

No. 382. S.]

[Published June 1, 1915.

CHAPTER 179.

AN ACT to amend section 2485 of the revised statutes of 1878, as amended by chapter 128 of the laws of 1897 and chapter 23 of the laws of 1909; to amend subsection 1 of section 2484 and section 2495 of the revised statutes of 1878, as amended by chapter 23 of the laws of 1909; to amend section 2493 of the revised statutes of 1878, as amended by chapter 128 of the laws of 1897; to amend section 2498a as created by section 11 of chapter 23 of the laws of 1909, and to create subsection 7 of section 2484 of the revised statutes of 1878, relating to the municipal court of the city and town of Ripon.

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

SECTION 1. Subsection 1 of section 2484, sections 2485, 2493, 2495 and subsection 2 of section 2498a, of the revised statutes of 1878, as amended by chapter 128 of the laws of 1897 and chapter 23 of the laws of 1909, are amended to read: (Section 2484 R. S. 1878) 1. The municipal court of the city and town of Ripon, heretofore established, is continued, and shall be a court of record and have a clerk and seal, shall have exclusive appellate jurisdiction in all cases of appeal, civil and criminal, from justices' courts in said city and town, and of all cases commenced in such justices' courts when an answer shall be put in, showing that title to lands will come in question, *involving land within the city or town of Ripon*, which shall then be certified to said municipal court in the manner provided by law for certifying such cases to circuit courts; *but in all cases commenced in a justices' court in said city and town where an answer shall be put in, showing that the title to land, situated outside the city and town of Ripon, will come in question, such action shall be certified to the circuit court of Fond du Lac county. The said municipal court * * ** shall also exercise powers and jurisdiction in all causes of action *whichever, either at law or in equity*, and in all special proceedings * * * concurrent with and equal to the jurisdiction of the circuit court of Fond du Lac county, where the value of the property in controversy, or the amount of money claimed or sought to be recovered, after deducting all payments and set-offs, shall not exceed fifty thousand dollars; and also of actions for the foreclosure of mortgages in which the amount claimed does not exceed the amount aforesaid, although the value of the property to be affected by the judgment exceeds that sum. It shall also have concurrent jurisdiction with said circuit court of all criminal

offenses committed within the city or town of Ripon other than those punishable by imprisonment in the state prison.

(Section 2485, R. S. 1878) The general provisions of law which may, at any time, be in force relative to circuit courts and to actions and proceedings therein and all the provisions of section 2582 of the revised statutes, so far as relates to any cause or proceeding which may be brought or tried in said municipal court, shall relate to said municipal court, and the judge thereof, unless inapplicable, and except as herein otherwise provided; and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said court. But in all actions originally begun in said court, as well as in all actions brought to said court on change of venue from the justice court, or on demand from the courts of record as hereinafter provided, costs shall be awarded to the prevailing party; provided no more than ten dollars attorney's fees shall be taxed unless the judgment for damages amounts to one hundred dollars, nor more than five dollars, unless the judgment for damages exceeds fifty dollars. If judgment is given for the defendant he shall recover the same costs that the plaintiff would have recovered if he had established the demand in his complaint. No attorney fee shall be taxed in favor of any party not * * * *appearing* in said court by an attorney of a court of record. Court commissioners shall exercise no powers relative to actions or proceedings in such court, except as herein otherwise provided. *The foregoing limitation of costs shall be applicable to and follow the actions and proceedings from this court into the circuit court and be there effective notwithstanding the general statutes relating to costs. Such limitation, however, shall not be construed to apply to any action in equity, either in the said municipal court or in the circuit court, except in the discretion of the court.*

(Section 2493, R. S. 1878) * * * The chief of police of the city of Ripon shall be the officer * * * of said court, * * * serve its process and writs and carry into effect its lawful orders and judgments. * * * *and have substantially the same powers and duties as such officer as the sheriff has in the circuit court. He shall also be ex officio clothed with the power of a sheriff to serve process and writs and carry into effect the orders and judgments of the circuit court within the city and town of Ripon.* * * * Processes in criminal actions and proceedings may be issued by the clerk * * * of the said municipal court under the seal of the said court, and be executed by * * * *the chief of police or the Sheriff of Fond du Lac county* in any part of the state. The city attorney * * * shall be

the prosecuting officer in all prosecutions by the city of Ripon
 * * * in said court.

(Section 2495, R. S. 1878) Any resident of the city or town of Ripon, against whom any civil action, within the jurisdiction of the said municipal court, may be pending in * * * *any court of record in this state*, may, before the time to answer expires, serve a notice of appearance in such action, and with it serve a demand that the place of trial thereof be changed to the said municipal court; and unless so removed by consent upon such service being made, it shall be upon motion removed by said court to said municipal court, and the defendant shall have twenty days to answer the complaint after such consent given or removal made.

(Section 2498a, R. S. 1878) 2. When in case of the sickness, disability, or temporary absence of the said judge from any other cause, there is no judge of the said court available for the hearing of criminal or bastardy cases or examinations or of prosecutions for the violation of the ordinances of the city of Ripon, when they arise in said court, a justice of the peace of said county, resident in the city of Ripon, or a court commissioner of the circuit court of Fond du Lac county resident therein, to be designated by the clerk of the said court, shall be deemed the acting judge of said court for the purpose of hearing, trying, and determining the said action, or conducting such examination, and for every day so spent by such justice of the peace or court commissioner, in the trial of such cases or the conduct of examinations he shall be paid the sum of five dollars as compensation, from the county treasury on the certificate of the clerk of said court under direction of the judge.

SECTION 2. There is added to section 2484 of the revised statutes of 1878, as amended by chapter 23, of the laws of 1909, a new subsection to read: (Section 2484, R. S. 1878) 7. The said municipal court shall have jurisdiction in any transitory action involving less than fifty thousand dollars, where the summons therein has been served within the city or town of Ripon, or where the defendant enters his appearance. In all cases where the cause of action or some part thereof arose, or the subject matter of the action is situated, within the city or town of Ripon, and the defendant cannot be found within the state, service may be procured upon the defendant in like manner and in the same instances that is provided under general law for service of summons in the circuit court by publication or by service without the state. And if a defendant be served personally in this state, outside the city or town of Ripon, in any action in said municipal

court, said court shall thereupon, by order upon motion of the plaintiff or other party to the action, change the venue and transmit all papers to the circuit court of Fond du Lac county, and the action shall thereupon proceed in the circuit court as an action originally begun there, unless the party so served confer jurisdiction on said municipal court by appearing without objection in the municipal court; provided, that in case of such removal, the order for same shall not be entered until proof is filed that notice of application therefor has been given the party so served.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 28, 1915.

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CHAPTER 180.

AN ACT to create section 959—17m of the statutes, relating to park districts within and about cities of the second and third classes.

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

SECTION 1. There is added to the statutes a new section to read: Section 959—17m. 1. Any city of the second or third class, however organized, may by a majority vote of the council create a park district which will comprise such territory as is already included within the boundaries of said city, and any other contiguous territory within the same county, which may become annexed to such park district in any one of the ways provided in subsection 2 of this section. The board of park commissioners of such park district provided for in subsection 3 of this section, and their successors in office, shall be a separate and distinct public corporation, shall assume such official name as the council may designate, and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law.

2. Any territory contiguous to such park district may become annexed to it for park, boulevard and pleasure drive purposes in any one of the following ways:

(a) If a majority of the electors, and the owners of at least one-third in area of the taxable real property in the territory proposed to be annexed, together petition the board of park commissioners of such park district that such territory be annexed, such board may annex such territory by a majority vote of all its members.

(b) If there are no resident electors within the territory pro-