

CHAPTER 303

AN ACT to amend sections 5; 9, 1; 10; 11; 13; 17, 2; and 22, 2 of chapter 147, laws of 1951, relating to jurors' fees, employes and their compensation, transcript charges, jurisdiction and change of venue in and the term of the municipal court of Fond du Lac county.

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

SECTION 1. Section 5 of chapter 147, laws of 1951, is amended to read:

(Chapter 147, laws of 1951) Section 5. On the first Tuesday in April, 1922, and every 4 years thereafter, there shall be elected in the county of Fond du Lac, in the same manner as county judges are elected, a judge of the municipal court, who shall hold his office for the term of 4 years thereafter, * * * *provided that on the first Tuesday in April, 1958, and every 6 years thereafter a judge for said court shall be so elected to hold office for a term of 6 years; the term of every judge to begin on the first day of May next succeeding his election, and continuing until his successor is elected and qualified and shall be subject to removal from office in the manner provided by the constitution of this state for the removal of the judges of the circuit court. The nominations of candidates for municipal judge shall be made in the same manner as provided for county judges.*

SECTION 2. Section 9, 1, of chapter 147, laws of 1951, is amended to read:

(Chapter 147, laws of 1951) Section 9. 1. In all civil actions in said court when no demand is made for a jury trial, the procedure shall be as provided for by the statutes for trials of civil actions in justice court, except when the defendant shall be in default. If the defendant shall be in default and shall have been personally served with the summons, judgment may be entered by the municipal judge as provided for by statute in cases of default in circuit courts. Default judgments may be so entered in all of the actions in which default judgment may be entered in the circuit court providing this court shall have full jurisdiction as herein provided. In all actions in which a jury is demanded, the manner for the selection of the jury shall be as follows: The jury commissioners for the county of Fond du Lac shall provide from time to time, as may be necessary, a list of names to be drawn from the body of the county, except the city and town of Ripon, to serve as jurors in said municipal court; and in making such list, shall put thereon only the names of such persons as they believe to be possessed of the qualifications prescribed in section 255.01 of the statutes. The number of names to be placed on such list shall be determined by the municipal judge from time to time by order filed in the office of the clerk of said municipal court. Such list shall be furnished by said commissioners to the clerk of said municipal court, who shall write the names thereon on separate slips of paper, each in the same manner as near as may be, and fold each slip so that the name shall not be visible, and deposit the slips in a box, containing but one compartment, from which as soon as possible after the effective date of this amendment (1943) and annually thereafter the clerk of said municipal court shall, in the presence of said commissioners, draw from the box containing the names deposited therein, 100 names of those known to be residents of the county of Fond du Lac outside of the city and town of Ripon; and in addition he shall draw 100 names of those known to be residents of the city of Fond du Lac, and as such names are drawn they shall be entered in a

suitable record book to be kept by said clerk, making 2 lists — one list of the names of those who are residents of the county of Fond du Lac outside the city and town of Ripon, to be known as the "County at Large List," and a second list of the names of those known to be residents of the city of Fond du Lac, to be known as the "City List," said lists shall be kept by the clerk of said municipal court and shall be available at all times and shall be used until the selection of the new lists prepared as above. From said lists the clerk shall write the names thereon on separate slips of paper, each in the same manner as near as may be, and fold each slip so that the name shall not be visible and deposit said slips respectively in 2 boxes, one for the county at large list, and one for the city list. Unless the "County at Large List" is demanded by one of the parties, the clerk shall draw from the "City List" the names of 12 jurors and the parties to the action will then proceed to strike alternately, first by the plaintiff and then by the defendant until there remain but 6 names which 6 names will be reported to the judge by the clerk of said court, who will order their appearance before said court as prescribed for justice court procedure, and said men shall be summoned and sworn and duly examined by the attorneys to the action, and should it appear that any of them are partial or prejudiced within the meaning of the law, talesmen shall be substituted at the discretion of the judge, which talesmen shall be summoned as prescribed by the statutes or circuit court procedure, until a jury of 6 shall be selected and qualified to act in accordance with law. If, however, either party to said action demand a jury of 12 instead of 6, the procedure shall be the same as above, except that there shall be drawn 18 names instead of 12 and the parties will alternately strike until there remain but 12 names which shall be reported to the judge and the same procedure for obtaining a jury of 12 qualified to act shall be used as above prescribed for obtaining a jury of 6 qualified jurors. The jury fee shall be * * * *the same as allowed by law to jurors in the circuit court of Fond du Lac county*, and shall be paid by the county of Fond du Lac.

SECTION 3. Section 10 of chapter 147, laws of 1951, is amended to read:

(Chapter 147, laws of 1951) Section 10. The judge of the municipal court shall appoint a clerk, *necessary clerical help and a court reporter* of said court * * * and * * * said judge shall remove * * * *any such employe at pleasure.*

SECTION 4. Section 11 of chapter 147, laws of 1951, is amended to read:

(Chapter 147, laws of 1951) Section 11. The clerk, *court reporter and clerical help* shall receive an annual salary, payable monthly out of the county treasury on the first secular day of each month, which salary shall be in full compensation for all services rendered as such clerk, *clerical help* and reporter, except for fees hereinafter specified. The amount of such salary shall be fixed by the county board of supervisors of Fond du Lac county * * * .

SECTION 5. Section 13 of chapter 147, laws of 1951, is amended to read:

(Chapter 147, laws of 1951) Section 13. Such reporter shall upon the request of a party to any action, transcribe in longhand the evidence or other proceedings taken by him in such action, or any part thereof, as requested, and duly certify the same to be a correct transcript thereof, for which he shall be entitled to receive and collect from the party requesting the same * * * *the same charges as allowed the reporter in the circuit court for Fond du Lac county, except that an original tran-*

script of the testimony shall be furnished to the circuit court without charge to the litigants in case of appeal.

SECTION 6. Section 17, 2, of chapter 147, laws of 1951, is amended to read:

(Chapter 147, laws of 1951) Section 17. 2. The municipal court shall have and exercise powers and jurisdiction equal to and concurrent with the circuit court of Fond du Lac county in all cases of crime or misdemeanor arising within said county wherein the penalty provided by the statutes does not exceed a fine of \$1,000 or imprisonment in the state penitentiary for a period of time not exceeding * * * 5 years or both, and said court shall have final jurisdiction concurrent with the circuit court of Fond du Lac county in illegitimacy actions.

SECTION 7. Section 22, 2, of chapter 147, laws of 1951, is amended to read:

(Chapter 147, laws of 1951) Section 22. 2. Nothing herein contained shall be construed as abrogating the right to change of venue provided for by section * * * 261.03 of the statutes * * * .

Approved June 23, 1955.
