

manner, two visitors to the said University, who shall serve for the term of three years.

SECTION 2. This act shall take effect from and after its passage.

Approved March 5, 1895.

No 267, S.]

[Published March 9, 1895.

## CHAPTER 17.

AN ACT to create municipal court for the county of Manitowoc.

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

Municipal court established.

SECTION 1. There is hereby created and established in and for the county of Manitowoc a municipal court, to be known and designated as the municipal court of Manitowoc county, with the powers and jurisdiction hereinafter specified and provided.

Date of first election, how conducted and held.

SECTION 2. On the first Tuesday in April, 1895, there shall be elected in the county of Manitowoc, a judge of the municipal court, who shall hold his office for the term of two years from the first Monday in May following his election, and until his successor is elected and qualified; for the purposes of said election, the county clerk of said county shall make out a notice in writing, stating that on the said first Tuesday in April a judge of the municipal court for said county is to be elected, and shall cause the same to be delivered to each city, village and town clerk in said county at least four days before said election; immediately upon receipt of said notice, the said city, village or town clerks shall give notice to the city, village or town electors respectively, by posting notices in three conspicuous places in each ward of the cities

and in each of the villages and towns aforesaid, stating the time and place at which such election is to be held and that a judge of the municipal court for said county is then to be elected; nomination papers for said office, substantially in form and manner as now provided by law for county judges, shall be filed in the office of the county clerk at least four days before said election; the names of the candidates for said office shall be placed upon the ballots to be used at said election for voting for an associate justice of the supreme court, similar in manner and form as names of nominees for county judge are required to be placed thereon; and the counting, return and canvass of the votes cast at such judicial election for the office of judge of the municipal court shall be made and conducted in substantially the same manner and form as by law provided in the case of county judges. Term of office. On the first Tuesday of April, 1897, and every four years thereafter there shall be elected in the county of Manitowoc, in the same manner as county judges are elected, a judge of the municipal court who shall hold his office for the term of four years from the first Monday in May following his election and until his successor is elected and qualified. In case of a vacancy in the office of said judge of the municipal court, the same shall be filled by appointment by the governor, and the appointee shall continue in office for the residue of the term for which his predecessor was elected.

SECTION 3. No person shall be eligible to the office of judge of said municipal court except an attorney of a court of record, who shall be a qualified elector of said county, and during his term of office said judge shall not practice his profession in any of the courts of said county, but shall devote his entire time to the duties of his said office. Who is eligible to hold office.

SECTION 4. The said 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 said county, and shall execute Shall take constitutional oath.

to said county a bond in the sum of three thousand dollars (\$3,000), with two or more sureties to be approved by the county treasurer of said county, and recorded and filed as provided in section 702, of the revised statutes, conditioned for the faithful performance of the duties required of him by law and for the faithful and prompt application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office. And said judge shall be subject to the same prohibitions and penalties as justices of the peace.

**Jurisdiction of  
municipal  
judge defined.**

SECTION 5. The judge of said municipal court shall have all the jurisdiction, authority, powers and rights given by law to justices of the peace in criminal actions; he shall have jurisdiction to hear, try and determine all criminal actions arising within said county which are not punishable by commitment to the state prison, and shall have power to sentence and commit all persons convicted of any offense of which he has jurisdiction; he shall have power and jurisdiction throughout said county to institute and conduct examinations in all criminal cases occurring in said county, including bastardy, and to arrest and examine and hold to bail, all persons charged with other offenses against the laws of this state, as provided by law; on a plea of guilty by the accused, the said judge shall have jurisdiction to sentence the accused for an offense for which the highest penalty shall not exceed five years' imprisonment in the state prison; and no justice of the peace, police justice or court commissioner within said county shall exercise any jurisdiction in criminal cases, except that in cases of felony, justices of the peace may issue warrants returnable before the judge of said municipal court, and when so doing, they shall cause the complaint in such action to be forthwith filed in said criminal court.

**Further  
jurisdiction  
defined.**

SECTION 6. The judge of said municipal court shall have all other jurisdiction, authority, powers, and rights given by law to justices of the peace. He shall have cognizance of and

jurisdiction to hear, try and determine all actions and proceedings at law wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars (\$500), and also of actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of property claimed shall not exceed the sum of five hundred dollars (\$500), exclusive of damages. Judgment may be rendered in said municipal court by confession for any sum not exceeding one thousand dollars (\$1,000) in the manner provided by statute. Said municipal court shall also have jurisdiction to hear, try and determine all actions arising under chapter 145, of the revised statutes, when the amount claimed shall not exceed five hundred dollars (\$500).

SECTION 7. The said judge shall keep one docket for criminal trials and proceedings and a separate docket for civil actions in the same manner, as far as applicable, as dockets of justices of the peace are required to be kept. The practice and procedure in said court, so far as practicable, shall comply with the laws relating to justice courts. Trial by jury may be had in the same manner and process as in justices' courts. Said judge shall have the power and right in his discretion to charge the jury upon written instructions. Appeals may be taken in the same manner and with like effect as from courts of justices of the peace. Transcripts of judgments of said municipal court may be filed and docketed with the clerk of the circuit court for said county with the same effect as may be transcripts of judgments rendered by justices of the peace of said county.

SECTION 8. No action shall be removed from said municipal court for trial; but when it shall appear that the judge thereof is disqualified by reason of prejudice or other cause to try any action, he shall, and if by reason of absence, sickness or temporary disability he is unable to perform his duties, he may, by order in writing, to be filed in said court, call in the judge of the county court of said county, and

Dockets to be kept

Trial by jury.

Actions, how removed, may call in county judge—when.

in case of the latter's inability to respond, any court commissioner of aforesaid county, to try the same or act in his stead; and said county judge or said court commissioner is hereby authorized to act as judge of said municipal court, in such action, and during the absence, sickness or disability of the judge thereof; and when so acting shall have and possess all the powers and authority, and may perform and discharge all the duties imposed by law upon the judge of said municipal court.

Clerk to be appointed, and reporter.

SECTION 9. Said judge shall appoint in writing a clerk of said court, who shall also act as reporter thereof and make and keep the records of the said court and perform such other ministerial duties as the said judge may require of him. Sections 2439 and 4141, of the annotated statutes shall apply to said reporter and to transcribed copies of testimony and proceedings taken by him. The said clerk and reporter shall hold his office at the pleasure of said judge and shall receive such salary for his services as the county board of said county may from time to time determine.

Sheriffs and constables of Manitowoc county to have power to serve process.

SECTION 10. Sheriffs and constables of Manitowoc county shall have power to serve and execute process of said municipal court, and shall be entitled to receive the same fees therefor as in justice's courts; and policemen of the cities of Manitowoc and Two Rivers, and of the villages of Kiel and Reedsville, shall also have power to serve and execute process of said court in all actions arising within their respective cities and villages, and shall be entitled to receive the same fees therefor as constables in justice court. Said judge shall also tax as costs in favor of the party recovering judgment the fees provided in section 3775, of the revised statutes, except that when the amount of judgment is for two hundred dollars (\$200) or over the amount of attorney's fee shall be twenty dollars (\$20).

Collection of fees, fines, penalties.

SECTION 11. It shall be lawful for the judge of said municipal court to charge and collect the same fees in all actions in his court as are allowed by law to justices of the peace. Said

judge shall keep, in a separate book provided therefor, an itemized account of all moneys received by him by virtue of his office, which said book shall be a part of said court's records. All fees, fines and penalties, by him collected, it shall be his duty to pay over, at the end of each month, to the treasurer of Manitowoc county, taking a receipt therefor, which receipt, together with an itemized statement of the amount so paid, he shall file in the office of the county clerk of said county.

SECTION 12. The judge of said municipal court shall daily hold his court at the county seat of said county, in some suitable room or building to be provided, furnished and supplied at the expense of said county under the direction of the county board thereof; provided, that said judge shall have power and authority to adjourn the hearing of any action to any other place in said county when, in his opinion, the costs of said action will be materially lessened thereby; and provided further, that said judge shall at least once in each month, hold his said court in the city of Two Rivers, in said county; said city shall provide and furnish him a suitable room and office supplies for that purpose.

Court to be held at county seat.

SECTION 13. Said municipal judge may provide a seal for said court, and all papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by said judge when sealed with the seal of said court shall be evidence in all courts and places of this state and shall have the same effect as the seal of a court of record.

May provide seal.

SECTION 14. Until the county board of said county shall, by resolution, otherwise order, the said judge shall receive as compensation a salary of fifteen hundred dollars (\$1,500) per annum, to be paid monthly from the treasury of Manitowoc county.

Salary \$1,500.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1895.