

SECTION 4. The right to alter, amend or repeal this act is hereby reserved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.

No. 643, A.]

[Published April 12, 1893.

CHAPTER 112.

AN ACT to amend chapter 181, of the laws of 1889, as amended by chapter 61, of the laws of 1891, entitled "An act to create a municipal court for Douglas county."

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

SECTION 1. Section 1, of chapter 61, of the laws of the state of Wisconsin, for the year 1891, entitled "An act to amend chapter 181, of the laws of 1889, entitled "An act to create a municipal court for Douglas county," is hereby amended so as to read as follows: Section 1. On the first Tuesday of April, 1893, and every four years thereafter, there shall be elected in Douglas county, in the same manner as county judges are elected, a municipal judge, who shall be a regularly admitted attorney of a court of record, and who shall hold his office for the term of four years from the first Monday in May after his election, and until his successor is elected and qualified. But no failure to give notice of said election to be held on the first Tuesday of April, 1893, shall in any manner invalidate the same, and in case of failure to elect said judge on said day, it shall be the duty of the governor to fix by proclamation a day for an election under this act. In case of vacancy in the office of municipal judge the vacancy shall be filled by appointment by the governor, and the appointee shall continue in office for the residue of the

Amends sec. 1,
ch. 61, laws of
1891.

Municipal
judge, election
or.

term for which his predecessor was elected. Nomination papers may be filed for the year 1893 up to seven days before election.

Amends sec. 2,
of same.

Municipal
court, juris-
diction of.

SECTION 2. Section 2, of said chapter 61, is hereby amended so as to read as follows: Section 2. The municipal court of Douglas county shall have jurisdiction in civil matters over such subjects as justices of the peace have jurisdiction, and where the amount claimed, over and above all set-offs, does not exceed three hundred dollars, and shall have exclusive jurisdiction to hear, try and determine all criminal actions arising in said county, not punishable in state's prison, and to have an exclusive jurisdiction to hold to bail all persons charged with other offenses against the laws of the state of Wisconsin, and of all penalties and offenses against the charter, ordinances and by-laws of the city of Superior, and shall have all the jurisdiction of the justices of the peace and police justice of said county. The practice and procedure in said court, so far as applicable, and not inconsistent with this act, shall comply with the laws relating to justice courts, and transcripts of its judgments may be with like effect filed with the clerks of the circuit court of said county. All appeals, civil and criminal, from said court may be had in the same way, and with like effect, as from courts of justices of the peace. The judge thereof shall have the same power to sentence and commit all persons convicted of offenses over which he has jurisdiction, to try and finally determine, that circuit judges or justices of the peace may have.

Amends sec. 3,
of same.

Municipal
judge, oath;
when justice
may perform
duties; salary,
etc.

SECTION 3. Section 3, of said chapter 61, is hereby amended so as to read as follows: Section 3. Said judge shall file his oath of office and official bond in manner and form as provided for justices of the peace. The person designated and elected as municipal judge of said court shall have the control and direction of the commencement of all actions, and of the proceedings therein, and in the event of the disqualification or absence of said municipal judge the duties of said office shall be performed by a justice of the peace, who shall be thereunto designated by said municipal judge, in writing, and when performing such duties said justice of the peace shall receive the same compensation as is pre-

scribed by law for like services in justices' courts. In case the office of municipal judge shall become vacant, the duties of the office shall be performed by such person, as shall be thereunto designated by the common council of the city of Superior, until such time as such vacancy shall be filled. Said municipal judge shall receive as compensation a salary of twelve hundred dollars per annum, six hundred dollars to be paid monthly from the treasury of Douglas county, six hundred dollars to be paid monthly from the treasury of the city of Superior, and said twelve hundred dollars to be in full payment of all fees for cases arising out of said ordinances and the penal statutes of the state.

SECTION 4. Section 4, of said chapter 61, is hereby amended so as to read as follows: Section 4. The said municipal judge shall keep separate dockets for civil and criminal matters respectively. They shall be kept in the same manner, as far as practicable, as dockets of justices of the peace are required to be kept; provided, however, that the said municipal judge may appoint and remove at pleasure a suitable person as clerk of said court, whose duty it shall be to keep said dockets, and make all entries therein, in the same manner as is required of justices of the peace, which person shall execute to Douglas county an official bond in the sum of two thousand five hundred dollars, and take an official oath, in the same manner as is required of clerks of the circuit court. Said person shall be known as the clerk of the municipal court, and shall receive an annual salary of six hundred dollars to be paid monthly, three hundred dollars each from the treasury of Douglas county, and the treasury of the city of Superior, at the end of each month, upon the delivery of a certificate, signed by said municipal judge, certifying that said clerk is entitled to such salary.

Amend sec. 4
of same.

Docket, clerk,
etc.

SECTION 5. Section 5, of said chapter 61, is hereby amended so as to read as follows: Section 5. It shall be lawful for said municipal judge to charge and collect the same fees in criminal actions in said court as are allowed by law to justices of the peace. All fees, fines and penalties by him so collected shall be paid over at the end of each month to the treasurer of Douglas county, and all expense of boarding prison-

Amends sev
of same.

Fees.

ers, convicted under the ordinances of said city or under chapter 65a, of Sanborn and Berryman's Annotated Statutes, and sentenced to the county jail of said county, shall be paid by said city of Superior; provided, however, that all fees, fines and penalties by him collected under and by virtue of the charter, ordinances or by-laws of the city of Superior shall be paid over by him monthly to the treasurer of said city. In all civil actions commenced in said municipal court, the municipal judge shall be entitled to the same fees as a justice of the peace is entitled to.

Secs. 6, 7 and 8
of same combined and
amended.

Court, how to
be held.

SECTION 6. Sections 6, 7 and 8, of said chapter 61, are hereby combined and amended so as to read as follows: Section 6. Said municipal judge shall daily hold his court in some suitable room in the city hall in the city of Superior, to be provided, furnished, heated and lighted under the direction of said judge by the said city, without expense to Douglas county; but the said municipal judge shall have the power, in his discretion, to try any case, matter or proceeding in some suitable room in the court house of Douglas county, whenever he may deem it more convenient for himself, witnesses or parties. All needful stationery and blanks required by said court, and the dockets thereof, shall be furnished at the expense of Douglas county.

Secs. 9, 10 and
11 of same
combined and
amended.

Attorney fees.

SECTION 7. Sections 9, 10 and 11, of said chapter 61, are hereby combined and amended so as to read as follows: Section 7. The same fees shall be taxed and allowed as attorneys' fees in said municipal court, as is provided by subdivision 4, of section 3775, of the Revised Statutes of the State of Wisconsin, in all judgments entered in said municipal court, whether the defendant has appeared, answered or demurred therein or not. But no such fees shall be taxed or allowed, unless the party in favor of whom such judgment is entered shall have appeared therein by an attorney of a court of record.

SECTION 8. All laws which in any way conflict with this law are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.