

No. 299, S.]

[Published June 26, 1907.]

CHAPTER 395.

AN ACT to make available balances in the tailor shop and knitting shop funds of Wisconsin State Prison, to be used in extending rear prison walls and enlarging and reconstructing female prison at the Wisconsin State Prison.

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

Appropriation: \$20,000. SECTION 1. The state board of control is hereby authorized to use balances now available in the knitting shop and tailor shop funds of the Wisconsin state prison, viz: thirty-five hundred dollars (\$3,500) in tailor shop fund and sixteen thousand five hundred dollars (\$16,500) in knitting shop fund, in extending the rear prison walls and enlarging and reconstructing the female prison of that institution, and said sums are hereby appropriated for this purpose.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 25, 1907

No. 551, S.]

[Published June 26, 1907.]

CHAPTER 396.

AN ACT to establish a municipal court in and for the village of Winneconne and the county of Winnebago.

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

Designation and seal. SECTION 1. A municipal court for the village of Winneconne and county of Winnebago, is hereby established under the name of municipal court for the village of Winneconne and county of Winnebago, with the powers and

jurisdiction 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 the said county of Winnebago. All papers, depositions, certificates, acknowledgments, communications and other documents, accepted and signed by the judge of said court 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 a court of record.

Jurisdiction: civil and criminal. SECTION 2. 1. 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 or forfeiture shall not exceed the amount of three 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 three hundred dollars; all actions arising under chapter 145 of the statutes of 1898, when the amount claimed shall not exceed three hundred dollars; all charges for criminal offenses, including bastardy, arising within said county which are not punished by commitment to state prison, and exclusive jurisdiction of all offenses and violations arising under the charter, by-laws and ordinances of the said village of Winneconne.

2. No justice of the peace or court commissioner within said village of Winneconne shall exercise any jurisdiction in criminal or bastardy cases but all such jurisdiction is vested in said court. 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 commit them to jail or require bail as the case may require and he shall have the jurisdiction, powers and rights in all matters given by law to justices of the peace.

3. A judgment by confession may be entered by the judge of said court in any sum not to exceed five hundred dollars without action under the same conditions as is provided for entering judgment by confession in justice courts, as provided under section 3657, statutes of 1898.

4. But 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.

5. The general provision of law relative to civil and criminal actions by justices of the peace shall apply to the said court as 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.

Judge: election, term, vacancies. SECTION 3. On the first Tuesday in April, 1908, and every four years thereafter there shall be elected in the county of Winnebago, in the same manner as county judges are elected, a judge of said municipal court who shall hold his office for a 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 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. Upon the passage and publication of this act the office of the said 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., 1908, or until his successor is elected and qualified.

Judge: oath, bond, sureties. SECTION 4. The judge of said municipal court shall hold no other county office nor any state 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 Winnebago county, and execute to the said county a bond in the sum of six hundred 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.

Winneconne to furnish room; sickness or disability. SECTION 5. The judge of said municipal court shall have his

office and hold court in the village of Winneconne in said Winnebago county, in a suitable room furnished and cared for and provided for such purpose by the said village of Winneconne in 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 any justice of the peace, court commissioner or other municipal judge of said Winnebago 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 who shall be entitled to have and receive as compensation the same fees as said municipal judge.

Judge ex-officio court commissioner. SECTION 6. The judge of said municipal court for the village of Winneconne and county of Winnebago shall be ex-officio court commissioner and shall have and may exercise all the powers conferred upon court 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 judge of the municipal court for the village of Winneconne and county of Winnebago.

Judge's fees; fines paid over. SECTION 7. The municipal judge shall have and receive the same fees in all actions, civil or criminal, and examinations as are now allowed to justices of the peace, and he is empowered to tax and collect the same. He shall pay into the county treasury all the fines received by him in any criminal matter or proceeding excepting such fines as may be received for offenses and violations of the charter, by-laws or ordinances of said village of Winneconne in Winnebago county, which said fines so received shall be paid by him into the said village treasury.

If judge an interested party. SECTION 8. No action, examination or other proceeding 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 proceedings 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 some justice of the peace, court commissioner or other municipal judge in said county not disqualified to hear said examination, trial or other proceedings whereupon it shall be the duty of the said justice or court commissioner or other municipal judge to forthwith appear at the courtroom of the said 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 proceedings as the case may be with like effect, as the said municipal judge would if not disqualified to act. In matters or proceedings of which justices of the peace have no jurisdiction, a court commissioner or any other municipal judge shall be called to preside over said court. The magistrate so acting in any action or proceeding criminal or civil shall receive for his compensation the same fees as are hereby allowed to the said municipal judge.

Court officers. SECTION 9. The sheriffs, village marshals and constables of Winnebago 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.

Stenographic reporter; notes as testimony. 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, who shall take the testimony in such action or proceeding and may file the said reporter's notes transcribed in lieu of the testimony required by law to be taken by justices of the peace in like proceedings.

Dockets and records; blanks; publicity. SECTION 11. The judge of said municipal court shall keep a docket for civil and criminal trials, proceedings and examinations, and all docket entries and processes shall be made, kept and filed in the same manner as far as applicable, 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 said county of Winnebago. All documents and records of said municipal court shall be public records and open to the inspection of all persons at reasonable hours.

Attorneys' 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 subdivision four of section, 3775 of the statutes of 1898.

Jury trial. SECTION 13. Trial by a jury may be had in said municipal court except in actions arising out of violations of the charter, by-laws or ordinances of said village of Winneconne in the same manner as is provided for courts of justices of the peace.

Approved June 25, 1907.

(In effect July 1, 1907.)

No. 57, S.]

[Published June 26, 1907.

CHAPTER 397.

AN ACT to amend section 4 of chapter 178, laws of 1882, providing for an increase in the salary of the register of probate of Outagamie county.

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

Salary; payment. SECTION 1. Section 4 of chapter 178, laws of 1882, is amended to read:

Section 4. Such register in probate shall receive the annual salary of * * * *one thousand* dollars, until otherwise fixed by the county board, which shall be paid by the county of Outagamie, and the county treasurer of the county of Outagamie shall pay the same * * * *monthly*, and the same shall be in full compensation for the performance of the duties as such register in probate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 25, 1907.