

No. 59, A.]

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CHAPTER 294.

AN ACT to repeal chapter 228, laws of 1895, as amended by chapter 130, laws of 1913 and chapter 131, laws of 1927, relating to abolishing the municipal court of Vilas county and conferring on the county court of Vilas county civil and criminal jurisdiction.

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

SECTION 1. (1) Chapter 228, laws of 1895, as amended by chapter 130, laws of 1913 and chapter 131, laws of 1927, is repealed and the municipal court of Vilas county is abolished.

(2) As soon as this act takes effect all records and files of said municipal court shall be transferred to and become the official records of the county court of Vilas county. All actions pending in said municipal court on said effective date shall be forthwith transferred to, and jurisdiction therein shall rest in said county court, and shall be tried and concluded in said county court in accordance with the practice that governed in said municipal court, before said effective date, and that herein prescribed for and conferred upon said county court.

SECTION 2. (1) There is hereby conferred upon the county court and county judge of Vilas county the jurisdiction to hear, try and determine, all actions and proceedings at law, wherein the amount of debt, damages, demand, and penalty or forfeiture, shall not exceed the sum of \$1,000; 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 \$1,000, exclusive of damages; actions founded on an account where the same shall be reduced to an amount not exceeding \$1,000. The said judge shall have and exercise in said county the criminal jurisdiction of the justices of the peace and in addition thereto shall have jurisdiction of all offenses within said county which are not punishable by imprisonment in the state prison. Said judge shall further have all jurisdiction, authority, powers and rights, given by law to justices of the peace, together with the power and right in his discretion to charge the jury in all cases tried

before him and he shall be subject to the same prohibitions and penalties as justices of the peace.

(2) As to such jurisdiction the proceedings and practice of the court shall in all respects be governed, as far as practicable, by the laws relating to justices' courts of this state, and transcripts of the judgments of the county 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, and appeals from said court in all cases, both criminal and civil cases, and other proceedings may be taken in the same manner and with like effect as are provided by law from justices' courts.

(3) Judgment may be rendered in such court by confession for any sum not exceeding \$1,000 in the manner provided by the statutes.

(4) The judge may provide a seal descriptive of the additional jurisdiction of his court and all papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by said judge, when sealed with such seal shall be evidenced in all courts and places in this state, and shall have the same effect as the seal of a court of record.

(5) Nothing herein contained shall be construed to give said judge cognizance of any actions mentioned in section 300.06 (1), (2) and (3) of the statutes.

SECTION 3. The county judge before entering upon the duties conferred by this chapter shall take and subscribe the constitutional oath of office, and file the same, duly certified, in the office of the clerk of the circuit court for said county, and execute to the said county a bond in the sum of \$2,000 with 2 or more sureties to be approved by the county treasurer of said county, and recorded and filed as provided in section 19.01 (4) (c) of the statutes, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office.

SECTION 4. The judge as to such jurisdiction shall hold his office at the county seat of said county in a suitable room for such purposes to be provided by the board of supervisors of said county; provided that said judge shall have power and authority to adjourn the hearing of any criminal action, exam-

ination or proceeding to any other place in said county, when, in his opinion, the costs of said action, examination or proceeding will be materially lessened thereby.

SECTION 5. In case of sickness, absence or temporary disability of the judge, he may, by an order in writing, to be filed in said court, appoint any court commissioner of said county to discharge the duties of the judge under this chapter during such sickness, absence or temporary disability, who shall while administering such office, have the powers of the judge.

SECTION 6. No action, examination or other proceeding under this chapter shall be removed from said court, but when previous to joining issue in any such action or before the commencement of any such examination, it shall appear by affidavit that the judge is interested pecuniarily in the action, examination or other proceeding, or that said judge is a material witness, or is within the forbidden degree of consanguinity, or from prejudice will not decide impartially in the matter, the judge shall request a court commissioner of said county to hear said examination or other proceeding, as the case may be; whereupon the court commissioner so requested may appear at the court room of said court, and discharge the duties of the judge of said 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 judge would, if not disqualified to act, and the doings of said magistrate when presiding over said court, shall have and be of the same force and effect as like proceedings of the county judge of Vilas county, 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 county judge of Vilas county. Said magistrate, while presiding over said court, shall receive from said county the sum of \$2.50 for every half day.

SECTION 7. Trial by jury may be had in said court in the same manner and process as in justices' courts.

SECTION 8. Sheriffs and constables of Vilas county shall have the same power to serve and execute process issued under this chapter as of justices' courts, and shall be entitled to receive the same fees as in justices' courts.

SECTION 9. The 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 to this court, as the same are required to be kept by justices of the peace under the laws of this state. The county judge may, in civil actions, sign in blank, summonses, writs, and other civil process and deliver the same to attorneys of courts of record, to be issued by them. Such attorneys, upon issuing such summons, writ, or other process, shall subscribe the same, and shall file within 24 hours thereafter the affidavit, if any, upon which such summons, writ or other process was based, and a statement of the names of the parties to the action, the date of the summons, writ, or other process, the time when the same is returnable, and the nature of the demand or claim. Thereupon the judge shall forthwith docket the case, which docket entries shall have the same force and effect as if made at the time of issuing the summons, writ, or other process.

SECTION 10. In all actions in the county court for the county of Vilas, attorneys' fees shall be allowed to the prevailing party as provided in section 307.02 of the statutes, except that when the amount of judgment is for \$200 or over the amount of attorneys' fees shall be \$20.

SECTION 11. The same fees in all actions, civil and criminal, that are allowed by law to justices of the peace, it shall be lawful for the judge to charge and collect, and \$1 in addition thereto, for every civil action or proceeding in his court. The fees so charged and collected in civil actions shall be paid by the judge to the county treasurer. On August 1st of each year, and quarterly thereafter, the judge shall pay over to the county treasurer all fines paid him, imposed under the laws of this state, and all of the aforesaid fees collected by him in criminal actions since the preceding report, taking the county treasurer's duplicate receipt therefor; one of such receipts shall be filed in the office of the county clerk of the county. And the judge shall file with the county clerk on said day a statement verified by his affidavit, of all fines and court fees received by him in each criminal action in which any such fines or fees have been paid since the preceding report, together with statements required by other magistrates by section 59.77.

SECTION 12. All needful stationery and all blanks required by said court in criminal actions and examinations, and the judge's dockets required by law, shall be furnished at the expense of Vilas county.

SECTION 13. The county judge may employ a person skilled in the art of shorthand reporting, to take testimony in any action, examination or other proceeding in the court, and such person shall also act as clerk of probate; the salary of such reporter and clerk shall be \$60 per month unless a greater sum is fixed by the county board. The reporter's notes so taken may be filed in lieu of the minutes of testimony required by law to be taken by justices of the peace in like proceedings; provided, that in case of appeal in civil actions, said reporter, when requested by the appellant, shall file a transcribed copy of his notes verified by his oath which shall be returned as the testimony in the case, and the fees for transcribing said testimony, not exceeding 5 cents per folio, shall be taxed as part of the judge's fees in the case. In all criminal trials and proceedings said fees shall be certified, audited and paid out of the county treasury monthly. Sections 252.20 and 252.21 of the statutes shall apply to said reporter and said court.

SECTION 14. No person shall be eligible to the office of county judge of Vilas county who shall not, at the time of his appointment or election thereto, be an attorney of a court of record. The salary of the county judge as such and for his services under this chapter shall be \$2,300 per annum, to be paid from the treasury of Vilas county.

Approved June 15, 1943.