

No. 530, A.]

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CHAPTER 440.

AN ACT to repeal section 10 of chapter 168 of the laws of 1887, and to amend sections 6, 7, 8 and 9 of said chapter 168, and to amend section 14 of said chapter as amended by chapter 417 of the laws of 1891, as amended by chapter 91 of the laws of 1893, relating to the third municipal court of Barron county.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 10 of chapter 168 of the laws of 1887 is repealed.

SECTION 2. Sections 6, 7, 8 and 9 of chapter 168 of the laws of 1887, and section 14 of said chapter as amended by chapter 417 of the laws of 1891, as amended by chapter 91 of the laws of 1893, are amended to read: (Chapter 168, laws of 1887) Section 6. The judge of the third municipal court of Barron county, shall have cognizance of and jurisdiction to hear, try and determine, all actions and proceedings at law wherein the amount of the debt, damages, demand, penalty or forfeiture shall not exceed the sum of * * * *two thousand* dollars, actions to recover the possession of personal property with damages for the unlawful taking or detention thereof wherein the value of the property therein claimed shall not exceed the sum of * * * *two thousand* dollars, and all charges for offenses arising within said county and * * * *for which the maximum punishment shall not exceed* commitment to the state prison *for one year*, and shall have power to sentence and commit all persons convicted of any offense of which he has jurisdiction. Said judge shall have power and jurisdiction to try, hear and determine all actions for any penalty or forfeiture for the violation of any ordinance, by-law, resolution or regulation of the town of Cumberland, or of the city of Cumberland. Said judge shall also have power and jurisdiction throughout said county to cause to come before him persons who are charged with committing any criminal offense, and commit them to jail or bind them as the case may require. Said judge shall further have all the jurisdiction, authority, powers and rights given by law to justices of the peace, and shall be subject to the same prohibitions and penalties as justice of the peace. Said judge shall also have, and may exercise in his county all the powers, and perform all the duties of a court commissioner as defined in section 2434 of the * * * statutes, and every authority granted to, or limitation of the powers of a court commissioner

by the laws of the state of Wisconsin, shall be construed to extend to the said municipal judge acting in such capacity, except when otherwise expressly provided. The official designation of said officer, in matters wherein he shall so act, shall be, "Third Municipal Judge of Barron county." The proceedings and practices of said court shall in all respects be governed, as far as practicable, by the laws relating to justices' courts of this state, and transcripts of the judgments of this municipal court may be filed and docketed with the clerk of the circuit court for said county with the same effect as may be transcripts of judgments rendered by justices of the peace of said county, and appeals, civil and criminal, from any judgment of said court, may be taken in the same manner and with like effect as is provided by law for appeals from courts of justices of the peace. Nothing herein contained shall be construed to give said municipal judge cognizance of any actions mentioned in subdivisions 1, 2 and 3 of section 3573 of the * * * statutes.

SECTION 7. A judgment by confession may be entered before the judge of the third municipal court of Barron county, in any sum not exceeding * * * *two thousand* dollars, without action, either for money due or to become due, or to secure any person against contingent liability on behalf of the defendant, or both if a statement in writing be made, signed by the defendant and verified by his oath 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 municipal judge of said court. Second. If it be for money due or to become due, it must state concisely the fact out of which it arose, and must show that the sum confessed therefor 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 the fact constituting the liability, and must show that the sum confessed does not exceed the same.

SECTION 8. In case of a vacancy in the office of said municipal judge, or in his absence or inability to act, the nearest * * * *municipal judge or county judge* of said county, shall have all the powers and jurisdiction of the municipal judge of the third municipal court for Barron county, and it shall be his duty to act in the same and discharge all the duties of said municipal judge, until such vacancy is filled, or such absence or inability to act by the said municipal judge is removed.

SECTION 9. * * * *No* action examination or other proceeding may be removed from said court, * * * *but* whenever it shall be made to appear by affidavit that the municipal

judge is interested pecuniarily in the action, examination or other proceeding, or that said judge is a material witness or is within the forbidden degree of consanguinity, or *from prejudice or other cause will not decide impartially in the matter*, the said municipal judge shall notify the nearest * * * *municipal judge or county judge* of the county of Barron, not disqualified, to try the cause, or to hear said examination or other proceeding, as the case may be, whereupon it shall be the duty of said * * * *judge* so notified as aforesaid, to forthwith appear at the court room of said municipal court, and to discharge the duties of judge of said municipal court, on the trial of said case, or the hearing of said examination or other proceeding, in the same manner and with like effect as said municipal judge would, if not disqualified to act; and the doings of said * * * *judge*, while so presiding over said municipal court, shall have and be of the same force and effect as like proceedings of said municipal judge, and when said action, examination or other proceeding is concluded, a like record, as in other cases, shall be made in said court, and thereupon and thereafter execution may be issued as in other cases tried before said municipal judge. Said * * * *judge*, while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like service.

Section 14. The same fees in all actions, civil and criminal, that are now allowed by law to justices of the peace, it shall be lawful for said municipal judge to charge and collect, * * * *but in lieu of the fees fixed by law for the following items he shall receive for a summons, warrant or other process by which a civil action is commenced one dollar; for a warrant in criminal case, one dollar; for entering judgment, one dollar; and for any order terminating a preliminary examination, one dollar. He shall pay over to the treasurer of said county all fines paid him, imposed under the laws of this state.*

SECTION 3. This act shall take effect upon passage and publication.

Approved June 26, 1919.