

No. 358, A.]

Published April 30, 1897.

CHAPTER 352.

AN ACT to create a municipal court for the county of Kewaunee.

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

SECTION 1. There is hereby created and established in and for the county of Kewaunee, a municipal court, to be known and designated as the municipal court of Kewaunee county, with the powers and jurisdiction hereinafter specified and provided. Municipal court created.

SECTION 2. On the first Tuesday in April, 1898, there shall be elected in the county of Kewaunee, a judge of the municipal court, in the same manner in which county judges are now elected, who shall hold his office for the term of three years from the first Monday in May following his election, and until his successor is elected and qualified. On the first Tuesday in April, 1901, and every four years thereafter, there shall be elected in the county of Kewaunee, in the same manner as county judges are elected, a judge of the municipal court who shall hold his office for the term of four years from the first Monday in May following his election, and until his successor is elected and qualified. In case of a vacancy in the office of said judge of the municipal court, the same shall be filled by appointment by the governor and the appointee shall continue in office for the residue of the term for which his predecessor was elected. First election: judge to be elected.

SECTION 3. No person shall be eligible to the office of judge of said municipal court except an attorney of a court of record, who shall be a qualified elector of said county, and during his term of office said judge shall not practice his Persons eligible to office of judge.

profession in any of the courts of said county, but shall devote his entire time to the duties of his said office.

Judge to give bond and sureties.

SECTION 4. The said judge, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office and file the same in the office of the clerk of the circuit court for said county, and shall execute to said county a bond in the sum of three thousand dollars, with two or more sureties to be approved by the county treasurer of said county, and recorded and filed as provided in section 702, of the revised statutes, conditioned for the faithful performance of the duties required of him by law and for the faithful and prompt application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office. And said judge shall be subject to the same prohibitions and penalties as justices of the peace.

Jurisdiction of the court.

SECTION 5. The judge of said municipal court shall have all the jurisdiction, authority, powers and rights given by law to justices of the peace in criminal actions; he shall have jurisdiction to hear, try and determine all criminal actions arising within said county which are not punishable by commitment to the state prison, and shall have power to sentence and commit all persons convicted of any offense of which he has jurisdiction; he shall have power and jurisdiction throughout said county to institute and conduct examinations in all criminal cases occurring in said county, including bastardy, and to arrest and examine and hold to bail, all persons charged with other offenses against the laws of this state, as provided by law; on a plea of guilty by the accused, the said judge shall have jurisdiction to sentence the accused for an offense for which the highest penalty shall not exceed five years imprisonment in the state prison; and no justice of the peace, police justice or court commissioner within said county, shall exercise any jurisdiction in crim-

inal cases, except that in cases of felony, justices of the peace may issue warrants returnable before the judge of said municipal court, and when so doing, they shall cause the complaint in such action to be forthwith filed in said criminal court.

SECTION 6. The judge of said municipal court shall have all other jurisdiction, authority, powers and rights given by law to justices of the peace. He shall have cognizance of and jurisdiction to hear, try and determine all actions and proceedings at law wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars and also of actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of property claimed shall not exceed the sum of five hundred dollars, exclusive of damages. Judgment may be rendered in said municipal court by confession for any sum not exceeding one thousand dollars, in the manner provided by statute. Said municipal court shall also have jurisdiction to hear, try and determine all actions arising under chapter 145, of the revised statutes, when the amount claimed shall not exceed five hundred dollars.

Further jurisdiction of the court.

SECTION 7. The said judge shall keep one docket for criminal trials and proceedings, and a separate docket for civil actions in the same manner, as far as applicable, as dockets of the justices of the peace are required to be kept. The practice and procedure in said court, so far as practicable, shall comply with the laws relating to justices' courts. Trial by jury may be had in the same manner and process as in justices' courts. Said judge shall have the power and right in his discretion to charge the jury upon written instructions. Appeals may be taken in the same manner and with like effect as from courts of justices of the peace. Transcripts of judgments of said municipal court may be filed and docketed with the clerk of the cir-

Two dockets to be kept.

cuit court for said county, with the same effect as may be transcripts of judgments rendered by justices of the peace of said county.

Removal of actions, when.

SECTION 8. No action shall be removed from said municipal court for trial, but when it shall appear that the judge thereof is disqualified by reason of prejudice or other cause to try any action, he shall, and if by reason of absence, sickness or temporary disability he is unable to perform his duties, he may, by order in writing, to be filed in said court, call in the county judge or any court commissioner of aforesaid county, to try the same or act in his stead, and said court commissioner is hereby authorized to act as judge of said municipal court, in such action, and during the absence, sickness or disability of the judge thereof, and when so acting shall have and possess all the powers and authority, and may perform and discharge all the duties imposed by law upon the judge of said municipal court.

Appointment of clerk of court.

SECTION 9. Said judge shall appoint in writing, a clerk of said court, who shall also act as reporter thereof, and make and keep the records of the said court and perform such other ministerial duties as the said judge may require of him. Sections 2439 and 4141, of the annotated statutes shall apply to said reporter and to transcribed copies of testimony and proceedings taken by him. The said clerk and reporter shall hold his office at the pleasure of said judge and shall receive such salary for his services as the county board of said county may from time to time determine.

Peace officers of the court.

SECTION 10. Sheriffs and constables of Kewaunee county shall have power to serve and execute process of said municipal court, and shall be entitled to receive the same fees therefor as in justices' courts: city marshals and policemen of the cities of Kewaunee and Ahnapee shall also have power to serve and execute process of said court in all actions arising within their respective cities and villages; and shall be

entitled to receive the same fees therefor as constables in justice court. Said judge shall also tax as costs in favor of the party recovering judgment, the fees provided in section 3775, of the revised statutes; except that when the amount of judgment is for two hundred dollars or over the amount of attorney's fee shall be twenty dollars.

SECTION 11. It shall be lawful for the judge of said municipal court to charge and collect the same fees in all actions in his court as are allowed by law to justices of the peace. Said judge shall keep, in a separate book provided therefor, an itemized account of all moneys received by him by virtue of his office, which said books shall be a part of said court's records. All fees, fines, and penalties, by him collected, it shall be his duty to pay over, at the end of each month, to the treasurer of Kewaunee county, taking a receipt therefor, which receipt, together with an itemized statement of the amount so paid, he shall file in the office of the county clerk of said county.

Collection of fees, fines, etc.

SECTION 12. The judge of said municipal court shall daily hold his court at the county seat of said county, in some suitable room or building to be provided, furnished and supplied at the expense of said county under the direction of the county board thereof; provided, that said judge shall have power and authority to adjourn the hearing of any action to any other place in said county when, in his opinion, the costs of said action will be materially lessened thereby; and provided, further, that said judge shall at least twice in each month, hold his said court in the city of Ahnapee, in said county; said city shall provide and furnish him a suitable room and office supplies for that purpose.

Court to be held daily.

SECTION 13. Said municipal judge may provide a seal for said court and all papers, depositions, certificates, acknowledgments, examinations or other documents executed or signed by said judge, when sealed with the seal of said

Must have a seal.

court, shall be evidence in all courts and places of this state, and shall have the same effect as the seal of a court of record.

Salary \$1,000
per annum.

SECTION 14. The said judge shall receive as compensation, a salary of one thousand dollars per annum, to be paid monthly from the treasury of Kewaunee county.

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

Approved April 23, 1897.

No. 668, A.]

[Published May 3, 1897.

CHAPTER 353.

AN ACT to amend section 491, of Sanborn and Berryman's annotated statutes respecting the establishment and maintenance of free high schools, and providing for the conduct of elections relating thereto.

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

Two or more
adjoining
towns or with
an incorpor-
ated village
may maintain
a high school.

SECTION 1. Section 491, of Sanborn and Berryman's annotated statutes, is hereby amended so as to read as follows: Section 491. Two or more adjoining towns, or one or more towns and an incorporated village, when the same together will make a district of contiguous territory, may unite in establishing and maintaining any such high school. The resolution proposing the same shall be approved and submitted, and the notice of election signed by at least a