

No. 626, S.]

[Published June 21, 1909.

**CHAPTER 522.**

AN ACT to create a municipal court in the county of Fond du Lac.

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

SECTION 1. There is hereby created and established in the county of Fond du Lac, state of Wisconsin, a court to be known and designated as the "Municipal court of Fond du Lac county," which court, after the first day of May, A. D., 1910, shall have the powers and jurisdiction hereinafter provided, and shall be presided over by a judge to be known as the municipal judge.

SECTION 2. The municipal court of Fond du Lac county shall be a court of record, with a seal to be designed and procured by the judge thereof at the expense of the county.

SECTION 3. Said municipal court shall be held in the city of Fond du Lac, in some suitable room or rooms to be furnished and supplied at the expense of the county under the direction of the county board thereof.

SECTION 4. 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 Fond du Lac county and a qualified elector and freeholder of said county and during his term of office he shall not practice his profession.

SECTION 5. On the first Tuesday of April, A. D., 1910, the first Tuesday of April, A. D., 1913, and on the first Tuesday of April every four years thereafter, there shall be elected in the county of Fond du Lac, exclusive of the city and town of Ripon, in the same manner as county judges are elected, a judge of the municipal court, who shall hold his office for the term of three years for the first term and for the term of four years thereafter, beginning the first day of May next succeeding his election and continuing until his successor is elected and qualified, and shall be subject to removal from office in the manner provided by the constitution of this state for the removal of the judges of the circuit court. The nominations of candidates for municipal judge shall be made in the same manner as provided for county judges.

SECTION 6. The municipal judge, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office and file the same in the office of the clerk of the

circuit court for Fond du Lac county, and shall execute to said county a bond in the penal sum of two thousand dollars, with surety to be approved by the treasurer of said county and recorded and filed as provided in section 702 of the statutes, conditioned for the faithful performance of the duties required of him by law and the faithful and prompt application and payment of all moneys and effects which may come into his hands in the execution of the duties of his office.

SECTION 7. Whenever a vacancy shall happen in the office of municipal judge after the first Tuesday of April, A. D., 1910, the governor 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 given in the same manner as for the election of a county judge.

SECTION 8. The municipal judge shall receive a salary of two thousand four hundred dollars per year, payable monthly, two-thirds out of the treasury of Fond du Lac county and one-third out of the treasury of the city of Fond du Lac and the same shall be in full compensation for all his services as such judicial officer, until otherwise fixed by the county board.

SECTION 9. There shall be a term of court beginning on the first Monday of January, March, June, August and October of each year. All civil actions, over which a justice court has no jurisdiction, in which issue shall have been joined on or prior to the 20th day of the month preceding any term, shall stand for trial at such term without notice. In case of a continuance the action shall stand for trial at the succeeding term without notice. The court shall be open for business on all secular days except legal holidays and except as the judge thereof may otherwise order. In case of sickness, temporary absence, disability of said judge, or other cause, he may, and on the filing of an affidavit of prejudice by the defendant in misdemeanors, examinations, or bastardy proceedings, shall by order in writing, filed and recorded in said court, appoint the county judge, to discharge the duties of such judge during such sickness, temporary absence, disability or other cause, who shall have all the powers of such judge while administering such office, except the trial of informations, and who shall receive for his services the sum of five dollars per day, to be paid out of the county treasury. In cases founded on information any circuit judge may hold court as the judge of the municipal court in the event of the absence, sickness, disability of the municipal judge, or other cause, or upon the

special request of the judge. In any such contingency the municipal judge may also, by order, transfer to the circuit court of Fond du Lac county any and all circuit court actions, and upon the filing of such order with the clerk of the circuit court, such circuit court shall have jurisdiction thereof and the said actions shall thereafter proceed as if originally brought in the circuit court and while administering the duties of the judge of the municipal court, the circuit judge, or county judge shall sign all papers, processes, and records, as "A. B., Acting Municipal Judge."

SECTION 10. The clerk of the circuit court for Fond du Lac county and his deputy shall be clerk and deputy, respectively, of the municipal court.

In addition to his oath and bond as clerk of the circuit court, he shall file an additional oath of office as clerk of the municipal court and shall execute and file with the county clerk a bond with sureties approved by said county clerk and in such sum as the municipal judge shall order, conditioned that he will pay over to the proper person all fines and penalties, suit tax and other moneys in his hands as required by law and the order of the court, and will faithfully perform the duties of his office as required by law.

SECTION 11. Said clerk shall have all the powers and perform all the duties with reference to the municipal court in circuit court matters in the same manner and to the same extent as the clerk of the circuit court has and does for that court, except as may be herein otherwise specially provided, and shall keep like records of all such proceedings as are required to be kept by him as clerk of the circuit court, and shall have power to take bail in the absence of the judge, subject to his revision.

SECTION 12. The clerk shall receive a yearly salary payable out of the county treasury on the first secular day of each month, which shall be in lieu of all fees and per diem, in full compensation for all services rendered by him. The amount of such salary shall be fixed by the county board of supervisors and until so fixed, the amount thereof shall be eight hundred dollars.

SECTION 13. The judge of the municipal court may appoint a phonographic reporter for said court, skilled in the art of shorthand reporting, and may remove such reporter at pleasure and appoint another to the place. Every person so appointed shall be deemed an officer of the court, and before entering upon the duties of the office shall take and sub-

scribe the constitutional oath and file the same, duly certified, in the office of the clerk of the circuit court. He shall be furnished with all necessary stationery and shall attend when requested by said judge and report the proceedings of trials and examinations had in said court, act as clerk thereof, while proceeding according to justice court procedure and perform such other duties as the court or judge thereof may require, and is hereby authorized and empowered to administer oaths, make and keep records of the court, issue subpoenas and processes and perform the other duties of the position during the hearing of such matters the same as when the said municipal court is sitting as a court of record.

SECTION 14. The salary of such reporter shall be seventy-five dollars per month, payable monthly from the county treasury on the certificate of the judge of said court, which shall be in full compensation for such services and including the making of such transcripts from shorthand notes as may be required by said judge and the transcript of the testimony taken in any criminal examination or bastardy proceedings where the defendant is bound over for trial, and in actions appealed to the circuit court. The party appealing to the circuit court in any civil action shall at the time of taking such appeal pay to the clerk of this court for the use of the county, in addition to any other amount herein required to be paid by him, five cents per folio for a transcript of the testimony which shall be returned with the record to the appellate court.

SECTION 15. Every reporter shall, upon the request of a party to any action, transcribe in longhand the evidence or other proceedings taken by him in such action, or any part thereof as requested, and duly certify the same to be a correct transcript thereof, for which he shall be entitled to receive and collect from the party requesting the same the sum of five cents per folio for the original transcript and two and one-half cents per folio for copies.

SECTION 16. In any trial of any criminal action on information or appeal, or any bastardy case, the court may, in its discretion, order a transcript of the evidence or proceedings, or any part thereof, to be made and certified by the reporter and filed with the clerk of the municipal court.

SECTION 17. Except in criminal actions appealed to the circuit court and in criminal examinations and bastardy proceedings where the defendant has been bound over for trial,

the stenographic notes of the reporter may be filed by the judge as the testimony in the case.

SECTION 18. In addition to the powers hereinafter vested in the municipal court, the municipal judge is vested with all the powers and jurisdiction of a justice of the peace in said county in criminal actions, criminal and bastardy examinations, and proceedings for contempt, except as may be hereinafter specifically denied. He shall have full power to summon and compel the attendance of witnesses before him, and examine them on oath for the purpose of determining whether a warrant should be issued, and in case any witness so summoned shall refuse to attend or answer pertinent questions relative to the subject of inquiry, he shall be subject to punishment for contempt.

SECTION 19. The municipal judge shall have exclusive original jurisdiction to hear, try and determine all criminal actions, except homicide, arising within the city of Fond du Lac, towns of Fond du Lac and Friendship, and within the village of North Fond du Lac and concurrent with the justices of the peace or other magistrates throughout the county of Fond du Lac except in the city and town of Ripon. No justice of the peace within the city of Fond du Lac, towns of Fond du Lac and Friendship, and within the village of North Fond du Lac shall have or exercise jurisdiction in any criminal or bastardy cases, except that justices of the peace and circuit court commissioners throughout the county, except in the city and town of Ripon, may in the manner prescribed by law, issue warrants returnable to the municipal court of Fond du Lac county.

SECTION 20. Said judge and circuit court commissioners shall have exclusive jurisdiction to institute and conduct examinations in all criminal and bastardy cases arising within the city of Fond du Lac and towns of Fond du Lac and Friendship, and in the village of North Fond du Lac, and said judge shall have 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 for trial at the next term of said municipal court, as the case may require, and shall have power and jurisdiction concurrent with the justices of the peace or other magistrates throughout the county, 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 except homicide.

SECTION 21. Said judge shall have exclusive original jurisdiction of prosecutions for the violation of the ordinances and charter provisions of the city of Fond du Lac.

SECTION 22. The municipal court shall have and exercise powers and jurisdiction in all civil actions within the county, both in law and equity, concurrent with and equal to the powers and 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 setoffs, shall not exceed twenty-five 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 court 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, and shall be vested with and shall have jurisdiction, authority, powers, and rights given by law to justices of the peace in all matters.

SECTION 23. The provisions of law applicable to change of venue in the circuit courts of this state shall be applicable to the municipal court except as herein provided and except that when the venue of an action shall be so changed, it shall be changed to the circuit court of Fond du Lac county, and such change of venue shall not prevent the granting by said circuit court, in its discretion, of a further change of venue as provided in section 2622 of the statutes, provided, however, that nothing herein contained shall be construed as abrogating the right to the change of venue provided for by section 2621 of the statutes, and when such change of venue shall be made it shall be by the municipal court direct to the proper county for the trial of the action; and provided, further that section 2625 of the statutes, so far as applicable, shall apply to the municipal court and that the judge thereof shall have the right to call upon a circuit judge to attend, hold court and try such action, and while so doing he shall have the same power as if elected judge of the municipal court. And in criminal cases the punishment whereof exceeds six months in the county jail or by a fine exceeding one hundred dollars, if the affidavit shall allege that the municipal and circuit judges are prejudiced, the case shall be removed to an adjoining circuit unless

some other judge shall be called to preside as above provided.

SECTION 24. No change of venue shall be allowed as of course in any civil or criminal action appealed from justice court to the municipal court except as provided for by section 2624 of the statutes.

SECTION 25. No change of venue from the municipal court shall be allowed in any examination for bastardy or criminal offense or in any civil action or proceeding otherwise cognizable by a justice of the peace proceeding according to justice court procedure.

SECTION 26. A change of venue in any civil action or proceeding pending before any justice of the peace of the city of Fond du Lac, the towns of Fond du Lac and Friendship and the village of North Fond du Lac may be taken to the municipal court at any time before going to trial in the manner provided by sections 3616 and 3617 of the statutes, without regard to whether the judge thereof is the next nearest officer qualified by law to try the cause, provided either party to the action shall before the transmission of the papers, by himself or attorney in writing, demand that said action be removed to the municipal court, in which case the justice shall forthwith transmit the papers to the municipal court and the action shall proceed in like manner as if originally commenced in the municipal court.

SECTION 27. A change of venue may be taken from any justice court or the court of an examining magistrate in the county, exclusive of the city and town of Ripon, the city of Fond du Lac, the towns of Fond du Lac and Friendship, and the village of North Fond du Lac, to the municipal court of Fond du Lac county in any criminal or bastardy proceeding or examination, upon consent of both parties or their attorneys, or on the application of either party in person or by attorney made any time before a second adjournment is had in such proceeding or examination and without cause shown. A change of venue may also be taken from any justice court in the county, exclusive of the city and town of Ripon, to the said municipal court, in any civil action or proceeding upon consent of both parties or their attorneys, and when so taken proceedings shall thereafter be had in the municipal court in like manner as if originally commenced therein.

SECTION 28. Appeals from justice court in criminal cases and in prosecutions for violation of ordinances or charter provisions shall be to the municipal court and return of such appeals shall be made thereto in the manner and within the time

provided by law and the defendant, 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 at the next term thereof.

SECTION 29. Appeals from justice court in civil actions where the amount of damages or value of property recovered, exclusive of costs, shall not exceed fifty dollars, shall be taken and return thereof made to the municipal court. In all other cases the same may be taken to either the circuit court or the municipal court at the election of the successful party or his attorney, such election to be made in writing and filed with the justice of the peace within five days after the perfecting of the appeal as provided by section 3754 of the statutes and service of notice thereof upon the opposite party or his attorney and returned with the other papers to the appellate court. In case both parties appeal the election shall be made by the plaintiff or his attorney within five days from the time the latest appeal is so perfected. In case of the failure of parties to elect as herein provided, the justice shall make note of the same in his docket and make return of the appeal to the municipal court. The justice shall insert in the notice or notices of appeal the court to which such appeal is elected to be taken. Appeals from judgments of municipal court for violations of ordinances and charter provisions and in all civil and criminal actions and proceedings wherein the same has been tried according to justice court procedure, may be taken to the circuit court of Fond du Lac county within the same time, in like manner, and with like effect as from a justice court. And in determining whether there shall be a trial de novo on such appeals, sections 3767 and 3768 of the statutes shall apply, except that the amount specified in said sections shall be read fifty dollars instead of fifteen dollars.

SECTION 30. Appeals may be taken to the supreme court from the judgments and orders of the municipal court in civil and criminal actions, bastardy, and other proceedings, wherein the same has been tried according to circuit court procedure, within the same time and in like manner as from judgments and orders of the circuit court.

SECTION 31. The jury commissioners appointed by the circuit judge for Fond du Lac county shall, at the meeting for drawing the jury for the May term of each year for the circuit court for Fond du Lac county, furnish to the clerk of said municipal court a list containing such number of names as the

municipal judge shall direct, or persons of like qualifications as prescribed for jurors of the circuit court in the same manner that the names are furnished for the drawing of the jurors for said circuit court, except that no names on such lists shall be from the city or town of Ripon. The list so prepared shall be known as "the county at large list." The jury commissioners shall also furnish to the clerk of said municipal court a list containing such numbers of names as the municipal court judge shall direct of persons of like qualifications residing within the city of Fond du Lac. Such list so furnished shall be known as "the Fond du Lac jury list."

SECTION 32. Any juror on the lists made up exclusively of electors of the city of Fond du Lac who shall remove from said city and any juror on the "county at large jury list" who shall remove from the county shall have his name stricken from the lists and withdrawn from the box in which it has been placed, upon the order of the court, and the name of any juror on either list who shall be entitled to and claim his exemption from jury service shall likewise have his name stricken from such list and withdrawn from the box and whenever either of the several lists shall have become depleted by reason of removals, exemptions or otherwise, the court may in its discretion require the commissioners to certify additional names of persons eligible for jury service, and the clerk shall forthwith enter such additional names on the proper list.

SECTION 33. Any person who has been a member of either of the jury lists herein provided for and has actually served as a juror in the trial of any action proceeding according to circuit court procedure shall not be eligible to have his name appear on either such list during the succeeding year, and during such period of ineligibility shall be disqualified for jury service except he shall be summoned as a talesman. All persons not having so served shall be eligible for jury service during such succeeding year.

SECTION 34. The defendant in every criminal action or bastardy proceeding pending in the municipal court, sitting as a court of record, may waive a trial by jury by notice in writing filed with the clerk in said court or by waiver in open court and entered in the clerk's minutes.

SECTION 35. If the defendant in any criminal action in the municipal court except prosecutions for violations of section 4587c of the statutes and amendments thereto, at or before the time of pleading to the information and in any bastardy proceeding within ten days after filing of the return shall

serve and file a written demand for a trial by a jury from the county at large, the case shall be so tried, except as herein otherwise provided.

If either party, in any civil action commenced originally in the municipal court sitting as a court of record, which is triable before a jury, before the first term at which the action is triable shall serve and file a written demand for a trial by jury from the county at large, it shall be so tried except as herein otherwise provided.

SECTION 36. Unless a jury is waived or demand made as provided in the preceding section and in all civil and criminal actions on appeal from justice court and triable before a jury and in prosecutions for violations of section 4587, statutes of 1898, and amendments thereto, the same shall be tried before a jury empaneled as follows:

At least two days before the day fixed for trial, unless otherwise ordered by the court, the clerk shall draw in the presence of the court the names of forty persons from the box containing the names of the "Fond du Lac Jury List." The parties shall then strike from the names so drawn, alternately, beginning with the plaintiff, one name at a time until each party has struck twelve names. When all strikes have been made a venire shall be issued for the persons whose names remain on said list, arranged in the order as they appear on the list, to serve as jurors, and made returnable on the day fixed for trial. The jury so struck shall be called in the order they appear upon the venire, and the first twelve who shall appear and are not challenged for cause, set aside or excused by the court, shall be the jury. If less than twelve of the jurors appearing remain upon the list, the jury shall be completed as follows: The clerk shall as before draw from the box three times as many names as shall be sufficient to complete the panel, and each party shall in like order strike an equal number of names until the number remaining shall fully complete the panel of twelve.

SECTION 37. When a trial by jury from the county at large shall be demanded as hereinbefore provided, the same shall be drawn from the box containing the names on the "County at Large Jury List" in like manner as above, except that the court may require the same to be drawn at least one week prior to the time fixed for trial, and in case a trial jury of twelve shall not be obtained from the sixteen jurors originally summoned, the court may require that the additional names be drawn from the "Fond du Lac Jury List."

SECTION 38. In all justice court actions tried before the municipal judge in which a jury trial may be had, the jury shall consist of six persons and shall be drawn in the following manner: The clerk if in attendance and if not, the judge shall draw by lot from the box containing the names on the "Fond du Lac Jury List." The jury shall be struck from this list in the same manner as is now provided for in justice court trials, except that instead of summoning talesmen the panel shall be completed by drawing from the same box from which the original list was obtained unless the municipal judge orders the completion of the jury by summoning talesmen. Examination of jurors on their voir dire shall be allowed.

SECTION 39. In any case above provided for, if either party declines to strike from the list the names which he is entitled to strike, the court may direct the clerk of said court or any disinterested person to strike the name for said party.

SECTION 40. At least six days prior to any term the clerk of said court, in the presence of the judge, shall draw by lot from the box containing the names on the "County at Large Jury List," twenty-four jurors for such term, and shall issue a venire to the sheriff of Fond du Lac county to summon them as such.

Upon the trial of all such cases at term time, the trial jury shall be drawn and empaneled as in circuit court. The judge may, in his discretion, order that no jury be summoned at any term, and in such case the names of jurors drawn shall be returned to the jury box in the presence of said judge.

SECTION 41. The court may in its discretion for good cause shown allow a trial by jury from the county at large or at term time, in appeal cases from justice court, prosecutions for violations of section 4587c of the statutes and in those cases where the parties have failed to make a demand therefor as hereinbefore required.

Nothing herein contained shall be construed as denying to the court or judge thereof the power of ordering that any trial jury may be completed by the summoning of talesmen.

In all prosecutions in the municipal court for a breach of the ordinances or charter provisions of any city or village, such city or village shall be entitled to a trial by jury.

SECTION 42. Except as in this act otherwise specifically provided, said municipal court shall have all the powers, issue all writs, orders and processes throughout the state and follow the rules of pleading and procedure applicable in the circuit court, in the trial of all circuit court actions whether

on appeal, information, or originally commenced by process of the form used in circuit court. The municipal judge shall have the powers, rights, and authority of the circuit judge in all matters so far as applicable and within his jurisdiction.

SECTION 43. In all actions or examinations commenced by process common to justice courts, the municipal court and judge thereof shall have the same power, issue all writs and process throughout the county and follow the rules of practice and procedure applicable to justice courts, except as herein otherwise provided.

SECTION 44. In actions proceeding according to circuit court procedure, an objection that the procedure should be according to justice court procedure, or in any action proceeding according to justice court procedure, an objection that the procedure should be according to circuit court procedure, shall be deemed waived unless made before commencing to strike the jury, or, if no jury be empaneled, before entering upon the trial. If any such objection be made in time, either by motion, pleading, or objection, and be sustained, such action shall be dismissed with costs, unless the court shall expressly find that the same was started in good faith, believing the procedure taken to be proper, in which case the court may, in its discretion, retain the action and order it to continue on such terms and with such rectification of pleading and procedure as may be proper and in the interest of justice.

SECTION 45. In any action in said court, proceeding according to justice court procedure, if the defendant shall, before the commencement of the trial, make and file an affidavit that the title to land will come in question, the case shall thereafter proceed in said court according to the same procedure as if it were removed on such issue and bond to the circuit court.

SECTION 46. For five days after judgments in all matters over which the municipal judge has jurisdiction to hear, try, and determine according to justice court procedure, the said judge shall have, and he is hereby vested with the same power over verdicts, judgments, rulings, order, and the proceedings in such matter, as are possessed by the circuit court or judge thereof over the judgments, orders, and proceedings of said court at or before trial or judgment or during the trial term, and the said municipal judge may direct or set aside verdicts, grant new trials on payment of all costs or on such condition as to costs as justice requires, modify or reverse judgments and orders of his said court or of the judge,

or do any act or thing which circuit courts or circuit judges may do with reference to proceedings therein during term time, being governed by the general law and practice of the circuit courts as near as may be, where the rules of law and procedure for justice courts are inadequate or do not apply.

SECTION 47. The judge shall have power in actions on trial according to justice court procedure, in his discretion, to charge the jury upon written charges submitted by the parties, and may on his own motion charge the jury as provided for in the circuit court.

SECTION 48. The pleadings of any party represented by an attorney of a court of record in all civil actions pending in the municipal court and proceeding according to justice court procedure shall be reduced to writing and be subject to all the provisions of law and the rules of practice provided for the circuit courts requiring good pleading, and the judge of said court may impose such terms as may be reasonable for interposing sham, frivolous or scandalous pleadings.

SECTION 49. The municipal judge may sign in blank any summons, writ or other process common to the practice in civil actions in justice court, and deliver the same to attorneys of courts of record to be issued by them as occasion may require, substantially in the manner provided by section 3594 of the statutes.

SECTION 50. All criminal and bastardy cases and prosecutions for violation of any city or village ordinance or charter, pending in the municipal court after examination or on appeal, shall be brought to trial in said court at the time the defendant was committed to be brought or recognized to appear for trial. Any circuit court civil action or appeal may be brought on for trial at any time by consent on a date approved by the municipal judge.

SECTION 51. Except as hereinbefore provided in all actions proceeding according to justice court procedure and all examinations, costs exclusive of disbursements, shall be the same as are allowed in courts of justices of the peace, except that in no case shall the amount thereof exceed three dollars. In all other civil actions and proceedings, a clerk's fee shall be collected as is now provided in circuit court but in no case shall the same exceed five dollars, besides a suit tax of one dollar. Such fees and tax shall be paid to the county treasurer on the first secular day of each month.

SECTION 52. No attorney fees shall be allowed in actions proceeding according to justice court procedure. In all other

civil actions and proceedings attorneys' fees shall be taxable as in circuit courts. Costs as herein provided and all disbursements shall be taxed in favor of the prevailing party and included in the judgment.

**SECTION 53.** The judgments, orders and decrees of the municipal court, or of the judge thereof, shall have the same force, effect and lien qualities and be enforced in the same manner as the judgments, orders and decrees of circuit courts.

**SECTION 54.** All fines and penalties collected by the municipal judge or clerk in actions for the violation of the ordinances or charter provisions of any city or village, shall be paid to the treasurer of such city or village on the first secular day of the month following such collection, and all fines and penalties collected in any criminal or civil action or proceeding under the general laws of the state together with all costs, fees and disbursements taxed, allowed and collected by the said judge or clerk and not belonging to any officer, witness or party as provided in this act, shall be paid to the treasurer of Fond du Lac county on the first secular day of the month next after such collection.

**SECTION 55.** The judge of the municipal court shall keep or cause to be kept in a book provided for that purpose a full and complete record and account of all fees and costs received by said judge or the clerk, in such manner that the records shall show the exact amount of money paid to said judge or clerk, by whom, at what time, on what account, in what case and how and on what account such moneys are disbursed.

A certified statement showing all such facts in detail shall be made and filed with the county clerk at least ten days before the annual session of the county board.

**SECTION 56.** In all matters proceeding according to justice court procedure, the judge of the municipal court or the clerk thereof shall keep one docket for criminal actions and proceedings, one docket for civil actions under justice court procedure and a third and a separate docket for prosecutions under city or village ordinances and the proceedings in such matters shall be recorded therein, in like manner, as far as practicable, as is required of justices of the peace. Such dockets and the other records of the municipal court shall be public records and open to inspection at all reasonable hours.

**SECTION 57.** All necessary stationery, blanks, dockets and other record books required by the municipal court shall be furnished at the expense of the county.

SECTION 58. The judge of the municipal court shall be a conservator of the peace, and have the same power as judges of other courts of record to solemnize marriages, administer oaths, take acknowledgments of deeds and other written instruments throughout the state, and shall receive like fees therefor which shall be delivered to the county treasurer.

SECTION 59. The sheriff of Fond du Lac County shall be the officer of the municipal court and he or any of his deputies, or any constable of the county may serve and execute the civil and criminal process of said court, provided, however, that the village marshals, their deputies, and the police officers of the city of Fond du Lac, shall have power to serve and execute the criminal process of said court within the limits of the city in which they are officers, and shall have the power and be required to serve and execute all process issued out of said court wherein such city is a party plaintiff.

SECTION 60. Circuit court commissioners in said county shall have the same powers and be subject to the same duties in respect to actions and proceedings in the municipal court as in the circuit court.

SECTION 61. All papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by the municipal judge and sealed with the seal of the court shall be received as evidence in all the courts of this state and have the same force and effect as if signed and sealed by the judge of any other court of record.

SECTION 62. Nothing herein contained shall be construed as amending the several acts of the legislature relating to the municipal court of the city and town of Ripon, and the latter shall be deemed in full force and effect, anything herein to the contrary notwithstanding, and nothing in this act contained shall be construed as in any wise affecting the rights, powers, or jurisdictions of any court, judge, justice of the peace, or other magistrate over any action or proceeding commenced before or pending on the first day of May, A. D., 1910.

SECTION 63. All acts or parts of acts so far as the same may be in conflict herewith are hereby repealed, to take effect on the first day of May, A. D., 1910.

SECTION 64. This act shall be submitted to the county board of Fond du Lac county for its approval at its regular November session, A. D., 1909. The said act shall not become a law without the approval of said county board; said county board shall take a vote at said session to determine its approval or disapproval of said act. A vote of the majority of all the

members of said county board shall be necessary to show its approval of said act. In case there shall not be a majority of the votes of all the members of said board in favor of said act, the said act shall be of no force and effect and shall be null and void.

SECTION 65. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1909.

No. 573, S.]

[Published June 21, 1909.

## CHAPTER 523.

AN ACT to amend section 145 of the statutes, relating to accounts, how verified and audited.

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

SECTION 1. Section 145 of the statutes is amended to read: Section 145. All accounts and claims against the state, when payment thereof is provided by law to be paid out of the state treasury and the rate of compensation is fixed by law or authorized to be fixed by some officer or person or by the secretary of state, shall be audited. To entitle it to be so audited every such claim or account must specify the nature and particulars thereof and be verified by the oath, affidavit, or affirmation of the claimant or his agent in writing, together with a certificate of the officer ordering or making the claim or account, if any, or as otherwise specially directed by law; and the secretary of state may require the person presenting the same or any other person or persons to be sworn before him touching such claim or account, and when so sworn to answer orally or in writing as to any facts relating to the justness of the claim or account, or the liability of the state. *All items of expenditure of one dollar and over shall be accompanied by receipts excepting where other satisfactory evidence is accepted by the auditing officer. No item shall be audited for tips, porters, parlor car seats other than sleeping car berths, or for personal expenses not necessarily incurred by public duties. No item shall be audited for expenses of any officer or employee of the state or university while attending any convention or other meeting held outside of the state, unless such expense shall be authorized by the governor, or specific statutory authority exist therefor. All items for traveling expenses within the state shall before audit be certified to have been incurred in the performance of duties*