

and thereupon the court may direct an issue to be made up involving the objections aforesaid, which shall be tried summarily by the court, and thereupon the court shall file an order sustaining or overruling the objections of the plaintiff aforesaid. If by such order such re-assessment or tax roll shall be held invalid, subsequent re-assessments of such tax may be had in manner and form as herein above provided; and similar proceedings may be resorted to, to determine the validity of any such re-assessment. If such re-assessment and tax roll shall be held by the court regular and valid, or if no objections thereto shall be filed by the plaintiff, the court shall make an order requiring the plaintiff to pay into court, for the use and benefit of the defendant, the amount which by such valid re-assessment he justly ought to pay. If the amount of tax imposed upon the plaintiff's property by such valid re-assessment shall equal or exceed the amount imposed thereon by the original assessment and tax roll, the plaintiff shall be adjudged to pay costs of such suit; otherwise the plaintiff, upon complying with the order of the court last aforesaid, shall be entitled to judgment with costs.

SECTION 6. Section one thousand two hundred and ten c, is hereby amended by striking out the word "two" in the first line thereof, and substituting the word "section," instead of the word "sections," where it occurs in the same line. Amendment.

Approved March 5, 1879.

[No. 252, A.]

[Published March 13, 1879].

CHAPTER 256.

AN ACT to amend certain portions of chapter one hundred and fifteen of the revised statutes, entitled "municipal court of Milwaukee county."

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

SECTION 1. Section two thousand four hundred and ninety-nine of chapter one hundred and fifteen of the revised statutes is hereby amended so as to read as follows: The municipal court of the city and county of Milwaukee, as heretofore established, is continued; it shall be a court of record, and have a clerk, and a seal with suitable device, to be procured under the direc- A court of record.

Jurisdiction of
municipal
court.

tion of the judge thereof, at the expense of the city of Milwaukee. It has and may exercise powers and jurisdiction concurrent and equal with the circuit court of Milwaukee county in all cases of crimes and misdemeanors arising in said county, and exclusive appellate jurisdiction of all crimes and misdemeanors tried before justices of the peace in said county, in the same manner as is provided by law for appeals to the circuit court in such cases. No justice of the peace or court commissioner, within said city, shall exercise any jurisdiction in cases of crimes or misdemeanors arising in said city, but all such jurisdiction is vested in said municipal court, and all examinations, recognizances and commitments for trial, in cases of crimes and misdemeanors arising in the towns of said county and not triable before justices of the peace, shall be certified, returned and made to the municipal court, instead of the circuit court of said county, and all such cases shall thereafter be proceeded in and tried in said municipal court, as provided by law in similar cases in circuit courts. Said municipal court has also jurisdiction of all actions brought for breach of any recognizance returned to or given in said court; but no judgment in any such action shall constitute a lien upon real estate in said county until a transcript thereof is duly docketed in the office of the clerk of the circuit court of said county, in like manner as judgments of circuit courts in civil cases are required to be docketed, and, when so docketed, it shall have the same lien upon real estate in said county as judgments of the circuit court so docketed have. The judgments of the municipal court in all cases tried before it may be examined and reviewed by the supreme court in the same manner as the judgments of the circuit court be. No grand jury shall hereafter be drawn or summoned for the circuit court of Milwaukee county. To carry out its jurisdiction, such municipal court shall have all the powers of circuit courts, and the municipal judge shall have the same powers in all matters pertaining to the jurisdiction of said municipal court as circuit judges.

Judgments.

Powers of
municipal
court to be
same as circuit
court in cer-
tain cases.

SECTION 2. Section two thousand five hundred of said charter is hereby amended so as to read as follows: The general provisions of law which may at any time be in force relative to circuit courts, and actions and proceedings therein, in cases of crimes and misdemeanors, shall relate also to said municipal court, unless inapplicable; and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in

force in said municipal court, and its rules of practice and proceedings shall conform as near as practicable to the rules and practice of circuit courts. It has power and authority to issue all process necessary to carry into effect its jurisdiction, which process shall in substance be the same, when applicable, as used in circuit courts. The municipal court may by rule direct the practice in said court, and the form and direction of process when not otherwise provided by law, or said rules prescribed by the justices of the supreme court, and the process of said municipal court may be executed in any part of this state by the officer to whom it is addressed. It may, when necessary, issue special venire to complete any panel of jurors therein.

SECTION 3. Section two thousand five hundred and one of said chapter is hereby amended so as to read as follows: The municipal court has all the powers and jurisdiction heretofore vested in the police justice of said city, in all cases of crimes and misdemeanors arising in said city, and has jurisdiction of all prosecutions for breach of any ordinance, law, rule, regulation or resolution of said city; for such purpose said municipal court shall be opened for business every morning (Sundays and legal holidays excepted), and hear, try and determine in a summary way all cases which shall be brought before it by the police officers of said city or otherwise, either with or without process, for violation of the laws of this state in cases of crimes and misdemeanors not indictable, arising in said city, or of any of said ordinances, laws, rules, regulations or resolutions of said city; said court may in its discretion grant such continuances of cases mentioned in this section, as may be necessary to the ends of public justice, either with or without bail. Applications for warrants may be made to the clerk of the court; said clerk shall have power to issue the same, exercising the discretion a justice of the peace may exercise in granting or refusing the same. If the clerk shall refuse a warrant, the court, on application, may grant the same in its discretion. Complaints and warrants shall be the same in substance as heretofore used in said court. The provisions of an act entitled "an act to establish a code of procedure for the police court of the city of Milwaukee," approved March 17, 1853, so far as the same are applicable, shall apply to the municipal court, except the sixth section of said act, which is repealed.

Court to be
Open for busi-
ness every
morning, ex-
cept Sunday
and legal holi-
days.

Application for
warrants.

Of complaints
and warrants.

SECTION 4. Section two thousand five hundred and eleven of said chapter is amended so as to read as fol- Powers of
court.

Justice of the
peace may
temporarily dis-
charge duties
of judge.

lows: Said municipal court shall have power to commit or bail over to an existing term, or to its next regular term, such persons as on examination are found to be indictable or subject to information, and such witnesses as may be necessary. In case the judge of said court desires to be absent from said court, or in case of his sickness, press of business at a regular term, or of his inability, for any cause to attend, he may designate and appoint by order entered in the minutes of said court, one of the justices of the peace of said county to temporarily discharge the duties of judge of said court, except holding a term, or any part thereof, for the trial of indictments, informations or appeals, whose acts shall be of the same force as if performed by the judge, and the clerk shall make a like record of his proceedings, and such justice shall receive for his services five dollars per day, to be paid by said city. The municipal judge shall not voluntarily absent himself from the duties of his office more than six weeks in any one year, except from sickness.

SECTION 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1879.