

the clerk within one week and answer the questions and take the oath required of persons challenged on the same grounds at election, the clerk shall cancel his registration.

(5) Upon receipt of reliable information that a registered elector has moved away from the municipality the clerk shall notify such elector through the mail at his registered address, stating the source of the information, and if the elector does not apply for continuation of registration within thirty days, his registration shall be cancelled.

(8) When a registration is cancelled the clerk shall cause to be made a proper entry upon both the original and duplicate affidavits of registration, indicating the date, the cause for cancellation, and the initials of the person making the cancellation. The original cancelled affidavit shall be permanently filed in the office of the clerk.

(7) The registration records shall be open for public inspection, and any citizen may make or cause to be made a copy of the registration lists under rules and regulations prescribed by the clerk.

SECTION 4. This act shall take effect September 1, 1927.

Certified June 9, 1927.

No. 451, S.]

[Published June 13, 1927.

CHAPTER 209.

AN ACT to abolish the municipal court of the city of Eau Claire and conferring additional jurisdiction on the county court of Eau Claire County.

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

SECTION 1. Section 2 of Chapter II, section 7 of chapter VII and chapter XI, all of chapter 184 of the Laws of 1889 are repealed and the municipal court of the city of Eau Claire is hereby abolished. All actions pending in said municipal court of the city of Eau Claire at the time this act takes effect shall be transferred to the county court of Eau Claire county. All public records of every nature of said municipal court shall be transferred to the county judge of Eau Claire 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 of the city of Eau Claire been continued.

SECTION 2. There is hereby conferred upon the county court of Eau Claire county, jurisdiction as follows:

(1) The county court of the county of Eau Claire shall have cognizance of and jurisdiction to hear, try and determine all actions and proceedings at law wherein the debt, damages, penalty or forfeiture shall not exceed the sum of five hundred dollars, except actions where the title to real estate shall come in question; 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; actions founded on an account when the same shall be reduced to an amount not exceeding five hundred dollars by credits given or by the set-off or demand of the opposite party; to hear, try and determine all actions arising under chapter 291 of the statutes when the amount claimed shall not exceed five hundred dollars; actions for forfeitures and actions for breach of any recognizance given in said court under the jurisdiction conferred by this chapter; jurisdiction to hear, try and determine all crimes and offenses committed within said county which are not punishable by commitment to the state prison; jurisdiction to arrest, examine and hold to bail all persons charged with crimes or offenses committed in said county; and the judge of said court shall have power to sentence and commit all persons convicted of any offense of which said court has jurisdiction.

(2) No justice of the peace, police justice or court commissioner within Eau Claire county shall conduct any preliminary examination in criminal cases or cases arising under chapter 166 of the statutes but justices of the peace, police justices and court commissioners within said county may issue warrants returnable before the county court of said county, and all such jurisdiction is vested in the county court of Eau Claire county; said court shall have exclusive original jurisdiction of all offenses and actions arising under the charter, ordinances, rules, regulations and by-laws of the city of Eau Claire, and concurrent jurisdiction

with police justices and justices of the peace of all offenses and actions arising under the charter, ordinances, by-laws, rules and regulations of the other cities, villages and towns in said county, and of the county of Eau Claire.

(3) No justice of the peace in the city of Eau Claire shall have jurisdiction of offenses committed in said city, and all such jurisdiction is vested in the county court of Eau Claire county and the judge thereof. .

(4) Said court and the judge thereof shall also have all 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, and said judge shall be subject to the same prohibitions and penalties as justices of the peace in exercising the powers and jurisdiction herein conferred.

(5) The court shall have the powers conferred by section 57.04 of the statutes and amendments that may be made thereto authorizing the suspension of judgments, the stay of execution and placing defendants on probation as in said section provided.

(6) On a plea of guilty by one accused of crime the said court shall have jurisdiction and power to sentence the accused for any offense for which the highest penalty does not exceed five years imprisonment in the state prison.

SECTION 3. A judgment by confession may be entered before the judge of the county court of the county of Eau Claire, 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. 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.

SECTION 4. Whenever any action or other proceeding shall be removed from any justice of the peace or police justice of said county of Eau Claire, upon the oath of the defendant, his agent

or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney, shall request in writing to such justice, that the action or other proceeding be removed to the said county court, then the action or other proceeding, and all papers therein shall be transmitted to the presiding judge thereof, who shall proceed with the action or other proceeding in the same manner as if originally instituted before him.

SECTION 5. In all cases arising in said court under this chapter or in which the said court shall obtain jurisdiction as in this chapter specified, trial by jury may be had in the same manner and process as in justice court.

SECTION 6. The summons in all civil actions may be in the following form:

State of Wisconsin }
Eau Claire County } ss.

The state of Wisconsin, to the sheriff or any constable of said county or any other person not a party to the action:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, the county judge of said county, at the court room, in the city hall in the city of Eau Claire, on the day of, A. D. 19....., at o'clock in the noon, to answer to C. D., plaintiff, to his damage, five hundred dollars, or under: hereof fail not at your peril.

Given under my hand, at Eau Claire, Wisconsin, this day of, A. D. 19.....

.....
County Judge.

And all other writs, warrants and processes necessary to be issued under this chapter, shall be in the form prescribed by law for justices of the peace and justice courts, but under the name of the county judge of said Eau Claire county. And the summons and other process shall be made returnable within the same time as like processes issued by justices of the peace, and be served within the same time and in the same manner as like processes of justices of the peace are required to be served.

SECTION 7. In all civil actions under this chapter in the county court in the county of Eau Claire, 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, answer or demur, when the amount of the judgment does not exceed one hundred dollars, five dollars; and over one hundred dollars and less than three hundred dollars, ten dollars; when the amount of the judgment is three hundred dollars and upwards, fifteen dollars. On all other judgments, when the amount does not exceed one hundred dollars, an amount equal to ten per centum 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 centum on the amount of the judgment in excess of one hundred dollars; provided, that in no case shall the amount of the attorney fee exceed the sum of twenty-five 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 amount equal to ten per centum of such claim; in all cases where the plaintiff shall claim in his complaint a sum of over one hundred dollars, ten dollars for the first one hundred dollars, and five per centum on the amount claimed in excess of one hundred dollars, provided, that in no case shall the amount of attorney fees exceed the sum of twenty-five dollars. The provisions of this section shall apply to proceedings for the recovery of possession of personal property, and the value of the 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 judgment is rendered; provided, however, that no attorney fees shall be allowed unless the party who recovers the judgment shall appear by an attorney of a court of record. This section shall not apply to actions for violations of charters, ordinances, by-laws, rules and regulations of the cities, villages and towns of Eau Claire county, or ordinances of the county of Eau Claire.

SECTION 8. The general provisions of law relative to civil and criminal actions in courts of justices of the peace, shall apply to the said court as far as applicable, and appeals, civil and criminal, from said court, may be taken at the same time and in the same manner, and with like effect as is provided by law for appeals from judgments of justices of the peace.

SECTION 9. No action, examination or other proceeding shall

be removed from said court, but whenever prior to joining issue in any action or before the commencement of any examination, it shall appear by affidavit that from prejudice said judge will not decide impartially in the matter or that he is interested pecuniarily in the action or examination, or is a material witness, or is within the forbidden degree of consanguinity, the said judge shall notify a court commissioner or a justice of the peace of said county to appear in said court to try, hear and determine said action or examination, and it shall be the duty of said court commissioner or justice of the peace to forthwith appear in said court and discharge the duties of said judge in the trial or hearing of said action or examination in the same manner and with like effect as said county judge would do if he were not disqualified to act. Said magistrate so called in by said county judge, shall receive a compensation of five dollars for each half day for the actual number of days engaged in the trial or hearing of such matter, hearing or proceeding, to be paid by the treasurer of said county upon a certificate signed by the county judge.

SECTION 10. In case of sickness, absence or temporary disability of the judge of said court, he may by an order in writing filed in said court, appoint any court commissioner or justice of the peace of said county, to discharge the duties of said office conferred by and under this chapter during such sickness, absence or disability, and the person so appointed shall have the powers of such judge conferred by this chapter while administering such office and receive the compensation provided in the preceding section.

SECTION 11. (1) The judge of said county court may appoint a suitable person as clerk of said court under this chapter who shall hold his office during the pleasure of said judge and until his successor is appointed and qualifies. Said clerk shall be a phonographic reporter skilled in the art of shorthand reporting and act as reporter of said court under this chapter.

(2) Said clerk and reporter shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed in the constitution, and file the same in the office of the county clerk of Eau Claire county, and shall also execute to Eau Claire county and deliver to said county clerk an official bond in the sum of one thousand dollars to be guaranteed by a surety company, the cost thereof to be borne by the county, conditioned

that he will account to and pay over to the city treasurer of the city of Eau Claire and to the county treasurer of Eau Claire county, all fines and penalties and other moneys belonging to said city and to said county, and will pay over all moneys which shall come into his hands by virtue of his office as clerk, to the persons and officers entitled to the same, and perform all of the duties of his office. In all civil actions and in all criminal trials, examinations and proceedings in said county court under this chapter the docket entries shall be made and processes kept and filed in substantially the same manner, as near as may be, as the same are required to be made and kept by justices of the peace. In actions, trials and proceedings under the charters, ordinances, by-laws, rules or regulations of any city or village of Eau Claire county, or of the county of Eau Claire, the forms to be used and the docket entries, processes and proceedings shall be substantially the same as near as may be, as required by the charter law or ordinances of any such city or village, or of the county of Eau Claire. The clerk of court shall have the care and custody of all books, papers and records of the court under the additional jurisdiction conferred by this chapter; he shall be present at all trials, and may administer all necessary oaths. He shall keep the minutes of all proceedings, and make up and keep the record of the court in all cases therein, under the direction of the judge.

(3) In addition to the duties imposed by this chapter, said clerk shall act as the reporter of the county court and of the juvenile court of Eau Claire county, and perform such other duties as may be required by the judge of the county court, but shall receive no additional compensation therefor.

SECTION 12. The reporter shall furnish parties to an action or proceeding before the court requiring the same, or their attorneys, transcripts of the testimony and proceedings had therein at a price not to exceed five cents per folio for the original and two and one-half cents per folio for copies, but no charge shall be made for transcripts required by the judge of said court or the state, the city of Eau Claire, or Eau Claire county. The fees payable for transcripts hereunder shall belong to the reporter. So far as applicable section 252.20 shall apply to said reporter and section 327.11 shall apply to transcribed copies of the testimony and proceedings taken by the reporter under this chapter.

SECTION 13. Except in criminal actions appealed to the cir-

cuit court and in criminal examinations and bastardy proceedings where the defendant has been bound over for trial, the stenographic notes of the reporter may be filed by the judge as the testimony in the case.

SECTION 14. In all contested cases, a reporter's fee at the rate of five dollars per day for the time actually consumed on the trial shall be taxed as a part of the costs in the case, and shall be in lieu of the fees allowed by law to justices of the peace for taking testimony. Such fees shall be collected and paid over by the clerk in the same manner as he is required by this chapter to collect and pay over the fees allowed by law to justices of the peace.

SECTION 15. In the event of the sickness, absence or other disability of the clerk of said court, the judge of said court in such cases shall have power to appoint a deputy clerk whose powers and duties shall be the same as those of the said clerk and he shall receive the same compensation for the time he shall actually serve as the said clerk to be paid in the same manner as the clerk.

SECTION 16. All fines, costs, penalties and court fees shall be taxed and allowed in the same manner and amount as would be allowed in justice court except as herein otherwise provided. All fines, costs, penalties and court fees taxed by said judge in actions for violations of the laws of this state and ordinances, rules, by-laws and regulations of the county of Eau Claire and in civil actions and all fines, costs and court fees taxed in actions or proceedings for the violations of the charter, ordinances, by-laws, rules and regulations of the cities, villages or towns of the county of Eau Claire shall be paid to the clerk of said court.

SECTION 17. The clerk of said court shall file monthly with the county clerk of said county full and complete statements of all fines, costs, penalties and fees collected by him which belong to the county and with the clerk of the city of Eau Claire a full and complete statement of all fees collected by him which belong to said city and if said clerk shall neglect to make and file such statement within the time as herein provided he shall receive no compensation for his services.

SECTION 18. All fines and penalties and the costs, fees and disbursements collected by the clerk for violations of the ordinances, charter provisions, by-laws, rules or regulations of any city, village or town, or of the county of Eau Claire, shall be paid to the treasurer of such city, village or town or the treasurer of Eau

Claire county, as the case may be, on the first secular day of the month following such collections. All fines and penalties, including costs in any criminal action or proceeding, under the general laws of the state, shall be paid to the treasurer of Eau Claire county as herein provided for. All costs and fees taxed and allowed by the judge and collected by the clerk in civil cases shall be divided equally between the city of Eau Claire and Eau Claire county and shall be paid to the treasurer of said city and the treasurer of said county as herein provided.

SECTION 19. The documents and records of said county court shall be public records and open to the inspection of all persons at any and all reasonable hours. All papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by the judge or clerk of said county court, when sealed with the seal of the court, shall be of the same force and effect as if executed or signed by a court of record, and shall be receivable as evidence in like manner.

SECTION 20. The sheriff of Eau Claire county and the chief of police of the city of Eau Claire shall be officers of said court, and the sheriff or any of his deputies or any constable of said county or any person authorized by law may serve its processes and carry out its lawful orders and judgments throughout the state of Wisconsin and shall be entitled to receive the lawful fees therefor; provided, however, that the chief of police and all policemen of any city in said county, and the village and city marshals and their deputies shall have authority to serve and execute the civil and criminal processes of said court within the limits of the village or city in which such officers reside, and shall have authority and be required to serve and execute all processes issued out of said court wherein said village or city is a party plaintiff, and shall be entitled to receive the lawful fees therefor.

SECTION 21. Nothing in this chapter shall be construed as in any manner affecting the right or jurisdiction of any court, judge, justice of the peace or police justice to hear, try and determine any criminal proceeding now pending in such court or which may be commenced therein before the judge of the county court shall enter upon the duties of his office under the additional jurisdiction conferred by this chapter.

SECTION 22. All the provisions of Title XXX, of the revised statutes, entitled "Proceedings Common To All Courts," as far

as applicable, shall apply to all actions, examinations and proceedings in the county court under this chapter.

SECTION 23. The provisions of section 270.75 of the statutes shall apply to the filing of all transcripts or judgments in this court with the clerk of the circuit court, so far as the same are applicable thereto.

SECTION 24. The judge of said court shall open court each morning, Sundays and legal holidays excepted for the transaction of any business therein, and hear and dispose of all cases for the violation of the charter, ordinances, by-laws and regulations of the city of Eau Claire as shall be brought before him by police officers or otherwise, either with or without process. Proceedings in such cases shall be in the forms heretofore used in the municipal court of said city except as modified by said judge and the corporation counsel shall be the prosecuting officer in all such cases. All provisions of the ordinances, by-laws and regulations of the said city of Eau Claire, as far as applicable, shall apply to the county court and proceedings thereof in cases involving violations of ordinances, by-laws and regulations of such city.

SECTION 25. The city of Eau Claire shall provide said judge with suitable quarters for holding court under the additional jurisdiction conferred by this chapter and the county of Eau Claire shall provide said court necessary dockets, records, stationery and blanks for the proper transaction of the business of said court. The seal of the county court now in use shall be the seal of said court under the additional jurisdiction conferred by this chapter.

SECTION 26. Until otherwise fixed by the county board of Eau Claire county the judge of said court shall receive a salary of twenty-four hundred dollars per annum for services performed under this chapter in addition to his present salary, payable in equal monthly installments, out of the treasury of Eau Claire county, and the same shall be in full compensation for all services rendered by said judge under the provisions of this chapter. The salary fixed by the county board for the county judge shall not be diminished during the term of office for which the same was fixed.

SECTION 27. Until otherwise determined by the county board of Eau Claire county the salary of the clerk provided for in this chapter shall be not to exceed twelve hundred dollars per annum

and the county judge shall fix the compensation of the person so appointed at not to exceed said sum. The amount so fixed shall be in full compensation for all services rendered by the said clerk, including his services as reporter of the county court of Eau Claire county under this chapter. The clerk's compensation shall be paid by Eau Claire county in equal monthly installments.

SECTION 28. The city of Eau Claire shall pay and reimburse the county of Eau Claire one-half of the amount of the additional salary of the judge and one-half the salary of the clerk of said court as provided in this chapter on or before the first day of November in each year, and the said city is hereby authorized and empowered to make such payments and the county of Eau Claire is hereby authorized and empowered to make the payments herein provided for and to have reimbursement from the city of Eau Claire on account of the salaries so paid as herein stated.

SECTION 29. When acting under the provisions of this chapter the said court shall not be a court of record and no state tax shall be collected on cases commenced therein.

SECTION 30. All acts and parts of acts in conflict with the provisions of this chapter are hereby repealed.

SECTION 31. This act shall be in force and take effect from and after its passage and publication.

Approved June 11, 1927.

No. 167, S.]

[Published June 14, 1927.

CHAPTER 210.

AN ACT to amend subsection (6) of section 40.73 of the statutes, relating to the penalties for violations of the compulsory school attendance laws.

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

SECTION 1. Subsection (6) of section 40.73 of the statutes is amended to read: (40.73) (6) Any parent or guardian failing to comply with the provisions of subsections (3) (4) and (5) shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars or by imprisonment in the county jail not