

No. 674, A.]

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CHAPTER 659.

AN ACT to amend chapter 17, laws of 1895, and chapter 193, laws of 1903, relating to the municipal court of Manitowoc county.

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

Made a court of record. SECTION 1. Section 1 of chapter 17, laws of 1895, is amended to read: Section 1. There is hereby created and established in and for the county of Manitowoc a municipal court, to be known and designated as the municipal court of Manitowoc county, with the powers and jurisdiction hereinafter specified and provided. *The municipal court of Manitowoc county shall be a court of record with a clerk and a seal. The clerk shall be appointed by and the seal shall be procured by the judge of said court.*

Method of paying jurors. SECTION 2. Section 5 of chapter 193, laws of 1903, is amended to read: Section 5. The senior alderman and supervisor for each ward of the city of Manitowoc, shall each, on or before the first Monday of May in each year, make a list of ten qualified electors in each ward in said city, to serve as jurors for the ensuing year in said municipal court when the same is held at the city of Manitowoc and deliver such list to the judge of said court. The senior alderman and supervisor for each ward of the city of Two Rivers, shall each, on or before the first Monday of May in each year, make a list of ten qualified electors in each ward in said city, to serve as jurors for the ensuing year in said municipal court when the same is held at the city of Two Rivers, and deliver such list to the judge of said court. The first lists so made shall hold good until the first Monday of May, A. D. 1904. In all actions in said municipal court a trial by jury shall be deemed waived unless a demand for a trial by jury shall be made in the manner provided in courts of justices of the peace. A jury in said municipal court shall consist of six jurors. Whenever a trial by jury is demanded when said municipal court is being held at the city of Manitowoc, the clerk of said court shall draw in the presence of the court and the parties

to the action or their attorneys, from a box containing the names of all the persons so furnished by the senior alderman and supervisor of each ward of the city of Manitowoc eighteen names and make a list thereof; whenever a trial by jury is demanded when said municipal court is being held at the city of Two Rivers, the clerk of said court shall draw in like manner from a box containing the names of all the persons so furnished by the senior alderman and supervisor of the city of Two Rivers, eighteen names and make a list thereof. From such list each party, commencing with the plaintiff, may strike out alternately six; and in case of the absence of either party or his refusal to strike out, the judge of said court shall appoint some other person to strike out such names; the judge of said court shall issue a venire requiring the officer to summon the six persons whose names remain upon said list of names to appear at the time and place mentioned therein to make a jury for the trial of such action; if any person thus drawn cannot be summoned or be excused for any cause the clerk of said court shall draw from said box three names, and each party may strike out one name, and the person remaining shall be summoned in like manner. Should the whole list be exhausted without procuring a jury in any case, the attending officer shall then be ordered to summon the necessary number of persons from the county at large, and outside of the limits of the city where said municipal court is then being held, to act as talesmen to complete such jury. The fees of the jurors in said court shall be one dollar for each half day actually occupied in the discharge of his duties as such juror to be paid by the county * * * upon the certificate of the clerk of said court, certifying the number of days attendance, the name and residence of the juror, and the amount of compensation due him, together with the title of the action. Every such certificate shall be receipted for by the juror before it shall be delivered to him, and thereupon the county treasurer shall pay the amount thereof out of the county treasury.

Absence, sickness or disability. SECTION 3. There is added to chapter 193, laws of 1903, a new section to read: *Section 3m. In case of the absence, sickness or temporary disability of the county judge or justice of the peace after said county judge or justice of the peace has, because the judge of said municipal court on account of absence, sickness or temporary disability is unable to perform his duties, by an order in writing filed in*

said court, been called in to act in the stead of the judge of the said municipal court, said county judge or justice of the peace may by an order in writing to be filed in said court, call in any justice of the peace of said county to act in his stead as acting judge of said municipal court for and during the absence, sickness or temporary disability of said county judge or justice of the peace, and said justice of the peace is hereby authorized to act as the judge of said municipal court in all matters, actions or proceedings pending or that may come before said court and when so acting shall have and possess all the powers and authority and perform and discharge all the duties imposed by law upon the judge of said municipal court.

Absence, sickness or disability. SECTION 4. There is added to chapter 193, laws of 1903, a new section to read: *Section 3n. If the judge or acting judge of said court shall because of any inability, any disability or sickness, or other cause be unable or be prevented from presiding he shall, by order in writing, to be filed in said court, call in the judge of the county court of said county, or any justice of the peace, as the case may be, to act in his stead, as provided by law.*

Drawing of jurors. SECTION 5. There is added to chapter 17, laws of 1895, as amended by chapter 193, laws of 1903, a new section to read: *Section 9m. In the absence of the clerk, the acting clerk or judge of said court may perform and discharge all the duties imposed upon said clerk by section 2, of this act.*

Delinquent jury lists. SECTION 6. There is added to chapter 193, laws of 1903, a new section to read: *Section 5m. Failure to make or deliver the lists of names of jurors to serve in said court provided for in section 2, of this act, within the time therein specified shall work no error, and the judge of said court may in his discretion order the delinquent lists to be made and delivered to said court forthwith, and wilful failure of any such officer to comply with the provisions of section 2, of this act, or with said order may be punished as for a contempt. Until all jury lists are delivered as required the jury lists used during the next preceding year shall be used to provide a jury in said court.*

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved July 16, 1907.