

be carried out with such appropriation. Construction to match federal aid allotments may be carried out under such appropriation, or with state aid as provided in subsection (3) of this section.

SECTION 5. Section 3 of this act shall take effect July 1, 1931, and all other sections shall take effect upon passage and publication.

Approved June 27, 1931.

No. 956, A.]

[Published July 1, 1931.

CHAPTER 392.

AN ACT to create the municipal court of Neenah-Menasha.

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 cities of Neenah and Menasha, in the county of Winnebago, state of Wisconsin, a court to be known and designated as "The Municipal Court of Neenah-Menasha" having the powers and jurisdiction hereinafter specified and provided, and presided over by a judge to be known and designated as "The Municipal Judge".

SECTION 2. The municipal court of Neenah-Menasha shall be a court of record with a seal to be designed and procured by the judge thereof.

SECTION 3. The municipal court of Neenah-Menasha shall be held in the council chambers of the cities of Neenah and Menasha or other suitable rooms furnished by said cities. The court shall alternate every two weeks between the cities of Neenah and Menasha, unless a permanent place is selected by the agreement of both the common council of Neenah and the common council of Menasha. Each city shall defray the cost of furnishing and supplying the necessary room or rooms. The chambers of the judge and the office rooms of the clerk of said court shall be selected upon agreement of both the common council of the city of Neenah and the city of Menasha and the expense thereof shall be borne equally by both cities.

SECTION 4. All revenues of said court shall be placed in a fund known as the municipal court fund and shall be under the control and supervision of the municipal judge who shall make a monthly accounting to both the common councils of the city of

Neenah and the city of Menasha. All the costs of said court except as is herein otherwise provided shall be borne equally by the cities of Neenah and Menasha. Any funds in the municipal court fund shall be subject to the joint direction of the common councils of the city of Neenah and the city of Menasha.

SECTION 5. Upon passage of this act, the common council of the city of Neenah and the common council of the city of Menasha shall elect a municipal judge. On the first Tuesday of April in the year 1932 and on the same day of the same month every six years thereafter, there shall be elected by the cities of Neenah and Menasha at the regular municipal election, in the same manner as county judges are elected, a judge of the municipal court, who shall hold his office for a term of six years from the first day of July next succeeding his election and until his successor is elected and qualified, and 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; provided, however, that nominations for candidates for municipal judge to be voted for at the election on the first Tuesday of April, 1932, may be made by nomination papers in the manner and form provided by section 5.26 of the statutes. Nomination papers must be circulated in both the city of Neenah and the city of Menasha, and filed in the office of the city clerk of the city of Neenah and the city of Menasha. Each city clerk shall in writing inform the other that the requisite electors from his city have signed the nomination papers and after such notice shall have been given, each city clerk shall give the notice of election as required by section 6.21 of the statutes. Every candidate shall file his nomination papers with the respective city clerks not less than thirty days nor more than sixty days prior to said election.

SECTION 6. Whenever a vacancy shall happen in the office of municipal judge, 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 7. 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 the state of Wisconsin and a qualified elector of either of said cities. 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, 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 city clerk of the city of Neenah and the city of Menasha and shall execute to said cities a bond in the penal sum of two thousand dollars, with sureties to be approved by the mayor of said cities and recorded and filed as provided in 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 9. The municipal judge shall receive a salary as shall be determined by the common councils of Neenah and Menasha payable equally by the cities of Neenah and Menasha and the same shall be in full compensation for all his services as such judicial officer; provided, however, that the common council of the city of Neenah and the common council of the city of Menasha may from time to time increase such salary by resolution in the same manner as salaries are fixed by county boards for county judges.

SECTION 10. The municipal 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 or disability of said judge, he may by order in writing filed and recorded in said court, appoint the county judge of Winnebago county or the municipal judge of the city of Oshkosh, Winnebago county, to discharge the duties of such municipal judge during such sickness, temporary absence or disability, who shall have all the powers of such judge while administering such office. In all cases any circuit judge may hold court as the judge of the municipal court in the event of the absence, sickness or other disability of the municipal judge or upon his special request. In any such contingency the municipal judge may also, by order transfer to the circuit court for Winnebago 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.

SECTION 11. While administering the duties of the judge of the municipal court, the circuit judge or county judge or municipal judge of Oshkosh shall have the same powers as if elected municipal judge, and at such times shall sign all papers, processes and records as "A. B., circuit judge or county judge (as the case may be), and acting municipal judge."

SECTION 12. (a) There shall be a clerk of the municipal court, to be appointed by the judge of said court. He shall hold office for six years. His salary shall be set by the common councils of the cities of Neenah and Menasha. He shall before entering upon his duties take and subscribe the constitutional oath of office and file the same in the offices of the city clerks of the cities of Neenah and Menasha and shall execute to said cities a bond in the penal sum of two thousand dollars with sureties to be approved by the mayors of said cities and filed in the offices of the respective city clerks of said cities, 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. The laws of the state of Wisconsin pertaining to clerks of the circuit court unless in conflict with the provisions of this act shall apply to him.

(b) Upon rendition of any judgment in the municipal court he shall forthwith certify a transcript of the same to the clerk of the circuit court of Winnebago county who shall record the same as and in the manner judgments are recorded in the circuit court for Winnebago county. He shall make such charges as authorized by law but shall receive no fees and his salary shall be in full and complete compensation for his services as such clerk. He shall remit to the clerk of the circuit court of Winnebago county such fees for the entry of transcripts of judgments as are allowed by law.

SECTION 13. 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 the

clerk of the circuit court, and in the same record books, as far as practicable.

SECTION 14. The judge of the municipal court shall appoint a phonographic reporter for said court skilled in the art of shorthand reporting, and may remove such reporter at pleasure and appoint another in his 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 subscribe the constitutional oath and file the same, in the offices of the respective city clerks of the cities of Neenah and Menasha. 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 and perform such other duties as the court or judge thereof may require.

The salary of said reporter shall be set by the common councils of the cities of Neenah and Menasha.

SECTION 15. Every reporter shall, upon the request of a party to any action, transcribe 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; and for the original transcript and not to exceed two carbon copies thereof, as requested, he shall be entitled to receive and collect from the party requesting the same the sum of ten cents per folio, and two and one-half cents per folio for each additional copy.

SECTION 16. In any civil action appealed to the circuit court the party procuring a transcript to be made of all the testimony taken upon the trial in the municipal court shall be entitled to have the original transcript of such testimony certified to the circuit court as a part of the return, and the expense incurred by said party for such transcript shall be a charge in the action and taxed as a part of the costs on appeal.

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. The municipal judge, in addition to the powers hereinafter vested in the municipal court, is vested with all the powers and jurisdiction of a justice of the peace 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 arising within said cities which would otherwise be cognizable by justices of the peace, including also proceedings to prevent the commission of crime.

SECTION 20. (a) Said judge shall have exclusive jurisdiction to institute and conduct examinations in all criminal and bastardy cases arising within said cities and the power and jurisdiction to cause to come before him the persons so charged with committing bastardy or criminal offense, 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 judge shall have power, authority and jurisdiction to sentence the accused for such offense.

(b) Such jurisdiction as may have been heretofore conferred upon other courts or magistrates by the provisions of any special charter or general law of this state is repealed in so far as the same may be in conflict with this and the preceding section.

(c) The said municipal court shall have and exercise powers and jurisdiction equal and concurrent with the circuit court of Winnebago county in all cases of crimes and misdemeanors arising in the cities of Neenah and Menasha except the crimes of murder and manslaughter.

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

SECTION 22. In case of bastardy, felony or any misdemeanor except assault, assault and battery, abusive language, drunkenness, malicious trespass, violation of the Sunday law and of the excise laws, if the complaining witness shall make and file with any justice of the peace or circuit court commissioner a written statement, verified under oath before such officer, that he verily believes the person charged with an offense contemplates an es-

cape beyond the jurisdiction of the court and that any delay in the issuance of the warrant, such as would be necessitated by requiring such witness to travel to the seat of said municipal court to make his complaint, would be dangerous, then and in such cases such justice of the peace or circuit court commissioner may, on a proper complaint, issue a warrant for the arrest of the person complained of and made returnable before the municipal judge at his office, and when so doing the officer issuing the warrant shall cause the complaint and the verified statement herein provided to be made to be filed, forthwith, in the municipal court.

SECTION 23. The municipal judge is also vested with and shall have the jurisdiction, authority, powers and rights given by law to justices of the peace generally and in civil actions, special proceedings, actions for recovery of personal property with damages for the unlawful taking or detention thereof and actions brought for breach of any recognizance given in said court, equal to and concurrent with said justices, and in addition thereto shall have cognizance of and jurisdiction to hear, try and determine, by and pursuant to the process and procedure common to justices' court, all actions and proceedings at law wherein the amount of the debt, demand, damage, penalty or forfeiture shall not exceed five hundred dollars after deducting all payments and setoffs, and also of actions to recover the possession of personal property with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars exclusive of damages.

SECTION 24. The municipal court shall have and exercise powers and jurisdiction in all civil actions within the said cities and county of Winnebago, both in law and in equity, including actions for divorce and the annulments of marriages, concurrent and equal to the powers and jurisdictions of the circuit court of Winnebago 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 offsets, shall not exceed fifty thousand dollars and also of all actions for the foreclosure of mortgages or in proceedings under chapter 289, statutes of 1929, 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 and cities of Neenah and

Menasha concurrent with and equal to the powers and jurisdictions 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 288, 291, 293, 294, 295 and 298 of the statutes of 1929. In actions for divorce, the said court shall have and exercise unlimited powers of jurisdiction respecting property rights therein involved.

SECTION 25. All examinations, recognizances and commitments from or by the municipal judge, in bastardy cases and in all criminal cases except murder and manslaughter shall be certified and returned to the municipal court instead of to the circuit court or the municipal court of Oshkosh 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 days from 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 26. The municipal court and judge thereof shall have power and jurisdiction equal to and concurrent with the circuit court and the several justices' courts within the county and cities of Neenah and Menasha to enter judgment by confession.

SECTION 27. 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 Winnebago county or to the municipal court at Oshkosh and such change of venue shall not prevent the granting by said circuit court or municipal court in its discretion, of a further change of venue as provided in section 261.04 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 261.03 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 261.08 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.

SECTION 28. 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 261.07 of the statutes.

SECTION 29. No change of venue from the municipal court shall be allowed in any civil or criminal action or proceeding or in any examination for bastardy or criminal offense, otherwise cognizable by a justice of the peace or proceeding according to justice court procedure.

SECTION 30. In any civil or criminal action pending in the municipal court an appeal from justice court, or in any such action or any preliminary examination or proceeding pending before the municipal judge while sitting as a justice of the peace or as an examining magistrate, if it shall appear by affidavit that the municipal judge is pecuniarily interested in the action, examination or other proceeding, or is a material witness, or is within the forbidden degree of consanguinity, or from prejudice will not decide impartially in the matter, he may, in his discretion, in like manner and with like effect as provided by section 10 of this act, call in the circuit judge or county judge or municipal judge of Oshkosh to try the said action or take such examination, and while so doing or proceeding the provisions of said section 10 of this act shall apply in all their force.

SECTION 31. A change of venue in any civil action or proceeding pending before any justice of peace of the city of Neenah or the city of Menasha may be taken to the municipal court at any time before going to trial in the manner provided by sections 301.24 and 301.26 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 moved 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 32. A change of venue may be taken from any other justice court in the county to the 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 33. 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 on a day certain, which shall not be less than ten days or more than twenty days from date of such commitment or recognizance.

SECTION 34. 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 municipal court or the municipal court of Oshkosh 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 306.02, statutes of 1929, 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. If such appeal is taken to the municipal court and neither party shall bring the same to a hearing in said court within three months after the filing of the return of the justice therein, such court shall dismiss the appeal unless it shall continue the same by special order for cause shown.

SECTION 35. Appeals from judgments of the municipal court in all civil and criminal actions and proceedings wherein the same has been tried according to justice court procedure, may be taken to the municipal court of Oshkosh within the same time, in like manner and with like effect as from a justice court; provided,

that, in civil cases, at appellant's option, a bill of exceptions of the evidence and the rulings of the judge may be settled within thirty days after judgment in like cases and in like manner as in the circuit court, and when so settled an appeal may be taken direct to the supreme court within sixty days after judgment in like manner and with like effect as from a circuit court. An appeal to either court shall be a waiver of the right of appeal here given to the other court, but not of the right of appeal from the circuit court to the supreme court after trial of the appeal in the circuit court.

SECTION 36. 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 the judgments and orders of the circuit court.

SECTION 37. (a) Upon passage of this act and then on the first day of May in each year, each alderman in the city of Neenah and in the city of Menasha shall make and return to the clerk of the municipal court, on blanks furnished for that purpose, a list of twenty-five names from their respective wards, eligible to serve as jurors in said court for the ensuing year. Failure to file such lists or to file the same in the period limited shall work no error, and the municipal judge may in his discretion, order the delinquent lists to be made and filed forthwith and the failure of any such officer to comply with the foregoing provision or the order of such judge may be punished as contempt.

(b) Whenever the list shall have become depleted by reason of removals, exemptions or otherwise the court may in its discretion require the proper alderman to certify such additional names of persons eligible for jury service as will complete the full quota from each such ward entitled to members on such lists, and the clerk shall forthwith enter such additional names on the proper list.

(c) Any person who has been a member of the jury list 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 38. 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 39. (a) Unless a jury is waived or demand made and in all civil and all criminal actions on appeal from justice court and triable before a jury and in prosecutions for violations of section 351.30 of the statutes, the same shall be tried before a jury empanelled 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 thirty-six persons from the box containing the names of the "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 nine names. When all strikes have been made a venire shall be issued for the persons whose names remain on said list, arranged in the same 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. Each party shall be entitled to two peremptory challenges in open court at the trial which shall be exercised alternately, the plaintiff beginning; and each party may waive one or both such peremptory challenges. The parties to the action shall be deemed two, all plaintiffs being one party and all defendants being the other party, except that in case where two or more defendants have adverse interests the court, if satisfied that the due protection of their interests so requires, in its discretion, may allow to the defendant or defendants, on each side of said adverse interest, not to exceed two such challenges. After those excused as challenged for cause, set aside, or excused, by the court, shall retire and the remaining jurors shall be less than sixteen in number, unless peremptory challenges are waived sufficiently so that twelve jurors will be left when the peremptory challenges are completed, the clerk shall draw as before from the box three times as many names as shall be sufficient to complete the panel of sixteen, and such names shall be entered at the foot of such panel, and upon the peremptory challenges having been

exercised, the first twelve who shall appear and have not been peremptorily challenged or challenged for cause, set aside or excused by the court, shall be the jury.

(b) 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 "jury list", eighteen names and make a list thereof. 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.

(c) 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 same for said party.

SECTION 40. (a) 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 and shall not be required to advance the juror's fees.

(b) Except as in this act otherwise specifically provided, said municipal court shall have all of the powers, issue all writs, orders and process 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.

(c) 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 cities of Neenah and Menasha, and follow the rules of practice and procedure applicable to justice courts, except as herein otherwise provided.

(d) In actions in which either a justice of the peace or the circuit court would have jurisdiction, the form of the process shall determine the method of procedure and the territorial limits for service of such process.

(e) 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 pleadings and procedure as may be proper and in the interest of justice.

(f) In any action proceeding according to justice court procedure, if the defendant shall at the time and in the manner provided by sections 301.28 and 301.29 of the statutes make an affidavit that the title to land will come in question, and give a bond of the amount and form there provided, conditioned that if on the trial judgment be rendered against him on such issue of title, he will pay such judgment, 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.

(g) For ten days after judgments in civil actions and for twenty-four hours after judgment in criminal causes, 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, orders and 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 conditions 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.

(h) The judge shall have power in actions on trial according to justice court procedure, in his discretion, to charge the jury.

(i) In all jury trials in actions in which said court has and exercises power and jurisdiction concurrent with that of the circuit court for Winnebago 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.

(j) 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 the interposing of sham, frivolous or scandalous pleadings.

(k) 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 301.02 of the statutes.

(l) The attorneys issuing the same shall within twenty-four hours thereafter file with the municipal court the affidavit, if any, upon which such summons, writ or other process was based, and a statement of the names and the parties to the action, the date of the summons, writ or process, the time when the same is returnable and the nature of the demand or claim, upon which the judge of said court shall forthwith docket said case, and which docket entries shall have the same force and effect as if made at the time of issuing the summons, writ or other process.

(m) 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.

(n) Any circuit court civil action may be brought on for trial at any time by consent, or after issue joined or return of appeal on a fifteen-day notice by either party specifying the date for trial, which date, however, shall first be approved by the municipal judge.

(o) Continuances or adjournments may be granted for cause on such terms as to costs and conditions as may be reasonable or on

the court's own motion, in any civil or criminal action or proceeding specified in the preceding section, and when so granted shall be to a day certain unless the parties consent otherwise, in which case a notice must be given as provided in the preceding section or as agreement had.

(p) The provisions of subsection (4) of section 307.02 of the statutes shall apply to similar actions tried in the municipal court according to justice court procedure, except that where the judgment is in excess of two hundred dollars the municipal judge shall tax as costs an additional sum for attorney's fees equal to five per cent of such excess.

(q) Except as hereinbefore and herein provided, the fees of the municipal judges, witnesses, jurors and officers, in all actions proceeding according to justice court procedure and all examinations shall be the same as are allowed in courts of justices of the peace, and in all other actions, and proceedings in said court the fees of the clerk, witnesses, jurors and officers shall be the same as in the circuit court, and except also that where the court reporter takes the testimony in justice court proceedings the fee shall be five cents per folio when simply taken and filed in stenographic notes and ten cents per folio when taken in note and transcribed, and that the per diem of jurors in justice court trials shall be the same as in circuit court, besides mileage.

(r) Except as herein otherwise provided, in all actions and examinations in the municipal court proceeding as in justice courts, costs, fees and disbursements shall be taxed and allowed in the same manner as in courts of justices of the peace, and in all actions and proceedings and according to circuit court procedure, the costs, fees and disbursements shall be taxed and allowed as in the circuit court.

(s) 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 other courts in actions commenced and pending upon like process and procedure, and transcripts may be taken and filed in like manner.

(t) 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 kept in the municipal court fund, subject to the joint direction of the common councils of the

cities of Neenah and Menasha 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, juror or witness as provided in this act, shall be paid to the treasurer of Winnebago county on the first secular day of the month next after such collection.

(u) 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.

(v) A certified statement showing all such facts in detail shall be made and filed with the county clerk and the city clerks of Neenah and Menasha monthly.

(w) 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, and a third and separated docket for prosecutions 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.

(x) All necessary stationery, blanks, dockets and other record books required by the municipal court shall be furnished at the expense of the cities of Neenah and Menasha.

(y) 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.

(z) The sheriff of Winnebago county, his deputies, or any constable of the county may serve and execute the civil and criminal process of said court; provided, however, that the city marshal, his deputy, and the police officers of the cities of Neenah and Menasha shall be required to serve and execute all process issued out of said court wherein such city is a party plaintiff.

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(ab) 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.

(ac) 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.

(ad) Nothing in this act contained shall be construed as in anywise affecting the right of jurisdiction 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 June, 1931, nor in anywise affecting any action or proceeding now pending in said court.

SECTION 41. All acts or parts of acts so far as the same may be in conflict herewith are hereby repealed.

SECTION 42. This act shall take effect upon passage and publication.

Approved June 27, 1931.

No. 49, S.]

[Published July 1, 1931.

CHAPTER 393.

AN ACT to create section 204.33 of the statutes, relating to casualty insurance policies.

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

SECTION 1. A new section is added to the statutes to read: 204.33 (1) No policy of insurance, agreement of indemnity or bond covering liability or loss arising by reason of the ownership, maintenance or use of a motor vehicle issued in this state shall contain any limitation or condition restricting the coverage afforded thereby as to the following:

(a) To persons while driving or manipulating a motor vehicle, who shall be of an age authorized by law so to do;

(b) To the operation, manipulation or use of such motor vehicle for unlawful purposes;

(c) To the operation, manipulation or use of such motor vehicle while the driver is under the influence of intoxicating liquors