

within ten days after such logs or timber, or portion thereof, are driven or floated out of said creek.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 25, 1889.

[No. 377, S.]

[Published March 27, 1889.]

## CHAPTER 180.

AN ACT to amend the charter of the city of Barron.

(See Vol. 2.)

[No. 398, S.]

[Published March 28, 1889.]

## CHAPTER 181.

AN ACT to create a municipal court for Douglas 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 Douglas county a municipal court, with the powers and jurisdiction hereinafter specified and provided.

Creating municipal court for Douglas county.

SECTION 2. On the first Tuesday of April, 1889, and every two years thereafter, there shall be elected in Douglas county, in the same manner that county judges are elected, a municipal judge, who shall be a regularly admitted attorney of a court of record, and shall hold his office for the term two years from the first Monday in May after his election, and until his successor is elected and qualified. But no failure to give notice of said first election shall, in any manner, invalidate the same; and in case of failure to

Election of judge.

elect said judge on said day, it shall be the duty of the governor to fix by proclamation a day for an election under this act. In case of vacancy in the office of municipal judge, the vacancy shall be filled by appointment by the governor, and appointee shall continue in office for the residue of the term for which his predecessor was elected.

Jurisdiction  
and powers.

SECTION 3. The municipal judge of Douglas county shall have jurisdiction in civil matters over such subjects as justices of the peace have jurisdiction where the amount claimed does not exceed five hundred dollars and to hear, try and determine all criminal actions arising in said county not punishable in the state prison, and to hold to bail all persons charged with other offenses against the laws of this state, and exclusive jurisdiction of all penalties and offenses against the charter, ordinances and by-laws of the city of Superior; and shall have all the jurisdiction of a justice of the peace and police justice of said county. The practice and procedure in said court, as far as practicable, shall comply with the laws of justice courts; and transcripts of its judgments may be with like effect filed with the clerk of the circuit court of said county. All appeals, civil and criminal, from said court may be taken in the same way and with like effect as from courts of justices of the peace. The judge thereof, shall have the same power to sentence and commit all persons convicted of any offense over which he has jurisdiction to try and finally determine, that circuit judges or justices of the peace may have.

Oath of judge  
to be filed.

SECTION 4. Said judge shall file his oath of office and official bond in manner and form as provided for justices of the peace.

To keep separate  
dockets.

SECTION 5. The said judge shall keep separate dockets for civil and criminal matters, respectively; they shall be kept in the same manner, as far as applicable, as dockets of justices of the peace are required to be kept.

Fees of judge.

SECTION 6. It shall be lawful for the said municipal judge to charge and collect the same fees in all civil and criminal actions in his court, as are allowed by law to justices of the peace. All fees, fines and penalties, by him collected in state cases, it shall be his duty to pay over, at the end of each month, to the treasurer of Douglas county. All fees, fines and penalties by him collected by vir-

tue of the charter, ordinances and by-laws of the city of Superior, it shall be his duty to pay over at the end of each month to the treasurer of said city. He is entitled to and may charge and collect, for his own use, the same fees in all civil matters as are allowed to justices of the peace, and one dollar in addition thereto, for every civil action commenced in his court. It shall further be the duty of said judge to keep, in a separate book provided therefor, an itemized account of all moneys by him received by virtue of his office, which said book shall be a part of said court's records. Said itemized account of all moneys so received shall, at the expense of Douglas county, be once published in the official paper of said city, during the first week of each succeeding month.

Fines and penalties collected to be paid to county treasurer, etc.

SECTION 7. Sheriffs and constables of Douglas county and the police officers of the city of Superior shall serve and execute the processes of this court.

Processes of court, how served.

SECTION 8. In case it shall be made to appear in the same manner and for the same causes as in justice court, that the municipal judge is disqualified to try any matter pending before him, and in case of the absence, sickness or temporary disability of said judge, he may, by order in writing, to be filed in said court, appoint a qualified justice of the peace of said county, to discharge the duties of such judge during such absence, sickness or disability, who shall have all the powers of such judge while administering such office.

Disqualification of judge.

SECTION 9. No action shall be removed from said court for trial; but when it shall appear that the judge thereof is disqualified by reason of prejudice or other cause to try the case, he shall, so as aforesaid, call in a justice of the peace to try the same.

Removal of causes

SECTION 10. Nothing herein contained shall deprive the circuit court of Douglas county of jurisdiction of any action now given by law.

Not to interfere with jurisdiction of circuit court.

SECTION 11. The judge of said municipal court shall daily hold his court in some suitable room in the city hall, city of Superior, to be provided, furnished, heated and lighted, under the direction of said judge, by the city, without any expense to Douglas county; but the judge thereof shall have power, in his discretion, to try any case, matter or proceeding in some suitable room

Court, when and where to be held.

in the court house of Douglas county, whenever he may deem it convenient for himself, witnesses, or parties. All needful stationery, and all blanks required by said court in criminal actions and examinations, and the judge's dockets shall be furnished at the expense of Douglas county.

Salary of judge

SECTION 12. For his services in criminal matters the said judge shall receive, in addition to the compensation hereinbefore provided, a salary of one thousand dollars per year, to be paid quarterly, one-half of which shall be paid by the city of Superior, and one half by Douglas county.

Judgments may be set aside.

SECTION 13. The said municipal judge may, in his discretion, at any time within twenty days after judgment in any civil case, upon his own motion, or on the motion of any party in the action, all parties to the action who appeared therein, having three days' notice, set aside any verdict, or judgment, and modify or reverse any proceeding or judgment of his court, and grant new trials, for errors of law or fact.

Office of police justice abolished.

SECTION 14. On and after the first day of opening court under this act the office of police justice in the city of Superior is abolished, anything in any municipal charter to the contrary notwithstanding.

Repeal.

SECTION 15. This act shall be in force from and after its passage and publication; and chapter 467 of the laws of 1887, entitled, "An act creating a municipal court for Douglas county," is hereby repealed.

Approved March 28, 1889.

[No. 872, A.]

[Published March 28, 1889.]

## CHAPTER 182.

AN ACT to amend the charter of the city of Milwaukee.

(See Vol. 2.)