

No. 664, S.]

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CHAPTER 584.

AN ACT to repeal subsections 3a, 4a and 4b of section 1 of chapter 381, laws of 1885 (as created by section 3 of chapter 288, laws of 1915) and subsections 8 and 10 of section 6, as created by chapter 288, laws of 1915, and to amend subsection 1 of section 1 of chapter 381, laws of 1885 as amended by section 1 of chapter 288, laws of 1915, to amend subdivision (2) of subsection 3 of section 1 of chapter 381, laws of 1885 as amended by chapter 295, laws of 1891 and by section 2 of chapter 288, laws of 1915 and to amend subsection 5 of section 1 of chapter 381, laws of 1885 as amended by section 4 of chapter 288, laws of 1915, and to create two new subsections, to be numbered subsections 8 and 10 of section 1 of chapter 381, laws of 1885, relating to the municipal court for the county of Chippewa.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections 3a, 4a and 4b of section 1 of chapter 381, laws of 1885 (as created by section 3 of chapter 288, laws of 1915) and subsections 8 and 10 of section 6 as created by chapter 288, laws of 1915, are repealed.

SECTION 2. Subsection 1 of section 1 of chapter 381, laws of 1885 as amended by section 1 of chapter 288, laws of 1915, subdivision (2) of subsection 3 of section 1 of chapter 381, laws of 1885 as amended by chapter 295, laws of 1891 and by section 2 of chapter 288, laws of 1915, and subsection 5 of section 1 of chapter 381, laws of 1885 as amended by section 4 of chapter 288, laws of 1915, are amended to read: (Chapter 381, laws of 1885, section 1) Subsection 1. There is hereby created and established in and for the county of Chippewa, a municipal court with the powers and jurisdiction hereinafter specified and provided. * * *

(Chapter 381, laws of 1885. Section 1. Subsection 3) (2) To * * * sentence upon a plea of guilty, when the crime was committed in said county and for which the highest penalty shall not exceed ten years' imprisonment in the state prison, and to arrest and examine and hold to bail, all parties charged with * * * offenses against the laws of this state as provided by law, and no justice of the peace or court commissioner within said county, shall exercise any jurisdiction in criminal cases where the offense charged in a warrant is punishable by imprisonment in the state prison.

(Chapter 381, laws of 1885. Section 1) Subsection 5. The said judge * * * shall keep one docket for criminal trials and proceedings and a separate docket for civil actions, and all docket entries and process shall be made and kept in the same manner, as far as applicable as the same are kept by justice of the peace under the laws of this state.

SECTION 3. There are added to section 1 of chapter 381, laws of 1885, two new subsections to be numbered and to read: (Chapter 381, laws of 1885, section 1) 8. The nearest justice of the peace of said county, in case of a vacancy in the office of municipal judge of said county, or in his absence or inability to act, shall have all the power and jurisdiction of the municipal judge unless expressly prohibited or disqualified and it shall be his duty to act in the same, and discharge all the duties of said municipal judge until such vacancy is filled, or such absence or inability to act, by the municipal judge, is removed.

10. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear, by affidavit, that the municipal judge is interested pecuniarily in the action, examination or other proceedings, or that said judge is a material witness in said action, or is within the forbidden degree of consanguinity to either of the parties to the action he shall notify the nearest justice of the peace in the county of Chippewa, not disqualified to try said case, or to hear said examination or other proceeding, for the reason stated above, to appear and try said action, or hear said examination or other proceeding, as the case may be, whereupon it shall be the duty of said justice of the peace, so notified as aforesaid, to forthwith appear at the court room of said municipal court, and to discharge the duties of judge of said municipal court, on the trial of said case or the hearing of said examination, or other proceeding, in the same manner and with like effect, as said municipal judge would, if not disqualified to act, and the doings of said justice of the peace, while so presiding over said municipal court, shall have and be of the same force and effect, as like proceedings of said municipal judge, and when said action, examination or other proceeding is concluded, a like record, as in other like cases, shall be made in said court, and thereafter and thereupon execution may be issued, as in other cases tried before said municipal judge; said justice of the peace, while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like services.

SECTION 4. This act shall take effect upon passage and publication.

Approved August 18, 1915.