

of the court to issue a special venire in the cases provided by law.

SECTION 4. To make effectual the organization aforesaid, and to provide necessary county officers for the purposes thereof, until such officers can be duly elected, it is hereby made the duty of the governor to appoint for said county the following county officers, to-wit: A clerk of the circuit court, a district attorney and a sheriff, and any person who shall be so appointed to either of said offices shall duly qualify therefor, in the same manner as is provided by law in the case of appointment thereto to fill a vacancy, and shall enter upon the duties of his office on the said first day of August, 1873, or as soon thereafter as he shall have duly qualified, and shall hold his office until his successor to be elected for a full term at the next general election to be held on the first Tuesday after the first Monday of November shall be duly elected and qualified, and said appointments by the governor shall be deemed and construed as appointments to fill vacancies in office.

Clerk, attorney and sheriff to be appointed by the governor.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1873.

CHAPTER 107.

[Published March 14, 1873.]

AN ACT relating to the police court of the city of Madison.

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

SECTION 1. The police court of the city of Madison shall hereafter be called the municipal court of such city, and the police justice shall be known as the judge of said court.

Shall be styled municipal court.

SECTION 2. The said municipal court shall have jurisdiction concurrently with the circuit court, to hear, try and determine all misdemeanors, and all other offenses which are punishable only by fine or imprisonment in the county jail, or both such fine and imprisonment.

Its jurisdiction.

SECTION 3. When any person or persons shall be tried and convicted in said municipal court of any such

Power of the judge to sentence offenders.

offenses, the punishment for such offenses shall be such as is now prescribed by law, and the judge of said court is hereby empowered to sentence such offenders when so convicted, to such punishment, either by fine or imprisonment in the county jail, or both such fine and imprisonment, in his discretion: *provided*, the same shall not exceed the punishment prescribed by the law under which such offenders shall have been tried and convicted.

Territorial jurisdiction of the court.

SECTION 4. The territorial jurisdiction of the said municipal court shall extend to all parts of the county of Dane, and the judge of said court shall have exclusive jurisdiction of all criminal offenses within the city of Madison, and to conduct all trials and examinations which may be instituted or prosecuted in said city, and the laws of the state providing for change of venue in criminal cases and examinations shall not apply to said municipal court.

Provisions of charter to be made applicable.

SECTION 5. The provisions of the charter of the city of Madison, and all other laws of the state relating to the police court shall be so construed as to apply to the said municipal court, so far as the same are not inconsistent with this act, and the jurisdiction and powers of the municipal court, in both civil and criminal proceedings, shall be the same as is now provided for the police court, except as modified and enlarged by this act, and the judge of said court shall be allowed the same fees for his services as are now allowed by law to the police justice.

May provide a seal, and its use.

SECTION 6. The judge of said municipal court may provide a seal for said court, and all papers, depositions, certificates, acknowledgements, examinations or other documents executed or signed by said judge, when sealed with the seal of said court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of a court of record.

All papers issued by the police justice to be construed as if by municipal court.

SECTION 7. All summons, executions and other writs and process, both civil and criminal, issued by and in the name of the police justice, shall be construed to mean the municipal court, and the form of all such process and writs may be the same as heretofore used in the police court, unless others are provided, and no suit or proceeding shall be dismissed because issued by or in the name of the police justice.

May instruct jury.

SECTION 8. In all criminal trials in said municipal court, and in all cases in which the city of Madison shall be a party, the judge thereof may instruct the jury (whenever a jury trial is had) upon matters of law in relation to the case.

SECTION 9. In case of the absence, sickness or disability of the judge of the said municipal court, the mayor of the city of Madison may, under his hand, appoint any suitable person who shall be an attorney of a court of record, to take the place of said judge during his absence, sickness or disability, and such appointee shall have all the powers of such judge while administering the said office.

In absence of judge, mayor may appoint substitute.

SECTION 10. No general or local act of the legislature heretofore passed, or which shall hereafter be enacted, shall be so construed as to change, alter, modify or repeal this act, or any provision of the charter of the city of Madison, or any act amendatory thereof, or any act relating to the city of Madison, unless the purpose to do so be expressly set forth in such general or local law, by naming in such altering or repealing act, that it is the intention of the legislature to have the same apply to the city of Madison.

Other acts not to repeal this act.

SECTION 11. The provisions of the charter of the city of Madison relating to the election of police justice shall apply to the election of the judge of the municipal court, and all the laws of this state relating to justices' courts shall be construed so as to apply to the municipal court of the city of Madison, so far as the said laws do not conflict with this act.

Provisions relating to election to apply.

SECTION 12. Appeals from the municipal court shall be made to the circuit court of Dane county, and the manner and form of taking such appeals may be the same as appeals from justices' courts.

Appeals to circuit court may be taken.

SECTION 13. Jury trials in said municipal court may be conducted in the same manner as in justice court until otherwise provided. The common council of the city of Madison may, by ordinance, provide for a different manner of selecting jurors for said court, and any ordinance providing for the drawing or selecting of jurors for the said municipal court shall have the force and effect of law. Any juror, when duly summoned to attend said court, and who shall not attend at the time he is summoned, shall be adjudged to be guilty of contempt, and shall be fined in a sum of not less than two nor more than ten dollars; and appeals from said court shall be allowed in all cases tried in said court under the laws of this state, whenever appeals are allowed from justices' courts.

Relating to jury trials and the drawing of jurors.

SECTION 14. Nothing herein contained shall be so construed as to abridge or impair the jurisdiction of the circuit court.

Not to affect circuit court.

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

SECTION 16. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 11, 1873.

CHAPTER 108.

[Published March 13, 1873.]

AN ACT to provide for the payment of the state agent for the settlement of war claims against the United States.

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

Appropriated.

SECTION 1. The treasurer shall pay upon the warrant of the secretary of state, to William W. Tredway, the sum of fifty dollars, in full for his services in obtaining the allowance of war claims in favor of this state, at the United States treasury, since the 1st day of June, A. D. 1871.

SECTION 2. There is hereby appropriated the sum of fifty dollars for the above mentioned purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1873.

CHAPTER 109.

[Published March 13, 1873.]

AN ACT relating to the furnishing of certain statistics of crime.

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

Shall make annual report of convictions.

SECTION 1. It shall be the duty of the clerks of all courts throughout the state having criminal jurisdiction, at the close of each year, to make out and transmit to the governor, an annual report of the number of convictions by juries of criminal offenses in their respective courts during such year, as well as of those when the accused pleaded guilty, together with such other information upon the subject of crimes in the state as the governor shall require.