

in May and one on the second Monday in November of each year; special terms of said court may be called and held at any time by order of the judge thereof.

SECTION 5. This act shall take effect upon passage and publication.

Approved August 23, 1929.

No. 806, A.]

[Published August 26, 1929.]

CHAPTER 423.

AN ACT to amend section 3, 4, 6, 7, 8, 9, 10, 13, 17 and 18 of chapter 18 of the laws of 1909, relating to municipal court of Kenosha county.

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

SECTION 1. Sections 3, 4, 6, 7, 8, 9, 10, 13, 17 and 18 of chapter 18 of the laws of 1909 are amended to read: (Chapter 18, Laws of 1909) Section 3. The municipal court of Kenosha county shall have and exercise powers and jurisdiction concurrent with and equal to the circuit court of Kenosha county in bastardy cases and in all cases of crimes and misdemeanors arising in said county, * * * *except homicide.*

Section 4. Said municipal court shall have and exercise powers and jurisdiction in all civil actions and special proceedings within the county of Kenosha in law and equity, concurrent with, and equal to the jurisdiction of the circuit court for Kenosha county, where the value of the property in controversy, or the amount of money claimed or sought to be recovered, after deducting all payments and set-offs, shall not exceed * * * *fifty* thousand dollars, and also of all actions for the foreclosure of mortgages, and mechanic's liens, in which the amount claimed does not exceed the sum aforesaid, although the value of the property to be affected exceed that sum.

Section 6. The municipal judge, in addition to the powers vested in said municipal court, as aforesaid, shall have all the powers and jurisdiction of a justice of the peace in said county in all civil and criminal actions and proceedings, and the power to hear and determine any such cases although the title to land may come into question therein, and shall have power to hold preliminary examinations in criminal cases; and shall have ex-

clusive jurisdiction of all prosecutions for breach of the charter and of any ordinance of the city of Kenosha, and in the trial of criminal actions for offenses committed within said city *and county* which would otherwise be cognizable by justices of the peace, subject to an appeal to the circuit court for Kenosha county from any judgments or orders made in such actions. Said judge and the several circuit court commissioners shall have * * * jurisdiction to institute and conduct examinations in all criminal and bastardy cases arising within the county of Kenosha, and the power and jurisdiction to cause to come before him or them the persons so charged with committing bastardy or any criminal offense, within such county and commit them to jail or bind them over for trial at the next term of * * * *the county court* or to the circuit court as the case may require, and on a plea of guilty by the accused and a request by him to be sentenced, the said judge, shall have power, authority and jurisdiction to sentence the accused for any offense except homicide.

Section 7. All examinations, recognizances and commitments from or by said municipal judge or other examining magistrates of said county of Kenosha in bastardy cases, and in all criminal cases * * * *shall be certified and returned to the county court or to the circuit court for said county of Kenosha*, within the time prescribed by law, and the attendance of witnesses required upon the trial of any person so committed shall be secured in the same manner as provided by law in the circuit court, and all such cases shall thereafter be proceeded with and tried * * * as provided by law in similar cases in circuit courts.

Section 8. Appeals from judgments of justices of the peace in said county may be taken either to such municipal court, *county court* or to the circuit court of Kenosha county, and when so taken to said municipal court *or county court* shall be heard and disposed of in accordance with the rules and practice of the circuit court of Kenosha county.

Section 9. The general provisions of law which may at any time be in force relative to circuit and justices' courts, and actions and proceedings therein, in civil and criminal cases, shall apply also to said municipal court *and county court* unless inapplicable and except as otherwise provided in this act: and the rules of practice prescribed or which may hereafter be prescribed by the justices of the supreme court for circuit courts, shall be in

force in said municipal court *and county court*; said courts may make rules of practice which shall conform as nearly as applicable to the rules of practice of circuit courts, but the laws of the state relative to change of venue in criminal actions which have heretofore been within the jurisdiction of justices of the peace shall not apply to said municipal court or to the judge thereof. Court commissioners in said county shall have the same powers and be subject to the same duties in respect to actions and proceedings in said municipal court *and county court* as in the circuit court.

Section 10. The provisions of law applicable to change of venue in the circuit courts of this state, shall be applicable to said municipal court *and county court*, except that when the venue of any action shall be so changed, it shall be changed to the circuit court *or county court* of Kenosha county, and such change of venue shall not prevent the granting by said circuit court *or county court* of a further change of venue as provided in section * * * 261.04 of the statutes of this state, provided, however, that nothing herein contained shall be construed as abrogating the right to the change of venue provided for by section * * * 261.03 of the statutes of this state and when such change of venue shall be made it shall be by said municipal court *or county court* direct to the proper county for the trial of the action, and provided further that section * * * 261.08 of the statutes of this state so far as applicable shall apply to said municipal court *and county court* and that the judge thereof shall have the right to call upon a circuit judge to attend, hold court and try such action and while so doing he shall have the same powers as if elected judge of said municipal court. If any person charged upon indictment or information with a criminal offense shall have procured a change of venue to the circuit court *or county court* of Kenosha county, said municipal court *or county court* shall commit or hold the party to bail to appear at the next term of the circuit *or county court*, and the clerk of said municipal court *or county court* shall transmit all papers and a copy of the record and proceedings in said case properly certified to be such under the seal of said court, to the said circuit court *or county court*, which shall then have full jurisdiction of the action. All recognizances previously given in such cases and returned to said municipal court *or county court*, may be enforced by said

circuit court as fully as if they had been originally certified and returned thereto.

Section 13. The judge of said municipal court shall appoint a suitable person to the office of clerk of said municipal court who shall hold his office during the pleasure of said judge and until his successor is appointed. Said clerk shall be a phonographic reporter skilled in the art of shorthand reporting.

Said clerk and reporter shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution, and file the same in the office of the county clerk of Kenosha county, and shall also execute and deliver to said county clerk a bond with sufficient sureties, to be approved by the chairman of the county board of said county and the mayor of the city of Kenosha, conditioned that he will account to and pay over to the city treasurer of said city, and to the county treasurer of said county, all fines and penalties and other moneys belonging to the treasury of the city or county of Kenosha, and will pay over all moneys which shall come into his hands by virtue of his office as clerk, to the persons entitled to the same, and perform all of the duties of his office as required by law. Said clerk shall keep justice dockets for civil and criminal actions heretofore cognizable by justices of the peace, and shall also keep a record book, a criminal record, a judgment book, a lien docket and a minute book, in the manner and form now in use in the circuit courts of this state and containing the entries as provided by law in section * * * 59.39, of the statutes of the State of Wisconsin. He shall have the care and custody of all books, papers and records of the courts; he shall be present at all trials, and may administer all necessary oaths. He shall keep the minutes of all proceedings, issue the commitments and executions and enforce the same, and make up and keep the record of the court in all cases therein, under the direction of the judge. He shall issue all processes excepting summons in civil actions, under his hand and the seal of the court and teste them in the name of the judge, signing them by his title of office, and tax the costs, including one dollar for state tax, in the cases required by law; provided always that the summons in civil actions may be issued and served in the same manner as in actions commenced in the circuit court. He may take bail from persons arrested, when court is not in session, subject to the revision of the court, and shall under the direction of the judge perform all

other acts necessary to carry out the jurisdiction herein given to said court. He shall procure all necessary supplies for the use of said court, and perform all ministerial acts required of him by and under the direction of said court. He shall render an account to the county treasurer quarterly, which shall be so itemized as to show the fines, penalties and officers' fees in each case, and in criminal cases a brief statement of the character of the prosecution and the judgment of the court. He shall receive a salary of nine hundred dollars per annum, until otherwise fixed by the county board, payable monthly out of the county treasury. Such salary shall be in full compensation for services and for making such transcripts from shorthand notes as shall be required by the judge. Said reporter shall furnish to parties to actions or their attorney requiring them, certified transcripts at a price not to exceed * * * *ten* cents per folio, and two and one-half cents per folio for copies. He may appoint a deputy, subject to the approval of the judge. The clerk shall be liable for the official acts of his deputy and for his compensation.

Section 17. Said municipal court shall hold regular terms, commencing on the first Monday of the months of January * * * *and* July * * * of each year, but no jurors shall be summoned to attend upon any term of said court unless it shall appear to the satisfaction of the judge that a jury panel is necessary. Jurors shall be chosen for each term of said municipal court by the same persons and in the same manner as jurors in the circuit court, and all provisions of law, rules and practices relating to the selection, qualifications, duties and compensation of jurors in the circuit court shall be applicable to said municipal court, except as hereinafter provided.

Section 18. The jury commissioners appointed by the circuit judge for Kenosha county shall at the meetings for drawing the jury for the March and * * * *October* terms of each year for the circuit court of Kenosha county furnish to the clerk of said municipal court a list containing such number of names as the municipal judge shall direct of persons of like qualifications as prescribed for jurors of the circuit court in the same manner that the names are furnished for the drawing of the jurors for the said circuit court. The list so prepared shall be known as "the county at large list." The jury commissioners shall also furnish to the clerk of said municipal court a list containing such numbers of names as the municipal court judge shall

direct of persons of like qualifications residing within the city of Kenosha. Such list so furnished shall be known as "Kenosha jury list." Whenever either of the several lists shall from any cause be entirely lacking or shall have become depleted by reason of removals, exemptions or otherwise, the court may in its discretion require the commissioners to meet and certify new lists or to certify additional names of persons eligible for jury service and the clerk shall forthwith prepare such new lists or enter such additional names on the proper list.

SECTION 2. This act shall take effect upon passage and publication.

Approved August 23, 1929.

No. 819, A.]

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CHAPTER 424.

AN ACT to amend paragraph (b) of subsection (5) of section 67.05 and to create paragraph (e) of subsection (4) of section 67.04 of the statutes, relating to the issuing of bonds for fire protection in cities and villages.

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

SECTION 1. Paragraph (b) of subsection (5) of section 67.05 of the statutes is amended to read: (67.05) (5) (b) No city shall issue any bonds for any purposes other than for waterworks, lighting works, gasworks, bridges, street improvements, street improvement funding, hospitals, harbor improvements, sewerage, parks and public grounds, street railway property, or paying the city's portion of the cost of abolishing grade crossings, *for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection, apparatus or equipment for fire protection, school purposes or vocational school purposes, until the proposition for their issue for the special purpose thereof shall have been submitted to the electors of such city and adopted by a majority voting thereon. Whenever the common council of any city shall declare its purpose to raise money by issuing bonds for any purpose other than those above specified it shall direct, by resolution, which shall be recorded at length in*