

No. 29, S.]

[Published March 31, 1945.

**CHAPTER 19.**

AN ACT to amend chapter 23, laws of 1907, sections 9, 10, 24 (3), 26, 29, 32, 35, and 64, relating to the municipal court of Outagamie County.

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

SECTION 1. Section 9 of chapter 23, laws of 1907, as last amended by chapter 54, laws of 1913, is amended to read:

(Chapter 23, Laws of 1907) Section 9. The municipal court shall be open for business on all secular days except legal holidays and except as the judge thereof may otherwise order. In case of sickness, temporary absence or disability of said judge he may, by order in writing filed and recorded in said court, appoint the county judge of said county *or said municipal judge may call in any municipal judge of the state of Wisconsin having circuit court jurisdiction* to discharge the duties of such judge during such sickness, temporary absence or disability, who shall have all the powers of such judge while administering such office. In all cases any circuit judge may hold court as the judge of the municipal court in the event of the absence, sickness or other disability of the municipal judge or upon his special request. In any such contingency the municipal judge may also, by order transfer to the circuit court for Outagamie County any and all circuit court actions and upon the filing of such order with the clerk of the circuit court, such circuit court shall have jurisdiction thereof, and the said actions shall thereafter proceed as if originally brought in the circuit court.

SECTION 2. Section 10 of chapter 23, laws of 1907, as amended by chapter 54, laws of 1913, is amended to read:

(Chapter 23, Laws of 1907) Section 10. While administering the duties of the judge of the municipal court, the circuit judge,  
\* \* \* county judge, *or any municipal judge of the state of Wisconsin having circuit court jurisdiction* shall have the same powers as if elected municipal judge, and at such time shall sign all papers, processes and records as "A. B., circuit judge  
\* \* \*, county judge, *or municipal judge* (as the case may be), and acting municipal judge."

SECTION 3. Subsection 3 of section 24 of chapter 23, laws of 1907, as last amended by chapter 54, laws of 1913, is amended to read:

(Chapter 23, Laws of 1907) Section 24. 3. The said municipal court shall have and exercise powers and jurisdiction equal and concurrent with the circuit court of Outagamie County in all cases of crimes and misdemeanors arising in said county, except the crime of \* \* \* *treason*.

SECTION 4. Section 26 of chapter 23, laws of 1907, as last amended by chapter 54 of laws of 1913, is amended to read:

(Chapter 23, Laws of 1907) Section 26. Said judge shall have exclusive original jurisdiction of prosecutions for the violation of the ordinances and charter provisions of the city of Appleton, and concurrent with justices of the peace in prosecutions for the breach of the ordinances and charter provisions of the several other cities, \* \* \* *villages and townships* throughout the county.

SECTION 5. Section 29 of chapter 23, laws of 1907, as last amended by chapter 54, laws of 1913, and chapter 105, laws of 1919, is amended to read:

(Chapter 23, Laws of 1907) Section 29. The municipal court shall have and exercise powers and jurisdiction in all civil actions within the county, both in law and in equity, including actions for divorce and the annulment of marriages, concurrent \* \* \* and equal to the powers and jurisdiction of the circuit court of Outagamie 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 \* \* \* *offsets*, shall not exceed \* \* \* \$200,000, and also of all actions for the foreclosure of mortgages or in proceedings under chapter \* \* \* 289 of the statutes, in which the amount claimed does not exceed the sum aforesaid, although the value of the property to be affected by the judgment exceeds that sum, and shall also have and exercise powers and jurisdiction within said county concurrent with and equal to the powers and jurisdiction of the said circuit court in certiorari proceedings, actions brought for breach of any recognizance given in said court and of all actions and proceedings under chapters \* \* \* 288, 291, 292, 293, 294, 295 and \* \* \* 298 of the statutes. In actions for divorce the said court shall have and exercise unlimited powers of jurisdiction respecting property rights therein involved.

SECTION 6. Section 32 of chapter 23, laws of 1907, as last amended by chapter 54, laws of 1913, is amended to read:

(Chapter 23, Laws of 1907) Section 32. The provisions of law applicable to change of venue in the circuit courts of this state shall be applicable to the municipal court except as herein provided and except that when the venue of an action shall be so changed it shall be changed to the circuit court of Outagamie County, and such change of venue shall not prevent the granting by said circuit court, in its discretion, of a further change of venue as provided in section \* \* \* 261.04, of the statutes; 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, and when such change of venue shall be made it shall be by the municipal court direct to the proper county for the trial of the action; and provided, further, that section \* \* \* 261.08 of the statutes, so far as applicable, shall apply to the municipal court and that the judge thereof shall have the right to call upon a circuit judge of this state, or said municipal judge may call in a municipal judge of the state of Wisconsin having circuit court jurisdiction, to attend, hold court and try such action, and while so doing he shall have the same power as if elected judge of the municipal court.

SECTION 7. Section 35 of chapter 23, laws of 1907, as last amended by chapter 54, laws of 1913, is amended to read:

(Chapter 23, Laws of 1907) Section 35. In any civil or criminal action pending in the municipal court on appeal from justice court, or in any such action or any preliminary examination or proceeding pending before the municipal judge while sitting as a justice of the peace or as an examining magistrate, if it shall appear by affidavit that the municipal judge is pecuniarily interested in the action, examination or other proceeding, or is a material witness, or is within the forbidden degree of consanguinity, or from prejudice will not decide impartially in the matter, he may, in his discretion, in like manner and with like effect as provided by section 9 of this act, call in the circuit judge or county judge, or said municipal judge may call in any municipal judge of the state of Wisconsin having circuit court jurisdiction, to try \* \* \* said action or take such examination, and while so doing or proceeding the provisions of said section 9 of this act shall apply in all their force.

SECTION 8. Section 64 of chapter 23, laws of 1907, as last amended by chapter 54, laws of 1913, is amended to read:

(Chapter 23, Laws of 1907) Section 64. 1. *Actions may be instituted before the municipal court either by the voluntary appearance of the parties or by the process of summons, signed by such municipal judge or by a person licensed to practice as an attorney in a court of record in this state, together with the address of his office, or by warrant signed by such municipal judge.*

2. *The municipal judge may sign in blank, any summons, writ or other process common to the practice in civil actions in justice court, and deliver the same to attorneys of courts of record to be issued by them as occasion may require, substantially in the manner provided by section \* \* \* 301.02 of the statutes.*

3. *The attorney issuing the same shall within 24 hours thereafter file with the municipal court the affidavit, if any, upon which such summons, writ or other process \* \* \* is based, and a statement of the names of the parties to the action, the date of the summons, writ or other process, the time when the same is returnable and the nature of the demand or claim, upon which the judge of said court shall forthwith docket the said case, and which docket entries shall have the same force and effect as if made at the time of issuing the summons, writ or other process.*

Approved March 29, 1945.

No. 69, S.]

[Published April 6, 1945.

## CHAPTER 20.

AN ACT to harmonize the terminology of the statutes, relating to the state normal schools with the change made in the name of those institutions by the board of regents of normal schools, namely, the state teachers colleges.

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

SECTION 1. The board of regents of normal schools having, pursuant to authority granted by section 37.11 (1) of the statutes, adopted the designation "state teachers colleges" for the state normal schools, the revisor of statutes is directed to change the language of the statutes to conform to that designa-