

by the state, providing the same does not exceed one-fourth of one per cent. on the amount of said bond."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 21, 1903.

No. 47, S.]

[Published April 27, 1903.

## CHAPTER 102.

AN ACT to amend section 925—269 of the statutes of 1898, relating to the jurisdiction of justices, constables, etc., in city located in two or more counties.

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

**Jurisdiction of justices, constables, etc., in city in two or more counties.** SECTION 1. Subdivision 1 of section 925—269 of the statutes of 1898, is hereby amended by striking out the words "of the county in which the action was tried," where they occur in the eighteenth and nineteenth lines of said subdivision, and inserting in lieu thereof the words "of either of said counties in which said justice has jurisdiction, the circuit court first obtaining jurisdiction of such appeal to retain such jurisdiction to the exclusion of the other circuit court," so that said subdivision when so amended shall read as follows: Section 925—269. 1. All justices of the peace and police justices shall, before entering upon the duties of their offices, take and subscribe as many oaths of office and execute as many official bonds as there are parts of counties within said city, which bonds shall have two or more sufficient sureties, to be approved by the mayor, and shall be in the form provided by the statutes; the approval of the sureties shall be endorsed upon such bonds, and the said justices of the peace and police justices shall cause one of such bonds, together with their oath of office, to be filed in the office of the clerk of the circuit court of each of said counties, and a copy of said bond, duly certified by either of said clerks, shall be prima facie evidence of the contents and execution thereof. Each of said justices of the peace and po-

lice justices shall have jurisdiction both civil and criminal co-extensive with the limits of each of the counties in which said city or any part of it is situated, and may issue process and do all things in either of said counties that any justice of the peace of such county may lawfully do. Each of said justices of the peace and police justices shall keep and hold his office within the corporate limits of said city, irrespective of the ward in which he shall reside; provided, that in case of appeal or certiorari in civil cases the papers shall be transmitted to the circuit court of either of said counties in which said justice has jurisdiction, the circuit court first obtaining jurisdiction of such appeal to retain such jurisdiction to the exclusion of the other circuit court, unless there be a county court having civil jurisdiction, and then to the county court of the county in which such action was tried; and provided further, that in case of an appeal in criminal cases or in examinations in which the justice has not final jurisdiction the papers shall be transmitted to the circuit court of the county in which the offense is charged to have been committed; and all commitments in criminal cases shall be made to the common jail of such county, except commitments for violations of a city ordinance; and provided further, in all cases, if a cause shall be removed from the justice before whom the same was commenced, the papers shall be transmitted to the nearest justice in said city, if he be competent to try the cause, but if there shall be no such justice, or if he be absent or sick, the papers shall, in civil cases, be transmitted to the nearest justice of the peace of the county in which the defendants or either of them was served with process, and in criminal cases they shall be transmitted to the nearest justice of the peace of the county in which the offense was charged to have been committed, and such nearest justice may hear, try and determine the same; and said justices of the peace and police justices shall perform the same duties, receive the same fees, and be liable to the same penalties as other justices of the peace. When execution shall be issued by either of said justices of the peace or police justices in actions of tort, and the defendant shall be imprisoned thereon, he shall be committed to and imprisoned in the jail of the county in which the cause was tried.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.