

No. 213, S.]

[Published April 28, 1893.]

CHAPTER 241.

AN ACT to create a municipal court for Ashland county.

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

SECTION 1. There is hereby created and established in and for Ashland county a municipal court, with the powers and jurisdiction hereinafter specified and provided.

**Municipal
judge, how
elected.**

SECTION 2. On the first Tuesday of April, 1893, and upon the first Tuesday in April in every fourth year thereafter, there shall be elected in Ashland county, in the same manner in which 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 January next after his election, and until his successor is elected and qualified. In case of a 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 term for which his predecessor was elected.

**Jurisdiction of
court.**

SECTION 3. The municipal judge of Ashland county shall have the same jurisdiction in matters criminal as are now conferred upon justices of the peace, and jurisdiction in civil matters of such subjects as justices of the peace now have jurisdiction, where the amount does not exceed five hundred dollars, and exclusive jurisdiction of all penalties and offenses against the charter, ordinances and by-laws of the city of Ashland, and exclusive jurisdiction of all penalties, forfeitures, crimes and offenses against the laws of the state of Wisconsin within the jurisdiction conferred on justice courts and arising within the corporate limits of the city of Ashland. The practice and procedure in said court, so far as practicable, shall comply with the laws relating to justice courts; and transcripts of its judgments may be with like effect filed with the clerk

**Practice and
procedure.**

of the circuit court of said county. All appeals, civil and criminal, from said court shall be taken in the same way and with like effect as from courts of justice of the peace. The judge thereof shall have the same power to sentence and commit to prison all persons convicted of any offense of which said judge has jurisdiction to try and finally determine, and to bind over and hold to bail in cases involving the examination of offenders as provided by the law governing justice courts.

SECTION 4. Said judge shall file his oath of office and official bond in manner and form as provided for justices of the peace. Oaths of office.

SECTION 5. The judge shall keep separate dockets for civil and criminal matters, respectively; they shall be kept in the same manner, as far as applicable, as dockets of the justice of the peace are required to be kept. Dockets.

SECTION 6. It shall be lawful for the said municipal judge to charge and collect the same fees in all civil and criminal actions in said court, as are allowed by law to justices of the peace, all fees, fines and penalties, by him collected in state cases, it shall be his duty to pay over, at the end of each month, to the treasurer of Ashland county; all fines, fees and penalties by him collected by virtue of the charter, ordinances and by-laws of the city of Ashland, it shall be his duty to pay over at the end of each month to the treasurer of said city. He is entitled to and may charge and collect, for his own use, the same fees in all civil matters as are allowed to justices of the peace. Fees.

SECTION 7. Said judge shall appoint in writing a clerk of said court, who, before entering upon his duties, shall take and subscribe the oath of office prescribed in the constitution, which appointment and oath shall be filed with the clerk of the circuit court of said county; said clerk shall make and keep the records of said court, and perform all ministerial acts required of him by and under the direction of the judge of said municipal court. Clerk of court.

SECTION 7a. Said judge may appoint a phonographic reporter for said court, whenever he may deem it necessary. Every reporter, when so appointed, shall be an officer of said court, Phonographic reporter. compensation.

and shall, before entering on the duties of his office, take and subscribe the constitutional oath. Such reporter shall be paid five dollars per day for each day's actual attendance, or half that amount for each half day's attendance on said court, which charge shall be paid by the county of Ashland as other charges of said court against said county are paid. Section 2439, of the Annotated Statutes, shall apply to such reporter and said court, and section 4141, of the Annotated Statutes, shall apply to transcribed copies of the testimony and proceedings taken by said reporter.

Service of
process.

SECTION 8. Sheriffs and constables of Ashland county shall serve and execute the process of this court, wherein the state of Wisconsin is a party, and all civil process issued out of said court. The police officers of said city shall serve and execute all process issued out of said court, wherein the city of Ashland is a party.

Judge
disqualified,
etc., may
appoint justice
of the peace.

SECTION 9. In case it shall be made to appear in the same manner and for the same causes as in justice court, that the municipal judge is disqualified to try any matter pending before him, and 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 qualified justice of the peace in 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.

Actions not to
be removed.

SECTION 10. No action shall be removed from said court for trial; but when it shall appear that the judge thereof is disqualified by reason of prejudice or other cause to try any action, he shall, so as aforesaid, call in a justice of the peace to try the same.

Circuit court
retains present
jurisdiction.

SECTION 11. Nothing herein shall deprive the circuit court of Ashland county of jurisdiction of any action now given by law.

Court, when
held.

SECTION 12. The judge of said court shall daily hold his court in some suitable room in the city of Ashland, to be provided, furnished, heated and lighted under the direction of said judge, by the city, without any extra expense to Ashland county; but the judge thereof shall have power, in his discretion, to try any cause, matter or pro-

ceeding in some suitable room in the court house of Ashland county, whenever he may deem it convenient, for himself, witnesses or parties. All needful stationery, and all blanks required by said court in criminal actions and examinations, and the judge's docket shall be furnished at the expense of Ashland county.

SECTION 13. The judge, for his services in criminal matters, shall receive, in addition to the compensation hereinbefore provided, a salary of sixteen hundred dollars per year, to be paid monthly, and the clerk the sum of six hundred dollars per year, to be paid monthly, as follows: One-half thereof shall be paid out of the treasury of Ashland county, and one-half out of the treasury of the city of Ashland.

Salary of judge.

SECTION 14. The said municipal judge may, in his discretion, at any time within twenty days after judgment in any civil case, upon his own motion, or on the motion of any party to the action, (all parties to the action who appeared therein, having three days' notice), set aside any verdict or judgment, and modify or reverse any proceeding or judgment of his court, and grant new trial for errors of law or fact.

New trials may be granted.

SECTION 15. This act shall in no wise affect the term of the present judge of the present municipal court of Ashland county, who shall hold and continue his office under this act until the first Monday of January, 1894, and who shall exercise all the powers and jurisdiction conferred by this act.

Term of present municipal judge not affected.

SECTION 16. All suits, actions and causes of action now pending before the municipal court of Ashland county on appeal, and all state cases pending for trial before said court on information when this act shall go into effect, to-wit: the date of its publication, shall be immediately certified by the clerk of said court to the circuit court of Ashland county, which said court shall have the same jurisdiction, power and authority to hear, try and determine said actions and proceedings, as though the same had been originally appealed, bound over, or certified to said circuit court.

Pending suit, etc., to be certified to circuit court.

SECTION 17. This act shall in no manner affect the election for the municipal judge for Ashland county held on the first Tuesday in April, 1893,

Election of judge in 1893.

and the person so elected to the office of municipal judge under the provisions of chapters 94 and 315, of the laws of 1889, shall exercise the powers and jurisdiction by this act conferred for the term of four years from the first Monday in January, 1894.

Repeals ch. 94
and ch. 315,
laws of 1889.

SECTION 18. Chapters 94 and 315, of the laws of Wisconsin for the year 1889, are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication Approved April 17, 1893.

No. 292 S.]

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CHAPTER 242.

AN ACT to amend section 2865, and section 3070, of the Revised Statutes of 1878, relating to trial by the court or by referees, and determination on appeal.

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

Amends sec.
2865, R. S.

Referees, trial
by and powers
of.

SECTION 1. Section 2865, of the Revised Statutes, is hereby amended so as to read as follows: Section 2865. The trial by referees shall be conducted in the same manner as a trial by the court. They shall have the same power to grant adjournments and allow amendments to any pleadings as the court upon such trial, upon the same terms and with the like effect. They shall also have the same power to preserve order and punish all violations thereof upon such trial, and to compel the attendance of witnesses before them by attachment, and to punish them as for contempt for non-attendance or refusal to be sworn or testify, as is possessed by the court. And they shall give to the parties or their attorneys at least eight days' notice of the time