

No. 135, A.]

[Published March 30, 1897.]

CHAPTER 128.

AN ACT to amend sections 2484, 2485, 2493, 2497, 2498, of the revised statutes, 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:

The municipal court to be a court of record. Powers and jurisdiction defined.

SECTION 1. Section 2484, is hereby amended so as to read as follows: Section 2484. 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, and which shall then be certified to said municipal court in the manner provided by law for certifying such cases to circuit courts. It shall also exercise powers and jurisdiction in all civil actions and proceedings arising within the city and town of Ripon, in law and equity, 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 all 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 im-

prisonment in the state prison, and in any proceedings in any such criminal offense alleged to have been committed within the jurisdiction of said municipal court which a justice of the peace has not jurisdiction to try and determine and in which the accused shall be bailed, recognized, bound over or committed for trial, such accused shall be bailed, recognized, bound over or committed for trial before the said municipal court at the next term thereof. If any person, accused of any criminal offense, is so bound over or committed for trial before said municipal court and it shall thereafter appear, by the filing of the information or otherwise, that said municipal court has not jurisdiction to try the offense, then such proceedings shall not abate and the said municipal court shall not lose jurisdiction of such person or proceedings, but the judge thereof shall certify the same to the circuit court of Fond du Lac county, which court shall thereupon have jurisdiction thereof to try and determine the same. All fines and penalties collected in said municipal court, except for violation of city ordinances, shall be paid to the treasurer of Fond du Lac county, and all fines and penalties for violation of city ordinances shall be paid to the treasurer of the city of Ripon. Said municipal court shall be deemed open for the transaction of business from the commencement of any regular term thereof until any such term is adjourned without day, or until the next regular term thereof; and no adjournment from day to day shall be necessary to the validity of any proceedings in said court; but no per diem shall be paid to any officer of said court for any day on which the court is not actually in session, transacting business, requiring the presence of such officer. Said court shall have the seal heretofore procured therefor, and its judgments and orders may be reviewed by the supreme court in the same manner that judgments and orders of circuit courts may be.

SECTION 2. Section 2485 is hereby amended .

General provisions of law relative to circuit courts applicable.

to read as follows: Section 2485. 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, 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 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.

Sheriff and chief of police to be officers of the court.

SECTION 3. Section 2493, is hereby amended to read as follows: Section 2493. The sheriff of Fond du Lac county, and the chief of police of the city of Ripon, shall be officers of said court, may serve its process and carry into effect its lawful orders and judgments, which process shall be in substance the same as used in circuit courts; and processes in criminal actions and proceedings may be issued by the clerk thereof under the seal of said court and be executed by said officers or either of them in any part of the state. The city attorney of the city of Ripon shall be the prosecuting officer in all prosecutions by the city of Ripon before said court.

SECTION 4. Section 2497, is hereby amended so as to read as follows: Section 2497. If a

jury is not demanded by either party when a cause is called for trial in said court, a jury trial shall be deemed waived and the cause shall be tried by the court, unless the judge shall otherwise direct. If at the time the cause is called for trial, either party entitled thereto shall demand a jury, the clerk shall draw a jury from the list furnished him as hereinbefore provided and issue a venire therefor, returnable at a time fixed by the court. Peremptory challenges and challenges for cause may be made as in case of drawing a jury in the circuit court, except that each party shall be entitled to six peremptory challenges from a full panel of jurors called in an action, and except that the persons drawn need not be present. Juries may also be drawn from such list and summoned in like manner when necessary for an assessment of damages.

SECTION 5. Section 2498, is hereby amended to read as follows: Section 2498. The salary of the judge of said court shall be two hundred and fifty dollars per annum payable quarterly, by the city of Ripon, and such further compensation as the county board of Fond du Lac county shall determine to be paid quarterly by the county of Fond du Lac, out of the treasury of said county. The fees of the clerk, jurors, witnesses, sheriff and other officers shall be the same as are allowed and taxed in the circuit court and be paid in the same manner. The sum of one dollar shall be paid by the plaintiff at the commencement of each suit as a suit tax, to be applied toward the salary of the judge, and shall be accounted for and paid quarterly, by said clerk to the treasurer of said city of Ripon. The fees of the clerk, in criminal cases, and of the officers of said court for the service of process in criminal actions and proceedings therein, and of the witnesses in behalf of the state in attendance upon the said court shall, when certified by the judge of said court, be paid by the county of Fond du Lac,

Regarding the drawing of a jury.

Salary of the judge, and how paid.

Fees of clerks, jurors, etc.

unless the same are taxed as costs and paid by the defendant.

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

Approved March 27, 1897.

No. 200, A.]

[Published March 31, 1897.

CHAPTER 129.

AN ACT to confer and impose criminal jurisdiction upon the county court of La Crosse county.

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

Criminal jurisdiction conferred on county court.

Shall have and exercise all rights given to justices of the peace. Jurisdiction.

SECTION 1. Criminal jurisdiction is hereby conferred and imposed upon the county court of La Crosse county, and the judge thereof as hereinafter provided.

SECTION 2. The county court of the county of La Crosse shall have and exercise all the jurisdiction, authority, powers and rights given by law to justices of the peace in criminal actions. Said court shall have exclusive jurisdiction to try all cases of misdemeanor, and all prosecutions under the police regulations of the state (bastardy excepted) arising within said county, and shall have power to sentence and commit all persons convicted of any such offenses. Said court shall have authority and jurisdiction throughout said county to issue warrants for the apprehension of persons charged with the commission of any felony or bastardy within said county, and to examine such alleged offenders and commit or hold