

heretofore appropriated to it for that purpose, the sum of seven hundred and fifty thousand dollars as an emergency appropriation for the payment of expenses of operation and of indemnities to the owners of diseased animals condemned and slaughtered by order of the live stock sanitary board according to the provisions of chapter 94 of the statutes. Said appropriation shall be used in the payment of claims already filed or which may be filed on or before June 30, 1927, and any balance remaining on said date shall be available for the same purposes during the ensuing biennium.

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

Approved February 24, 1927.

No. 21, A.]

[Published March 8, 1927.

## CHAPTER 7.

AN ACT creating a first municipal court for Washburn county. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby created and established in and for the county of Washburn a municipal court, to be known and designated as the first municipal court of Washburn county, with powers and jurisdiction hereinafter specified and provided.

SECTION 2. On the first Tuesday in April, 1927, and every four years thereafter, there shall be elected, in the county of Washburn in the same manner as county judges are elected a municipal judge, who shall hold his office for the term of four years from the first Monday of May next following his election and until his successor be elected and qualified; and in case of a vacancy occurring in the office of the municipal judge, the vacancy shall be filled by appointment by the governor, as provided in chapter 17 of the statutes. No person shall be eligible to the office of judge of said court except an attorney of a court of record, and such judge shall hold no other county office during the time that he is judge of said municipal court. The county clerk of Washburn county shall give the same notice of the election of the judge of said municipal court as is given in other judicial elections.

SECTION 3. Said court shall have original jurisdiction to hear, try and determine all actions and special proceedings, (except the actions mentioned in subsections (1) and (2) of section 300.06 of the statutes and excepting actions for divorce and bastardy), which may arise in said county and be of any of the following classes, namely:

(1) Crimes and misdemeanors excepting such as shall or may be punishable by commitment to the state prison.

(2) Civil actions and special proceedings in law and equity where the value of the property in controversy or the amount of money claimed or sought to be recovered, after deducting all payment and setoffs, shall not exceed two thousand dollars and also of all action for the foreclosure of mortgages and mechanics' liens in which the amount claimed does not exceed the sum aforesaid although the value of the property to be affected may exceed that sum.

(3) Offenses arising under the charter and ordinances of any incorporated city or village in said county.

(4) Forfeitures and actions for the breach of any recognizance given in said court.

SECTION 4. A judgment by confession may be entered before the judge of said court in any sum not exceeding two thousand dollars, without action, for money due or to become due or to secure any person against contingent liability on behalf of the defendant or both in the manner prescribed by section 302.22 of the statutes.

SECTION 5. The judge of said court shall have and exercise all powers conferred upon justices of the peace by chapters 166 and 361 of the statutes in all cases not triable and determinable in said municipal court.

SECTION 6. The judge of said court shall hold his office and the session of said court at the city of Spooner in said county, in a suitable room or rooms for such purpose. Such room or rooms shall be provided by the board of supervisors of Washburn county and such provision shall also include an official seal, necessary dockets and records, stationery and blanks and such other furnishings as the said county board may provide from time to time at the expense of the county.

SECTION 7. No justice of the peace or police justice in the city of Spooner shall exercise any jurisdiction in any criminal cases but all such jurisdiction is vested in said municipal court and the judge thereof.

SECTION 8. The judge of said court shall be ex-officio a court commissioner and shall have and exercise any and all of the powers conferred upon court commissioners by the laws of this state.

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, examination or other proceedings or is a material witness or is within the forbidden degree of consanguinity, the said judge shall notify a county judge or other municipal judge not having appellate jurisdiction, who shall be eligible to the office of judge of said court and not disqualified, to forthwith appear in said court and discharge the duties of said judge in the trial or hearing of said cause in the manner and with like effect as said judge would if not disqualified to act. Said magistrate while proceeding in said court shall receive such per diem as may be provided by statute in case of per diem charges in the said court.

SECTION 10. In case of sickness, absence or temporary disability of the judge of said court, he may by an order in writing to be filed in said court appoint any of the persons specified in the preceding section to discharge the duties of said judge during such sickness, absence or disability and who shall have the powers of such judge while administering such office.

SECTION 11. Appeals from said municipal court may be had to the circuit court of Washburn county, and shall be taken in the same manner as provided by law for appeals from courts of justices of the peace, in the state of Wisconsin.

SECTION 12. The processes, proceedings and practice of the courts of justices of the peace as provided by the laws of this state shall so far as practicable be adopted for the said first municipal court for Washburn county, and transcripts of judgments of said court may be filed and docketed with the clerk of the circuit court for Washburn county with the same effect as transcripts of judgments from courts of justices of the peace in this state.

SECTION 13. Trial by jury may be had in said municipal court in the same manner and upon the same process as in courts of justices of the peace in this state.

SECTION 14. The sheriff or any constable of Washburn county shall have the same power to serve and to execute any process of said municipal court as of courts of justices of the peace of this state and be entitled to receive the same fee and be subject to the same liability and penalty, however, no provision hereof shall be construed to prevent the service of summons or subpoena of said court by any competent citizen not interested in the cause.

SECTION 15. The judge of said court shall keep a docket for criminal proceedings and also a docket for civil actions. All docket entries shall be made and kept as far as practicable in the same manner as required in courts of justices of the peace in this state. In all civil actions the judge of said court may sign in blank and deliver only to attorneys of record in Washburn county to be used by them as occasion may require, blank summons, writs and other processes of said court, and such attorney upon issuing any such summons, writ or other process shall file within three days thereafter the affidavit, if any, upon which such summons, writ or other process was based and the statement of the names of the parties to the action, the date of the summons, writ or other process, the time when same is returnable and the nature of the demand or claim. Upon the filing of such affidavit and statement, the judge of said court shall forthwith docket such case and such docket entries shall have the same force and effect as if made at the time of the date or issuing of such summons, writ or other process.

SECTION 16. The dockets and records of said court shall be public records and open to the inspection of all persons interested at any and all reasonable hours.

SECTION 17. All papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by the judge of said municipal court when sealed with the seal of the court shall be of the same force and effect as of other courts of record in this state and shall be receivable as evidence in like manner.

SECTION 18. The judge of said court shall in all actions in which the parties stipulate therefor, and may in other cases upon his own motion, call in a stenographic reporter in such action or proceeding, and may file the said reporter's notes of the minutes of the testimony required by law to be taken in courts of justices of the peace. Whenever a stenographic reporter shall be called in for any trial or hearing such reporter shall receive for

the time actually employed in open court in said cause four dollars for each day and two dollars for each one-half day, and when a transcript of the testimony taken may be required on appeal, five cents per folio for such transcribing, and, in case such reporter is called in, the judge of said court shall not be entitled to receive the fees provided for the taking of such minutes in courts of justices of the peace in this state, but in lieu thereof shall receive for each day actually engaged in the trial of said cause the sum of five dollars and for each one-half day the sum of three dollars. Such sums for per diem, and for such transcript, when required, shall be taxed as costs in any such action or proceedings.

SECTION 19. In all civil actions and special proceedings in said court attorney's fees shall be taxed, except where otherwise stipulated by contract, and allowed on all judgments of said court, in the sum of one hundred dollars or less in a sum equal to ten per cent of such judgment, and on all judgments over one hundred dollars, ten per cent on the first hundred dollars and five per cent on such sum as may be in excess thereof; provided, however, that the total amount that may be so taxed, unless otherwise provided by contract, and allowed shall not exceed thirty-five dollars.

SECTION 20. Except as otherwise provided herein, the judge of said court shall have and receive and is hereby empowered to tax in any cause the same fees allowed by law to justices of the peace in this state, including costs and fees in criminal trial, examination on commitment payable by the county, and shall receive such salary, if any, in addition thereto as may be fixed by the county board of supervisors of Washburn county, provided that said board may by resolution, in case a definite salary has been fixed as above indicated, require the payment of all fees above enumerated to said county and that said judge shall receive only such salary as may be determined as above specified.

SECTION 21. The judge of said municipal court shall in the manner provided by subsections (3) and (4) of section 59.77 of the statutes, file with the county clerk of Washburn county a full and complete statement of all fees collected by him in all actions and proceedings, civil and criminal, had before him during the preceding year and further make and file a complete statement as required by said section and no such judge who shall neglect to make and file such statement within the time and as

above provided shall receive any compensation from said county for his services.

**SECTION 22.** All fines imposed and paid into said court in any criminal action of which said court has final jurisdiction, shall be paid by said judge to the county treasurer of Washburn county, in the same manner as required by justices of the peace in such cases. All fines imposed by the judge of said court when paid by the defendant in cases arising for the violation of city or village ordinances shall, when received by said judge, be paid, not including costs and fees, to the city or village treasurer wherein the violation of ordinance occurred.

**SECTION 23.** Any person appointed or elected as judge of said court shall before entering on his duties as such judge, make and file with the clerk of the circuit court of Washburn county an official oath in accordance with provisions of section 256.02 of the statutes together with his official bond in the form provided by subsection (2) of section 19.01 of the statutes in the penal sum of two thousand dollars.

**SECTION 24.** This act shall take effect upon passage and publication.

Approved March 5, 1927.

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No. 46, A.]

[Published March 18, 1927.

## CHAPTER 8.

AN ACT providing for the acceptance of certain records of the United States land office by the commissioners of the public lands.

WHEREAS, By act of Congress, the secretary of the interior is authorized to transfer to any state such transcripts, documents and records relating to land titles within such state as may not be required for use of the United States and which such state may desire to preserve, now, therefore

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

**SECTION 1.** The commissioners of the public lands are hereby authorized to receive and accept from the secretary of the interior such transcripts, documents, records, field notes, maps, plats and all other papers appertaining to land titles in Wisconsin as may