue to the circuit court of Chippewa county, said county court shall commit or hold the party to bail to appear at the next term of the circuit court and the clerk of said county court shall transmit all papers and a copy of the records and proceedings in said case, properly certified to be such, under the seal of said court, to the said circuit court, which shall then have full jurisdiction of such action; all recognizances previously given in such cases and returned to the said county court may be enforced in said circuit court as fully as if they had been originally returned thereto. In like manner shall all such cases which might originally have been brought in said county court or appealed thereto, where a change of venue is allowed or directed by the circuit court on the grounds of prejudice of the judge thereof, be removed to said county court, provided however, that nothing herein contained shall be construed as abrogating or abridging the powers conferred upon the circuit court by section 2625 of the statutes. In all such cases, in either said county court or circuit court, if the affidavit shall allege that the circuit and county judges are both prejudiced, the case shall

be removed to some adjoining circuit unless some other judge shall be called in to preside as above provided.

SECTION 13. The judge of the county court shall be disqualified to try and determine any case in which he shall have acted as counsel for either party, except by agreement of the parties, and he shall transmit all such cases to the circuit judge of said county; the judge of the county court may also transmit to the circuit court any other case or proceeding before him, if, in his discretion, he deem it expedient; and the circuit court shall thereupon proceed to try and determine the same in the same manner as if said cases or proceedings had originated in the circuit court.

SECTION 14. 1. Jurors shall be chosen for each term of said county court by the same persons and in the same manner as jurors in the circuit court, and all provisions of law, rules and practice relating to the selection, qualifications, duties and compensation of jurors in the circuit court shall be applicable to said county court, except as herein otherwise provided.

2. Jurors shall be summoned as in the circuit court, and the county judge may direct at what time jurors shall be summoned to appear; but no jurors shall be summoned to attend upon any term of said court unless it shall appear to the satisfaction of the judge that a jury panel is necessary.

3. At least six days before each term, unless otherwise ordered by the judge, the clerk shall, in the presence of the judge, draw from the list of persons provided therefor, twenty-four jurors for such term, and the list so selected shall forthwith be filed in the office of said clerk. If the name of any person known to be disqualified or no longer liable to jury duty in said county be drawn, such name shall be cast out and the name of another juror drawn to take his place.

4. The panel of jurors selected for any term of said county court under its civil or criminal jurisdiction shall constitute the panel of jurors for all succeeding terms of court until discharged by the court; but the judge of said court, in his discretion, may order a new panel of jurors to be drawn for the subsequent or any succeeding term.

SECTION 15. 1. Whenever directed by the judge, the clerk of said county court shall issue a venire to the sheriff of said county to summon such jurors, returnable at such time as the judge may direct.

2. In case the whole panel is not summoned for the trial of any



civil or criminal action or proceedings in which a jury trial is demanded or ordered, the parties shall strike from the panel of jurors selected for such term, the jury for such action. The district attorney or plaintiff or plaintiffs shall be entitled to six peremptory challenges and the defendant or defendants to a like number of challenges, to be made alternately, the district attorney or plaintiff or plaintiffs first challenging. When either party shall decline to challenge in his turn such challenge shall be made by the clerk by lot. When a jury shall have been selected as aforesaid, or otherwise agreed upon, a venire therefor returnable at such time as the judge may direct shall be issued by the clerk to the sheriff of said county.

3. If any of the jurors named in such venire shall not be found or shall fail to appear, or if there be any legal objection to any that shall appear, or if any of them be excused by the court or parties, the court may direct the sheriff or his undersheriff or any of his deputies, to summon a sufficient number of talesmen to supply the deficiency; provided, that not more than four such talesmen shall be selected from the residents of any one town, city or village, except by a consent of the parties. The officer summoning the same may insert the names of such talesmen on the venire. Or the court may cause persons qualified to serve as jurors to be called from the bystanders.

SECTION 16. If a jury shall be required to make an assessment of damages in any case, the same shall be drawn from the names in such box or the court may direct the same to be had and taken by any jury summoned in any other case, or may direct the clerk to issue a venire to summon a special jury for that purpose to be composed of persons qualified to serve as jurors in said court, and unless objections are made, such assessment of damages may be made by the court, or judge thereof, without the intervention of a jury.

SECTION 17. The parties in any case, civil or criminal, wherein a jury trial may be had, may agree upon a trial thereof by any number of jurors less than twelve.

SECTION 18. The court may set down any case, civil or criminal, on the calendar for trial on any particular day; and after issue joined in any civil action or proceeding, or after information filed in any criminal action pending in said court, any party may, upon five days' notice to the other party or parties, and without any notice of trial having been previously served, apply

to the said court or judge thereof to set down such case for trial on a particular day, and the court or judge shall, upon the hearing of such application, if it be reasonably possible, fix a definite time for such trial, which shall be not less than fourteen days nor more than thirty days from the time of the hearing of such application, unless for cause the court or judge shall otherwise order. When any action or proceeding is so set down for trial, if it be one triable by a jury, the court shall require the parties in such action to determine and elect whether they wish a jury, and if both parties elect to try such case without a jury, or if both parties neglect or refuse to so determine or elect at said time, neither party shall be entitled to a trial by jury, but the court may, in its discretion, grant a trial by jury; and if a trial by jury is demanded by any party to such action, the court may then or at any time afterwards, direct that a jury be selected as aforesaid in such case, and issue a venire therefor, returnable at the time fixed for the trial of such action. If for any cause, in selecting a jury, the panel shall become exhausted, the court may cause persons qualified to serve as jurors to be returned from the bystanders or from the county at large for the trial thereof, and make the proper and necessary orders therefor.

SECTION 19. All costs, fees and disbursements shall be taxed and allowed the prevailing party in the same manner and to like amount as they are taxed and allowed in the circuit court, except as herein provided.

SECTION 20. Until otherwise ordered by the county board, the county judge of Chippewa county, for performing the duties required by this act, shall receive a salary of two thousand four hundred dollars per annum, to be paid out of the county treasury in equal monthly installments at the end of each month.

SECTION 21. The clerk of the circuit court of said county shall ex officio be the clerk of said county court; and shall have the care and custody of all books and papers belonging to said county court, except those that appertain to the probate and justice court jurisdiction thereof and shall perform the duties of clerk of said county court in the same manner required of him as clerk of the circuit court, so far as it shall be requisite and necessary to discharge the duties as clerk of said county court, and all other duties necessary to carry into effect the provisions of this act; and the said clerk of the county court shall keep all necessary records of proceedings and judgments had in said county

court, except those cases tried in said county court when the county judge is exercising the jurisdiction of a justice of the peace as provided for in section 6 of this act, in the manner provided in the circuit court. On each civil action beyond the jurisdiction of justices of the peace, commenced in or any action appealed to said county court there shall be paid a state tax of one dollar and an advance clerk's fee of two dollars at the same time and in the same manner as now provided for the payment of state tax and advance clerk's fees for actions commenced in or appealed to the circuit court.

SECTION 22. The deputy clerks authorized by law to be appointed by the clerk of the circuit court of said county, shall also be the deputy clerks of said county court, and may aid said clerk in the discharge of his duties as clerk of said county court, and in the absence of the clerk from his office or from the court, may perform all his duties, and in case of a vacancy by resignation, death, removal or other cause, the deputy appointed shall perform all such duties as clerk of said court until such vacancy shall be filled.

SECTION 23. The sheriff of said county in person or by his undersheriff or one of his deputies, shall attend such court when actually in session for the transaction of court business, other than the probate business, and the court shall designate the number of officers that shall be present when said court is in actual session as aforesaid, and such officers shall be entitled to receive the same compensation and payable in like manner as is, or may be provided by law for like service in the circuit court.

SECTION 24. The fees of the clerk, witnesses, jurors and officers shall be the same as are allowed by law to the clerk, witnesses, jurors and officers in the circuit court of Chippewa county, except as provided in section 6 of this act. In all criminal cases, where the punishment of the person convicted of any crime consists in whole or in part in the levying of a fine, the person so convicted shall pay, in addition to all other costs, five dollars as court fees, which court fees shall be accounted for and paid to the county treasurer of Chippewa county quarterly by said judge.

SECTION 25. 1. The judge of said county court may employ and appoint a phonographic reporter for said court, and may also appoint an assistant phonographic reporter, who shall, in the absence of, or during the disability of the phonographic reporter, have all the powers and perform all the duties of the phonographic

reporter. The judge of said county court shall have power to remove at pleasure the phonographic reporter or assistant phonographic reporter so appointed.

2. Each of said officers shall take and subscribe the oath of office prescribed in the constitution, and shall be furnished with all necessary stationery, and attend, when required by said judge, and report the proceedings of trials at such court, and perform such duties as the judge may require.

3. Said judge shall fix the compensation of such reporter not to exceed ten dollars for each day, and five dollars for each one-half day's attendance, which shall be in full compensation for services and for making transcripts from shorthand notes, which salary shall be paid out of the treasury of Chippewa county at the end of each month. During the time the assistant phonographic reporter shall perform the duties of the phonographic reporter, he shall receive the compensation provided for the phonographic reporter.

4. Said reporter and assistant reporter shall furnish parties to an action, or their attorneys, requiring them, transcripts of the testimony and proceedings had at a price not to exceed ten cents per folio, and five cents per folio for copies.

SECTION 26. Court commissioners for the circuit court of Chippewa county shall have the same powers and be subject to the same duties in respect to actions and proceedings in said county court as in actions and proceedings in the circuit court.

SECTION 27. The seal of the county court of Chippewa county shall continue to be used as the seal of said court.

SECTION 28. The county of Chippewa shall provide all books, blanks and stationery for keeping the records and proceedings of said county court made necessary by this act; the county court of said county shall be held in the county court room, or in the present municipal court room, or in the circuit court room when the circuit court is not in session, at the county seat of said county; all books and records pertaining to said county court shall be kept in said county court room or in the office of the clerk of the circuit court.

SECTION 29. All fines and all costs collected by the clerk in every civil action and in all criminal prosecutions and proceedings under the general statutes of this state, tried or determined by the county court, which, if tried or determined by the circuit court or circuit judge would be paid over to the county treasurer, shall be

accounted for and paid over quarterly unto the county treasurer of the county of Chippewa.

SECTION 30. The general provisions of the statutes of Wisconsin, and the general laws which may at any time be in force relative to circuit courts, and actions and proceedings therein, in civil and criminal cases, shall apply also to said county court, unless inapplicable, and except as otherwise provided in this act; and the rules of practice prescribed or which may hereafter be prescribed by the justices of the supreme court for circuit courts, shall, unless inapplicable, be in force in said county court, and the judge of said county court shall have power to punish for contempt in the same manner that the judges of circuit courts are or may be authorized by law to punish for contempts; and said county court shall have power to make and enforce such other rules of practice as may be deemed necessary to the judge thereof.

SECTION 31. This act, except section 1 thereof, shall take effect upon passage and publication; said section 1 shall take effect from and after the first Monday of January, 1922.

Approved March 14, 1921.

No. 2, S.]

[Published March 19, 1921.

### CHAPTER 33.

AN ACT to renumber chapter 64b of the statutes relating to the budget system for cities to be chapter 65; to repeal sections 925q—160 to 925q—165, inclusive, of the statutes; to create sections 65.01 to 65.10, inclusive, and to repeal sections 926—176 to 926—178, inclusive, of the statutes.

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

SECTION 1. Chapter 64b of the statutes is renumbered to be chapter 65 BUDGET SYSTEM FOR CITIES.

SECTION 2. Ten new sections are added to the statutes to be numbered and to read:

65.01 APPLICATION OF THIS CHAPTER. The common council of any city of the second, third or fourth class may by ordinance adopted by three-fourths of all its members accept the provisions of sections 65.02, 65.03 and 65.04 which when so accepted shall be in full force and effect as to any such city. Except as above provided chapter 65 shall apply only to cities of the first class.