

by or in the service of any person, firm, association or corporation so advertising; third, the obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured; fourth, wilfully betraying a professional secret; fifth, indulging in the drug habit; sixth, conviction of any offense involving moral turpitude.

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

Approved June 19, 1905.

No. 534, A.]

[Published June 23, 1905.

## CHAPTER 423.

AN ACT to create a municipal court in the city of Beloit in Rock county.

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

**Municipal court established.** SECTION 1. There is hereby established a municipal court in the city of Beloit, in Rock county, to be known as the municipal court of the city of Beloit, and to be open for business at the beginning of the term of office of the judge to be elected as herein provided.

It shall be a court of record and have a clerk and a seal, the former to be appointed and the latter to be procured by the judge.

In this act, it is referred to as *the court*,\* its judge as *the judge*, and its clerk as *the clerk*, to distinguish it and them from other courts, judges, and clerks mentioned.

**Qualifications and powers of judge.** SECTION 2. The election of *the judge* shall be by the duly qualified electors of said county. His term of office shall be six years, and begin on the first Monday in May next succeeding his election.

The first election of *the judge* shall be held on the first Tuesday of April, 1906, and shall be conducted the same as other judicial elections.

\*The words printed in italics in this chapter are so printed in the enrolled act.

No person shall be eligible to election or appointment to the office of *the judge* unless he be a duly qualified elector of said county and an attorney-at-law duly admitted to practice in the supreme court of this state.

In case of a vacancy the governor shall appoint *the judge*, and such appointee shall serve until an election be held in the manner provided in section 94s of the statutes of 1898.

*The judge* of said court may be removed from office in the manner provided for the removal of circuit judges.

*The judge* shall have the powers and be authorized to perform the duties of a court commissioner.

**Salary.** SECTION 3. The salary of *the judge* shall be fixed by the county board at its meeting in November, 1905.

**Bond of judge, how conditioned.** SECTION 4. Before entering upon the duties of his office, *the judge* shall give a bond to Rock county in the sum of twenty-five hundred dollars, conditioned substantially as is the bond of the clerk of the circuit court and to the city of Beloit in a like sum conditioned substantially as is the bond of the clerk of said city, both of said bonds to be further conditioned so as to make *the judge* responsible for any and all official default and misconduct of *the clerk of the court*, the sureties on said bonds to be approved by the chairman of the county board and the common council of the city of Beloit, respectively.

**Oaths of office.** SECTION 5. Before entering upon the duties of his office, *the judge* and *the clerk* shall each take and subscribe in duplicate the constitutional oath of office, one copy of which oath shall be filed in the office of the clerk of the circuit court for Rock county, and one copy in the office of the clerk of the city of Beloit.

**Duties of clerk; bond; salary.** SECTION 6. *The clerk* shall make and keep the records of *the court*, authenticate its acts under its seal, as are the acts of the circuit court, and perform such ministerial duties as the nature of his office and the order of *the judge* may require.

In the absence of the judge, the clerk shall have power to direct bail, administer oaths, and examine persons applying for warrants, reduce their examination to writing and file the same and issue warrants or other process from *the court*.

*The clerk* shall procure such supplies and perform such duties

with reference to the care of the books, blanks, and other property, and the room occupied by *the court*, as *the judge* in writing may direct.

*The clerk* shall also keep under the direction of *the judge* separate dockets, for criminal and civil proceedings and actions.

Before entering upon the duties of his office, *the clerk* shall give a bond to said county in the form and condition substantially the same as the bond given by the clerk of the circuit court in the amount and with such sureties as *the judge* shall approve, which bond shall be filed with the clerk of the circuit court.

*The clerk* shall be subject to removal by *the judge*.

The salary of *the clerk* shall be fixed by the county board.

**Stenographic reporter; compensation; oath of. SECTION 7.**

*The judge* may appoint in writing a stenographic reporter to serve at his pleasure, who shall attend trials and examinations and take the testimony when require by *the judge*, and his compensation shall be fixed by the county board.

In any actions tried in *the court* by which the testimony shall be taken by such reporter the stenographic notes of the reporter may be filed by *the judge* as the testimony in the case, but no costs therefor shall be taxed in the judgment. In case of an appeal from the judgment rendered in a civil action, *the judge* shall not be required to return to the appellate court any testimony other than the transcribed notes of the stenographer.

Before entering upon the duties of his office the stenographer shall take and subscribe the constitutional oath and file the same with *the judge*.

Section 2439 of the statutes of 1898 shall govern *the court* and said stenographer.

**Court where held. SECTION 8.** *The court* shall be held in the city of Beloit in a suitable place, to be provided by the common council of said city.

**Jurisdiction of court. SECTION 9.** *The court* shall have exclusive jurisdiction in all prosecutions and proceedings relating to the violation of any ordinance or by-law of the city of Beloit.

The provisions of the charter and ordinances of the city of Beloit relating to the police court or to criminal prosecutions shall apply to *the court*, except when the same are in conflict with this act.

*The court shall be opened each morning by the judge, Sundays and legal holidays excepted, and thereupon, in a summary way, he shall hear and dispose of all actions or proceedings which shall be brought before him by the police officers of the city of Beloit, or otherwise, either with or without process, for the violation of the ordinances and by-laws of said city. In such actions or proceedings the forms heretofore used and followed in the police court of said city, except as modified by the judge, shall be used, and in every such case, the city attorney shall be the prosecuting officer.*

**Duty of district attorney.** SECTION 10. In criminal actions wherein the state is a party, the district attorney of Rock county shall file the informations and conduct all the proceedings.

**Attendance of witnesses.** SECTION 11. *The judge* in his discretion may summon and compel the attendance of witnesses before him, and examine them on oath, in order to determine whether or not he ought to issue a warrant, and in case any witness so summoned refuse to attend or answer pertinent questions relative to the subject of inquiry, he shall be subject to punishment for contempt. The fees and mileage of such witnesses shall be paid as in criminal actions *in the court.*

**Jurisdiction of judge; extent of.** SECTION 12. *The judge* shall have the jurisdiction and powers of a justice of the peace in civil and criminal actions and proceedings and in actions for bastardy, and the power to hear, try and determine the same, although the title to land may come into question therein.

**Processes and procedure.** SECTION 13. The processes and procedure *in the court* with relation to matters within the jurisdiction of a justice of the peace shall be issued and conducted as in justices' courts.

**Concurrent jurisdiction, when.** SECTION 14. Except as to any matter arising within the city of Janesville, with relation to which the Municipal Court for Rock county has exclusive jurisdiction, *the court* shall have concurrent jurisdiction with said municipal and circuit courts, to hear, try, and determine any action for bastrady and any criminal action except murder.

**Concurrent jurisdiction, when.** SECTION 15. *The court* shall have jurisdiction in said county in actions and proceedings at

law, concurrent with the municipal and circuit courts for Rock county, where the debt, damages, demand, penalty, or forfeiture shall not exceed the sum of five hundred dollars, and with the circuit court in the city of Beloit, not exceeding two thousand dollars, if there be personal service.

**Statutes and regulations to govern.** SECTION 16. In matters both civil and criminal which exceed the jurisdiction of a justice of the peace, the processes and procedure of *the court* shall be governed by the statutes relating to the circuit court and to the rules and practice thereof, except that processes shall be issued by *the judge or the clerk*.

In criminal cases process may be executed in any part of the state.

**Attachments within jurisdiction.** SECTION 17. All classes of property, real estate excepted, which may be attached by actions in the circuit court, may be attached by actions in *the court*, where the amount in controversy is within the jurisdiction of *the court*.

**Appeals; jurisdiction.** SECTION 18. *The court* shall have jurisdiction concurrent with said municipal and circuit courts to hear, try and determine civil and criminal actions, removed and appealed from justices of the peace. Any action so removed may on the request of the party interposing the plea of title to land be certified to *the court* in the manner in which the same is now certified to said municipal or circuit court; and in the case, either of the removal of an action involving the title to land, or of an appeal, the party interposing the plea of title, or appealing, may designate in his plea, or notice of appeal, whether his action shall be removed or appealed to *the court*, to said municipal court, or to said circuit court.

**Actions when to be tried.** SECTION 19. Civil actions removed or certified on appeal to *the court* shall stand for trial at the next regular term thereof after the filing of the removal or appeal papers, when terms are held as herein provided, and otherwise upon ten days' notice given by either party to the action; and, if neither party shall bring to trial an action so removed or appealed to *the court* within six months after the filing therein of the return of the justice, such action or appeal shall be dismissed unless a continuance for cause shown be granted by a special order.

**Terms of court.** SECTION 20. Terms for trials of actions, civil and criminal, not exceeding four terms in any one year, may be appointed by *the judge* by order in writing filed therein. Notices of trial may be served to such terms as in the circuit court.

**Venue, changes of.** SECTION 21. Changes of venue may be taken from *the court* to the municipal court for Rock county in the manner in which and for the reasons that changes of venue are now taken in justice courts.

In all matters above the jurisdiction of a justice of the peace, the provisions of law relating to changes of venue in the circuit court shall apply and such changes shall be to the circuit court for said county.

If a change of venue be taken on account of the prejudice of *the judge*, he may in his discretion retain the action in *the court* and call upon the judge of the municipal court for Rock county to attend and try said action with the same effect as if the change of venue had been taken, and in such cases, the judge so called in shall receive his disbursements necessarily incurred in attending upon the court, and such compensation as the county board may allow, the same to be audited and paid by the county as are the other expenses of *the court*.

In a criminal case, *the court* shall hold the defendant to bail to appear at the next term of the court to which the venue is changed, and thereupon *the judge* shall transmit to said court the papers and a duly certified copy of the record of the court.

**Jury list, how prepared.** SECTION 22. The provisions of sections 7 and 8 of chapter 197, laws of 1881 and acts amendatory thereof, shall apply to the juries of *the court*, except that the jury lists shall be prepared from the city of Beloit by the senior aldermen and supervisors of said city.

A person having served as a juror in either *the court* or in said municipal court shall not be again liable to jury duty therein for the space of one year thereafter, except he be summoned on a special venire or as a talesman.

**Verdicts; judgments; rulings; orders; power of judge over.** SECTION 23. Ten days after judgment in civil actions and for twenty-four hours after judgment in criminal cases, *the judge* shall have and is hereby vested with the same power over verdicts, judgments, rulings, orders and proceedings in *the court*, as are possessed by circuit judges in like cases during the trial

term. He may direct or set aside verdicts, grant new trials upon conditions and modify or reverse judgments and orders according to the general law and practice of the circuit courts.

**Transcripts of judgment.** SECTION 24. Transcripts of judgments rendered in *the court* may be docketed in the circuit court in like manner and with like effect as to liens as in the case of a transcript from a justice court.

**Appeals from, how taken.** SECTION 25. Appeals from judgments rendered in *the court* in civil and criminal actions originally commenced therein, except cases commenced by information and bastardy cases, may be taken to the circuit court in the same manner as appeals from justices of the peace in similar actions. Appeals in cases commenced by information, in bastardy cases and in cases removed to *the court*, shall be taken to the supreme court.

**Increase of compensation, how authorized.** SECTION 26. If, in the judgment of the common council of the city of Beloit, it be necessary in order to promote the efficiency of *the court* to increase the sums allowed by the county board for the salaries of *the judge* and *the clerk*, and for the compensation of the reporter, said council may appropriate annually as additional compensation for *the judge* not to exceed three hundred dollars, for *the clerk* not to exceed two hundred dollars and for the reporter not to exceed one dollar per day for each day of actual employment. The above appropriations are independent of the payments to be made by the city under section 32.

**Officers, how constituted.** SECTION 27. The city marshal of the city of Beloit, the sheriff and constables of Rock county, and other officers having the same power and authority as the sheriff or constables of said county, shall be officers of *the court*, with the same powers and duties as are now conferred upon them in regard to justice or police courts, and such officers shall receive the same fees for their services as they receive in justice courts.

**Janitor.** SECTION 28. The judge may also appoint a janitor for *the court* at a compensation to be allowed by the common council of and paid by the city of Beloit.

**Fees and costs.** SECTION 29. In actions and proceedings cognizable by justices of the peace, costs and fees shall be taxed and allowed as in justice courts, but, in other actions, including removals and appeals from justice courts and proceedings, the statutes, rules, and practice prevailing in the circuit court shall apply as to fees to be allowed and costs taxed.

**Record of fees, fines and penalties.** SECTION 30. A complete record of all fees, fines, and penalties collected shall be kept in said *court*, and monthly statements thereof rendered to the treasurer of the city of Beloit.

**Payment to treasurer.** SECTION 31. All fines, penalties, and fees collected by *the court* in both civil and criminal actions shall be paid immediately by *the judge* to the treasurer of the city of Beloit, and at the time of the semi-annual settlements between the city and the county treasurers, provided for in section 32, all fines and penalties collected in criminal actions wherein the state was a party shall be paid to the county treasurer.

**City to pay one-half the expense.** SECTION 32. On the last secular days of June and December of each year, after *the judge* shall have entered upon the duties of his office, the treasurer of Rock county shall certify to the treasurer of the city of Beloit, the total amount paid by him since the last settlement for salaries, record books, blanks, stationery and other expenses of *the court*, as certified to him by *the judge*, whereupon the treasurer of said city shall forthwith pay to the treasurer of said county one-half of said amount and charge the same to the general fund of said city.

**Salaries and expenses, how payable.** SECTION 33. The salaries and expenses connected with *the court*, for which the county and city are proportionally liable, shall be paid by the county treasurer quarterly at the end of each quarter; all other expenses of the court chargeable to the city of Beloit alone shall be paid by the city treasurer as are other city expenses.

**Substitute judge, how appointed.** SECTION 34. *The judge* by order in writing filed in *the court* may appoint a justice of the peace of said district to discharge the duties of his office during his absence, sickness, or other temporary disability. Such order may be revoked by *the judge* at any time. Such appointee,



while administering said office, shall have the powers of *the judge*, except as to trials of informations and appeals and except as to actions and proceedings beyond the jurisdiction of his own office. For his services, five dollars a day shall be deducted from the salary of *the judge* and paid to him, payment to be made at the same time and in the same manner as *the judge's* salary.

**How construed.** SECTION 35. Nothing in this act shall be construed as in any way affecting the right of jurisdiction of any court, judge, justice of the peace, or police justice, to hear, try, and determine any case now pending in such court, or before said judge, justice of the peace, or police justice, or which may be commenced before *the judge* shall enter upon the duties of his office.

**Police court, when abolished.** SECTION 36. When *the court* is open for business the police court of the city of Beloit shall be abolished.

SECTION 37. All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 38. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 739, A.]

[Published June 23, 1905.

## CHAPTER 424.

AN ACT to amend sections 12 and 14 of chapter 451 of the laws of 1903, and section 49 of the statutes of 1898, as amended, relating to the time of opening and closing the polls and the pay of clerks and inspectors at elections and primaries.

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

**Time of opening and closing polls at primaries.** SECTION 1. Subdivision 2 of section 12 of chapter 451 of the laws of 1903, is hereby amended so as to read as follows: