

No. 519, A.]

[Published May 1, 1899.]

CHAPTER 286.

AN ACT to create a second municipal court for Bayfield county.

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 Bayfield, a municipal court, to be known and designated as the second municipal court of Bayfield county, with the powers and jurisdiction hereinafter specified and provided. Court created.

SECTION 2. On the first Tuesday in April, 1900, and every four years thereafter, there shall be elected, in the county of Bayfield, in the same manner as county judges are elected, one municipal judge, who shall hold his office for the term of four years from the first Monday in May next following his election, and until his successor is elected and qualified; and in case of vacancy occurring in the office of said municipal judge, the vacancy shall be filled by appointment by the governor, and the person appointed to fill such vacancy shall continue in office for the residue of the term for which his predecessor was elected or appointed. Such judge shall hold no other county office during the term for which he is elected. Judge of, when to be elected; term of; vacancy, how filled

SECTION 3. The judge of the second municipal court of Bayfield county shall hold his office at the village of Iron River, in a suitable room for such purpose, to be provided by the board of supervisors of Bayfield county. County board to provide court room.

SECTION 4. The municipal judge of the county of Bayfield 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 Jurisdiction of court.

Powers and
rights of
judge.

exceed the sum of five hundred dollars; 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 five hundred dollars exclusive of damages. The said judge shall have jurisdiction of all crimes and misdemeanors occurring in said county, to the same extent and as fully as justices of the peace now or may hereafter have, and shall also have jurisdiction to institute and conduct examinations in all criminal cases that may occur in said county, including bastardy. Said judge shall have power, and jurisdiction throughout said county to cause to come before him persons who are charged with committing any criminal offense, and to commit them in jail, or bind them over, as the case may require. Said judge shall further have all the 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, upon written charges; and said judge shall be subject to the same prohibitions and penalties as justices of the peace. No justice of the peace within the town of Iron River shall exercise any jurisdiction in any criminal cases, but all such jurisdiction is vested in said court and the judge thereof. The proceedings and practice of said court shall, in all respects, be governed, as far as practicable, by the laws relating to justices' courts of this state, and transcripts of judgment of the municipal 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 judgment rendered by justices of the peace of said county, and appeals from said court in all cases, both in criminal and civil cases, and other proceedings may be taken in the same manner and with like effects as are provided by law from justices' courts. Nothing herein contained shall be construed to give the said municipal judge cognizance of any actions mentioned in subdivisions

1, 2 and 3 of section 3573, of chapter 154, of the revised statutes of this state.

SECTION 5. Judgment may be rendered in said municipal court by confession for any sum not exceeding one thousand dollars, in the manner provided by the statute. Limit of judgment by confession.

SECTION 6. In case of sickness, absence or temporary disability of such municipal judge he may, by an order in writing to be filed in said court, appoint a justice of the peace in said county to discharge the duties of said judge during such sickness, absence or disability, who shall have the powers of such judge while administering such office. Judge may call in justice of peace in case of absence, etc.

SECTION 7. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear by affidavit that the municipal 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, and the matter of proceeding is one of which a justice of the peace has jurisdiction, the municipal judge shall notify a justice of the peace in the county of Bayfield, not disqualified to try said case, or hear said examination or other proceeding, as the case may be, in matters or proceedings of which a justice of the peace has no jurisdiction when such affidavit is filed, the municipal judge shall transfer the same to the circuit court of Bayfield county, which circuit court shall thereupon have jurisdiction to hear, try and determine the same in the same manner, and with like effect as if such action or proceeding had been commenced in said circuit court, whereupon it shall be the duty of said justice so notified as aforesaid to forthwith appear at the court room of said municipal court, and to discharge the duties of judge of said municipal court on trial of said case, or the hearing of said examination, or other proceedings, in the same manner and with like effect as said municipal judge would, Judge to call in a justice when affidavit of prejudice is filed.

if not disqualified to act; and the doings of said justice of the peace while so presiding over said municipal court shall have and be of the same force and effect as proceedings of said municipal judge, and when such 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 municipal judge. Said justice of the peace, while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like service.

Judge granted powers of court commissioner.

SECTION 8. The said municipal judge of Bayfield county shall have and may exercise in his county, all the powers and perform all the duties of a court commissioner as defined in section 2434, of the statutes of 1898; and every authority granted to, or limitation of the powers of the court commissioner by the laws of Wisconsin, shall be construed to extend to the said municipal judge acting in such capacity, except when otherwise expressly provided. The official designation of said officer in matters where he shall so act shall be "municipal judge of Bayfield county."

Change of venue from justice courts.

SECTION 9. Whenever any civil action shall be removed from any justice of the peace in the town of Iron River upon the oath of said defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney requests in writing to such justice that the action be removed to said municipal court, then the action and all papers therein shall be transmitted to the presiding judge thereof, who shall proceed with the action in the same manner as if originally instituted before him.

Trial by jury.

SECTION 10. Trial by jury may be had in said court in the same manner and process as in justices' courts.

SECTION 11. Sheriffs and constables of Bayfield county shall have the same power to serve

and execute process of this court as of justices' courts, and shall be entitled to receive the same fees as in justices' courts, and the police officers of the town of Iron River shall have the power to serve and execute processes of this court within the town of Iron River; provided, that such police officers shall receive no fees or compensation for such services.

Power of sheriff and police to serve process.

SECTION 12. The judge of the said court 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 is applicable to this court, as the same are required to be kept by justices of the peace under the laws of this state; provided, always, that the municipal judge may, in civil actions, sign, in blank, summons, writs and other process and deliver the same to attorneys of court of record, to be issued by them, who, upon issuing any such summons, writ or other process, shall file within twenty-four hours thereafter the affidavit (if any) upon which such summons, writ or process was based, and a statement of the names of the parties to the action, the date of the summons, writ or process, the time when the same is returnable, and the nature of the demand or claim, upon which the said judge shall forthwith docket said 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.

Judge to keep separate civil and criminal dockets.

Issuing of summons, etc.

SECTION 13. The municipal judge shall have and receive the same fees in all civil actions that are now allowed by law to justices of the peace for every civil action or proceeding of his court. And for his services in conducting criminal trials and examinations he shall receive a salary of three hundred dollars per year for the first term, payable quarterly at the end of each quarter, out of the county treasury of said county; and thereafter his salary shall be fixed by the county board at not less than three hundred dollars per annum, but in all criminal actions and

Fees and salary of judge.

proceedings he shall tax the same fees as justices of the peace are allowed by law to tax, and if the defendant in such suit or action is convicted, insert the amount of such fees in the entry of judgment against such defendant, and if paid by said defendant return the amount thereof, with the fine paid or collected, to the county treasurer of said county.

Jurisdiction of court to try actions under chapter 145.

SECTION 14. Said court shall 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.

Jurisdiction to try appeals from justice courts.

SECTION 15. Said court shall have jurisdiction to try and determine all appeals in civil actions from justices of the peace of the town of Iron River in said county; provided, that in civil cases, appealable from the justices' judgments, the party appealing may, in his option, appeal to the circuit court in Bayfield county, instead of to said municipal court. And all such cases shall be certified and returned to said municipal court within ten days after the perfection of the appeal. Any action appealed to said court may be brought on for trial upon notice of ten days given by either party to the other. In case neither party shall notice such appeal, or bring the same to trial within six months, the appeal shall be dismissed with ten dollars' costs against the appellant. Appeals shall be made to such court in the same manner that they are now made from justice to circuit court.

Fee of judge in appeal cases.

SECTION 16. In appealed cases tried and determined in said court upon the record of the court below, or any questions of law or fact appearing in such record, the judge of such court shall be entitled to receive the sum of ten dollars, and no more, as and for his fees, and the prevailing party in appealed cases shall be entitled to recover the sum of five dollars attorneys' fees.

Judge to provide seal.

SECTION 17. The municipal judge may provide a seal for said court, and all papers, depositions, certificates, acknowledgments, examina-

tions and other documents executed or signed by said judge, when sealed with the seal of the 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.

SECTION 18. Appeals from said municipal court shall be taken to the circuit court for Bayfield county, and when not otherwise provided, the law relating to appeals from justices' courts shall apply. The same affidavit and notice, in substance, shall be made and given as upon appeal from justices' court.

Appeals from court to be taken to circuit court.

SECTION 19. The dockets and records of said municipal court shall be public records, open to the inspection of all persons at every reasonable hour.

Dockets made public records.

SECTION 20. In all actions in the municipal court for the county of Bayfield attorneys' fees shall be taxed and allowed as provided in subdivision 4, of section 3775, of the revised statutes.

Attorneys' fees.

SECTION 21. The county clerk of Bayfield county shall give the same notice of the election of said judge, as in other judicial elections.

Notice of election of judge, how given.

SECTION 22. All needful stationery and all blanks required by said court in civil and criminal actions and examinations, and judge's dockets required by law, shall be furnished at the expense of Bayfield county.

Stationery and blanks to be furnished by county.

SECTION 23. Whenever the district attorney of Bayfield county or his duly authorized representative shall desire and request it in writing, a stenographic or shorthand reporter shall be appointed by the judge of said court to take in shorthand the evidence in such action or criminal examination and shall transcribe same into long hand and file a copy thereof with said court, within ten days after such trial or hearing. That the compensation of such stenographic or shorthand reporter shall be four dollars for each day or part of a day and ten cents per folio for transcribing such evidence and shall furnish a duplicate copy of the same to the district attorney, without charge, when requested by him. The

Phonographic reporter to be appointed in action when district attorney requests it. Fees of reporter.

compensation of said stenographer or shorthand reporter shall be paid out of the county treasury in manner and form as other claims and charges against Bayfield county are audited and paid.

Governor to
appoint first
judge.

SECTION 24. Within sixty days after the passage of this act, the governor shall appoint some suitable resident elector of the town of Iron River judge of said court, who shall hold the office until the first Tuesday of May 1900 or until his successor is elected and qualified.

SECTION 25. This act shall take effect and be in force, from and after its passage and publication.

Approved April 28, 1899.

No. 203, A.]

[Published May 1, 1899.]

CHAPTER 287.

AN ACT to amend subdivision 113 of section 925 of the Wisconsin statutes of 1898, relating to cities.

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

Cities under
general law.
Board of edu-
cation in.

SECTION 1. Subdivision 113 of section 925 of the Wisconsin statutes of 1898, is hereby amended so as to read as follows: Subdivision 113. In every city or village which shall adopt this chapter for its government, or shall have become newly organized under it by reason of the provisions of section 925g, Wisconsin statutes of 1898, if there shall be or shall have been at the time of such adoption, a board of education or school board elected by the people under the provisions of its charter, or the school district system is in force, and in all cases of such cities or