

No. 256, A.]

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CHAPTER 153.

AN ACT to amend chapter 396 of the laws of 1903, entitled
 “An act to create a municipal court in the county of Brown
 and the city of Green Bay.”

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

Criminal jurisdiction; appeals from justice courts; jury.

SECTION 1. Section 5 of chapter 396 of the laws of 1903 is hereby amended so as to read as follows: Section 5. The municipal court shall be a court of record, with a clerk and seal, and shall have concurrent jurisdiction with the circuit court of Brown county, with full power and authority to hear, try and determine all cases of crimes and misdemeanors of whatever kind, except murder, that are or may be cognizable before the circuit court, which may be committed in the county of Brown, * * * provided that in all cases in which the person charged with crime shall plead guilty to the charge, the said municipal court shall have full power and authority to sentence such person, so pleading guilty, to hard labor in the state prison, in case the offense is liable to such punishment, or to inflict any other punishment or penalty under the laws of the state in as full a manner as the circuit court could do in such cases and the said municipal court shall have power to commit or to bail over to such time as may be convenient, such persons as may be found on examination before it to be indictable or subject to a criminal information in which such persons are charged with an offense punishable by imprisonment in the state prison. * * * On or before the time fixed for the trial of such persons so committed or bailed over the district attorney shall file in said municipal court, the proper information against such person, and the court shall then proceed to hear, try and determine the same, unless the said cause is continued by the court for cause. And in any criminal cause, not cognizable, before a justice of the peace, and in which an information may be filed as aforesaid, after the same is at issue, the judge may fix a day for the trial of the same, and the same may then be tried by the court, in case a trial thereof by jury is waived by the accused, in writing,

or in open court, to be entered upon the minutes, and in case the trial by jury is so waived, the cause shall be tried by the court. No justice of the peace, police justice, or court commissioner within said city of Green Bay, shall exercise any jurisdiction in criminal or bastardy cases, but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances and commitments from said judge, justices of the peace and police justices of said county, in criminal cases (except murder), and in bastardy cases, shall be certified and returned to said municipal court instead of said circuit court, at least five days before the time fixed for the appearance of the accused; and the accused shall, and all witnesses required to attend may be committed to be brought or recognized to appear before said municipal court, on a day certain, not more than twenty days from the date of said commitment or recognizance. Said court shall have jurisdiction to try and determine all appeals in civil and criminal cases from justices of the peace and police justices in said county, and in all cases removed from said justices' or police courts on account of the title to lands coming in question, and all such cases shall be certified and returned to said municipal court instead of the circuit court of said county, within ten days after the perfection of the appeal, in appealed cases, or the joining of issue, in other cases; provided that in civil cases appealable from justices' judgments the party appealing may, at his option, appeal to the circuit court for Brown county instead of to said municipal court. Transcripts of all judgments rendered in said court *may* immediately after the entry of such judgments, be filed by the clerk of said court, in the office of the clerk of the circuit court of Brown county, and shall be docketed by said clerk of the circuit court, who shall receive the same fees therefor as provided by law in other cases and such transcripts of judgment so filed and docketed, shall have the same force and effect as constituting a lien upon real estate that judgments rendered and docketed in said circuit court have by law, and be carried into execution, both as to the principal judgment debtor and his surety, if any, in the same manner and with like effect as the judgment of said circuit court. A jury in said municipal court in criminal cases shall consist of twelve men, qualified to sit as jurors under the laws of this state.

General powers and duties of judge. SECTION 2. Section 11 of chapter 396 of the laws of 1903 is hereby amended so as to

read as follows: Section 11. The municipal judge shall be the chief magistrate of the city of Green Bay, and possessed of all the powers of a justice of the peace in civil and criminal cases and in city prosecutions he shall see that the criminal laws of the state and the ordinances, laws, rules, regulations, resolutions and by-laws of the city of Green Bay be observed and executed, and for that purpose, shall open court every morning (Sundays and legal holidays excepted), and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city or otherwise, either with or without process for violation of the criminal laws of the state, committed in the county of Brown, or the ordinances and by-laws of the city of Green Bay. In all actions or prosecutions for violations of the city ordinances or by-laws the city attorney shall prosecute. The general provisions of law relative to civil and criminal actions before justices of the peace shall apply to said municipal court so far as applicable; *provided that said municipal court shall have full power and authority to try and determine the question of title to realty in all cases when the question of title is raised*; except that no change of venue shall be taken from said court in any civil case originally commenced in said court, or in any criminal or bastardy examination, or criminal trial, except cases tried upon information as hereinbefore provided. In all actions brought in said municipal court, where an attachment shall be issued upon an affidavit made by or on behalf of the plaintiff, and the debt or demand mentioned in such affidavit exceeds the sum of two hundred dollars, such attachment shall be issued in the manner provided in chapter 124, of the statutes of 1898 entitled, "of attachment," and all the provisions of said chapter 124 shall be applicable to any such attachment in said court. In all actions of replevin in said court, wherein the value of the property shall exceed two hundred dollars, all the provisions of chapter 123 of the statutes of 1898 shall be applicable. Whenever in any case commenced in any of the justice or police courts of said county, a plea of title to land shall be interposed in such manner as to entitle the defendant to a removal of such case, the same shall be certified to said municipal court instead of the circuit court, in the same manner as such cases are now required to be certified to the circuit court; and said municipal court shall have full power and authority to hear, try and determine the same in the same manner as cases brought to said court on appeal. The city marshal of the city of Green Bay, constables

of said county, and other officers having the same power and authority as constables of said county, shall be officers of said court, with the same powers and duties as are or shall be conferred upon them by the laws of this state in reference to justice or police courts, in cases wherein said court or the judge thereof exercises original jurisdiction in civil actions, and in all criminal cases and examinations, including examinations in bastardy cases, except appeal cases and cases in which informations have been filed; and such officers shall receive the same fees for such services as if performed in justices court. All provisions in the charter and ordinances of said city relating to the police court or justice courts, or to criminal prosecutions shall be held applicable to said municipal court. The judge of said court shall have the same power to solemnize marriages, take acknowledgments and depositions, and administer oaths, as a justice of the peace, or *circuit court commissioner*, and shall receive like fees therefor. The judge of said circuit court may, in his discretion, summon witnesses before him and examine them on oath for the purpose of determining whether a warrant should be issued, and witnesses so summoned shall be compelled to attend before him and answer all pertinent questions relative to the subject of inquiry, and shall be subject to punishment for contempt for refusal to attend and answer.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.