

granted shall not be leased or sold by said city of Milwaukee, nor used by it for any other purpose than a public park and boulevard; and provided further, that said city shall construct over any railroad track or tracks, intersected by any bridge or driveway, to said park on above described strip of land, good and sufficient viaducts or bridges at least twenty-two feet high in the clear above said track or tracks, and suffer or permit no grade crossings thereover. \* \* \*

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

Approved May 7, 1913.

No. 350, A.]

[Published May 8, 1913.

## CHAPTER 184.

AN ACT to amend sections 1 and 2 of chapter 153, laws of 1905, and sections 3, 6, 7, 9, 12, 15, 16, 17 and 18 of chapter 396, laws of 1903, relating to the municipal court of Brown county and of the city of Green Bay.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 3 of chapter 396 of the laws of 1903 is amended to read: (Chapter 396, laws of 1903) Section 3. No person shall be eligible to the office of judge of the municipal court unless he be a practicing attorney, duly admitted to the bar of Brown county, and said judge shall hold no other county office during the term for which he is elected or appointed. Said judge may, by an order in writing to be filed in said court, appoint the county judge thereof to discharge the duties of such judge during his absence, sickness, or other temporary disability. The appointee shall have all the powers of such judge while administering such office \* \* \*. The order appointing any such county judge may be revoked by said municipal judge at any time. *Said municipal judge shall have the right to call upon the circuit judge for Brown county to attend, hold court, and try any action in said municipal court, and while so doing, said circuit judge shall have the same powers as if elected judge of said municipal court.*

SECTION 2. Section 1 of chapter 153 of the laws of 1905 is amended to read: (Chapter 153, laws of 1905) Section 1. Section 5 of chapter 396 of the laws of 1903 is hereby amended so as to read as follows: Section 5. The municipal court shall be a court of record, with a clerk and seal, and shall have concurrent jurisdiction with the circuit court of Brown county, with full power and authority to hear, try and determine all cases of

crimes and misdemeanors of whatever kind, except murder, that are or may be cognizable before the circuit court, which may be committed in the county of Brown, provided that in all cases in which the person charged with crime shall plead guilty to the charge, the said municipal court shall have full power and authority to sentence such person, so pleading guilty, to hard labor in the state prison, in case the offense is liable to such punishment, or to inflict any other punishment or penalty under the laws of the state in as full a manner as the circuit court could do in such cases and the said municipal court shall have power to commit or to bail over to such time as may be convenient, such persons as may be found on examination before it to be indictable or subject to a criminal information in which such persons are charged with an offense punishable by imprisonment in the state prison. On or before the time fixed for the trial of such persons so committed or bailed over the district attorney shall file in said municipal court, the proper information against such person, and the court shall then proceed to hear, try and determine the same, unless the said cause is continued by the court for cause. And in any criminal cause, not cognizable, before a justice of the peace, and in which an information may be filed as aforesaid, after the same is at issue, the judge may fix a day for the trial of the same, and the same may then be tried by the court, in case a trial thereof by jury is waived by the accused, in writing, or in open court, to be entered upon the minutes, and in case the trial by jury is so waived, the cause shall be tried by the court. No justice of the peace, police justice, or court commissioner within said city of Green Bay, shall exercise any jurisdiction in criminal or bastardy cases, but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances and commitments from said judge, justices of the peace and police justices of said county, in criminal cases (except murder), and in bastardy cases shall be certified and returned to said municipal court instead of said circuit court, at least five days before the time fixed for the appearance of the accused; and the accused shall, and all witnesses required to attend may be committed to be brought or recognized to appear before said municipal court, on a day certain, not more than twenty days from the date of said commitment or recognizance. Said court shall have jurisdiction to try and determine all appeals in civil and criminal cases from justices of the peace and police justices in said county, and in all cases removed from said justices' or police courts on account of the title to lands coming in question, and all such cases shall be certified and returned to said municipal court instead of the circuit court of said county, within ten days after

the perfection of the appeal, in appealed cases, or the joining of issue, in other cases; provided that in civil cases appealable from justices' judgments the party appealing may, at his option, appeal to the circuit court for Brown county instead of to said municipal court. Transcripts of all judgments rendered in said court may immediately after the entry of such judgments, be filed by the clerk of said court, in the office of the clerk of the circuit court of Brown county, and shall be docketed by said clerk of the circuit court, who shall receive the same fees therefor as provided by law in other cases and such transcripts of judgments so filed and docketed, shall have the same force and effect as constituting a lien upon real estate that judgments rendered and docketed in said circuit court have by law, and be carried into execution, both as to the principal judgment debtor and his surety, if any, in the same manner and with like effect as the judgment of said circuit court. A jury in said municipal court in criminal cases *of which a justice court would not have jurisdiction and in which an information may be filed*, shall consist of twelve \* \* \* jurors, qualified to sit as jurors under the laws of this state, *provided that same may be tried by a jury of less than twelve jurors whenever the accused, in writing, or by consent in open court, entered in the minutes, waives a trial by a jury of twelve jurors.*

SECTION 3. Section 6 of chapter 396 of the laws of 1903 is amended to read: (Chapter 396, laws of 1903) Section 6. The municipal court shall have civil 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 fifteen \* \* \* *thousand* dollars; actions founded on an account when the same shall be reduced to an amount not exceeding \* \* \* *fifteen* thousand dollars, by credits given or by the set-off or demand of the opposite party; actions to recover the possession of personal property, damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of \* \* \* *fifteen* thousand dollars.

SECTION 4. Section 7 of chapter 396 of the laws of 1903 is amended to read: (Chapter 396, laws of 1903) Section 7. A judgment by confession may be entered by the judge of said municipal court in any sum not exceeding \* \* \* *fifteen thousand* dollars without action, either for money due or to become due or to secure any person against contingent liability on behalf of the defendant or both, if a statement be made in writing signed by the defendant, and verified by his oath to the following effect:

1st. It must state the amount for which judgment may be entered and authorize the entry of judgment therefor by the judge of said municipal court.

2d. If it be for money due, or to become due, it must state concisely the facts out of which the indebtedness arose, and it must show that the amount confessed therefor is justly due or to become due.

3d. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the facts constituting the contingent liability, and must show that the sum confessed does not exceed the same.

SECTION 5. Section 9 of chapter 396 of the laws of 1903 is amended to read: (Chapter 396, laws of 1903) Section 9. The judge of said municipal court shall 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 court, shall be evidence in all courts and places in the state. The general provisions of law which shall at any time be in force relative to circuit courts, and actions and proceedings therein including the enforcement of judgments, shall relate also to said municipal court unless inapplicable, and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said municipal court, and its rules of practice and proceedings shall conform as nearly as practicable to the rules and practice of circuit courts, but in case of the change in the place of trial of any cause \* \* \* of which a justice court would not have jurisdiction, or of any criminal case begun by information or of any bastardy case certified to said court, said case shall be removed to the circuit court for Brown county, unless such change is taken on the ground of prejudice of the people of said county, in which case the place of trial shall be changed to the circuit court of an adjoining county within this state. All civil actions originally commenced in said municipal court of which a justice court would not have jurisdiction, shall be commenced by the service of a summons as provided in chapter 120 of the Wisconsin statutes and the provisions of chapter 120 and 121 of the Wisconsin statutes shall, so far as applicable, govern said actions. All civil actions originally commenced in said court of which a justice court would have jurisdiction, shall be commenced by the service of process as provided in chapter 155 and 156 of the Wisconsin statutes and the provisions of chapters 155 and 156 of the Wisconsin statutes shall, so far as applicable, govern such actions. Said court shall have power and authority to issue all process necessary to carry into effect its jurisdiction;

which process shall in substance be the same, when applicable, as used in circuit courts, or shall be as directed by the judge thereof. Process issued by said court, its judge or clerk, in criminal cases, or in civil cases, may be executed in any part of the state by the officer to whom it is addressed. All informations for criminal offenses, except murder, committed in said county of Brown, shall be filed in said municipal court by the district attorney of said county before the day fixed for the trial thereof. It shall be the duty of said district attorney to prosecute all criminal actions in said court in which the state is a party. The sheriff of Brown county and his deputies shall be officers of said court, and may execute all process, sentences and judgments thereof.

SECTION 6. Section 2 of chapter 153 of the laws of 1905 is amended to read: (Chapter 153, laws of 1905) Section 2. Section 11 of chapter 396 of the laws of 1903 is hereby amended so as to read as follows: Section 11. The municipal judge shall be the chief magistrate of the city of Green Bay, and possessed of all the powers of a justice of the peace in civil and criminal cases and in city prosecutions he shall see that the criminal laws of the state and the ordinances, laws, rules, regulations, resolutions, and by-laws of the city of Green Bay be observed and executed, and for that purpose, shall open court every morning (Sundays and legal holidays excepted), and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city, or otherwise, either with or without process for violation of the criminal laws of the state, committed in the county of Brown, or the ordinances and by-laws of the city of Green Bay. In all actions or prosecutions for violations of the city ordinances or by-laws the city attorney shall prosecute. The general provisions of law relative to civil and criminal actions before justices of the peace shall apply to said municipal court so far as applicable; provided that said municipal court shall have full power and authority to try and determine the question of title to realty in all cases when the question of title is raised; except that no change of venue shall be taken from said court in any civil case originally commenced in said court *of which a justice court would have jurisdiction* or in any criminal or bastardy examination, or criminal trial, except cases tried upon information as hereinbefore provided. *In all other cases of which a justice court would not have jurisdiction, any party thereto may, upon application, at any time before a jury is drawn for the purpose of a trial in said court obtain a change of venue to the circuit court of said Brown county upon making affidavit that he has good reason to and*

*does believe, that he cannot have a fair trial of such action in said municipal court on account of the prejudice of the judge thereof; and thereupon the said municipal court shall transmit all the papers, and a copy of the records of the proceedings in such cause properly certified to be such, to the said circuit court, which shall then proceed to hear and determine the same.*

In all actions brought in said municipal court, where an attachment shall be issued upon an affidavit made by or on behalf of the plaintiff, and the debt or demand mentioned in such affidavit exceeds the sum of two hundred dollars, such attachment shall be issued in the manner provided in chapter 124 of the statutes \* \* \* entitled, "of attachment," and all the provisions of said chapter 124 shall be applicable to any such attachment in said court. In all actions of replevin in said court, wherein the value of the property shall exceed two hundred dollars, all the provisions of chapter 123 of the statutes \* \* \* shall be applicable. Whenever in any case commenced in any of the justice or police courts of said county, a plea of title to land shall be interposed in such manner as to entitle the defendant to a removal of such case, the same shall be certified to said municipal court instead of the circuit court, in the same manner as such cases are now required to be certified to the circuit court; and said municipal court shall have full power and authority to hear, try and determine the same in the same manner as cases brought to said court on appeal. The city marshal of the city of Green Bay, constables of said county and other officers having the same power and authority as constables of said county, shall be officers of said court, with the same powers and duties as are or shall be conferred upon them by the laws of this state in reference to justice or police courts, in cases wherein said court or the judge thereof exercises original jurisdiction in civil actions, and in all criminal cases and examinations, including examinations in bastardy cases, except appeal cases and cases in which informations have been filed; and such officers shall receive the same fees for such services as if performed in justices' court. All provisions in the charter and ordinances of said city relating to the police court or justice courts, or to criminal prosecutions, shall be held applicable to said municipal court. The judge of said court shall have the same power to solemnize marriages, take acknowledgments and depositions, and administer oaths, as a justice of the peace, or circuit court commissioner, and shall receive like fees therefore. The judge of said \* \* \* *municipal* court may, in his discretion, summon witnesses before him and examine them on oath for the purpose of determining whether a warrant should be

issued, and witnesses so summoned shall be compelled to attend before him and answer all pertinent questions relative to the subject of inquiry, and shall be subject to punishment for contempt for refusal to attend and answer.

SECTION 7. Section 12 of chapter 396 of the laws of 1903 is amended to read: (Chapter 396, laws of 1903) Section 12. The judge of said municipal court shall appoint under his hand and the seal of said court, some suitable person as clerk of said court, who shall be an expert stenographer and typewriter. The said clerk, when so appointed, shall, before entering upon his duties, take and subscribe an oath to support the constitution of the United States and the state of Wisconsin, and faithfully to discharge the duties of his office, which appointment and oath shall be filed in the office of the city clerk of Green Bay, and a duplicate of the same in the office of the clerk of the circuit court of Brown county. The duties of such clerk shall be to do and perform all such ministerial acts as shall be required of him, by the judge of said court. He shall have power to administer oaths, take acknowledgments of bail, and other instruments, and under the direction of the judge of said court to take testimony and record the judgments, orders and sentences of the said municipal court. \* \* \* *In the event of the sickness, absence or other disability of the clerk of said court, the judge of said court in such cases shall have power to appoint a deputy clerk, whose powers and duties shall be the same as those of the said clerk and he shall receive the same compensation for the time he shall actually serve as the said clerk to be paid in the same manner as the clerk. The clerk of the circuit court for Brown county and his deputy shall be deputy clerks of the municipal court and shall have all the powers and perform all the duties in the same manner and to the same extent as the municipal clerk, excepting the taking of testimony in shorthand. The clerk of the circuit court for Brown county or his deputy shall, upon an order of the municipal judge, attend court as deputy clerk in any proceedings in the municipal court.*

SECTION 8. Section 15 of chapter 396 of the laws of 1903 is amended to read: (Chapter 396, laws of 1903) Section 15. The municipal court jury commission hereinafter provided for shall, on or before the first Tuesday in June in each year, and from time to time thereafter as it may be deemed necessary and ordered by the judge of said court, \* \* \* *make two lists, the first list to contain the names of three hundred qualified electors of the city of Green Bay; the second list to contain the names of three hundred qualified electors of Brown county, who are citizens of the United States, to serve in said court as jurors*

for one year from the said first Tuesday in June, or for one year from the time they may be placed upon said lists, and deliver the said lists to the judge of said court. In civil cases the jury shall be deemed waived unless demanded by one of the parties before entering upon the trial. In all criminal prosecutions for crimes punishable by imprisonment in the state prison or Wisconsin state reformatory and in all civil cases of which a justice of the peace would not have jurisdiction, a jury shall consist of twelve jurors, *unless a trial by twelve jurors is waived*. The fees of jurors shall be \* \* \* *the same as they received in circuit court in all cases*. In all cases the court may fix a particular day for the trial of the case which shall not be more than twenty days after the day fixed in the recognizance or commitment for the appearance of the accused, in all criminal cases, and not more than twenty days after the filing of the return on appeals to said court, and not more than twenty days after the joining of issue in civil actions originally commenced in said court and may adjourn the trial of any case for cause. A jury shall be drawn in open court in the presence of the accused and prosecuting officer in all criminal and bastardy cases, and of the parties or their attorneys in civil cases, on the day of the trial; but such jury may be drawn in a like manner at any previous time by consent of the parties. All such juries shall be drawn in the manner following: The clerk of said court shall draw, in the presence of the court, from a box containing the names of all persons not disqualified by previous service, *from the city of Green Bay*, furnished by the jury commission hereinafter provided, thirty-six names, and shall make a list thereof, and each party alternately, beginning with the prosecution or plaintiff, shall strike a name from said list until only twelve names remain. In case either party shall neglect or refuse to strike out such names, the judge shall appoint some person to strike for him. The twelve persons whose names remain shall be summoned as jurors in such case. In civil and criminal actions before said judge, originally commenced in said court, of which a justice of the peace has jurisdiction, and in all actions arising under the charter, ordinances and by-laws of the city of Green Bay, eighteen names from whom a jury shall be struck, shall be drawn from such box in like manner, each party striking six names, instead of twelve, in the manner aforesaid. *The six persons whose names remain shall be summoned as jurors in such case*. The day for trial may be adjourned from time to time in the discretion of the court. If any person thus drawn cannot be summoned, or be excused or set aside as incompetent, another name may be drawn from said list to supply his place and the



person whose name is so drawn shall be summoned in like manner, or the judge may direct the issue of a venire to the sheriff of said county to summon the necessary jurors to complete the panel from said county at large. In any case where a jury of twelve is required, said judge may at his option, and shall, at the request of the defendant or prosecuting officer, in a criminal case, and of either party, in a civil action, direct the \* \* \* clerk to draw thirty-six names from the box containing the names of jurors from the body of the county, from which list a jury shall be struck and summoned in the same manner as provided above. And in case any of said jurors cannot be summoned or be excused for any cause, a sufficient number of talesmen to complete the panel may be summoned in the manner hereinbefore provided. \* \* \* In any case where a jury of twelve is required said judge may, at his option, direct the sheriff or one of his deputies to make a list of thirty-six qualified electors from the body of the county, from which list a jury shall be struck and summoned in the same manner as above provided, and talesmen necessary for any cause, to complete the panel and make a jury, may be summoned from the body of the county. Every person having served as a juror of said court shall be disqualified from serving as a juror for three months next succeeding such service. The clerk shall not replace in the box from which the names of jurors are drawn the name of any person while such person is disqualified from acting as a juror by reason of previous service. The judge of said court shall keep or cause to be kept by the clerk of said court, a full and complete record and account in a book to be furnished as the other records and books of said court are furnished, of all fees and costs so received by said judge or clerk, in such a manner that such record shall show the exact amount paid, by whom, at what time, and on what account, and if paid in any case, what case. Said judge shall also make duplicate certificates showing the same facts and file same with the county clerk. In all civil cases coming before said court there shall be paid to the judge the sum of three dollars at the time of issuing the summons, in actions originally commenced in said court and at the time of filing the papers, in actions brought into said court by appeal on change of venue, and no appeal to said court or change of venue to said court in civil cases shall be of any effect unless said sum is paid. Said sum of three dollars shall be applied by said judge to the payment of the costs of said court, and if there be any surplus, such surplus shall be refunded to the party paying. If the party paying such sum shall obtain judgment for his costs in such action, the amount so paid by him

shall be included in his judgment, but if the adverse party have judgment for cost, such sum shall not be included therein.

SECTION 9. Section 16 of chapter 396 of the laws of 1903 is amended to read: (Chapter 396, laws of 1903) Section 16. \* \* \* *The municipal judge shall receive a salary of two thousand four hundred dollars per year and the municipal clerk shall receive a salary of one thousand two hundred dollars per year. The said salaries shall be paid monthly out of the county treasury of Brown county. The county board of the said county of Brown shall have the power to increase the salaries of said municipal judge and municipal clerk at any meeting of the county board of Brown county.*

SECTION 10. Section 17 of chapter 396 of the laws of 1903 is amended to read: (Chapter 396, laws of 1903) Section 17. The judge of said municipal court shall tax such fees and costs as are taxed by a justice of the peace in proceedings had before him, wherein a justice of the peace has jurisdiction, except as herein otherwise provided, and said fees when so collected shall be paid into the county treasury at the end of each month. In all other actions the costs and fees shall be the same as now provided in the circuit courts of Wisconsin. The fees of jurors in said court shall be paid by the county of Brown upon voucher of the clerk of the said municipal court in the same manner as fees of jurors in circuit court are paid; provided, however, that the party calling for a jury in a civil case properly triable by a jury of six jurors, shall pay to the clerk of said municipal court \* \* \* *six* dollars at the time of making such demand, which sum shall be paid into the county treasury as aforesaid, and which sum shall be taxed against the losing party as a part of the costs in such case, and provided further, that the judge of said court shall in all cases of which justices of the peace now have original jurisdiction, tax as fees the sum of two cents per folio only for each folio of testimony taken on the trial.

SECTION 11. Section 18 of chapter 396 of the laws of 1903 is amended to read: (Chapter 396, laws of 1903) Section 18. Appeals from the justice court of Brown county shall be made to the municipal court for Brown county in the manner and form of taking such appeals to the circuit court, and appeals from the municipal court in all prosecutions for crimes and misdemeanors, or the violation of city ordinances or by-laws, shall be made to the supreme court of Wisconsin in the same manner as appeals from circuit courts are now taken. In all civil cases originally brought in the municipal court of which a justice court would have jurisdiction, appeals shall lie to the circuit court of Brown county in the same manner as appeals from justice courts are

now taken. In all other cases the appeal shall lie to the supreme court of Wisconsin in the same manner as appeals are now taken from circuit courts. The clerk of said municipal court shall be allowed the sum of five cents per folio for each folio of testimony written out in longhand on the request of a party, to be paid by the party demanding the same.

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

Approved May 7, 1913.

No. 325, A.]

[Published May 8, 1913.]

## CHAPTER 185.

AN ACT to authorize the industrial commission to investigate the subject of old-age pensions.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be the duty of the industrial commission to investigate the subject of old-age pensions. Said commission shall make a thorough and complete investigation of the number, condition and welfare of the aged and infirm in this state with a view of establishing a system of old-age pensions; and for such purpose each member or representative thereof shall have power to administer oaths to persons appearing before such commission.

SECTION 2. Said commission shall report to the next session of the legislature and shall accompany such report with such recommendations and bills covering the same as the commission shall deem necessary to offer.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 7, 1913.

No. 6, A.]

[Published May 9, 1913.]

## CHAPTER 186.

AN ACT to amend section 4256 of the statutes, relating to persons who may bring action for the recovery for death by wrongful act.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 4256 of the statutes is amended to read: Section 4256. Every such action shall be brought by and in the name of the personal representative of such deceased person, and the amount recovered shall belong and be paid over to the hus-