

No. 580, A.]

[Published August 10, 1927.]

CHAPTER 514.

AN ACT to create section 60.70 of the statutes, relating to the depositing of waste and rubbish in highways in towns and providing a penalty.

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

SECTION 1. A new section is added to the statutes to read: 60.70 Any person who throws or deposits any weeds, sod, brush, cans, machinery or other waste or rubbish in any highway located in any town, without the written permission of the town board, shall, upon conviction, be punished by a fine of not to exceed fifty dollars or by imprisonment in the county jail not to exceed thirty days.

SECTION 2. This act shall take effect upon passage and publication.

Approved August 6, 1927.

No. 594, A.]

[Published August 10, 1927.]

CHAPTER 515.

AN ACT to amend sections 5, 7 and 8 of chapter 38, laws of 1895, and section 4 of chapter 286, laws of 1899, and to create section 16a of chapter 38, laws of 1895, relating to the municipal court and the second municipal court of Bayfield county.

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

SECTION 1. Sections 5, 7 and 8 of chapter 38, laws of 1895, and section 4 of chapter 286, laws of 1899, are amended to read: (Chapter 38, laws of 1895) Section 5. The municipal judge of the county of Bayfield shall have cognizance of, and jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars, 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 exclusive of damages. The said judge shall have jurisdic-

tion of all crimes and misdemeanors occurring in said county, to the same extent and as fully as justices of the peace now or may hereafter have, and shall also have jurisdiction to institute and conduct examinations in all criminal cases that may occur in said county, including bastardy. Said judge shall have power, and jurisdiction throughout said county to cause to come before him persons who are charged with committing any criminal offense, and to commit them to jail, or bind them over 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, together with the power and right, in his discretion, to charge the jury, upon written charges; and said judge shall be subject to the same prohibitions and penalties as justices of the peace. No justice of the peace within * * * *Bayfield county* shall exercise any jurisdiction in any criminal cases, but all such jurisdiction is vested in * * * the judge * * * of *the municipal court of Bayfield county and in the judge of the second municipal court for Bayfield county, provided, however, that the justices of the peace in Bayfield county may receive complaints in criminal cases and issue warrants thereon, making such warrants returnable before said municipal court or the second municipal court for Bayfield county, and transferring the complaints and other records in the case to such municipal court or second municipal court.* The proceedings and practice 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 judgments of the 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 judgment rendered by justices of the peace of said county, and appeals from said court in all cases, both in civil and criminal cases, and other proceedings may be taken in the same manner and with like effects as are provided by law from justices' courts. Nothing herein contained shall be construed to give the said municipal judge cognizance of any actions mentioned in subdivisions 1, 2, and 3 of section 3573, of chapter 154, of the revised statutes of this state.

Section 7. In case of sickness, absence or temporary disability of said municipal judge, he may, by an order in writing, to be filed in said court, appoint * * * and call in the judge of the *second municipal court for Bayfield county* to discharge * * * the duties of said judge of *said municipal court of Bayfield county*

*at Washburn. During such sickness, absence or disability * * * or in cases of which justices of the peace * * * have jurisdiction, * * * said municipal judge may call in a justice of the peace, by law qualified to discharge such duties of such municipal judge, and said judge of said second municipal court or justice of the peace while sitting in the place of said municipal judge, shall have power to hear, try and determine * * * matters or proceedings coming before him accordingly.*

Section 8. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear by affidavit that the municipal judge of Bayfield county 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 will not decide impartially in the matter, and the matter of proceeding is one of which a justice of the peace has jurisdiction, the municipal judge shall notify a justice of the peace in the county of Bayfield, not disqualified to try said case, or to hear said examination or other proceeding, as the case may be, in matters or proceedings of which a justice of the peace has no jurisdiction when such affidavit is filed, the municipal judge shall call in the judge of the second municipal court for Bayfield county, who shall thereupon proceed in the same manner as said municipal judge might have done had it not been for such affidavit to hear, try or determine the matter or proceedings as the case may be, or said municipal judge may transfer the same to the circuit court of Bayfield county, which circuit court shall thereupon have jurisdiction to hear, try and determine the same in the same manner, and with like effect as if such action or proceeding had been originally commenced in said circuit court; whereupon it shall be the duty of said justice or judge of the second municipal court for Bayfield county 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 justice of the peace or judge of the second municipal court for Bayfield county while so presiding over said municipal court shall have and be of the same force and effect as proceedings of said municipal judge, and when such action, examination or other proceeding is concluded

a like record, as in other like cases, shall be made in said court, and thereafter and thereupon execution may be issued as in other cases tried before said municipal judge. Said justice of the peace, or judge of the second municipal court for Bayfield county while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like service.

(Chapter 286, laws of 1899) Section 4. The municipal judge of the *second municipal court of the county of Bayfield* shall have cognizance of, and jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars; 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 exclusive of damages. The said judge shall have jurisdiction of all crimes and misdemeanors occurring in said county, to the same extent and as fully as justices of the peace now or may hereafter have, and shall also have jurisdiction to institute and conduct examinations in all criminal cases that may occur in said county, including bastardy. Said judge shall have power, and jurisdiction throughout said county to cause to come before him persons who are charged with committing any criminal offense, and to commit them in jail, or bind them over, 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, together with the power and right, in his discretion, to charge the jury, upon written charges; and said judge shall be subject to the same prohibitions and penalties as justices of the peace. No justice of the peace within * * * *Bayfield county* shall exercise any jurisdiction in any criminal cases, but all such jurisdiction is vested in * * * *the judge of the said second municipal court and the judge of the municipal court of Bayfield county.* The proceedings and practice of said court shall, in all respects, be governed, as far as practicable, by the laws relating to justices' courts of this state, and transcript proceedings and practice of said 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 judgment rendered by justices of the peace of said county, and appeals from said court in all cases, both in criminal and civil cases, and other proceedings may be taken in the same

manner and with like effects as are provided by law from justices' courts. Nothing herein contained shall be construed to give the said municipal judge cognizance of any actions mentioned in subdivisions 1, 2 and 3 of section 3573, of chapter 154, of the revised statutes of this state.

SECTION 2. A new section is added to chapter 38, laws of 1895, to read: (Chapter 38, laws of 1895) Section 16a. The municipal judge of Bayfield county shall have and may exercise in said county all the powers and perform all the duties of a court commissioner as defined in chapter 252 of the statutes, and every authority granted to or limitation of the powers of court commissioner shall be construed to extend to the said judge of the said municipal court acting in such capacity, except as otherwise expressly provided. The official designation of such officer in all matters wherein he shall act shall be "Municipal Judge of Bayfield County."

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

Approved August 8, 1927.

No. 642, A]

[Published August 10, 1927.

CHAPTER 516.

AN ACT to create subsection (7b) of section 20.49 of the statutes, relating to the highway commission and making an appropriation.

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

SECTION 1. A new subsection is added to section 20.49 of the statutes to read: (20.49) (7b) Annually, beginning July 1, 1927, one hundred thousand dollars to pay the state's share of the apportionable cost of railroad grade crossing improvements on the state trunk highway system, which shall be expended on projects where the state's share of the apportionable cost exceeds fifteen thousand dollars in such order and in such places as the commission shall from time to time determine will best meet the highway requirements of the people of the state, and may be used for improvements either independent of or in conjunction with any other funds that may have been or may be available for the im-