

one mile of highway at a cost not to exceed one thousand dollars in a town in any one year, or to levy a total tax of over one mill on the dollar of the assessed valuation in any one year.

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

Approved May 8, 1901.

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No. 349, A.]

[Published May 10, 1901.

## CHAPTER 313.

AN ACT to create a municipal court in and for Forest county.

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

**Court created.** SECTION 1. There is hereby created and established in and for the county of Forest, a municipal court with the power and jurisdiction hereinafter specified and provided.

**Election of judge; term, vacancy.** SECTION 2. On the first Tuesday in April 1901, and every four years thereafter, there shall be elected in the county of Forest in the same manner as county judges are elected, a municipal judge, who shall hold his office for the term of four years and until his successor is elected and qualified, and in case of a vacancy occurring in the office of municipal judge, the vacancy shall be filled by appointment by the governor and the person so appointed shall hold the office until the end of the term for which he is appointed. Provided that upon the passage and publication of this act the office of judge of said court shall be deemed to be vacant, and shall be filled by appointment as herein provided.

**Judge to be an attorney.** SECTION 3. No person shall be eligible to the office of judge of said municipal court who is not an attorney of a court of record in this state.

**Oath and bond of judge.** SECTION 4. The judge of said municipal court shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and file the same with the clerk of the circuit court of Forest county and

execute to said county a bond in the sum of one thousand dollars, with such sureties as shall be approved by the county treasurer of Forest county, and recorded and filed as provided in section 702 of the Wisconsin statutes conditioned upon the faithful performance of the duties of said office and the faithful accounting of all moneys or properties that may come into his hands by virtue of his said office.

**County to provide court room.** SECTION 5. The judge of the said municipal court shall hold his office at the county seat of Forest county in a suitable room provided for such purpose by the county board of said county.

**Civil and criminal jurisdiction of court.** SECTION 6. The municipal judge of Forest county shall have cognizance of and jurisdiction to hear, try and determine all action and proceeding at law wherein the amount of the debts, damage, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars, and actions to recover the possession of personal property, with damages for the unlawful taking and detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars. Said judge shall also have exclusive criminal jurisdiction of all actions now cognizable by justices of the peace in said county and no justice of the peace in said county shall have a jurisdiction in any criminal examination or trial except to issue warrants returnable to the municipal court of said county. The proceedings and practice of said court shall in all respects be governed as far as practicable by the laws governing justices of the peace in this state and transcripts of the judgments of the said municipal court may be filed and docketed with the clerk of the circuit court for said county with the same effect as transcripts of judgments rendered by justices of the peace, and appeals, civil and criminal, from said court may be taken in the same manner and with like effect as is provided by law for appeals from judgments of justices of the peace. The said municipal court shall also have power and jurisdiction to hear, try and determine any action mentioned in subdivisions 1, 2, 3 and 4 of section 3573 of chapter 154 of the Wisconsin statutes wherein the amount of the damages or property in question does not exceed the value of five hundred dollars.

**Judge ex-officio court commissioner.** SECTION 7. The municipal judge of Forest county shall be ex-officio court commissioner and shall have and may exercise all the powers conferred upon court commissioners by section 2434 of the Wisconsin statutes and the official designation of said court when so acting shall be "municipal judge of Forest county."

**Judgment by confession.** SECTION 8. Judgment by confession may be entered before the judge of said municipal court in any sum not exceeding one thousand dollars without action either for money due or to become due or to secure any person against a contingent liability on behalf of the defendant, or both, if a statement in writing be made and signed by the defendant and verified by his oath to the following effect: (1) It must state the amount for which judgment may be entered and authorize the entry of judgment therefor by the municipal court or the judge of said court: (2) If it is for money due or to become due it must state concisely the fact or facts out of which it arose and must show, that the sum confessed therefor is justly due or to become due: (3) If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the fact or facts constituting the liability and must show that the sum confessed does not exceed the same.

**When justice of peace may preside.** SECTION 9. 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 the county judge or any justice of the peace of said county to discharge the duties of said judge during such sickness, absence or disability, who shall have the same powers as said judge while administering said office.

**Proceeding in lieu of change of venue.** SECTION 10. No action, examination or other proceeding shall be removed from said court but when prior to joining issue in any action or before the commencement of any examination it shall appear by affidavit that the municipal judge is a material witness or is within the forbidden degree of consanguinity or from prejudice the municipal judge will not decide impartially in the matter, the municipal judge shall notify the county judge or some justice of the peace to hear said examination or other proceeding as the case may be, whereupon it shall be the duty of such magistrate to forthwith appear at the court-room of said municipal court and to discharge the duties of said municipal judge or the hearing of such examination or other proceeding in the same manner and with like effect as if heard by the municipal judge of said court, and the record shall have like force and effect as if made by said municipal judge. The magistrate so acting in said proceeding shall receive for his compensation therefor the sum of one dollar and twenty-five cents for each half day he shall spend in such examination or other proceeding, which shall be in full for his services therein. If such examination or trial shall be for a criminal offense he shall be paid out of the county

treasury in the same manner as justices of the peace are now paid, and if in a civil action he shall be paid by said municipal judge.

**Trial by jury.** SECTION 11. Trial by jury may be had in said municipal court in the same manner and process as in justice court.

**Service of process.** SECTION 12. Sheriffs and constables of Forest county shall have the same power to serve and execute process of this court as of a court of justice of the peace and shall be allowed the same fees as are allowed constables in justices' courts.

**Judge to keep civil and criminal dockets; issue of summons in blank.** SECTION 13. The judge of said court shall keep one docket for criminal trials and examinations and a separate docket for all civil actions, and all docket entries and all processes shall be made and kept in the same manner, as far as practicable, as the same are required to be kept by justices of the peace under the statutes. Provided the municipal judge may in civil actions sign in blank, summonses, writs and other civil processes and deliver them to attorneys of any court of record to be issued by them. Such attorneys upon issuing such summonses, writs or other processes shall subscribe the same, and shall file within twenty-four hours thereafter the affidavit, if any, upon which such summons, writ or process was issued and a statement of the names of the parties to the action, the date of the summons, writ or other process, the time when the same is returnable and the nature of the claim or demand. Thereupon the said judge shall forthwith docket said case as if made at the time of issuing the summons, writ or other process.

**Salary of judge.** SECTION 14. The salary of the judge of the municipal court of Forest county shall be fixed by the board of supervisors of Forest county and shall be paid out of the county treasury of Forest county in the same manner that the salary of other county officers is paid, and shall be in full for all services rendered in any criminal examination, trial or other criminal matters. He shall have the same fees and is empowered to tax and receive the same fees as allowed by law to justices of the peace, except as hereinafter provided and shall tax as costs the same fees in the same manner as in justices' court. He shall pay into the county treasury monthly all fees received by him in any criminal matter and may retain all fees received by him in any civil action. He shall file on the first day of November of each year with the county clerk of said county a statement of

all fees paid by him to the county treasurer, and said statement shall be verified by him under oath. He shall also file with said clerk the statements required from other magistrates by sections 679 and 680, Wisconsin statutes.

**Attorney's fees.** SECTION 15. In all actions in the municipal court of Forest county attorney's fees shall be allowed to the prevailing party as provided by section 3775 of the Wisconsin statutes.

**Stationery, county to furnish.** SECTION 16. The county of Forest shall provide the municipal court with the necessary dockets, stationery and blanks for the proper conduct of said office.

**Reporter for court.** SECTION 17. It shall be lawful for the municipal judge of said county to call in a stenographic reporter, skilled in the art of short hand reporting, to take testimony in any examination, trial or other proceeding and the reporter's notes so taken may be filed in lieu of the minutes of testimony required by law to be taken by justices of the peace in like proceedings. Provided that in cases of appeal in civil actions said reporter, when requested by the appellant, shall transcribe said testimony in long hand, and the fees for transcribing said testimony, not exceeding five cents per folio, shall be taxed as a part of the judge's fees in the case. Said reporter shall receive such compensation for taking testimony as shall be allowed by the judge of said court, not exceeding three dollars and fifty cents for each day and two dollars for each half day, actually employed in taking such testimony. In all criminal proceedings the compensation of such reporter shall be paid out of the county treasury upon the certificate of the municipal court, and in all civil cases his compensation shall be taxed as a part of the costs in lieu of the fees now allowed to justices of the peace for taking testimony. Section 2439 of the Wisconsin statutes shall apply to said reporter and to said court.

**Court may be held in any part of county.** SECTION 18. The municipal court [judge] of Forest county, whenever it shall appear to him to be for the best interests of all parties to do so, may appoint a time and place in any part of Forest county in which to hold court for the purpose of holding an examination or trial or other proceeding and shall be entitled to receive, as a part of his compensation, his necessary and actual expenses in going to, returning from and attendance upon any criminal examination, trial or other process, to be paid out of the county treasury in the manner that other claims against said county are

paid, and may tax the same amount as a part of the costs in any civil action.

SECTION 19. This act shall take effect and be in force, from and after its passage and publication.

Approved May 8, 1901.

No. 373, A.]

[Published May 10, 1901.

## CHAPTER 314.

AN ACT to create a second municipal court for Lincoln county.

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

**Second municipal court created.** SECTION 1. There is hereby created and established in and for the county of Lincoln, a municipal court to be known and designated as "The second municipal court of Lincoln county," with the powers and jurisdiction hereinafter specified and provided.

**Election of judge; term; vacancy.** SECTION 2. On the first Tuesday of April 1901, and every four years thereafter, there shall be elected in the county of Lincoln, in the same manner as county judges are elected, a municipal judge for said court who shall hold his office for the term of four years from the first Monday of May next following his election, and until his successor is elected and qualified, and in case of vacancy occurring in the office of municipal judge, the vacancy shall be filled by appointment by the governor, and the person appointed to fill such vacancy shall continue in office for the residue of the term for which his predecessor was elected or appointed; provided that upon the passage and publication of this act the office of judge of said court shall be deemed to be vacant and shall be filled by appointment as herein provided.

**Judge to be an attorney.** SECTION 3. No person shall be eligible to the office of judge of said municipal court, except an attorney of a court of record, and such judge shall hold no other county office during the term for which he was elected.