

No. 442, A.]

[Published March 19, 1897.]

## CHAPTER 72.

**AN ACT** to establish a municipal court at the city of Racine, in and for the county of Racine.

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

## MUNICIPAL COURT ESTABLISHED.

**SECTION 1.** There is hereby constituted and established in the county of Racine, state of Wisconsin, a court to be known as the municipal court of Racine county, which court shall be held in the city of Racine, in said county, by a judge elected for that purpose.

Municipal court for Racine county.

## COURT OF RECORD—SEAL—CLERK.

**SECTION 2.** The municipal court of Racine county shall be a court of record and have a clerk, and a seal with a suitable device to be procured under the direction of the judge thereof.

Court of record, etc.

## JURISDICTION IN CRIMINAL CASES, EXCEPT MURDER.

**SECTION 3.** The municipal court of Racine county shall have and exercise powers and jurisdiction concurrent with and equal to the circuit court of Racine county in all cases of crimes and misdemeanors arising in said county, except charges of murder.

Jurisdiction in criminal cases, except murder.

## JURISDICTION IN CIVIL CASES NOT EXCEEDING FIVE THOUSAND DOLLARS.

**SECTION 4.** Said municipal court shall have and exercise powers and jurisdiction in all civil

Extent of jurisdiction in civil cases.

actions within the county of Racine in law and in equity, concurrent with and equal to the jurisdiction of the circuit court for Racine 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 five thousand dollars, and also of all actions 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 by the judgment exceed that sum.

#### APPEALS TO THE SUPREME COURT.

Appeals to the supreme court may be had.

**SECTION 5.** The judgments and orders of said municipal court in civil and criminal actions, except such as would otherwise be cognizable by justices of the peace, may be reviewed by the supreme court in the same manner that judgments and orders of circuit courts may be.

#### JURISDICTION AND POWERS OF JUSTICES OF THE PEACE.

Jurisdiction and powers of the justices of the peace.

**SECTION 6.** The municipal judge, in addition to the powers vested in said municipal court, as aforesaid, shall have all the powers and jurisdiction of a justice of the peace in said county in all civil and criminal actions and proceedings, and the power to hear and determine any such cases although the title to land may come into question therein, but shall not have power to hold preliminary examinations in criminal cases; and shall have exclusive jurisdiction of all prosecutions for breach of the charter and of any ordinance of the city of Racine, and in the trial of criminal actions for offenses committed within said city which would otherwise be cognizable by justices of the peace, subject to an appeal to the circuit court for Racine county from any judgments or orders made in such actions.

EXAMINATIONS, EXCEPT MURDER, TO BE RETURNED TO MUNICIPAL COURT.

SECTION 7. All examinations, recognizances and commitments from or by examining magistrates of said county, in all criminal cases except charges of murder, and in bastardy cases, shall be certified and returned to such municipal court instead of to the circuit court for said county, within the time prescribed by law, and the attendance of witnesses required upon the trial of any person so committed shall be secured in the same manner as provided by law in the circuit court.

Examinations etc., returnable to the municipal court.

APPEALS FROM JUSTICES OF THE PEACE.

SECTION 8. Appeals from judgments of justices of the peace in said county may be taken either to such municipal court or to the circuit court of Racine county, and when so taken to said municipal court shall be heard and disposed of in accordance with the rules and practice of the circuit court of Racine county.

May hear appeals from justices of the peace.

GENERAL PROVISIONS OF LAW APPLICABLE.

SECTION 9. The general provisions of law which may at any time be in force relative to circuit and justices' courts, and actions and proceedings therein, in civil and criminal cases, shall apply also to said municipal court unless inapplicable and except as otherwise provided in this act; and the rules of practice prescribed or which may hereafter be prescribed by the justices of the supreme court for circuit courts, shall be in force in said municipal court; said court may make rules of practice which shall conform as nearly as applicable to the rules of practice of circuit courts, but the laws of the state relative to change of venue in criminal actions which have heretofore been within the jurisdiction of justices of the peace shall not ap-

All general provisions of law applicable.

ply to said municipal court or to the judge thereof. Court commissioners in said county shall have the same powers and be subject to the same duties in respect to actions and proceedings in said municipal court as in the circuit court.

#### CHANGE OF VENUE.

Regarding  
change of  
venue.

**SECTION 10.** The provisions of law applicable to change of venue in the circuit courts of this state, shall be applicable to said municipal court, except that when the venue of any action shall be so changed, it shall be changed to the circuit court of Racine county; and such change of venue shall not prevent the granting by said circuit court of a further change of venue as provided in section 2622, of the revised statutes of this state. If any person charged upon indictment or information with a criminal offense shall have procured a change of venue to the circuit court of Racine county, said municipal court shall commit or hold the party to bail to appear at the next term of the circuit court, and the judge shall transmit all papers and a copy of the record and proceedings in said case, properly certified to be such under the seal of said court, to the said circuit court, which shall then have full jurisdiction of the action; all recognizances previously given in such cases and returned to said municipal court may be enforced by said circuit court as fully as if they had been originally certified and returned thereto.

#### MUNICIPAL JUDGE, ELECTION, QUALIFICATIONS AND SALARY.

Election of  
municipal  
judge, salary,  
etc.

**SECTION 11.** The qualified electors of the county of Racine shall, on the first Tuesday of April, 1897, and on the same day of the same month each four years thereafter, elect a suitable person to the office of judge of said municipal court, to be called municipal judge, who

shall hold his office for the term of four years from the first day of January next succeeding his election, and until his successor is elected and qualified, and who may be removed from office in the manner provided by the constitution of this state for the removal of the judges of the supreme and circuit courts; provided, however, that for the first election under this act, it shall not be necessary to give more than ten days' notice thereof. The municipal judge who shall have been elected in the year 1897 as aforesaid, shall, in addition to the term for which he is elected as aforesaid, hold his office from the first Monday of May, 1897, to the first day of January, 1898. Whenever a vacancy shall happen in the office of municipal judge, the governor of the state of Wisconsin shall appoint a suitable person, duly qualified, to fill such vacancy until a successor is elected and qualified. Elections to fill vacancies for the residue of the term shall be held and notice thereof shall be given in the same manner as for the election of county judges. Such judge shall be an attorney at law, admitted to practice in the courts of this state; shall receive no fees of office or compensation other than his salary. He shall have the qualifications, be subject to all of the liabilities, prohibitions and restrictions of circuit judges, and may exercise the powers of circuit judges except as herein provided. Such judge before entering upon the duties of his office shall take and subscribe the oath of office prescribed in the constitution, and file the same in the office of the county clerk of the county of Racine. The salary of such judge shall be in the sum of two thousand five hundred dollars per annum, which shall be paid to him quarterly by the county treasurer of said county.

#### ABSENCE OF JUDGE.

**SECTION 12.** In case of the sickness, temporary absence or disability of said judge he may,

In case of absence of judge justice of the peace may act.

by order in writing, filed and recorded in said court, appoint a justice of the peace of said county to discharge the duties of such judge during such sickness, temporary absence or disability, who shall have all the powers of such judge while administering such office, except the trial of informations, appeals and actions beyond the jurisdiction which is conferred upon justices of the peace by law, and who shall receive for his services the sum of five dollars per day, to be paid out of the county treasury and deducted from the salary of said judge. In all other cases any circuit judge or any judge of the county court, having civil jurisdiction, may hold court as the judge of said municipal court in case of the absence, sickness or other disability or upon the request of the judge thereof, and while so doing he shall have the same powers as if elected judge of said court.

#### CLERK, APPOINTMENT AND DUTIES.

Appointment and duties of the clerk.

SECTION 13. The judge of said municipal court shall appoint a suitable person to the office of clerk of said municipal court, who shall hold his office during the pleasure of said judge and until his successor is appointed. Said clerk shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution, and file the same in the office of the county clerk of Racine county, and shall also execute and deliver to said county clerk a bond with sufficient sureties, to be approved by the chairman of the county board of said county and the mayor of the city of Racine, conditioned that he will account to and pay over to the city treasurer of said city, and to the county treasurer of said county, all fines and penalties and other moneys belonging to the treasury of the city or county of Racine, and will pay over all moneys which shall come into his hands by virtue of his office as clerk, to the persons entitled to the same, and perform all of the duties of his office as required by law. Said

clerk shall keep justice dockets for civil and criminal actions heretofore cognizable by justices of the peace, and shall also keep a record book, a criminal record, a judgment book, a lien docket and a minute book, in the manner and form now in use in the circuit courts of this state and containing the entries as provided by law in section 742, of the revised statutes of the state of Wisconsin. He shall have the care and custody of all books, papers and records of the courts; he shall be present at all trials, and may administer all necessary oaths. He shall keep the minutes of all proceedings, issue the commitments and executions and enforce the same, and make up and keep the record of the court in all cases therein, under the direction of the judge. He shall issue all processes, excepting summons in civil actions, under his hand and seal of the court and teste them in the name of the judge, signing them by his title of office, and tax the costs, including one dollar for state tax, in the cases required by law; provided, always, that summons in civil actions may be issued and served in the same manner as in actions commenced in the circuit court. He shall, in the presence of the sheriff of said county, draw the grand and petit juries for said court in the same manner and upon the notice required by law for the drawing of such juries in circuit courts, except as hereinafter provided. He may take bail from persons arrested when the court is not in session, subject to the revision of the court, and shall under the direction of the judge perform all other acts necessary to carry out the jurisdiction herein given to said court. He shall procure all necessary blanks, stationery, book and paper cases, desks, record books, office furniture, light and fuel for the use of said court. He shall perform all ministerial acts required of him by and under the direction of the judge of said court. He shall render to the county treasurer his account quarterly, which said account shall be so itemized as to show the fines,

penalties and officers' fees in each case, and in criminal cases a brief statement of the character of the prosecution and the judgment of the court. He shall receive a salary of eight hundred dollars per annum, payable by said county in the manner herein provided for the payment of the salary of the municipal judge, and shall receive no fees of office or compensation other than his salary herein fixed.

SHERIFF, CONSTABLES AND POLICE TO BE OFFICERS.

Officers of the court named.

SECTION 14. The sheriff of Racine county shall be the executive officer of said municipal court, and shall execute all processes issuing out of said court, excepting processes for violation of any provision of the charter or ordinances of the city of Racine, excepting summons in civil actions beyond the jurisdiction of the justices of the peace, unless he is ordered to serve the same by the plaintiff thereon or his attorney. He shall be subject to the same rules and liabilities, and have the same powers as provided for by the statutes of this state with reference to the circuit court and courts of justices of the peace. In all matters heretofore cognizable by justices of the peace the constables of said county shall be deemed officers of said municipal court, and in all criminal actions for offenses committed in the city of Racine and actions brought for the violation of any provision of the charter or ordinances of said city; the members of the police force of the city of Racine shall have the powers and be subject to the liabilities of constables, and for such purpose shall be deemed officers of said municipal court, but shall not be entitled to any fees for services so rendered.

PHONOGRAPPIC REPORTER, COMPENSATION.

Phonographic reporter—his compensation.

SECTION 15. The judge of said municipal court may from time to time, employ a phono-

graphic reporter for said court, who shall take and subscribe the oath of office prescribed in the constitution, who shall be furnished with all necessary stationery, and shall attend when required by said judge and report the proceedings of trials had in said court, and perform such duties as said judge may require. Said judge shall fix the compensation of such reporter, not to exceed five dollars for each day, and two and one-half dollars for each half day of attendance, which shall be in full compensation for services and for making such transcripts from shorthand notes as may be required by said judge. Said reporter shall furnish parties to the action, or their attorneys, requiring them, like transcripts at a price not to exceed five cents per folio and two and one-half cents per folio for copies. The per diem compensation of said reporter shall be paid out of the treasury of the county upon the order of the judge.

COURT TO BE OPEN DAILY.

SECTION 16. Said municipal court shall be open for business every morning, Sundays and legal holidays excepted, to hear and determine in a summary way, all cases which shall be brought before it by the officers of said city or otherwise, with or without process, for violation of the laws of this state or of any of the provisions of the charter or ordinances of said city, and all cases of crime and misdemeanor arising in said city or county, and which are not indictable; and said court may in its discretion grant such continuances of cases as may be necessary to the ends of justice, with or without bail. In offenses not indictable the court shall cause to be entered upon the record in a docket kept for that purpose, a statement of the offense of which the accused is charged, which shall stand as the complaint unless the court or judge shall direct a formal complaint to be made, and the defendant's plea shall be guilty

Court to be open daily for transaction of business.

or not guilty, which shall be entered by the clerk, and, on failure to plead, a plea of not guilty shall be entered; the plea of not guilty shall put all matters in such case at issue.

#### TERMS OF COURT.

Regular terms  
of court: time  
designated.

SECTION 17. Said municipal court shall hold regular terms, commencing on the first Monday of the months of January, March, June and October of each year, but no jurors shall be summoned to attend upon any term of said court unless it shall appear to the satisfaction of the judge that a jury panel is necessary. Jurors shall be chosen for each term of said municipal court by the same persons and in the same manner as jurors in the circuit court, and all provisions of law, rules and practices relating to the selection, qualifications, duties and compensation of jurors in the circuit court shall be applicable to said municipal court, except as hereinafter provided. In all criminal cases in which information shall have been filed in said court, and in all civil cases now triable by jury in the circuit courts of this state and pending in said municipal court, in which, at or before the time of filing the notice of trial, either party shall have filed a written demand for a jury, the clerk of said court, in the presence of the judge, at least six days before said term, shall draw from the list of persons, as hereinafter provided, to serve as jurors therein, twenty-four jurors for such term, and shall issue a venire to the sheriff of Racine county to summon them as such.

#### SPECIAL VENIRE TO FILL PANEL.

Manner of  
drawing ju-  
rors.

SECTION 18. Whenever at any term of said municipal court there shall be an entire absence of jurors of the regular panel, whether from an omission to draw and summon the same, or because of a challenge to the panel, or from any other cause, the court may order

a special venire to issue to the sheriff, commanding him to summon from the county at large a number therein named, of qualified persons to serve as jurors during the term; and whenever there shall be a deficiency of jurors of the regular panel, at any time during the term, for any cause whatever, the court may order a like special venire to issue to the sheriff, commanding him to summon from the county, a sufficient number of qualified jurors to fill the regular panel, or a less number, in his discretion. When by reason of challenge, or otherwise, a sufficient number of jurors, duly drawn and summoned, cannot be obtained for the trial of any cause, civil or criminal, the court shall cause jurors, duly qualified, to be returned from the bystanders, or from the county at large, to complete the panel for such trial, and the court may in its discretion, order a special venire to issue for that purpose, or such jurors may be returned by the sheriff, or his deputy, the coroner, or any disinterested person appointed therefor by the court, without writ.

FINES AND COSTS PAID TO THE COUNTY AND CITY  
TREASURERS.

SECTION 19. All fines and costs collected by the clerk of said court in all actions for violation of the charter or any ordinance of the city of Racine, or any other action in which the city of Racine shall be a party, shall be accounted for and paid by said clerk unto the city treasurer of the city of Racine. All fines and costs in every civil action, and in all criminal prosecutions and proceedings under the general statutes of this state, shall be accounted for and paid over quarterly by said clerk unto the county treasurer of the county of Racine.

Fines and costs  
to be paid to  
the city and  
county.

FEES OF CLERK, WITNESSES, JURORS AND OFFICERS.

Fees of clerk, witnesses, jurors and officers same as allowed in courts of justices of the peace.

**SECTION 20.** The fees of the clerk, witnesses, jurors and officers in all cases within the jurisdiction of justices of the peace, shall, except when otherwise herein provided, be the same as they have heretofore been allowed in courts of justices of the peace, and in all actions beyond the jurisdiction of justices of the peace, the fees of the clerk, witnesses, jurors and officers shall be the same as are allowed by law to the clerk, witnesses, jurors and officers in the circuit court of Racine county; provided, always, that the fees of said clerk shall in no event exceed the sum of five dollars in all civil actions within the jurisdiction of justices of the peace; and provided, further, that the fees of said clerk in all civil actions beyond the jurisdiction of the justices of the peace shall not exceed the sum of six dollars, exclusive of state tax.

COSTS, HOW TAXED, LIMITATIONS.

Taxation of costs.

**SECTION 21.** The costs and fees of the prevailing party in all civil actions shall be taxed and allowed as follows: In actions cognizable by justices of the peace, the costs and fees shall be taxed and allowed in the same amount as would be allowed in case said action had been commenced in the court of a justice of the peace. In all other actions of which said municipal court has jurisdiction, all costs, fees and disbursements shall be taxed and allowed in the same manner and to the like amount as they are taxed and allowed in the circuit court, except as hereinbefore provided.

COUNTY TO FURNISH COURT ROOM.

Court room to be furnished by county.

**SECTION 22.** It shall be the duty of the mayor of the city of Racine and the chairman of the

board of supervisors of the county of Racine, immediately after the passage and publication of this act, to appoint a commission of three men, one of whom shall be the county purchasing agent of Racine county, one an alderman of the city of Racine, and one a member of the bar of Racine county, who shall have his office in said city of Racine. It shall be the duty of said commission forthwith to procure, provide and furnish suitable room or rooms in the city of Racine for holding court and for offices of the judge and clerk of said court, as in this act provided; said room or rooms to be managed and paid for as hereinafter provided for.

#### EXPENSES OF COURT, HOW PAID.

SECTION 23. The salary of the judge and clerk, and all other expenses necessarily incurred in the maintenance of said court, are hereby adjusted and divided as follows: Two-thirds of said salaries and expenses of maintenance shall be paid by the county of Racine, and the remaining one-third shall be paid by the city of Racine. Said salaries and expenses shall, in the first instance be paid out of the county treasury of Racine county as hereinbefore provided. At the annual accounting between the city and county of Racine, the county treasurer shall furnish unto the proper officer of the city of Racine, a detailed statement of the amounts paid out of the county treasury as aforesaid. And it shall be the duty of the said treasurer of the city of Racine when said account shall have been rendered and allowed, and he is hereby authorized and empowered, to pay unto the said county treasurer a sum equal to one-third of said expenses.

Relating to the expenses of the court.

#### REPEALING CLAUSE.

SECTION 24. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

## ACT, WHEN TO TAKE EFFECT.

SECTION 25. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1897.

No. 575, A.]

[Published March 20, 1897.

## CHAPTER 73.

AN ACT to amend section 1060, revised statutes, as amended by chapter 74, laws of 1881, relating to board of review.

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

Boards of review may hold their meetings at place of last annual town meeting.

SECTION 1. Section 1060, revised statutes, as amended by chapter 74, laws of 1881, is hereby amended by adding after the word "office," in the sixth line, as printed in Sanborn and Berryman's annotated statutes, the words, "Provided, that the board of review in towns may hold their meetings at the place where the last annual town meeting was held," so that said section when so amended shall read as follows: Section 1060. The supervisors, clerk and assessors of each town, the mayor, clerk and assessors of each city, the president, clerk and assessors of each village in which taxes are assessed and collected independently of the town, shall constitute a board of review for such town, city or village. The board of review shall meet annually, on the last Monday of June, at its town, city or village clerk's office; provided, that the board of review in towns may hold these meetings at the place where the last annual town meeting was held. A majority