

the meeting. The district clerk shall copy said report with the action taken thereon, and all other business proceedings of the meeting in full, in the district record book.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 26, 1917.

No. 433, S.]

[Published April 30, 1917.

## CHAPTER 136

AN ACT to amend and consolidate sections 2515, 2516, 2517, 2517m, 2517n, 2518, 2518m, 2519, 2520, 2521, 2522 and 2523 of the statutes, and chapter 27, laws of 1880, chapter 463, laws of 1889, chapter 366, laws of 1891, chapter 49, laws of 1901, chapter 176, laws of 1905, chapters 4 and 433, laws of 1907, chapter 150, laws of 1909, and section 2 of chapter 38, laws of 1913, chapter 199, laws of 1905, as amended by section 1 of chapter 38, laws of 1913, and all acts amendatory thereof, relating to the municipal court of Dane county and to change the name of said court to the superior court of said county.

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

SECTION 1. Sections 2515, 2516, 2517, 2517m, 2517n, 2518, 2518m, 2519, 2520, 2521, 2522 and 2523 of the statutes, and chapter 27, laws of 1880, chapter 463, laws of 1889, chapter 366, laws of 1891, chapter 49, laws of 1901, chapter 176, laws of 1905, chapters 4 and 433, laws of 1907, chapter 150, laws of 1909, section 2 of chapter 38, laws of 1913 and section 1 of chapter 199, laws of 1905, as amended by section 1 of chapter 38, laws of 1913, and all acts amendatory thereof, relating to the municipal court of Dane county hereby are amended and consolidated as hereinafter provided for.

SECTION 2. The Municipal Court of Dane County, as heretofore established shall from and after the 1st day of May, 1917, be known and hereby is designated as the "Superior Court of Dane County," and shall have all the powers and jurisdiction hereinafter provided and shall be presided over by a judge to be known as the "superior judge."

SECTION 3. The superior court of Dane county shall be a court of record with a seal to be designated and procured by the judge thereof at the expense of the county of Dane.

SECTION 4. Said superior court shall be held in the city of Madison in some suitable room or rooms to be furnished and supplied at the expense of the county under the direction of the county board thereof.

SECTION 5. No person shall be eligible to the office of judge of the superior court unless he be a practicing attorney duly admitted to the bar of Dane county and a qualified elector of said county.

SECTION 6. On the first Tuesday of April, A. D. 1922, and on the first Tuesday of April every six years thereafter, there shall be elected in the county of Dane, in the same manner as county judges are elected, a judge of the superior court, who shall hold his office for the term of six years thereafter, beginning the first day of January succeeding his election and continue until his successor is elected and qualified, and shall be subject to removal from office in the manner provided by the constitution of this state for the removal of judges of the circuit court. The nominations of candidates for superior judges shall be made in the same manner as provided for county judges.

SECTION 7. The superior 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 Dane county.

SECTION 8. Whenever a vacancy shall happen in the office of the superior judge after the first day of May, 1917, the governor shall appoint a suitable person, duly qualified, to fill such vacancy until a successor is elected and qualified; elections to fill vacancies for the residue of the term shall be held and notice thereof given in the same manner as for the election of a county judge.

SECTION 9. The superior judge shall receive a salary of three thousand dollars per year, payable monthly, until otherwise fixed by the Dane county board, two-thirds of the same to be paid out of the county treasury of Dane county, and one-third to be paid out of the city treasury of the city of Madison, until otherwise apportioned by the county of Dane and the city of Madison jointly.

SECTION 10. The present judge of the municipal court for the county of Dane shall continue in office as judge of the superior court of the said Dane county under this act until the expiration of the time to which he was elected, to wit, the first day of January, 1923, and until his successor is elected and qualified.

SECTION 11. All actions, trials, hearings, proceedings and matters of every kind and nature whatsoever now pending in the municipal court for the county of Dane, or before the judge thereof, or in the juvenile branch of the municipal court for Dane county, or before the judge thereof, shall on and after the

first day of May, 1917, be continued, heard, tried and adjudicated in the name of the Superior Court for Dane County, and of the juvenile branch of the Superior Court for Dane county, and of the judges thereof respectively, the same as if said actions, trials, hearings, proceedings and matters had been originally commenced and instituted therein. And, on and after the first day of May, 1917, the said superior court and the judge and clerk thereof, and the juvenile branch of the said superior court for Dane county and the judge and clerk thereof, respectively, shall have the same jurisdiction, power and authority over all actions, trials, hearings, proceedings and matters and over all judgments, orders, records and files, in the municipal court for the county of Dane, and the juvenile branch of the municipal court for the county of Dane, respectively, and the same shall thereafter be carried on, prosecuted and enforced in the name of the said superior court and the said juvenile court, respectively, as if the same were originally had in said superior court, and in the said juvenile branch of the said superior court.

SECTION 12. 1. The superior court of Dane county shall have jurisdiction equal to and concurrent with the circuit court of Dane county in all cases of crimes and misdemeanors arising in said county, and in all civil actions and proceedings, in law and equity, except in actions and proceedings in which it is sought to recover a sum in excess of one hundred thousand dollars, exclusive of interest and costs. In the exercise of such jurisdiction, such court shall have all the powers, according to the usages of law and equity, necessary to the full and complete jurisdiction of the causes and parties and the full and complete administration of justice and to carry into effect its judgments, orders and other determinations, subject to reexamination by the supreme court as provided by law.

2. All the provisions of law relating to the circuit court and the judges thereof and to the trial of civil actions and proceedings therein shall apply to the superior court and the judge thereof in the exercise of the jurisdiction conferred by this act, so far as applicable, except as otherwise herein provided, and whenever the term "circuit court," "circuit judge," "court," "presiding judge of the circuit court," "judge of the circuit court," "presiding judge" or "judge" shall appear in any statute of the state the same shall be deemed to apply to the superior court and superior judge in any action within the jurisdiction of said superior court, except as herein otherwise provided.

3. The jurisdiction of such superior court of Dane county

shall include the right to try and determine all appeals to such court from justices of the peace in said county. All appeals from justices of the peace in Dane county shall be taken to said court.

4. No costs shall be recovered in any civil action in the superior court over which a justice of the peace has jurisdiction.

5. No justice of the peace or court commissioner within the city of Madison 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, and the other justices of the peace of said county, in criminal cases and in bastardy cases, shall be certified and returned to said superior court instead of said circuit court at or before the time fixed for the appearance of the accused; and the accused and all witnesses required to attend shall be committed to be brought, or recognized to appear, before said superior court on a day certain, not more than thirty days from the date of such commitment or recognizance. Said superior court shall also have jurisdiction of all actions brought for the breach of any recognizance returned to or given in said court.

SECTION 13. The general provisions of law which may at any time be in force relative to circuit courts, and actions and proceedings therein, and appeals therefrom to the supreme court, shall relate also to said superior 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 superior court, and its rules of practice and proceedings shall conform, as near as practicable, to the rules and practice of circuit courts, except as herein otherwise provided.

SECTION 14. The superior court in addition to the powers vested in the superior court as aforesaid, is vested with all the powers and jurisdiction of a justice of the peace in said county, in criminal actions and proceedings, and exclusive jurisdiction of all prosecutions for breach of the charter or of any ordinance or by-law of the city of Madison, and, to exercise such jurisdiction, shall hold the superior court as courts are held by justices of the peace, and the clerk of said superior court shall act as the clerk of said court when it is held as a justice court and when the judge thereof is sitting as an examining magistrate, and is hereby authorized and empowered to administer oaths and perform the other duties of his position the same as when the said superior court is sitting as a court of record. The general provisions of law relative to criminal actions before justice of the peace shall apply to said court so far as applicable. Said judge shall

open court each morning (Sundays and legal holidays excepted), and hear and dispose of, in a summary way, all cases for violation of the charter, ordinances and by-laws of said city which shall be brought before him by police officers, or otherwise, either with or without process. Proceedings therein shall be in the forms heretofore used, except as modified by said judge, and the city attorney shall be the prosecuting officer therein. All the provisions in the charter and ordinances of the city of Madison relating to the police justice or criminal prosecutions, not inconsistent or contradictory hereto, shall be applicable to said superior court.

SECTION 15. The provisions of law applicable to change of venue in the circuit courts of this state shall be applicable to all civil actions and proceedings in said superior court, except that when the venue of any action shall be so changed, it shall be changed to the circuit court of Dane county, and such change of venue shall not prevent the granting by said circuit court of a further change of venue as provided in section 2622 of the statutes. Nothing herein contained shall be construed as abrogating the right to the change of venue provided for by section 2621 of the statutes, and when such change of venue shall be made it shall be by said superior court direct to the proper county for the trial of the action, and section 2625 of the statutes so far as applicable shall apply to said superior court. The judge of said court may call upon a circuit judge to attend, hold court and try such action and while so doing such circuit judge shall have the same powers as if elected judge of said superior court.

SECTION 16. Civil actions and proceedings shall be heard at regular terms of the superior court of Dane county to begin at ten o'clock in the forenoon on the first Monday in each month except July and August. For such matters such court shall be open for business on all secular days, except as the judge thereof may otherwise order, from the commencement of any regular term until the next regular term and no adjournment from day to day shall be necessary to the validity of any proceeding in said court under this act. All trials, proceedings, hearings, motions, orders, arguments, and unfinished business of every kind and nature of each term shall, without any order of the court, be and stand continued to the next succeeding term and shall be heard and disposed of at such time as the judge may decide. All motions for a new trial on the judge's minutes may be made at any time during the term at which the case was tried or at any time within five days after the expiration of the term at which the verdict was rendered. Motions for new trials not de-

ecided at the same term or the next succeeding term after which they were made shall be taken as overruled.

**SECTION 17.** The judge of the circuit court for Dane county and the judge of the superior court of said county may transfer any civil action or proceeding from one such court to the other within the jurisdiction of the court to which same is transferred, with the consent of the parties to the action and may make such rules and institute such measures as may promote justice and expedite the business of such courts.

**SECTION 18.** 1. The judge of the circuit court for Dane county or the county judge of said county may hold court as the judge of the superior court of such county in case of the absence, sickness, disqualification or disability of such superior judge, or upon his request. Any judge so called in or acting for the superior court shall have the same powers as if elected the judge of said court.

2. Such superior judge may with the consent of the parties to the action or proceeding hold court as the judge of the circuit court for Dane county upon the request of the presiding judge of said court or in case of the advance, sickness, disqualification or disability of such circuit judge, in cases within the jurisdiction of said superior court.

3. In case of the absence, sickness or temporary disability of said judge, he may, by order in writing to be filed in said court, appoint a justice of the peace of said county, to discharge the duties of such judge during such absence, sickness or disability, who shall have all the powers of such judge while administering such office, except the trial of informations, or appeals, and actions, over which a justice court has no jurisdiction. And the clerk shall make a like record of his proceedings. Such justice of the peace shall receive for his services five dollars a day to be paid by said county; provided, however, that any and all sums in excess of two hundred dollars to be paid to any such justice or justices as aforesaid in any one year shall be paid by the said superior judge.

**SECTION 19.** In case of the sickness, absence, or inability arising from any cause, of the county judge of Dane county, or when said judge for any cause deems it improper for him to hear or try any proceeding in the county court for Dane county, or before him as judge of said court, he may request the superior judge of said county to hold court or hear and try any matter or proceeding as a court or as a judge of said court in the Dane county court; and the said superior judge is hereby authorized and empowered upon such request from the county judge to hold

said county court or perform any act as judge thereof as fully as said county judge is authorized or empowered to do. In case of the inability of such county judge to make such request, or in case of a vacancy in such office, said superior judge shall so act and fulfill the duties of such county judge, and said superior judge when so acting shall be designated in such proceeding as "acting county judge."

SECTION 20. The judge of said court shall have the same powers to appoint court commissioners, as circuit court judges, and the commissioners so appointed shall have the same powers relating to actions in the superior court as circuit court commissioners have relating to actions in the circuit court.

SECTION 21. All appeals in any action or proceeding tried or determined in the superior court of Dane county shall be taken to and reviewed by the supreme court in the same manner as appeals from orders and judgments of the circuit court, except that appeals in actions involving a breach of the charter or of any ordinance or by-laws of the city of Madison shall be taken to the circuit court for Dane county.

SECTION 22. 1. The jury commissioners appointed by the circuit judge shall also act as jury commissioners of the superior court. The superior judge shall notify the jury commissioners to certify two lists of not less than one hundred names each of citizens qualified to act as jurors in the circuit court; one of said lists to be selected from citizens of the city of Madison, and the other list to be selected from citizens of the city of Madison and the county at large, and no name shall be placed in both boxes at the same time. When either list becomes reduced the superior judge shall order said jury commissioners to replenish the list, and the jury commissioners shall certify, as before, sufficient names to bring the total up to not less than one hundred. The names of each juror certified shall be written on a slip of paper and deposited in boxes to be provided for that purpose by the clerk, one of said boxes to contain the list of city jurors and the other box to contain the list of jurors selected from the city of Madison and the county at large. In all civil and criminal actions by stipulation of the parties, the jury may be drawn from the jury box containing the names of jurors drawn from the city of Madison.

2. The judge of said court shall have power to make all such rules for conducting the judicial business of said court as he may deem advisable to the due administration of justice.

3. Whenever a panel of jurors chosen from the county at large shall be in attendance upon either the circuit or the superior court for Dane county, jurors for both of said courts may be

drawn from said panel with like effect as if the panel has been drawn for service in the court in which the jury is empaneled.

4. Jurors shall receive the same compensation as in the circuit court and shall be paid on the order of the clerk of the superior court out of the treasury of Dane county in the same manner as in circuit court.

5. When the court is held as a justice court for the trial of criminal cases and a jury of six be demanded the jury shall be drawn from the city of Madison jury list box and the clerk shall issue the venire for the jury so drawn.

SECTION 23. The clerk of the circuit court of said Dane county shall ex officio be the clerk of the said superior court in civil actions and proceedings not otherwise cognizable by justices of the peace, and shall have the care and custody of all books and papers belonging to said superior court insofar as they appertain to civil actions and proceedings therein not otherwise cognizable by justices of the peace, and shall in such actions and proceedings perform the duties of the clerk of said superior court in the same manner as is now by law required by him as clerk of the circuit court so far as it shall be requisite and necessary to discharge the duties of clerk of said superior court and to carry into effect the provisions of this act; and as said clerk of the superior court he shall keep in the office of clerk of the circuit court, all necessary dockets, indexes, minute books and other records of the proceedings and judgments had in said superior court in like manner and with like effect as is now provided in the circuit court in civil actions and proceedings; and his fees and compensation therefor shall be the same as are now or may hereafter be provided by law for the fees and compensation of the clerk of the circuit court except as hereinafter limited or provided.

2. Such clerk, with the approval of the judge of the superior court, may appoint the clerk of said superior court as deputy clerk, which appointment shall be in writing and filed in the office of the said clerk of the circuit court. Such deputy shall in all matters pertaining to the superior court aid the said clerk in the discharge of his duties, and in his absence from the said superior court may perform all his duties in said court; or in case of vacancy by resignation, death, removal or other cause, said deputy shall perform all duties in relation to said superior court until such vacancy shall be filled. The said clerk of the circuit court shall give his bond in the sum of one thousand dollars or such other amount as shall be required by the county board of Dane county conditioned as near as may be as his bond as clerk of the circuit court, and the said clerk shall be responsi-



ble on said bond for all official default or misconduct of his said deputy arising in any way out of the performance of his duties as deputy clerk of said superior court.

SECTION 24. All judgments, orders and decrees made and entered in and by said superior court shall be filed, recorded, docketed and indexed as shall like judgments, orders and decrees made and entered in and by the circuit court for Dane county, and when so filed, recorded, docketed, and indexed shall have the same force, effect and lien and shall be executed and carried into effect and enforced as judgments, orders and decrees made and entered in said circuit court, and all remedies given and proceedings provided for the collection and enforcement of the judgments, orders and decrees of the circuit court shall apply to and be exercised by and pertain to said superior court.

SECTION 25. The said judge of said superior court shall enter an order in writing appointing a suitable person to act as clerk of said court who shall serve at the will of the judge of said court until his successor shall have been appointed and qualified. The clerk so appointed shall subscribe to the oath of office prescribed in the constitution. Said appointment and oath of office to be filed with the clerk of the circuit court of the county of Dane and duplicate copy with the city clerk of the city of Madison. Said clerk of the superior court shall receive as compensation the sum of eighteen hundred dollars per annum, apportioned and paid monthly, two-thirds out of the treasury of Dane county and one-third out of the treasury of the city of Madison, the same to be in full for all services rendered by said clerk. The clerk of said court may with the approval of the judge of said court appoint a suitable person to act as deputy clerk of said court. The said deputy clerk shall take and subscribe to the oath of office prescribed in the constitution. Said appointment and oath of office to be filed as for the clerk of said court. The deputy clerk of said superior court shall receive as compensation the sum of nine hundred dollars per annum, apportioned and paid monthly, two-thirds out of the treasury of Dane county and one-third out of the treasury of the city of Madison.

SECTION 26. The judge of said superior court shall, by order in writing filed in court, appoint a regular phonographic reporter who shall serve until his successor is appointed or until removed by the said judge. Such reporter shall take and subscribe the constitutional oath, and shall be furnished with all necessary stationery, and shall attend, when required by said judge, and report the proceedings had in said court, and perform such duties as the said judge shall require. The compensation of the phonographic reporter so appointed shall be the same

as provided by law for the circuit court reporter of Dane county, Wisconsin, the same to be paid monthly, out of the treasury of the county of Dane. For transcribing testimony and for other services for which Dane county is not liable, he shall receive the same compensation provided by law for the phonographic reporter of the circuit court for Dane county. The appointment of said reporter shall be filed in writing with the county clerk of Dane county. The reporter so appointed may appoint a deputy as provided in the circuit court for Dane county.

SECTION 27. All fines and costs assessed and paid into said court in state cases shall by the clerk of said court be paid monthly to the county treasurer of Dane county. All fines and costs assessed and paid into said court in city cases shall by the clerk of said court be paid monthly to the city treasurer of the city of Madison.

SECTION 28. This act shall take effect on May 1, 1917.

Approved April 30, 1917.

No. 307, S.]

[Published May 2, 1917.

## CHAPTER 137

AN ACT to authorize the Wisconsin Central Railway Company, its successors, lessees and assigns, to build and maintain a bridge for railway purposes across the Chippewa River in the City of Chippewa Falls.

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

SECTION 1. The Wisconsin Central Railway Company, a corporation organized and existing under the laws of the state of Wisconsin, is, and its successors and lessees and assigns are, authorized and empowered to build, construct and complete, and at all times keep and maintain for railway purposes, a bridge over and across the Chippewa River in the city of Chippewa Falls, state of Wisconsin, from Government Lot Two in Section Seven, Township Twenty-eight North, of Range Eight West, in said city, across to Government Lot Four in said Section Seven, with all necessary approaches thereto and protections thereof.

SECTION 2. The superstructure of said bridge shall be a truss, consisting of fixed spans not less than One Hundred (100) feet each in length, supported by suitable and proper piers, and shall be constructed in good, substantial and workmanlike manner, and of such suitable materials as will render the same safe and permanent; the open space between the piers to be free from obstructions, and the said piers shall be so located