

order of the court or judge in probate proceedings whenever directed by the judge. Said register of probate is also authorized and empowered to make and issue, under the direction of the court, orders for and notices of the publication and hearing of applications made or to be made to the county court, citations and orders to show cause returnable before the court, and subpoenas; such orders, notices, citations, and subpoenas shall be signed by him as follows:

By the court,

.....  
Register of Probate.

And when so signed shall be considered the act of the court, and shall have the same force and effect as if signed by the county judge.

Approved June 19, 1947.

No. 547, S.]

[Published June 21, 1947.

### CHAPTER 299.

AN ACT to amend section 6 of chapter 396, laws of 1903 as last amended by section 3 of chapter 184, laws of 1913, section 9 of chapter 396, laws of 1903 as last amended by section 5 of chapter 184, laws of 1913, section 11 of chapter 396, laws of 1903 as last amended by section 2 of chapter 224, laws of 1915 and section 14 of chapter 396, laws of 1903; and to create sections 3m and 20m of chapter 396, laws of 1903, relating to the municipal court of Brown county and the city of Green Bay and conferring additional civil jurisdiction on said court.

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

SECTION 1. Section 3m of chapter 396, laws of 1903 is created to read:

(Chapter 396, Laws of 1903) Section 3m. The clerk of the circuit court for Brown county shall have the custody and care of all books and papers belonging to said municipal court insofar as they pertain to civil actions and proceedings therein of which the circuit court has jurisdiction and shall in such actions and proceedings perform the duties of the clerk of said

municipal court in the same manner as is now by law required by him as clerk of the circuit court. Said clerk of the circuit court shall have and keep in his office all necessary dockets, indexes, and other records of proceedings and judgments made or taken in the municipal 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 may otherwise be provided in this chapter. The clerk of the municipal court shall keep a regular docket entry of the proceedings had in the municipal court and shall in all matters pertaining to the municipal court aid the clerk of circuit court in the discharge of his duties in respect to such matters. All judgments, orders and decrees in such actions and proceedings made and entered in and by said municipal court shall be filed, recorded, docketed and indexed in the office of the clerk of circuit court of Brown county as shall like judgments, orders and decrees made and entered in and by the circuit court for Brown 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 municipal court. The provisions of this section shall supersede any provision of section 5 of this chapter which is inconsistent herewith.

SECTION 2. Section 6 of chapter 396, laws of 1903, as last amended by section 3 of chapter 184, laws of 1913 is amended to read:

(Chapter 396, Laws of 1903) Section 6. The municipal court shall have civil jurisdiction, *concurrent with the circuit court*, 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 \* \* \* \$20,000; actions founded on an account when the same shall be reduced to an amount not exceeding \* \* \* \$20,000, 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 \* \* \* \$20,000. The municipal court shall also have jurisdiction of all actions in equity concurrent with that of the circuit court; and shall also have jurisdiction (without limitation because of enumeration) of actions for divorce, separate maintenance, annulment and confirmation of marriage, all other actions growing out of domestic relations, and foreclosure of mortgages and mechanics' liens, whether such actions are equitable, legal or otherwise. All such actions of which a justice of the peace would not have jurisdiction shall be commenced in the "Circuit Court Branch" of the municipal court of Brown county, which is hereby established, and all process, pleadings and papers in such actions shall be entitled in the circuit court branch of the municipal court for Brown county. Wherever in this chapter the words "municipal court" or "municipal court of Brown county" are used they shall be deemed to include the circuit court branch of the municipal court of Brown county unless the context otherwise requires. In all cases wherein the jurisdiction of the municipal court of Brown county or the judge thereof comes in question this chapter shall be liberally construed in favor of the jurisdiction of said court and the judge thereof.

SECTION 3. Section 9 of chapter 396, laws of 1903 as last amended by section 5 of chapter 184, laws of 1913 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 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.

\* \* \* *Any warrant, summons, subpoena, writ or other process issued out of the municipal court in a civil or criminal action may be served or executed in any part of the state*

\* \* \* *in the same manner and with the same force and effect as a like warrant, summons, subpoena, writ or process issued out of the circuit court.* 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 4. Section 11 of chapter 396, laws of 1903 as last amended by section 2 of chapter 224, laws of 1915 is amended to read:

(Chapter 396, Laws of 1903) 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 \* \* \* *any action* of which a justice court would not have jurisdiction, wherein it shall be made to appear by affidavit *made and filed in the manner and form provided by law for a change of venue in such case in the circuit court* that the municipal judge is pecuniarily interested in the action, a material witness or is within the forbidden degrees of consanguinity or where, from prejudice or other cause, such affidavit states that said judge will not impartially decide in the matter, a municipal judge shall call in the county judge to try said action. That upon receiving notice of such demand from the municipal judge, the county judge shall proceed forthwith, or as soon thereafter as a hearing can be had, to hear, try and determine said action. That if at the time of receiving said notice the county judge is occupied in the trial of an action or proceeding in county court, then such action in municipal court shall be held open or adjourned until such time as it can be heard by the county judge. That when the county judge is so called in, he shall have all the powers of the municipal judge, and shall receive as compensation while acting as such municipal judge the sum of \$10 per day in addition to his salary as county judge, which payment shall be made in the same manner as the salary of the municipal judge. 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 \$200, 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 \$200, 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 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 service 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 therefor. 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 4m. Section 14 of chapter 396, laws of 1903 is amended to read:

(Chapter 396, Laws of 1903) Section 14. On the first Tuesday of April, A. D. \* \* \* 1948, and every \* \* \* 6 years thereafter, there shall be elected in the county of Brown, in the same manner as county judges are elected, one municipal judge, who shall hold his office for the term of \* \* \* 6 years, from the first Monday in the May next following said election, and until his successor is elected and qualified, and in case of a vacancy occurring in the office of municipal judge, the vacancy shall be filled by appointment by the governor of the state, and the person appointed to fill such vacancy shall hold said office for the residue of the term for which his predecessor was elected or appointed, and until his successor is elected and qualified. *The judge of the municipal court of Brown county at the time this amendment takes effect (1947) shall continue to hold said office for the residue of the term for which he was elected or appointed and until his successor is elected and qualified.*

SECTION 5. Section 20m of chapter 396, laws of 1903 is created to read:

(Chapter 396, Laws of 1903) Section 20m. Civil and criminal actions and proceedings shall be heard at regular terms of the municipal court to begin at 2 o'clock in the afternoon on the first Monday in each month. For such matters the 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 chapter. The clerk of circuit court shall certify a list of all cases in the municipal court on file in his office and at issue on the Monday preceding the first Monday of the month, which list shall be delivered to the clerk of the municipal court, who shall thereupon prepare a calendar of cases and submit it to the court prior to the opening of the term of court. The calendar shall then be called by the presiding judge upon opening of court of each term and the cases shall then be assigned or set for trial. All trials, proceedings, hearings, motions, orders, arguments and unfinished business of every 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.

SECTION 6. This act shall not be deemed to affect the tenure of present officers of the municipal court of Brown county.

Approved June 19, 1947.

No. 552, S.]

[Published June 21, 1947.

### CHAPTER 300.

AN ACT to repeal 20.09 (3) and 73.03 (14) and (19); to create 15.22 (10) and 20.723 (2) and (3); and to amend 20.723 (1), 66.90 (17) (a) 13 and 73.03 (5) of the statutes, transferring without change the municipal auditing and reporting functions and certain appropriations made therefor from the state department of taxation to the department of state audit.

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

SECTION 1. 15.22 (10) of the statutes is created to read:

15.22 (10) MUNICIPAL AUDITING AND REPORTING.

The state auditor in the discharge of municipal auditing and reporting functions shall have the following duties and powers:

(a) To collect annually from all town, city, village, county and other public officers information as to the collection of taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, and such other information as may be needful in the work of the department of state audit, in such form and upon such blanks as the state auditor shall prescribe; and it shall be the duty of all public officers so called upon to fill out properly and return promptly to the department of state audit all blanks so transmitted. To examine all town, village, city and county records for such purposes as are deemed needful by the department. To publish annually the information collected, with such compilations, analyses or recommendations as may be deemed needful.

(b) In his discretion to inspect and examine or cause an inspection and examination of the records of any town, city, village or county officer whenever such officer shall have failed or neglected to return properly the information as required by paragraph (a) within the time set by the department of state