

No. 489, S.]

[Published May 27, 1909.]

CHAPTER 195.

AN ACT to amend sections 6, 8, 24, 29, 30, and 62 of chapter 23, laws of 1907, relating to municipal court of the county of Outagamie.

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

SECTION 1. Sections 6, 8, 24, 29, 30, and 62 of chapter 23, laws of 1907, are amended to read: Section 6. No person shall be eligible to the office of judge of the municipal court unless he be a practicing attorney, duly admitted to the bar of Outagamie county, and a qualified elector and freeholder of said county, * * * *The judge of said court shall not, while holding said office, engage in the practice of law in any court, nor be retained or employed as solicitor, attorney, or counsel in any action, matter, or proceeding, nor give advice or counsel in any matter as an attorney, solicitor, or counsel.*

SECTION 8. The municipal judge shall receive a salary of * * * *two thousand five hundred dollars per year, payable quarterly out of the treasury of Outagamie county, and the same shall be in full compensation for all his services as such judicial officer.*

SECTION 24. 1. Said judge shall have exclusive jurisdiction to institute and conduct examinations in all criminal and bastardy cases arising within the district prescribed in the preceding section, and the power and jurisdiction to cause to come before him the persons so charged with committing bastardy or criminal offense, within such district, and commit them to jail or bind them over as the case may require, and on a plea of guilty by the accused and a request by him to be sentenced, the said judge shall have power, authority, and jurisdiction to sentence the accused for any offense * * *, excepting, however, that the jurisdiction in examinations for murder, manslaughter, arson, rape, robbery, burglary, possession of burglarious tools, forgery, larceny, embezzlement, false pretense, and attempts to murder, rape, or rob, when committed within the city of Kaukauna or in the town of Freedom, Kaukauna, or Buchanan, shall be concurrent with the justices of the peace or other examining magistrates in the city of Kaukauna, and the towns of Freedom, Kaukauna, and Buchanan, and exclusive as to all other magistrates.

2. *The said municipal court shall have and exercise powers and jurisdiction equal and concurrent with the circuit court of Outagamie county in all cases of crimes and misdemeanors arising in said county, except the crimes of murder and manslaughter.*

SECTION 29. The municipal court shall have and exercise powers and jurisdiction in all civil actions within the county, both in law and in equity, * * * *including actions for divorce and the annulment of marriages, concurrent with and equal to the powers and jurisdiction of the circuit court of Outagamie 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 * * * ten thousand dollars, and also of all actions for the foreclosure of mortgages or in proceedings under chapter 143, statutes of 1898, in which the amount claimed does not exceed the sum aforesaid, although the value of the property to be * * * affected by the judgment exceeds that sum, and shall also have and exercise powers and jurisdiction within said county concurrent with and equal to the powers and jurisdiction of the said circuit in certiorari proceedings, actions brought for breach of any recognizance given in said court, and of all actions and proceedings under chapters 142, 145, 147, 148, 149, 150, and 153, statutes of 1898, and the amendments thereto. In actions for divorce the said court shall have and exercise unlimited powers and jurisdiction respecting property rights therein involved.*

SECTION 30. All examination, recognizances, and commitments from or by examining magistrates and from or by the municipal judge, in bastardy cases and all criminal cases, except murder and manslaughter * * * shall be certified and returned to the municipal court instead of to the circuit court of said county, within the time prescribed by law, and the accused, the complainant, and all other witnesses required to attend shall, in like manner as now provided by law, be committed to be brought or recognized to appear before the municipal court on a day certain, which shall not be more than thirty (30) days from the date of such commitment or recognizance, and the said municipal court shall have and exercise all the powers and jurisdiction of the circuit court to hear, try, and determine said bastardy and criminal cases, and to punish for contempt.

SECTION 62. 1. The judge shall have power in actions on

trial according to justice court procedure, in his discretion, to charge the jury. * * *

2. *In all jury trials in actions in which said court has and exercises power and jurisdiction concurrent with that of the circuit court for Outagamie county, the jury shall be instructed and charged in the same manner as provided for the instructing and charging of juries in the circuit court, and all statutes applicable to instructing and charging the jury in the circuit court shall be and are made applicable to instructing and charging the jury in such actions in said court.*

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

Approved May 26, 1909.

No. 29, S.]

[Published May 27, 1909.

CHAPTER 196.

AN ACT to amend section 2276a of the statutes, relating to evidence of title by descent.

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

SECTION 1. Section 2276a of the statutes is hereby amended to read: Section 2276a. Whenever a person has died or shall die owning real estate in this state, and it shall appear that the estate of such deceased person is not subject to an inheritance tax, or if subject to such tax that said tax has been paid, the county judge of the county in which such real estate is situated may, upon application of the heirs of such person, their guardian, or any person interested in such real estate, issue under the seal of the county court a certificate setting forth the names of such heirs and the interest of each of them in the premises of which said deceased died seized, giving a description of the same, which certificate or a certified copy thereof when recorded in the office of the register of deeds of the county in which such real estate is situated shall be prima facie evidence of the facts therein recited.

Approved May 26, 1909.