

No. 280, S.]

[Published April 27, 1903.

CHAPTER 120.

AN ACT amendatory of section 4051 of the statutes of 1898, relating to fees in county court.

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

Fees. SECTION 1. Section 4051 of the statutes of 1898 is hereby amended so as to read when amended as follows: Section 4051. Fees in the county court shall be allowed as follows:

To appraisers, not less than one dollar nor more than three dollars per day, the amount of said compensation to be fixed by the court.

To commissioners to examine and adjust claims, to make partitions, or to assign dower or homestead against deceased persons, three dollars per day.

In all cases, travel, five cents per mile each way.

In cases not provided for, a reasonable compensation shall be allowed by the court.

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

Approved April 24, 1903.

No. 474, A.]

[Published April 27, 1903.

CHAPTER 121.

AN ACT to amend chapter 286 of the laws of Wisconsin, for the year 1899, relating to the second municipal court of Bayfield county.

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

Temporary vacancy, how filled. SECTION 1. Section 6, of chapter 286 of the laws of Wisconsin for the year 1899, is

hereby amended by inserting after the word "appoint" in the fourth line of said section, the words: "the judge of the municipal court of Bayfield county or," so that said section, when amended, shall read as follows: Section 6. In case of sickness, absence or temporary disability of such municipal judge, he may, by an order in writing to be filed in said court, appoint the judge of the municipal court of Bayfield county or a justice of the peace in said county to discharge the duties of said judge during such sickness, absence or disability, who shall have the powers of such judge while administering such office.

Calling in another judge, where affidavit for prejudice filed.

SECTION 2. Section 7, of chapter 286 of the laws of Wisconsin for the year 1899, is hereby amended by inserting after the last word in the eighth line of said section the words: "he shall notify the judge of the municipal court of Bayfield county; or if,"

Also, by striking out the word "and" where the same appears in the ninth line of said section;

Also, by inserting after the word "the" in the ninth line of said section the word "subject;"

Also, by inserting after the word "of" and before the word "proceeding" where the same appear in said ninth line of said section the words "the action, examination or other;"

Also, by striking out the word "shall" where the same appears in the eleventh line of said section, and inserting in lieu thereof the words: "may at his option;"

Also, by striking out the word "shall" where the same appears in the seventeenth line of said section and inserting in lieu thereof the words "may, at his option call in the judge of the municipal court of Bayfield county to try the action, or hear the examination or other proceeding, as the case may be or;"

Also, by inserting after the word "said" where the same appears in the twenty-third line of said section, the words "judge of the municipal court of Bayfield county, or;"

Also, by inserting after the word "forthwith" where the same appears in the twenty-fourth line of said section the words "and within forty-eight hours;"

Also, by inserting after the word "judge" where the same appears in the twenty-ninth line of said section, the words "of said second municipal court;"

Also, by inserting after the word "said" where the same appears in the thirtieth line of said section the words "judge of the municipal court of Bayfield county or;"

Also, by inserting after the word "said" where the same appears in the thirty-ninth line of said section the words "judge of the municipal court of Bayfield county or;"

Also, by inserting after the word "judge" where the same appears in the last line of said section the words "of said second municipal court;"

So that said section as amended shall read as follows: Section 7. 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 proceeding, or that said judge is a material witness, or is within the forbidden degrees of consanguinity, or from prejudice will not decide impartially in the matter, he shall notify the judge of the municipal court of Bayfield county; or, if the subject-matter of the action, examination or other proceeding is one of which a justice of the peace had jurisdiction, the municipal judge may, at his option, notify a justice of the peace in the county of Bayfield not disqualified to try said case or hear said examination or other proceeding as the case may be in matters or proceedings of which a justice of the peace has no jurisdiction, when such affidavit is filed, the municipal judge may, at his option, call in the judge of the municipal court of Bayfield county, to try the action or hear the examination or other proceeding as the case may be, or transfer the same to the circuit court of Bayfield county, which circuit court shall thereupon have jurisdiction to hear, try and determine the same, in the same manner and with like effect as if such examination or proceeding had been commenced in said circuit court; whereupon, it shall be the duty of the judge of the municipal court of Bayfield county, or justice so notified as aforesaid, to forthwith and within forty-eight hours, appear at the court room of said municipal court, and to discharge the duties of judge of said municipal court on 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 of said second municipal court would if not disqualified to act; and the doings of said judge of the municipal court of Bayfield county or justice of the peace, while so presiding over said municipal court shall have and be of the same force and effect as proceedings of said municipal judge, and when such 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 judge of the municipal court of Bayfield county or justice of

the peace while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge of the second municipal court for like service.

Jurisdiction to try appeals from justice court. SECTION 3. Section 15, of chapter 286 of the laws of Wisconsin for the year 1899, is hereby amended by inserting after the word "upon" where the same appears in the twelfth line of said section the word "written;"

Also, by inserting after the word "other" where the same appears in the thirteenth line of said section the words "which said notice shall state the day and hour when said action will be called for trial in said court;" so that said section as amended shall read as follows:

Section 15. Said court shall have jurisdiction to try and determine all appeals in civil actions from justices of the peace of the town of Iron River in said county; provided, that in civil cases, appealable from the justices' judgments, the party appealing may, in his option, appeal to the circuit court in Bayfield county, instead of to said municipal court. And all such cases shall be certified and returned to said municipal court within ten days after the perfection of the appeal. Any action appealed to said court may be brought on for trial upon written notice of ten days given by either party to the other; which said notice shall state the date and hour when said action will be called for trial in said court. In case neither party shall notice such appeal, or bring the same to trial within six months, the appeal shall be dismissed with ten dollars' costs against the appellant. Appeals shall be made to said court in the same manner that they are now made from justice to circuit court.

Compensation for acting judge. SECTION 4. Chapter 286, of the laws of Wisconsin for the year 1899, is hereby amended by inserting therein a new section to be numbered 16a, to read as follows:

Section 16a. Whenever the judge of the municipal court of Bayfield county, or a justice of the peace of said county shall act as judge of said court in any criminal action, examination or other proceeding, said judge of the municipal court of Bayfield county or justice, shall be entitled to receive five cents a mile for each mile actually traveled in going to and returning from Iron River, and two dollars for each day he shall be actually engaged in the trial or conduct of such action, examination or other proceeding, bills for which shall be audited

and allowed by the county board of said county as in other cases.

Conflicting laws repealed. SECTION 5. All acts and parts of acts in conflict with the provisions of the foregoing are hereby repealed.

SECTION 6. This act shall be in full force and effect from and after its passage and publication.

Approved April 24, 1903.

No. 496, A.]

[Published April 30, 1903.

CHAPTER 122.

AN ACT providing for the making and preservation of evidence of sales of property under and by virtue of chattel mortgages.

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

Affidavit to be filed within ten days. SECTION 1. Whenever any property covered by a chattel mortgage, or instrument intended to have the effect of a chattel mortgage, shall be taken and sold under and by virtue of such mortgage pursuant to the power of sale contained therein, the owner of such mortgage, or the person acting as the agent of such owner and conducting such sale, shall, within ten days after the sale of any property covered by such mortgage, make and file an affidavit setting forth the date of such sale, a description of the property sold, the sum then claimed to be due on the indebtedness secured by such mortgage, the amount realized on such sale, a statement in detail of the expenses of such sale including the cost of taking and keeping the property pending the sale. A copy of the notice of sale if any shall be attached to said affidavit and be deemed a part thereof.

Affidavit, where filed. SECTION 2. Such affidavit shall be filed in the office of the town, city or village clerk where the mortgage under which such sale is had was filed, or, if such mort-