

when said liabilities are ascertained and the share thereof of the said county of New determined, said moneys shall be paid over to said county of Oconto in discharge thereof: *provided, further*, that upon the complete organization of said county of New, all of said certificates remaining in the hands of the treasurer of Shawano county, shall be assigned and delivered over to the treasurer of said county of New, and the moneys then in the hands of the treasurer of the county of Shawano arising from the sale of such certificates shall be paid over to the treasurer of said county of New.

One thousand inhabitants necessary for complete organization.

SECTION 15. When it shall appear to the secretary of state, as hereinbefore provided, that said county of New has a population of one thousand, it is hereby made his duty to give public notice of the election and the time of holding the same of all county officers for said county, by publishing a notice thereof in a newspaper printed in said county of New, or if there be no newspaper printed in said county of New, then in a newspaper printed at the city of Shawano, in said county of Shawano, for at least six weeks prior to said election: *provided, however*, that such election shall be held and conducted at the time and in the manner provided by law for the holding of general elections in this state.

Senatorial and congressional districts.

SECTION 16. The said counties of Marinette and New shall constitute a part of the first senatorial district, and with the counties of Shawano and Oconto shall constitute an assembly district, and shall also be a part of the eighth congressional district.

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

Approved February 27, 1879.

[No. 41, A.]

[Published March 3, 1879.]

## CHAPTER 115.

AN ACT to establish a municipal court in the city of Wausau and county of Marathon, and to repeal chapter one hundred and forty-six, general laws of 1876.

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

Municipal court.

SECTION 1. There is hereby established in the city of Wausau and county of Marathon, a municipal court for the transaction of all business that may lawfully come before it, and for that purpose the city of Wausau

and county of Marathon is hereby declared a municipality. The qualified electors of the city of Wausau and county of Marathon shall, on the first Tuesday of April, A. D. 1880, and once in every four years thereafter, 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; and the said judge shall, before entering upon the duties of his office, take and subscribe an oath to support the constitution of the United States and the constitution of the state of Wisconsin, and to faithfully, honestly and impartially discharge the duties of his office, which oath may be administered by any officer authorized by the laws of the state of Wisconsin to administer oaths, and shall be filed in the office of the clerk of the circuit court of Marathon county, together with an official bond with two sureties, in the forms now prescribed by law for justices of the peace by the laws of this state.

SECTION 2. The municipal judge of the county of Marathon shall have jurisdiction to try and determine all actions at law, where the amount claimed shall not exceed the sum of five hundred dollars, and to try and determine all criminal actions where the crime was committed in said county, and that are not punishable by commitment to the state prison, and to arrest and to examine and hold to bail all parties charged with other offenses against the laws of this state as provided by law. And the said court and judge thereof shall also have exclusive original jurisdiction of all offenses and actions under the charter of said city and the ordinances, rules and by-laws of said city, subject to appeal to the circuit court of said county; and shall have all the jurisdiction given by law to each and every justice of the peace of said county; and the proceedings and practice of said court shall, in all respects, as far as practicable, comply with the laws applicable to justice courts of this state, and transcripts of the judgments of municipal court shall be with like effect filed and entered with the clerk of the circuit court of said county, and all appeals, civil and criminal, may be taken in the same manner and with like effect as are now provided for courts of justices of the peace; and the judge shall have power to sentence and commit all persons convicted of any of the offenses of which he has jurisdiction, that the circuit judge and justices of the peace may now lawfully do.

**Constructing of laws.**

SECTION 3. The provisions of the charter of the city of Wausau, and all other laws of the state relating to the police court, shall be so construed as to apply to the said municipal court, so far as the same are not inconsistent with this act; and the jurisdiction and powers of the municipal court, in both civil and criminal proceedings, shall be the same as is provided for the police court, except as modified and enlarged by this act.

**Fees and penalties.**

SECTION 4. The same fees in all civil actions, that are now allowed by law to justices of the peace, and one dollar in addition thereto for any civil action commenced in his court, where the amount recovered by the plaintiff shall exceed two hundred dollars, it shall be lawful for said municipal judge to charge and collect, and the further salary of not less than four hundred dollars for his services in conducting criminal trials and examination of offenders, to be fixed by the supervisors of said county of Marathon, at their annual meeting in autumn, 1879, to be paid annually by said county, payable quarterly; and he shall pay over to the city treasurer of the city of Wausau all fines and penalties imposed by virtue of the charter, ordinances and regulations of said city.

**Salary of judge.****Official seal.**

SECTION 5. The judge of said municipal court may provide a seal for said court, and all papers, depositions, certificates, acknowledgments, examinations or other documents, executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of the court of record.

**Application of laws.**

SECTION 6. No general or local act of the legislature heretofore passed, or which shall hereafter be enacted, shall be so construed as to change, alter, modify or repeal this act, or any provision of the charter of the city of Wausau, unless the purpose to do so be expressly set forth in such general or local law, by naming in such altering or repealing act, that it is the intention of the legislature to have the same apply to the city of Wausau.

**Jury trials.**

SECTION 7. Jury trials in said municipal court may be conducted in the same manner as in justices courts until otherwise provided. The common council of the city of Wausau may, by ordinance, provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors for the said municipal court shall have the force and effect of law. Any juror, when duly sum-

moned to attend said court, and who shall not attend at the time he is summoned, shall be adjudged guilty of contempt, and shall be fined in a sum not less than two nor more than ten dollars; and appeals from said court shall be allowed in all cases tried in said court, under the laws of this state, whenever appeals are allowed from justice courts.

SECTION 8. Nothing herein contained shall be so construed as to abridge or impair the jurisdiction of the circuit court. Jurisdiction of court not to be impaired.

SECTION 9. In all cases where the amount claimed by the plaintiff shall exceed the sum of two hundred dollars, and the plaintiff appears by an attorney of record, and the defendant appears and pleads by answer or demurrer, the sum of fifteen dollars shall be taxed as attorney's fees to the successful party and except as herein provided, the same attorney's fees shall be charged and recovered as now provided by law in justice courts. Taxing of attorney fees.

SECTION 10. Nothing in this act contained shall be construed to extend or diminish the term for which the judge of said court was elected. But said judge shall, from and after the passage of this act, be, and he is empowered to exercise all and singular the jurisdiction herein conferred, and to receive the fees and salary herein provided: *provided, however,* that until the board of supervisors shall otherwise direct, under the provisions of this act, said judge shall be entitled to receive no greater sum as salary than that limited in this act. Term of office.

SECTION 11. Section one hundred and forty-six, general laws for the year 1876, and all acts or parts of acts conflicting with the provisions of this act, are hereby repealed. Repealed.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1879.

[No. 67, S.]

[Published March 4, 1879.]

### CHAPTER 116.

**AN ACT** to provide for laying out, establishing and building a state road from the city of Grand Rapids, in the county of Wood, to the city of Stevens Point, in the county of Portage.

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

SECTION 1. James Meehan, Francis Biron, C. Wheelock and George A. Neeves are hereby appointed Names of commissioners and route of road.