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## CHAPTER 60.

AN ACT to amend chapter 21 of the laws of 1882, entitled, "An act to incorporate the city of Baraboo," and of the acts amendatory thereof.

(See Vol, 2.)

No. 340, A.]

[Published March 21, 1891.]

## CHAPTER 61.

AN ACT to amend chapter 181, of the laws of 1889, entitled, "An act to create a municipal court for Douglas county."

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

Amends sec. 2,  
chapter 181,  
laws of 1889.

Judge to be  
elected, when.

Must be attor-  
neys of court  
of record.

Vacancies, how  
filled.

SECTION 1. Section 2, of chapter 181, of the laws of the state of Wisconsin for the year 1889, entitled, "An act to create a municipal court for Douglas county," is hereby amended so as to read as follows: Section 2. On the first Tuesday of April, 1891, and every two years thereafter, there shall be elected in Douglas county, in the same manner that county judges are elected, a municipal judge and a special municipal judge, who shall be regularly admitted attorneys of a court of record, and shall hold their offices respectively for the term of two years from the first Mouday in May after their election and until their successors are elected and qualified. But no failure to give notice of said election to be held on the first Tuesday of April, 1891, shall in any manner invalidate the same, and in case of failure to elect said judges on said day, it shall be the duty of the governor to fix by proclamation a day for an election under this act. In case of vacancy in the office of municipal judge or special municipal judge, the vacancy shall be filled by appointment by the gover

nor, and the appointee shall continue in office for the residue of the term for which his predecessor was elected.

**SECTION 2.** Section 3 of said chapter 181, is hereby amended so as to read as follows: Amends sec. of chapter 181, laws of 1889.

**Section 3.** The municipal court of Douglas county shall have jurisdiction in civil matters over such subjects as justices of the peace have jurisdiction where the amount claimed over and above all set-offs does not exceed five hundred dollars, and to hear, try and determine all criminal actions arising in said county, not punishable in state's prison, and to hold to bail all persons charged with other offenses against the laws of this state, and exclusive jurisdiction of all penalties and offenses against the charter, ordinances and by-laws of the city of Superior, and shall have all the jurisdiction of a justice of the peace and police justice of said county. Jurisdiction. The practice and procedure in said court, so far as practicable and not inconsistent with this act, shall comply with the laws of justice courts; and transcripts of its judgments, may be with like effect filed with the clerk of the circuit court of said county. All appeals, civil and criminal, from said court may be had in the same way and with like effect as from courts of justices of the peace. The judge thereof shall have the same power to sentence and commit all persons convicted of offenses over which he has jurisdiction to try and finally determine, that circuit judges or justices of the peace may have. Practice and procedure.

**SECTION 3.** Section 4 of said chapter 181, is hereby amended so as to read as follows: Amends sec. 4, of chapter 181, laws of 1889.

**Section 4.** Said judges shall file their oaths of office and official bonds in manner and form as provided for justices of the peace. Oath of office and official bond. The person designated and elected as municipal judge of said court shall have the control and direction of the commencement of all actions and of the proceedings therein and whenever he shall choose or direct, said special municipal judge shall issue processes, hear, try and determine any and all cases and conduct the proceedings therein in the same manner as said municipal judge, and in the event of the disqualification or absence of said municipal judge, or in case the office of municipal judge shall become vacant, said special judge during said vacancy shall perform all the duties of mu- When judge disqualified special municipal judge shall sit.

municipal judge, and whenever it shall be deemed necessary by said municipal judge to direct the said special municipal judge to try cases or conduct proceedings at the same time as said municipal judge may be holding his court or at other times, the said special municipal judge shall hold his court in a separate room from that of the municipal judge, to be provided by the city of Superior. Said municipal judge shall receive as compensation a salary of three thousand dollars per annum, to be paid monthly from the treasury of Douglas county; and said special municipal judge shall receive as compensation at the rate of ten dollars per day for each and every day he shall be engaged in the discharge of his duties as such judge, which compensation shall be certified by the said municipal judge and paid from the treasury of Douglas county. Said municipal judge shall have the power to appoint and remove at pleasure a competent stenographer, who shall be known as the municipal court reporter, and whose duty it shall be to take the minutes of the proceedings of said court, and the proceedings in the trials of actions in said court, and the certificate of said municipal court reporter to a transcript of all proceedings and testimony so taken by him shall be deemed *prima facie* proof of such proceedings or testimony. Said reporter when so appointed shall take an oath of office and file the same as required of official phonographic reporters of the circuit court of Douglas county. Said municipal court reporter shall receive as compensation a salary of twelve hundred dollars per annum, which shall be paid him monthly from the treasury of said county of Douglas, whenever it shall be certified by the municipal judge that said reporter is entitled to such salary. Whenever any person shall demand from said reporter a transcript of any proceedings or testimony in any action in which said reporter shall have officiated there shall be charged said party five cents per folio for said transcript, and for all copies thereof three cents per folio, which amount shall be paid to the clerk of said municipal court and by him paid to the treasurer of said county of Douglas.

Salaries of  
municipal  
judge and  
special municipal  
judge.

May appoint  
stenographer.

Reporter's  
compensation.

Amends sec. 5,  
of chapter 181,  
laws of 1889.

SECTION 4. Section 5 of said chapter 181 is hereby amended so as to read as follows: Section 5. The said judges shall keep separate dock-

ets for civil and criminal matters respectively; they shall be kept in the same manner as far as applicable as dockets of justices of the peace are required to be kept; provided, however, that the said municipal judge may appoint and remove at pleasure a suitable person as clerk of said court whose duty it shall be to keep said dockets and make all entries thereon in the same manner as is required by justices of the peace, which person shall execute an official bond in the sum of twenty-five hundred dollars and take an official oath in the same manner as is required of the clerk of the circuit court of Douglas county. Said person shall be known as the clerk of the municipal court, and shall receive an annual salary of nine hundred dollars per annum to be paid monthly from the treasury of the county of Douglas, at the end of each month whenever it shall be certified by said municipal judge that said clerk is entitled to such salary.

May appoint clerk.

Clerk's salary.

SECTION 5. Section 6, of said chapter 181, is hereby amended so as to read as follows: Section 6. It shall be lawful for said municipal judges to charge and collect the same fees in all criminal actions in their court as are allowed by law to justices of the peace. All fees, fines and penalties by them collected in said cases it shall be their duty to pay over at the end of each month to the treasurer of Douglas county; all fees, fines and penalties by them collected by virtue of the charter, ordinances, and by-laws of the city of Superior it shall be their duty to pay over at the end of each month to the treasurer of said city. In all civil actions commenced in said municipal court there shall be deposited in the court by the party commencing said action at the time of the issuance of the summons the sum of three dollars, which sum shall be in lieu of all taxable costs and fees except disbursements of parties and officers and attorneys' fees; provided, however, that in case of the commencement of an action in garnishment there shall be deposited in said court by the party commencing the same at the time of the issuance of the summons the sum of one dollar in addition thereto, and all such moneys so deposited as aforesaid shall be paid over to the county treasurer of Douglas county for the benefit of said county. In case of

Amends sec. 6, of chapter 181, laws of 1889.

Fees, fines, etc., how to be accounted for.

Deposit by plaintiff in civil cases.

judgments in said actions being rendered in favor of the party depositing the said sum the same shall be taxed in said judgment as part of the costs therein. It shall further be the duty of said judges to keep or cause to be kept in a separate book provided therefor an itemized account of all moneys by them received by virtue of their office which said book shall be a part of said court's records. Said itemized account of all moneys so received shall, at the expense of Douglas county, be once published in the official paper of said city during the first week of each succeeding month.

Amends sec. 8,  
of chapter 181,  
laws of 1889.

When judge or  
judges dis-  
qualified, who  
may try cause.

Amends sec. 9,  
of chapter 181,  
laws of 1889.

Cases not to be  
removed.

Amends sec. 11,  
of chapter 181,  
laws of 1889.

Court to be held  
daily, where.

SECTION 6. Section 8 of said chapter 181 is hereby amended so as to read as follows: Section 8. In case it shall be made to appear in the same manner and for the same causes as in justices' court that either of said judges is disqualified to try any matter pending before him, then the same shall be tried by the judge against whom no prejudice is shown or disqualification exists, and in case of the absence, sickness or temporary disability of both of said judges, either of them may, by order in writing to be filed in said court, appoint a qualified justice of the peace of said county to discharge the duties of such judge during such absence, sickness or disability who shall have all the powers of such judge while administering such office.

SECTION 7. Section 9 of said chapter 181, is hereby amended so as to read as follows: Section 9. No action shall be removed from said court for trial but when it shall appear that the judges are disqualified by reason of prejudice or other cause to try the cases, one of said judges shall so as aforesaid call in a justice of the peace to try the same, and said justice when so called in shall have the same compensation, to be paid in the same manner, as the said special municipal judge.

SECTION 8. Section 11 of said chapter 181 is hereby amended so as to read as follows: Section 11. Said municipal judge of said municipal court shall daily hold his court in some suitable room in the city hall in the city of Superior to be provided, furnished, heated and lighted under the direction of said judge by the said city without any expense to Douglas county, but the municipal

judge thereof shall have the power in his discretion to try any case, matter or proceeding in some suitable room in the court house of Douglas county whenever he may deem it convenient for himself, witnesses or parties. All needful stationery and all blanks required by said court and the judges' dockets shall be furnished at the expense of Douglas county. Stationery.

SECTION 9. Section 12 of said chapter 181 and the whole thereof is hereby repealed. Repeals sec. 12, of chapter 181, laws of 1889.

SECTION 10. Section 13 of said chapter 181 is hereby amended so as to read as follows: Section 13. The judge or justice before whom any action has been tried in said court may in his discretion at any time within twenty days after judgment given in civil cases, upon his own motion or upon the motion of any party to the action, and all parties to the action who appear therein having had three days' notice, set aside any verdict or judgment and modify or reverse any proceeding or judgment of said court and grant new trials for errors of law or fact. Amends sec. 13, of chapter 181, laws of 1889.  
Judge may set aside verdict or judgment and grant new trials.

SECTION 11. Said chapter 181 is amended by adding thereto the following section: Section 16. The same fees shall be taxed and allowed as attorney's fees as is provided in subdivision 4, of section 3775, of the revised statutes of this state in all judgments entered in said municipal court, whether the defendant has appeared and put in an answer or demurrer or not. But no such fees shall be taxed or allowed unless such party in favor of whom such judgment is entered has appeared therein by an attorney of a court of record. Amends chapter 181, laws of 1889.  
Attorney's fees.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1891.