

No. 5, A.]

[Published January 22, 1957.

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AN ACT to establish a municipal court for Ozaukee county.

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

SECTION 1. NAME OF COURT; MAINTENANCE AND RECEIPTS.

There is hereby created and established a municipal court in and for Ozaukee county. The court is to be known as the "Municipal Court for Ozaukee County" and shall be established and maintained at the expense of the county. All receipts of the court shall be paid to the county treasurer of Ozaukee county as hereinafter provided. As used in this act, unless the context clearly indicates otherwise, "court" means said municipal court, and "judge" means the judge of said court.

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SECTION 2. COURT OF RECORD; SEAL. The court shall be a court of record and shall have an official seal, of such design as the first judge shall prescribe, and on which shall be engraved the words "Municipal Court for Ozaukee County, State of Wisconsin."

SECTION 3. SEAT OF COURT, PROCESS AND JURISDICTION COUNTYWIDE. The principal seat of the court shall be the county seat and the process and jurisdiction of the court shall extend throughout the county. The Ozaukee county board of supervisors shall provide in one central location suitable accommodations, equipment, library, supplies, records, stationery, blanks and such other supplies, and travel expenses, as may be necessary in the due operation of the court. Upon its own motion the court may, and upon motion of either of the parties the court shall, hold court in any other city, village or town in the county for the convenience of the parties and their witnesses when proper facilities have been provided by such city, village or town.

SECTION 4. POWERS, DUTIES, JURISDICTION. The court and the judge are vested with all powers and charged with all duties of a court of record and all laws of a general nature shall apply to the court so far as applicable. The actions in respect to which such power shall be exercised and such duties performed are as hereinafter set forth. The following actions may be brought in the court and the court and the judge are conferred jurisdiction over such actions:

- (1) Actions arising out of contract wherein the amount claimed does not exceed \$5,000.
- (2) Actions on instalments as they become due on any written instrument when the amount claimed does not exceed \$5,000.
- (3) Actions on any surety bond or undertaking by a court, judge or justice provided the penalty or amount claimed does not exceed \$5,000.
- (4) Actions on any official bond when the damages claimed do not exceed \$5,000.
- (5) Actions for injuries to persons or to property wherein the amount of damages for which recovery is demanded does not exceed \$5,000.
- (6) Actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of the property claimed does not exceed \$5,000.
- (7) Actions under chapter 291 of the statutes and construction of notices related thereto.
- (8) Actions to enforce a lien or collect a tax upon personal property where the amount claimed does not exceed \$5,000.
- (9) Actions to recover judgments by confession as provided by section 270.69 of the statutes when the sum claimed does not exceed \$5,000.
- (10) Actions of attachment and garnishment under chapter 304 of the statutes where the amount claimed does not exceed \$5,000.
 - (a) A garnishee summons shall be issued and signed by the judge or clerk of the court.
 - (b) The garnishee or his authorized agent may answer by letter directed to the judge, which letter shall have the same force and effect as an answer made through personal appearance on the return day. The letter shall not be deemed a timely answer unless received by the judge prior to or at the time when the garnishee is summoned to appear. In the event issue be taken upon an answer made by letter, all further proceedings shall be the same as in garnishment actions under chapter 304 of the statutes, and the prevailing party shall be entitled to receive costs. Nothing herein shall be construed as prohibiting a garnishee from answering in all garnishment actions through personal appearance.

(c) A garnishee, other than the state of Wisconsin, shall be entitled to a fee of 50 cents and shall not be required to answer unless such fee is first tendered in cash or by check. In the event the garnishee summons is served by mail, the fee shall be mailed with the summons. The garnishee fee shall be advanced by the plaintiff to the clerk of the court before mailing. In the event that the garnishee defendant does not present the check tendered for his fee within 90 days from the date thereof, the check shall be void and the amount thereof shall be paid over to the county treasurer as part of the receipts of the court.

(d) Section 267.22 (5) and (6) of the statutes shall apply to garnishment of salaries and wages of public officers and employees.

(e) Garnishment or attachment proceedings on judgments of the circuit court for Ozaukee county may be commenced in the municipal court provided a copy of the summons is filed with the clerk of the court wherein such judgment is docketed and the amount sought to be recovered is within the jurisdiction of the municipal court. A report of the outcome of the proceedings in the municipal court shall be filed with the clerk with whom the summons was filed.

(11) Actions of replevin to recover the possession of personal property not exceeding in value the sum of \$5,000. So far as applicable and not inconsistent with this act, chapter 305 of the statutes shall apply to such actions of replevin.

(12) Actions on judgments rendered by a justice of the peace, subject to the provisions of section 302.33 of the statutes.

(13) All criminal jurisdiction now exercised by justices of the peace.

(a) Jurisdiction over proceedings or actions under chapter 52 of the statutes.

(b) Jurisdiction in all criminal prosecutions for offenses punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail for one year.

(14) Exclusive jurisdiction of all prosecutions for breach of any ordinances of Ozaukee county and of the towns, villages and cities of the county.

SECTION 5. EXCLUSIVE ORDINANCE AND MINOR CRIMINAL JURISDICTION. No justice of the peace or police justice within Ozaukee county shall exercise any jurisdiction in criminal cases, or prosecutions for breach of any ordinances of Ozaukee county or of the towns, villages and cities of the county.

SECTION 6. JURISDICTION OVER MATTERS OF JUSTICES WHOSE OFFICE BECOME VACANT. Notwithstanding sections 300.22, 300.23 and 300.24 of the statutes, whenever the office of justice of the peace for the county becomes vacant the dockets, books and papers belonging to his office, in reference to all civil actions and proceedings over which the municipal court has jurisdiction, may be delivered to the clerk of circuit court for the county by the person in possession thereof; and when so delivered the municipal court shall have jurisdiction of all such civil actions and proceedings. In the exercise of such jurisdiction the municipal court may try any such actions or proceedings pending at the time such vacancy occurred, enter judgment therein and issue execution thereon with the same force and effect as though such action or proceeding had been commenced before it. With like force and effect it may issue executions and transcripts upon any judgment in any such action or proceeding appearing upon such dockets, books and papers, and may issue process, hold hearings and make determinations in proceedings supplemental to such executions.

SECTION 7. TRANSCRIPTS FROM JUSTICE'S COURT. A transcript of a justice court judgment in any action or proceeding over which

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the municipal court has jurisdiction may be filed in the municipal court and thereafter further proceedings may be taken on the judgment as if the judgment were originally that of the municipal court.

SECTION 8. CASES REMOVED FROM JUSTICE COURT. If any case has been removed to the court from a justice court pursuant to section 301.245 of the statutes, or pursuant to any other provision of law, or pursuant to stipulation of the parties, the municipal court shall proceed to hear, try and determine the case with the same power, authority and jurisdiction as if the action had been commenced in said court.

SECTION 9. PRACTICE AND PROCEDURE. (1) (a) The practice and procedure of the court shall be summary in its nature. Pleadings may be oral or written and need not be verified, except when otherwise expressly provided by applicable statute. The court may by order require written or verified pleadings in any case in its discretion.

(b) Chapters 260, 263 and 269 of the statutes, except sections 263.01, 263.24, 263.37, 263.38, 263.39, 269.12, 269.19, 269.29, 269.34 (4), 269.36 and 269.47, shall apply to actions and proceedings in the court.

(c) The judge shall have power to make such rules governing the practice and procedure in his court, not inconsistent with this chapter, as he deems advisable to facilitate the disposition of matters coming before the court. Every such rule shall be in writing and shall not become effective until filed with the clerk of said court for a period of at least 10 days.

(2) The complaint in an action under chapter 291 of the statutes may be amended on or before trial to set forth allegations of fact existing at the time of the filing of the complaint. The amendments shall be permitted in the discretion of the court and on such terms as the court directs.

(3) The provisions of chapter 273 of the statutes shall apply to the court and the court commissioners appointed under and having the powers and duties set forth in sections 252.14 to 252.17 of the statutes, shall exercise all the powers and duties set forth in said sections with respect to all matters pending in the court.

SECTION 10. FORMS. The form of summons, warrants, writs, process, judgments, executions, or other documents or papers, which shall be used in the court, shall follow those which are now or may hereafter be prescribed by law for use in civil actions and proceedings before justices of the peace, with such changes and additions as the judge, in his discretion, deems necessary for use in his court.

SECTION 11. ISSUANCE OF SUMMONS. The summons shall be signed by the judge or by the clerk of said court. The judge may issue any summons in blank and deliver the same to any attorney duly authorized to practice law in Wisconsin, to be issued by such attorney as occasion may require. Docket fees shall be charged therefor as provided in SECTION 13.

SECTION 12. RETURN DATE. Every summons or other order or paper shall be made returnable not less than 6 or more than 15 days from the date when it is served upon the defendant, if service is made other than by mail; if service is made by mail, the summons or other order or paper shall be made returnable not less than 8 or more than 17 days from the date of mailing. If a summons is issued by an attorney, it may, with the consent of the clerk of the court, be made returnable on any day of the week, excepting Saturday and Sunday, at any time of the day between the hours of 9 and 11:45 a.m. and 1:30 and 3:30 p.m. If service is made by mailing the clerk shall make the summons or other order of paper returnable at intervals throughout the hours of the day

on the days specified, to the end that cases may be heard with as little delay as possible.

SECTION 13. SERVICE. Any summons or other legal process or paper shall be served as follows:

(1) By service on individuals or corporations, in the manner provided by sections 262.08 and 262.09 of the statutes. Every person serving any summons or other process of said court shall forthwith make his return thereon in writing, stating the manner and time of service, and sign his name and, if an officer, his official title, and return the same to the clerk of said court.

(2) By mailing in the manner following: Service by mail upon defendants residing in the county may be made by leaving the original and necessary copies of the summons with the clerk of said court, together with the sum of 25 cents to cover the expense of mailing. The clerk shall mail the copy to the defendant at his last address as known to the plaintiff or clerk. Service of the summons is deemed completed when it is mailed. The clerk shall enter upon the docket the date when the summons is mailed and the name of the person to whom mailed. All mailing of summons shall be done in envelopes setting forth the name of the court and a request to return to said court. If registered mail is required an additional fee may be charged to cover the expense of such mailing.

SECTION 14. DOCKETING OF ACTIONS. The clerk shall docket every summons or other paper at the time the summons or paper is left with the clerk for service by mail. The clerk shall docket every summons or paper served otherwise, after it has been returned to him by the person serving it. The docket entry shall, in the event the summons was issued in blank, have the same force and effect as if made at the time the summons was issued.

SECTION 15. TRIAL BY COURT. The parties shall, in all cases, join an issue of law or of fact, at the time when the summons is returnable. The court, at that time may order the case tried immediately or may, in its discretion, adjourn the trial until such time and place as he sees fit. No adjournment shall be granted until issue has been joined as herein provided, unless the court directs otherwise. Failure to adjourn a case to a day or a place certain shall not deprive or oust the court of jurisdiction, or render any judgment void. If on the return date of the summons the plaintiff fails to appear, the court may summarily dismiss the action on motion of the defendant or on its own motion. If on the return date the defendant fails to appear the court may enter a default judgment upon due proof of facts which show plaintiff entitled thereto. The rule of pleadings and evidence outlined in section 301.35 (13) of the statutes shall be followed.

SECTION 16. TRIAL BY JURY. Trial by jury may be had in the same manner as in courts of justices of the peace, under chapter 302 of the statutes or as hereafter provided by law if demand and payment of fees therefor be made on or prior to the return date. The court may, upon good cause shown, permit such demand and payment of fees to be made any time before trial. Every juror summoned shall receive the fees specified in section 255.25 of the statutes, except that if he receives fees as a circuit court juror for the day, he shall not be entitled to further juror fees. In actions wherein the amount sought to be recovered exceeds \$200 the judge may on his own motion require the issues of fact to be tried by a jury. In such event the county shall pay the jury fees upon certification by the judge of such expense to the county treasurer. In the event a jury shall be in attendance in the circuit court of the county the jury, with the consent of the circuit judge presiding over

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said jury panel, shall be selected from the circuit court panel. In the event a jury is not in attendance in the circuit court, the jury shall be selected from the current circuit court jury panel, unless the judge of the municipal court shall otherwise order. In all actions tried by jury sections 270.25 to 270.28 of the statutes shall apply. The judge shall charge the jury and all such subsequent instructions shall, unless a written charge be waived, be reduced to writing before being delivered. Each instruction asked to be given the jury shall be given without change or refused in full. Requests for instructions to the jury must be submitted in writing before the argument to the jury is begun unless, in the opinion of the judge, special circumstances excuse failure to so submit such requests.

SECTION 17. FEES. (1) At the time of issuance of every summons or other process in a proceeding not commenced by a summons the plaintiff shall pay, to the clerk of said court, a docket fee of 50 cents, plus a state tax of 10 cents. When a summons is issued in blank to an attorney, the docketing fee shall be paid before the summons may be served. No docketing fee shall be required for an action or prosecution based on the violation of any county, town, village or city ordinance or for violations of a state statute.

(2) Before the entry of any money judgment or dismissal of any action in which a money judgment was sought otherwise than by agreement, the prevailing party shall pay to the clerk an additional fee as follows:

Amount involved in action including interest	Fee
\$ 0 to \$200 -----	\$3
200 to 400 -----	4
400 and over -----	5

(3) Before the entry of any judgment other than a money judgment, or the dismissal of any action other than by agreement, the prevailing party shall pay to the clerk such fees as are comparable to fees for money judgments when the value of the subject to the action is considered or 50 cents if no other fee is determinable.

(4) All fees received by the clerk, other than garnishee tender fees, shall be paid monthly to the treasurer of the county, and shall be used to defray the expenses of the court. The amounts received by the clerk as state tax shall be paid by the clerk to the county treasurer to create a fund to be applied to the payment of the salary of the judge.

SECTION 18. COSTS. In every action or proceeding, after the fee for the judgment has been paid, the judge shall without any other or further notice to the parties, tax and insert in the judgment as costs in favor of the party recovering judgments, the following:

(1) Amounts paid by such party as the mailing fee, docket fee, garnishee fee, suit tax and fee for entering judgment.

(2) Lawful fees or charges of the sheriff, constable or other person for serving the summons or any other document.

(3) Amounts paid for jury fees and such motion fees and reporter fees as the court may allow.

(4) Amounts necessarily paid out for witness fees, including travel. The fees for witnesses and their travel shall be those specified in section 307.02 (1) of the statutes.

(5) Attorney's fees except when the amount thereof is otherwise specifically provided for:

(a) On a judgment for \$50 or less, 10 per cent of the judgment; on a judgment for more than \$50 and less than \$100, \$5; on a judgment for \$100 and less than \$200, \$10; on a judgment for \$200 or more, \$25;

provided that such fees, in the discretion of the court, may be disallowed in whole or in part.

(b) In an action of replevin and attachment the value of the property recovered shall govern the amount of the attorney's fees taxable. In an action of unlawful detainer the attorney's fees taxable shall be fixed by the court but shall not exceed \$25.

(c) If judgment be for the defendant, the amount claimed in the complaint, the value of the property sought to be recovered or the amount recovered on the defendant's counter claim, in the court's discretion, shall govern the amount of the attorney's fees that the defendant shall recover.

(d) No attorney's fees shall be taxed in favor of the plaintiff unless the defendant interposes an answer or demurrer.

(e) No attorney's fees shall be taxed in behalf of any party unless he appear by an attorney.

(6) Fees for issuing executions, transcripts of judgments and docketing transcripts of judgments shall be 25 cents.

SECTION 19. TRANSCRIPTS OF JUDGMENTS TO CIRCUIT COURT: JUDGMENT LIEN. The clerk of the circuit court for the county shall upon request and payment of the sum of 25 cents forthwith file a transcript of any judgment rendered in said municipal court and docket the same in the same manner as judgments are filed and docketed under section 270.74 of the statutes. Upon filing and docketing said transcript of judgment, said judgment is deemed a judgment of the circuit court and thereafter shall be enforced as such and shall be a lien upon real estate in the same manner with like effect as judgments of said circuit court. Until such judgment is so filed the judgment shall be the same as a judgment of any other court of record, except that it shall not be a lien on real estate. A transcript of any judgment of the municipal court may be filed with the clerk of any circuit court in this state in the same manner and with the same effect as provided above for transcribing such judgment to the circuit court of Ozaukee county.

SECTION 20. FAILURE OF ACTUAL NOTICE OF SUIT BY MAIL. (1) In any action where service of summons or other process or paper is made by mailing, the defendant, at any time within 10 days of receiving actual knowledge of the pendency of the suit or of the entry of judgment therein against him (if judgment has been entered), may petition the court, in writing, for opportunity to be heard upon the merits. If the court finds that there is reasonable ground to believe that the defendant did not receive the summons or other process or paper mailed to him, or did not receive the same in time to give him reasonable opportunity to appear on the return date and did not have knowledge of the adjourned date sufficiently in advance thereof to give him reasonable opportunity to then appear, it shall set the matter for hearing, or if judgment has been entered, shall stay all proceedings on the judgment and shall set the matter for hearing, at such time as will give the parties reasonable opportunity to prepare therefor. At the time of such hearing the question of the defendant's actual receipt of the summons or other process or paper by mail or the receipt by mail in time to give reasonable opportunity to appear, shall first be heard and determined by the court. If the court finds that the defendant did not receive the summons or other process or paper by mail and within time to give him reasonable opportunity to appear, the court shall proceed to try the matter upon the merits, or if judgment has been entered, shall vacate the judgment and proceed to try the matter upon the merits. If the court upon such hearing finds that the defendant did receive the summons or other process or paper by mail in time to give him reasonable opportunity to appear and be heard, the court shall, if judgment has been entered, revoke its order staying proceedings thereon, and if judgment has not been entered,

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the court in its discretion, may give the defendant opportunity to be heard upon the merits.

(2) This subsection shall not apply where service is made by mail and where the defendant actually appeared and submitted to the jurisdiction of the court without filing application as provided in subsection (1).

(3) Whenever a judgment entered by the court is transcribed and filed and docketed with the clerk of the circuit court, the petition prescribed in subsection (1) shall be made to circuit court. The circuit court shall either determine the issue raised by the petition or remand the same to the municipal court for determination and the municipal court shall hear and try the cause if it deems a trial necessary. If the cause is so remanded the municipal court shall certify to the clerk of the circuit court the disposition thereof, and said clerk shall make entry upon his docket accordingly.

SECTION 21. JUDGMENT. Judgments shall be dated as of the day of the rendering of the same in open court, or the date of the notification by the court of the rendering of the decision, provided the fee is paid, otherwise the date of the judgment shall be the day when the fee for entering it is paid. When the decision is rendered in open court or the court notifies the parties or their attorneys of its decision no further notice of entry of judgment need be given by the parties, provided the fee for entering the judgment is paid on the same day.

SECTION 22. JUDGMENT ON FAILURE TO ANSWER. Judgment may be had if the defendant fails to appear and answer the summons or appear at the time set for trial as follows: In any action arising on contract to the recovery of money only, the plaintiff may file with the judge or clerk a verified complaint, an affidavit of the facts, or after being duly sworn by the clerk or judge may testify to the facts pertaining to the action. If the proof is taken by the clerk he shall thereupon transmit the verified complaint, affidavit of the facts, or the record of his notes of the sworn testimony, together with all papers in the action to the judge, who may thereupon enter judgment for the plaintiff if the record and facts so presented entitle the plaintiff to judgment.

SECTION 23. APPEALS. (1) Except as herein provided, an appeal may be taken to the circuit court of Ozaukee county by any party to an action or proceeding in the municipal court from any final judgment of the municipal court or from any order of the municipal court from which an appeal to the supreme court might be taken if such order were made by a circuit court. Such appeals shall be taken within 20 days after entry of judgment or order appealed from, except in default cases where the time shall be 10 days. The returns and amended returns upon such appeals shall be made by the clerk of the municipal court as provided in chapter 306 of the statutes relating to appeals from justices' courts; provided, that upon an appeal from any order of the municipal court, such clerk shall include in the return so much of the record and testimony in the action as is necessary to determine the questions raised by the appeal. Upon written request of either party the clerk shall include the entire record in the return.

(2) Upon the appeal the circuit court shall either affirm or reverse any judgment so appealed from except that the circuit court may modify, and affirm as modified, any such judgment in all cases where the same might have been so modified, and affirmed as modified, if such appeal has been taken to the supreme court from a judgment of the circuit court. Every order of the municipal court from which an appeal is taken shall be either affirmed, reversed or modified by the circuit court, and the action in which such order was made shall be returned to the

clerk of the municipal court for further proceedings according to law and in accordance with the direction of the circuit court.

(3) Every judgment of the municipal court shall be affirmed or modified and affirmed as so modified, by the circuit court upon appeal, unless it finds that the record is inadequate for review thereof, or unless it finds that by reason of manifest prejudicial error in the trial a fair trial was not had in the municipal court; and in any such case if substantial justice cannot otherwise be done and the rights of the parties cannot otherwise be determined, the judgment of the municipal court shall be reversed, and the circuit court shall order the action tried in the circuit court in the same manner as if originally brought there or remand it for a new trial.

(4) At any time after the filing in the circuit court of the return upon any appeal from the municipal court, any party to the action or proceeding in which the appeal is taken, upon notice given as required on like motions in the circuit court, may move that the judgment appealed from be affirmed, or reversed, or modified and affirmed as modified, or that the order appealed from be affirmed, modified or reversed. The motion shall be heard upon the original papers and the return of the clerk of the municipal court shall have power to make and adopt such rules, not inconsistent with the law, to facilitate the hearing of such appeals and such motions as it deems advisable.

(5) Whenever any judgment of the municipal court shall, upon appeal be affirmed or modified and affirmed, the circuit court shall so order and thereupon the judgment so affirmed or as so modified and affirmed shall be entered and docketed in the circuit court in the same manner as if originally rendered therein, and it shall thereupon become for all purposes the judgment of the circuit court. The proceedings upon any appeal from any judgment or order of the municipal court, except as herein otherwise provided shall be governed by chapter 306 of the statutes, relating to appeals from justices' courts and judgments of justices of the peace, except section 306.17 thereof, so far as such provisions may be applicable thereto.

(6) If neither party brings the appeal to trial before the commencement of the third term after the term in which filing the return of the municipal court is filed, the appellate court shall without notice, unless the action has been continued for cause, affirm the judgment appealed from with costs.

SECTION 24. EXECUTIONS. Executions shall be governed by the provisions of chapter 272 of the statutes.

SECTION 25. REPORTER. (1) A reporter may be demanded by a party at the time for joining issue and shall be furnished on such demand provided the requesting party deposits with the court sufficient money to cover the cost of the reporter. In the event the judge deems it advisable to have a reporter he may appoint one to take the proceedings and the county shall pay for the expense, upon certification by the judge of the expense, to the county treasurer.

(2) In the event the judge deems it advisable he may, in the absence of a reporter, require that the proceedings be recorded on a device designed to preserve oral proceedings.

SECTION 26. DOCKET. The judge shall keep a docket for all cases of which he has jurisdiction. All docket entries shall be made and kept so far as practicable in the same manner as is now required under section 300.07 of the statutes or may hereafter be required of justices of the peace with such modifications as may be necessary by reason of any provision of this chapter. The judge may in his discretion require that the docket entries be made by the clerk or any other employe of the

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court. Any irregularity, omission or failure of the judge, clerk or other person designated by the judge, to keep the docket shall not operate to oust the judge or court of jurisdiction or render a judgment of the court void. The judge shall have power at any time to correct or amend the docket or supply any omission therein if the error or omission is satisfactorily made to appear to the judge.

SECTION 27. ACTING JUDGE OF THE MUNICIPAL COURT. In the case of the absence, sickness, inability or disability, arising from any cause, of the judge; or when the judge, for any cause, deems it improper for him to hear or try any proceeding in his court, or before him as judge of the court, he may request the judge of the county court of the county orally or in writing to act in or hold court and hear and try any matter or proceeding as court or as judge thereof, and such judges are authorized and empowered, upon such request from the municipal court judge, to perform any act as judge of the municipal court as fully as the municipal court judge is authorized and empowered to do. Such request may be exercised by a circuit judge in the absence or disability of the municipal court judge.

SECTION 28. NO REMOVAL FROM MUNICIPAL COURT. No action or other proceeding before the court shall be removed therefrom but whenever, prior to joining issue in any action, it appears by affidavit that from prejudice the judge will not decide impartially in the matter or that he is interested pecuniarily in the action or proceeding or is a material witness or is within the forbidden degree of consanguinity, he shall notify the county judge for the county to appear in the court to try and hear the cause.

SECTION 29. CASES TRANSFERRED FROM MUNICIPAL COURT. In any proceeding where it appears that the matter is without jurisdiction of the municipal court the judge shall immediately make entry thereof in the docket and cease further proceedings in the matter; he shall collect from the plaintiff \$1 for suit tax and \$2 for clerk's fees and certify and return to the clerk of the circuit court a transcript of the docket relating to the proceeding, all process and other papers therein, and pay to the clerk the suit tax and clerk's fees and thereafter proceedings shall be had in the circuit court as if the matter had been originally commenced therein.

SECTION 30. EMPLOYES OF MUNICIPAL COURTS. The judge shall in writing appoint a clerk and such deputy clerks as are authorized by the county board of supervisors, and the board shall fix their salaries. The clerk and deputy clerks shall handle all the clerical matters arising in the court. If a reporter is authorized by the county board, he shall be appointed as provided in section 252.18 of the statutes by the judge. The clerk and deputy clerks shall, before entering upon the duties of their offices, take an oath faithfully and honestly to discharge the duties of such offices and shall give official bonds in such form as the county board requires for the faithful performance of their duties, the costs thereof to be paid by the county. The oaths and bonds shall be filed with the county clerk.

SECTION 31. SHERIFF'S AND CONSTABLES' POWERS. The sheriff and constables shall have the same duty and power to serve and execute any process of the court as provided for any other court of record and shall be subject to the same liability and penalty. The fees for such service or execution shall be as provided in justice court.

SECTION 32. JUDGE; ELECTION; TERM; COMPENSATION. On the first Tuesday of April, 1957, and every 6 years thereafter, there

shall be elected an attorney of a court of record, in the same manner as county judges are elected, judge for the municipal court for Ozaukee county. The judge shall hold no other county office and shall not practice law or engage in any other occupation during his term. He shall hold his office for a term of 6 years from the first Monday of July next following his election and until his successor is elected and qualified. He shall receive a salary of \$7,500 per annum, but the county board of supervisors may increase this amount as it sees fit. He shall not be entitled to any fees paid into such court. Whenever a vacancy occurs the same shall be filled as provided by section 17.21 (2) of the statutes.

SECTION 33. JUDGE MAY SIT FOR COUNTY JUDGE UPON REQUEST. In case of sickness, absence, or disability arising from any cause, of the county judge of Ozaukee county, or when such judge, for any cause deems it improper for him to hear or try any proceeding in the county court, or before him as judge of said court, he may request the judge of the municipal court of Ozaukee county to hold court and hear and try any matter or proceeding as county court or as judge thereof; and the judge of the municipal court is authorized and empowered, upon such request from the county judge, to perform any act as judge of the county court as fully as the county judge is authorized and empowered to do.

Approved January 17, 1957.
