

No. 729, A.]

[Published May 26, 1905.]

**CHAPTER 257.**

AN ACT to amend chapter 9 of the laws of 1905, entitled "An act relative to the establishment of a second municipal court in and for the county of Dunn."

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

**Civil and criminal jurisdiction of; judgment by confession.**

SECTION 1. Section 2 of chapter 9 of the laws of 1905, is hereby amended so as to read as follows: Civil and criminal jurisdiction of; judgment by confession. Section 2. Said second municipal court and the judge thereof shall take cognizance of and shall have jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of the debt, damages and demand and penalty of forfeiture shall not exceed the amount of five hundred dollars; all actions to recover the possession of personal property, with damages, for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars; all actions arising under chapter 145 of the statutes of 1898, when the amount claimed shall not exceed five hundred dollars; all charges for criminal offenses, including bastardy, arising within said county which are not punishable by commitment to state prison, and all offenses arising under the charter and ordinances of all duly incorporated cities and villages within said county; said judge shall have power and jurisdiction throughout the county to cause to be brought before him all persons who may be charged with having committed any criminal offense and to issue process therefor and to commit them to jail or require bail, as the case may require; he shall have the jurisdiction, authority, powers and rights given by law to justices of the peace, provided, however, that nothing herein contained shall be construed to give said municipal judge cognizance of or jurisdiction over any action mentioned in subdivisions 1, 2 and 3 of section 3573 of the statutes of 1898. The general provisions of law relative to civil and criminal actions by justices of the peace, shall apply to the said court as far as applicable, and transcripts of the judgments of said second municipal court may be filed and docketed with the

*clerk of the circuit court for said county with the same effect as transcripts of judgments rendered by justices of the peace, and all appeals, civil and criminal, from said court, may be taken in the same manner and with like effect as is provided by law for appeals from judgments of justices of the peace. On and after the appointment or election and qualification of the municipal judge, as herein provided, no justice of the peace in said county shall have jurisdiction over any criminal examination, trial and proceeding, including bastardy, provided, however, that any such justice of the peace may issue warrants returnable to said second municipal court of said county; but nothing in this act shall be construed as in any manner affecting the jurisdiction of any justice of the peace to hear, try and determine any criminal proceeding or any action for the violation of any city or village ordinance now pending in such court, or which may be commenced before the judge of said second municipal court shall enter upon the duties of his office. In addition to the jurisdiction as aforesaid, a judgment of confession may be entered by the judge of said court, in any sum not exceeding one thousand dollars, without action, whether for money due or to become due, or to secure any person against a contingent liability on behalf of the defendant, or both, if a verified statement be made by the defendant to the following effect:*

**First.** It must state the amount for which judgment may be entered and authorize the entry of judgment therefor by the judge of said court.

**Second.** If it be for money due or to become due, it shall state concisely the fact or facts out of which the indebtedness arose and must show that the amount confessed is justly due or to become due.

**Third.** If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely all facts constituting a contingent liability and must show that the amount confessed does not exceed the same.

**Election of judge; term; vacancy.** SECTION 2. Section 3 of chapter 9 of the laws of 1905 is hereby amended so as to read as follows: Election of judge, term, vacancy. Section 3. On the first Tuesday in April, 1906, and every four years thereafter there shall be elected in the county of Dunn in the same manner as county judges are elected, *a municipal judge* who shall hold his office for a term of four years from the first Monday of May next following his election, and until his successor is

elected and qualified, and in case of a vacancy occurring in the office of the said municipal judge, such vacancy shall be filled by appointment by the governor of this state, and the person so appointed shall continue in office for the residue of the term for which his predecessor was elected or appointed; provided, however, that upon the passage and publication of this act, the office of the judge of said court shall be deemed vacant and shall be filled by appointment by the governor \* \* \* and the person thus appointed shall hold office until the first Monday in May, A. D. 1906, or until his successor is elected and qualified.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 727, A.]

[Published May 27, 1905.

## CHAPTER 258.

AN ACT to amend section 490 of the statutes of 1898 and validating actions taken in respect to organizing high schools.

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

**High schools, how established.** SECTION 1. Any town, village or city school district or sub-district which contains within its limits an incorporated village or which has a graded school of not less than two departments may establish and maintain not exceeding two high schools in the manner and with the privileges herein provided; but no such school shall be established or maintained unless twenty-five persons of school age, resident of the town, city or village or school district, or sub-district, pass a satisfactory examination in the branches required to be taught in the common school and are prepared to begin a high school course. The question of establishing such schools may be submitted by the town, district,