

No. 500, A.]

[Published May 19, 1903.]

CHAPTER 301.

AN ACT, relative to the establishment of a municipal court in and for the county of Dunn.

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

Municipal court created; seal for court; effect of. SECTION 1. A municipal court in and for the county of Dunn is hereby established, under the name of The Municipal Court of Dunn county, with the powers and jurisdictions hereinafter specified and provided. Said court shall have a seal with suitable device to be procured under the direction of the judge of said court at the expense of Dunn county, and all papers, depositions, certificates, acknowledgments, communications and other documents, accepted and 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 all courts of record.

Civil and criminal jurisdiction of; judgment by confession. SECTION 2. Said municipal court and the judge thereof shall take cognizance of and shall have jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of the debt, damages and demand and penalty of forfeiture shall not exceed the amount of five hundred dollars; all 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; all actions arising under charter 145 of the statutes of 1898, when the amount claimed shall not exceed five hundred dollars; all charges for criminal offenses, including bastardy, arising within said county which are not punishable by commitment to state prison, and all offenses arising under the charter and ordinances of all duly incorporated cities and villages within said county; said judge shall have power and jurisdiction throughout the county to cause to be brought before him all persons who may be charged with having committed any criminal offense and to issue process therefor and to com-

mit them to jail or require bail, as the case may require; he shall have the jurisdiction, authority, powers and rights given by law to justices of the peace, provided, however, that nothing herein contained shall be construed to give said municipal judge cognizance of or jurisdiction over any action mentioned in subdivisions 1, 2 and 3, of section 3573 of the statutes of 1898. The general provisions of law relative to civil and criminal actions by justices of the peace, shall apply to the said court so far as applicable, and all appeals, civil and criminal, from said court, may be taken in the same manner and with like effect as is provided by law for appeals from judgments of justices of the peace. On and after the appointment of the municipal judge, as herein provided, no justice of the peace in said county shall have jurisdiction over any criminal examination, trial and proceeding, including bastardy, provided, however, that said justice of the peace may issue warrants returnable to said municipal court of said county; but nothing in this act shall be construed as in any manner affecting the right of jurisdiction of any justice of the peace to hear, try and determine any criminal proceeding or any action for the violation of any city or village ordinance now pending in such court, or which may be commenced before the judge of said municipal court shall enter upon the duties of his office; in addition to the jurisdiction as aforesaid, a judgment of confession may be entered by the judge of said court in any sum not exceeding one thousand dollars, without action, whether for money due or to become due or to secure any person against a contingent liability on behalf of the defendant, or both, if the statement be made in writing signed by the defendant and provided on his oath to the following effect:

First. It must state the amount for which judgment may be entered and authorizing the entry of the judgment therefor by the judge of said court.

Second. If it be for money due or to become due, it shall state concisely the fact or facts out of which the indebtedness arose and must show that the amount confessed is justly due or to become due.

Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely all facts constituting a contingent liability and must show that the amount confessed does not exceed the same.

Election of judge; term, vacancy. SECTION 3. On the first Tuesday in April, 1904, and every four years thereafter, there shall be elected in the county of Dunn in the same manner as

county judges are elected, a municipal judge who shall hold his office for a term of four years from the first Monday of May next following his election, and until his successor is elected and qualified, and in case of a vacancy occurring in the office of the said municipal judge, such vacancy shall be filled by appointment by the governor of this state, and the person so appointed shall continue in office for the residue of the term for which his predecessor was elected or appointed; provided, however, that upon the passage and publication of this act, the office of the judge of said court shall be deemed vacant and shall be filled by appointment by the governor within thirty days thereafter, and the person thus appointed shall hold office until the first Monday in May, A. D. 1904, or until his successor is elected and qualified.

Judge to be an attorney; oath and bond. SECTION 4. No person shall be elected to this office of the judge of said municipal court, except an attorney of a court of record in this state, and the said judge shall hold no other county office during the term for which he was elected or appointed. The said judge shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and file the same with the clerk of the circuit court of Dunn county, and execute to the said county a bond in the sum of one thousand dollars, with two or more sureties to be approved by the county treasurer of said county, conditioned upon the faithful performance of the duties of said office and the faithful accounting of all moneys, properties and effects which may come into his hands by authority of the said office, and shall record and file the same as provided by section 702 of the statutes of 1898.

Court, where held; temporary disability of judge. SECTION 5. The judge of said municipal court shall hold his office at the county seat of Dunn county in a suitable room, furnished, cared for and provided for such purpose by said county. In case of sickness, absence or temporary disability, the said municipal judge may, by order in writing, to be filed in said court, appoint the county judge, a court commissioner, or any justice of the peace in said county, to discharge the duties of such municipal judge during such sickness, absence or disability, who shall have the powers of such judge when administering said office and shall be entitled to receive as compensation the per diem provided for as hereinafter stated.

Judge to have court commissioner's powers. SECTION 6. The municipal judge of Dunn county shall be ex-officio court commissioner and shall have and may exercise all the powers conferred upon commissioners by section 2434 of the statutes of 1898 of this state, and every authority granted to and limitations of the powers of a court commissioner by the laws of this state shall be construed to extend to said municipal judge acting in such capacity, except when otherwise expressly provided, and the official designation of said court when so acting shall be "Municipal Judge of Dunn County."

Fees and salary of judge. SECTION 7. The municipal judge shall have and receive the same fees in all civil actions as are now allowed by law to justices of the peace, and is empowered to tax the same. For his services in conducting criminal trials and examinations, he shall receive a salary at the rate of five hundred dollars per annum, payable monthly out of the county treasury of Dunn county, in the same manner as salaries of other county officers are paid, to and until the first regular meeting of the county board of supervisors of Dunn county, next after the passage and approval of this act, and thereafter said county board shall fix the amount of his salary as such judge, which shall be paid out of the county treasury of Dunn county, as aforesaid in the same manner as the salaries of other county officers are paid, and the said salary to be in full for all services in conducting criminal trials and examinations, but in all criminal actions and proceedings he shall tax the same fees, as justices of the peace are now allowed to tax. He shall pay into the county treasury all the fines, costs and fees received by him in any criminal matter or proceeding. On the first day of November of each year he shall file with the county clerk a statement under oath of the fees by him paid to the county treasury.

Proceedings in lieu of change of venue. SECTION 8. No action, examination or other proceedings shall be removed from said court, except as hereinafter provided; if prior to joining issue in any case and prior to any examination or other proceeding, it shall appear by affidavit that the municipal judge is a material witness or is in any way related to either of the parties, or from prejudice the municipal judge will not decide impartially in the matter, the said municipal judge shall notify the county judge or some justice of the peace or court commissioner in said county not disqualified to hear said examination, trial or other proceeding, whereupon it shall be the

duty of the said justice or county judge or court commissioner to forthwith appear at the court room of the said municipal court, and discharge the duties of the judge of said court on the trial of said case or the hearing of said examination or other proceeding, as the case may be, with like effect, as the said municipal judge would if not disqualified to act, provided, however, that in matters or proceedings of which justices of the peace have not jurisdiction, the county judge or court commissioner shall be called to preside over said court. The magistrate so acting in any of the said matters or proceedings shall receive as full compensation therefor the sum of two dollars for each half day he shall actually or necessarily spend in said trial, examination or other proceeding; if said trial or examination shall be for a criminal offense he shall be paid out of the county treasury in the same manner as justices of the peace are now paid, and in case of civil actions he shall be paid by the municipal judge.

Service of process. SECTION 9. The sheriffs and constables of Dunn county shall be officers of said court and may serve its processes and carry into effect its lawful orders and judgments and shall be entitled to the same fees as are allowed constables in justice courts, and shall be subject to the same liabilities and penalties.

Reporter, compensation of. SECTION 10. The municipal judge may, in his discretion, on the written request of either party to a civil action, or on like request by the district attorney in a criminal case or examination, call in a stenographic reporter, skilled in the art of shorthand, to take the testimony in such action or proceeding and may file the said reporter's notes in lieu of the testimony required by law to be taken by justices of the peace in like proceedings. In case of appeal in any civil action or proceeding, when so requested by the appellant, said reporter shall transcribe said testimony in long hand and the fees for such transcribing, not to exceed five cents per folio, shall be taxed as a part of the judge's fees in the case. Said reporter shall receive such compensation for taking testimony as shall be allowed by the said municipal judge, not to exceed four dollars for each day, and two dollars for each half day actually engaged in taking testimony to, and until the first regular meeting of the county board of supervisors of Dunn county, and said reporter shall thereafter have and receive such compensation as shall be then fixed by the said county board, and it shall be the duty of the said board to fix the compensa-

tion of the said stenographic reporter at said time. In said civil actions and proceedings, said compensation shall be fixed as a part of the costs in lieu of the fees now allowed to justices of the peace for taking testimony, and in criminal proceedings the same shall be paid out of the county treasury upon a certificate of the municipal judge. Section 2439 of the statutes of 1898 shall apply to said reporter of such court.

Separate civil and criminal dockets; stationery, etc., who to furnish. SECTION 11. The judge of the said municipal court shall keep one docket for criminal trials, proceedings and examinations, and a separate docket for all civil actions and proceedings, and all docket entries and all processes shall be made, kept and filed in the same manner as far as practicable, as is now required of justices of the peace. All necessary blanks, dockets and stationery for the proper conduct of the said court shall be furnished by the county of Dunn. All documents and records of the said municipal court shall be public records and open to the inspection of all persons at reasonable hours.

Attorney's fees. SECTION 12. In all actions in the said municipal court, attorney's fees shall be allowed to the prevailing party as is provided in sub-division 4 of section 3775 of the statutes of 1898.

Trial by jury. SECTION 13. Trial by jury may be had in said municipal court in the same manner as is now provided for courts of justices of the peace.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1903.