

No. 245, S.]

[Published May 16, 1927.

**CHAPTER 126.**

AN ACT to amend paragraph (a) of subsection (7) of 40.09 of the statutes relating to powers of school district electors.

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

SECTION 1. Paragraph (a), subsection (7) of section 40.09 of the statutes is amended to read: (40.09) (7) (a) To authorize and direct the sale of any school \* \* \* *buildings*, \* \* \* or other property belonging to the district when \* \* \* *it* shall be no longer needed for the use of the district; provided that \* \* \* *if the school site or other lands* \* \* \* *are leased or rented* with the understanding that \* \* \* *they* shall revert to the owner of the land from which it is taken, the electors \* \* \* *shall* authorize the board to sell *or move* the \* \* \* *buildings* \* \* \* to \* \* \* another site, if such sale or removal or both shall be made within eight months after the \* \* \* *buildings* shall cease to be used for school purposes or the site ceases to be maintained as a district playground or park \* \* \* .

SECTION 2. This act shall take effect upon passage and publication.

Approved May 14, 1927.

---

No. 98, A.]

[Published May 16, 1927.

**CHAPTER 127.**

AN ACT to repeal chapter 115 of the laws of 1879 and chapter 8 of the laws of 1905, and all acts amendatory thereof, relating to the municipal court of Marathon county, and to confer on the county court of Marathon county civil and criminal jurisdiction.

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

SECTION 1. Chapter 115 of the laws of 1879 and chapter 8 of the laws of 1905, and all acts amendatory thereof, are repealed, and there shall be no election of a judge of the municipal court of Marathon county after the passage and publication of this act.

SECTION 2. The county court of Marathon county and the presiding judge thereof shall, in addition to the jurisdiction and powers now possessed, have and exercise all of the jurisdiction, powers and authority in civil and criminal actions and proceedings within said county which are possessed by justices of the peace and the courts thereof, excepting offenses against the ordinances of cities and villages, and such jurisdiction, powers and authority of said county court are further extended to all crimes and offenses arising within said county not punishable by imprisonment in the state prison, and to all civil actions and proceedings at law wherein the debt, demand value of property, or damages claimed in the complaint shall not exceed one thousand dollars.

SECTION 3. All statutes and rules of procedure relating to courts of justices of the peace shall apply to and govern the said county court in all actions and proceedings, both civil and criminal, described in section 2 aforesaid, but the presiding judge of said county court shall, in addition, have the same power to rule upon the admission of evidence, submit issues of fact by special verdict and to instruct juries in said court as is possessed by circuit judges.

SECTION 4. Any party to an action in said county court desiring that the issues therein be tried by jury shall be entitled to a jury either of six or twelve upon demand in writing designating which, provided that in civil actions the party so demanding a jury shall first pay to the judge a jury fee of one dollar for each juror demanded. When a jury is demanded the court shall cause eighteen names to be drawn if a jury of six is demanded and twenty-four if a jury of twelve is demanded, from a box containing the names of four hundred jurors selected by the circuit court jury commissions from citizens residing within the city of Wausau, and each party shall exercise six strikes, in the manner provided by law for obtaining juries in justices' courts. If any of such jurors so chosen shall not attend at the time so summoned to appear or in case there should be legal objections raised to any of those who shall appear the judge may cause additional names to be drawn and jurors summoned to supply the deficiency. If trial by jury, to consist of either six or twelve members, shall not be demanded, the right of such trial by jury shall thereby be deemed waived. Such jurors shall receive four dollars for each day's actual attendance upon said court, and said county judge,

whenever such a juror shall be discharged or within the ten days thereafter, shall cause a certificate to be made out to each juror attending the court, certifying the number of days' attendance, and the amount of compensation due him, and thereupon the county treasurer shall pay the amount thereof out of the county treasury.

SECTION 5. All jurisdiction, power and authority in criminal actions and proceedings now possessed by justices of the peace of Marathon county is hereby withdrawn and withheld, excepting the power and authority to receive complaints and to issue warrants thereon, which shall all be made returnable to the said county court, and all complaints and other papers relating thereto shall be forthwith certified to said county court.

SECTION 6. In case the presiding judge of said county court shall, on account of sickness, absence from the county or disqualification for any cause, be disabled from presiding in the trial of any action or proceeding aforesaid, he shall, in writing, designate a court commissioner of the circuit court of Marathon county to preside and hold court in his stead, and such commissioner shall thereupon in said action or proceeding possess and exercise all of the powers given by this act to the county judge of Marathon county. While so acting the commissioner shall be compensated at the rate of ten dollars per day, payable out of the county treasury on certificate of the county judge.

SECTION 7. All appeals from judgments of said county court, excepting in actions for divorce and to annul any marriage, shall be made to the circuit court of Marathon county, Wisconsin, and all the laws relating to appeals from justice court shall apply thereto.

SECTION 8. Said county court of Marathon county shall additionally have and exercise the jurisdiction, power and authority of a circuit court in all actions relating to annulment of marriage and divorce, and the statutes and rules of practice governing circuit courts in such actions shall apply to govern the practice and procedure in said county court in all said actions except that the jury in actions for divorce on the ground of adultery shall be drawn and summoned in accordance with the provisions of section 4 of this act. Such jurisdiction of the said county court shall be exclusive of every other court in said county except in case of change of venue to the circuit court, and appeals in such action shall be direct to the supreme court and shall be governed by the

laws relating to appeals from circuit courts. The clerk of the circuit court of Marathon county shall be ex officio clerk of said county court and keep all records in said actions. The county judge shall join with the circuit judge in the appointment of divorce counsel for Marathon county. In case the county of Marathon is not the proper county in which any such action brought in said county court should be tried, a change of venue thereof to the circuit court of the proper county may be obtained in the same manner now provided for changes of place of trial in circuit courts. In case of disqualification of said county judge to try any such action by reason of interest or other disability or the filing of an affidavit of prejudice, the venue of such action shall be changed to the circuit court of said county.

SECTION 9. The salary of the county judge of Marathon county for performing the duties herein provided for shall be fourteen hundred dollars, payable in equal monthly installments out of the treasury of Marathon county, until the county board of said county shall, by proper action, fix the same at some other sum, which said board is empowered to do. Said judge shall receive no other compensation for services herein provided for and shall not engage in the practice of law during his term of office. He shall tax the costs in each action and proceeding in said court in accordance with the practice and laws relating to courts of justices of the peace, excepting that in lieu of fees per folio for taking evidence in any cause tried, he shall tax as a part of the costs two dollars and fifty cents for each half day, or fraction thereof, and five dollars for each major portion of a day consumed in the trial of a cause or proceeding in which evidence is taken. All fees in actions and proceedings before him shall be collected by said county judge and paid into the treasury of said county to assist in the payment of salaries of the reporters and judge.

SECTION 10. Said county judge shall appoint a phonographic reporter of said county court whose salary is fixed at the sum of one hundred and fifty dollars per month, payable monthly out of the treasury of Marathon county, until the county board of said county shall fix the salary at some other amount. Such reporter shall take and file with said county court the constitutional oath and shall take stenographic notes of all evidence and proceedings had in said court upon the trial of all issues of fact. In case of temporary disability of the reporter, the presiding judge may appoint a temporary substitute who shall qualify in like manner.

Such reporter shall, in addition to his salary, be entitled to the same fees for the making of transcripts as are provided by law for like services of the reporters of circuit courts.

SECTION 11. On April 30, 1928, all actions and proceedings pending in the justice courts branch of the municipal court of Marathon county and the records and files therein and in all previous actions in said branch shall be transferred to said county court, and all actions and proceedings pending in the circuit court branch of said municipal court and the records and files therein and in all previous actions in said branch shall be transferred to the circuit court of Marathon county and the court to which such transfer is made shall have jurisdiction thereof.

SECTION 12. This act shall take effect on May 1, 1928, excepting that section 11 and the last twenty-four words of section 1 shall take effect on passage and publication.

Approved May 14, 1927.

---

No. 264, A.]

[Published May 16, 1927.]

## CHAPTER 128.

AN ACT to amend subsection (1) of section 40.445 of the statutes, relating to the establishment of "County Free High Schools." *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection (1) of section 40.445 of the statutes is amended to read: (40.445) (1) The county board of any county having a population of not more than twelve thousand may establish a free high school in such county to be known as the "County Free High School." \* \* \* *The property of any existing high school district in any such county shall not be subject to any tax for the construction or operation of any county high school, until and unless it dissolves and becomes a part of the county high school district. Territory included within a county high school district may withdraw therefrom and organize a separate high school district, in which event the property of such new high school district shall be subject to a tax only for its proportionate share of the indebtedness of the county high school district which existed at the time of such withdrawal. Pupils residing in such new high school district attending the county free high school*