

No. 598, A.]

[Published June 22, 1909.

CHAPTER 544.

AN ACT to prescribe the number of justices of the peace in counties having a population of 150,000 or over, and the qualification, jurisdiction, and compensation of justices of the peace in cities of the first class.

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

SECTION 1. Hereafter in all counties having a population of 150,000 or over there shall be elected by the qualified electors in each town, village and city therein, at the regular charter elections held in such villages and cities and at the annual town meeting held in such town, one justice of the peace, who shall hold his office for the term of two years and until his successor is elected and qualified. Such justice shall have jurisdiction over and cognizance of all matters, actions or proceedings, and shall have and exercise the same powers which such justices of the peace heretofore elected in said counties have had and exercised, except suits and proceedings in garnishment and the proceedings specified in chapter 64 of the statutes, relating to bastards and proceedings in bastardy. Provided, that the justices of the peace which may hereafter be elected in any such county shall have jurisdiction of the actions and proceedings specified in section 3572 of the statutes, only when the amount claimed or involved in such actions or proceedings shall not exceed the sum of one dollar. But nothing in this act shall be deemed or held to deprive any justice of the peace in cities of the third or fourth class of the powers and jurisdiction conferred pursuant to section 925—61 of the statutes where the office of police justice has been abolished pursuant to said section 925—61.

SECTION 2. Every justice of the peace hereafter elected in cities of the first class shall receive an annual salary of twenty-five dollars to be paid in monthly installments in the same manner as the salaries of the other officers of such cities are now paid.

SECTION 3. All fees paid to justices of the peace hereafter elected in cities of the first class shall belong to the city in which they are elected and shall be paid by them to the city treasury of such city. Each of said justices shall on the first day of each calendar month render to the treasurer of the city in which he is elected a detailed statement showing all

moneys received or paid out by him as such justice for fees or otherwise, during the preceding calendar month, and shall at the same time deposit with such treasurer the amount of money in his possession belonging to said city received by him during said month; provided, however, that he shall be entitled to retain for his own use all lawful fees received by him for making a return upon an appeal. Such statement shall be verified by such justice to be correct and shall be filed and preserved by such treasurer. A failure upon the part of any such justice to file said statement or to deposit said moneys as herein provided shall be sufficient cause for removing him from said office in the manner provided by law.

SECTION 4. There is added to the statutes a new section to read. Section 3616b. Whenever in any action or proceeding an affidavit of prejudice pursuant to section 3616 is filed with any justice of the peace in counties having a population of 150,000 or over, or in case any such justice shall not be qualified to hear, try or determine any action pending before him for the reasons specified in section 3617, he shall immediately transmit such action and all papers appertaining to the same to the clerk of the nearest municipal court in said county having jurisdiction of such action or proceeding, and such action shall be heard, tried and determined by such municipal court in the same manner as if such action had been commenced in said court. If there be no such municipal court in any such county, the action and all papers therein shall be transmitted by such justice to the next nearest justice of the peace in said county qualified to hear, try and determine the same.

SECTION 5. Hereafter each justice of the peace elected in cities of the first class shall hold a court for the trial of actions of which he has jurisdiction. Said court shall be open for the transaction of business for at least six hours during each day of the year (Sundays and holidays excepted) and shall be held by such justice, except that he shall be entitled to a vacation of not exceeding four successive weeks in any one year, during which time he shall not be required to hold court.

SECTION 6. No person hereafter elected to the office of justice of the peace in cities of the first class shall practice as an attorney in any of the courts of the county in which such cities are located.

SECTION 7. When the term of office of any justice of the peace heretofore elected in any county having a population

of 150,000 or over shall expire, he shall forthwith deliver over to the clerk of any municipal court having limited civil jurisdiction in such county all the books and papers relating to his office as justice of the peace. If there be no such municipal court in such county, such justice shall deliver over such books and papers to the nearest justice of the peace.

The clerk of such municipal court to whom such docket and papers are delivered may issue execution upon any judgment appearing on said books, and may issue certified transcripts thereof in the same manner and with like effect as a justice of the peace under section 3591 of the statutes of Wisconsin. And such municipal court to the clerk of which the books and papers of a justice are delivered over as herein provided may proceed to hear, try and determine any matter or action pending before such justice, and enter judgment therein, which judgment when so entered shall have the same force and effect as any other judgment of said municipal court.

SECTION 8. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1909.

No. 22, A.]

[Published June 23, 1909.

CHAPTER 545.

AN ACT to create sections 44a—1 to 44a—36 inclusive, of the statutes authorizing any county board to adopt the coupon ballot for use at general elections, and providing methods for its use when so adopted.

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

SECTION 1. There are added to the statutes thirty-six new sections to read: Section 44a—1. It is the intention of this act to provide a form of ballot for use at general elections, whereby there will be no opportunities for fraudulent practices, one that may be counted rapidly and whereby a complete record will be kept in the tally sheets, showing how each ballot was counted, and this act shall be so construed as to give force and effect to this expressed intention.

Section 44a—2. After the passage and approval of this act it shall be lawful for the county board of any county in this state to adopt the hereinafter described coupon ballot and