

*reformatory and deliver him to the superintendent of that institution, and such order of commitment shall be sufficient authority to the superintendent of said reformatory to receive such person so sentenced and confine him in the Wisconsin state reformatory until he shall be discharged by due process of law, and such sheriff shall as soon as practicable, after the delivery to him of such order of commitment, remove the person so sentenced to the reformatory. Whenever any person has been so sentenced to the Wisconsin state reformatory, the clerk of the court, the judge or justice pronouncing the same, shall immediately notify the superintendent of the Wisconsin state reformatory of such conviction and sentence. * * * . Should the reformatory be filled with inmates when any such notice is received by the superintendent, the latter shall at once inform the court or magistrate giving such notice of that fact and that the person thus sentenced cannot then be received into the institution. Thereupon the person sentenced shall be retained in the proper county jail until he can be so received. If the offense of which he is convicted is a felony the court may, in its discretion, commit him to the state prison, temporarily, and shall give notice of such commitment to the superintendent of the reformatory, who shall remove him to the reformatory as soon as he can be received therein. If thus committed to the state prison, copies of the above mentioned records shall be delivered to the warden, and by him forwarded to the superintendent of the reformatory when such removal is made.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1913.

No. 372, S.]

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CHAPTER 135.

AN ACT to amend section 5, chapter 63, laws of 1895, section 6, chapter 63, laws of 1895 as amended by chapter 244, laws of 1905 and sections 8, 9, 13, 14 and 16, chapter 63, laws of 1895, relating to the municipal court of Oneida county.

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

SECTION 1. Section 5 of chapter 63, laws of 1895 is amended to read: (Laws of 1895, chapter 63.) Section 5. The judge of the said municipal court of Oneida county shall hold his office at the county seat of said county, in a suitable room for such purpose, to be provided * * * *by said county; pro-*

vided that such judge may hold court in * * * *a suitable room furnished by himself, when convenient to litigants.*

SECTION 2. Section 6 of chapter 63, laws of 1895 as amended by chapter 244, laws of 1905 is amended to read: (Laws of 1895, chapter 63.) Section 6. The * * * judge of the municipal court of the county of Oneida shall have cognizance of, and the jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of debt, damages demanded, * * * 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; actions founded on an account where the sum shall be reduced to an amount not exceeding five hundred dollars by the proper credits given.* Said municipal judge shall have and exercise within said county the criminal jurisdiction of the justices of the peace in the state of Wisconsin; *in addition thereto shall have jurisdiction of all offenses within said county which are not punishable by commitment to state prison;* and such criminal jurisdiction shall be exclusive within said county, *except that conferred to second municipal court by chapter 422, laws of 1907;* and none of the justices of the peace within said county shall have or exercise any criminal jurisdiction whatever, except * * * *when acting as judge of the municipal court;* provided that any such justice of the peace may upon complaint issue a warrant for the apprehension of * * * *one charged with a felony which warrant shall be made returnable before said municipal judge and all proceedings subsequent to the issuing of said warrant shall be had before such municipal judge, and the complaint upon which such warrant is issued shall forthwith be transmitted by the justice of the peace issuing such warrant to said municipal judge and filed in his office.* Said judge shall * * * have all * * * jurisdiction, authority, powers and rights, given by law to justices of the peace, and shall be subject to the same prohibitions and penalties as justices of the peace. The proceedings and practice, of said court shall, in all respects be governed * * * *so far as practicable by the laws relating to the justices' courts of this state.* * * * The 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 transcripts of judgments rendered by justices of the peace of said county may be. * * * Appeals, civil and criminal, from said court, may be taken in the same manner and with like effect as are provided by law from courts of the jus-

tices of the peace. Nothing herein contained shall be construed to give said municipal judge cognizance of any actions mentioned in subdivision (1), (2) and (3) of section 3573 of the statutes. The municipal judge of Oneida county shall have and may exercise in his county, all the powers and perform all the duties of a court commissioner as defined in section 2434 of the * * * statutes, and every authority granted to, or limitations of the powers of a court commissioner by the laws of Wisconsin, shall be construed to extend to said municipal judge, acting in such capacity, except when otherwise expressly provided. The official designation of said officer in matters wherein he shall so act, shall be municipal judge of Oneida county.

SECTION 3. Sections 8, 9, 13, 14 and 16 of chapter 63, laws of 1895 are amended to read: (Laws of 1895, chapter 63.) Section 8. In case of the absence, * * * *sickness or temporary inability to act as municipal judge for any reason, he shall file or enter an order in his docket, designating some court commissioner, county judge or some justice of the peace of said county, to perform * * * the duties of the municipal judge during his absence, or while such inability shall continue, * * ** and shall cause such *court commissioner, county judge or justice of the peace to be notified of * * * such order.* In case of a vacancy in the office of the municipal judge, or in case he shall be absent or unable for any cause to act as municipal judge, but shall fail to enter * * * , *or file such order,* the nearest *court commissioner, county judge or justice of the peace shall have all the powers and jurisdiction of the municipal judge while such vacancy, absence or inability to act shall continue, in relation to matters and proceedings * * * he has jurisdiction to try, hear or determine.* It shall be the duty of the person so designated by * * * order of the municipal judge, or in the absence of such order, by his being the nearest *court commissioner, judge or justice of the peace as aforesaid, to hold the said municipal court and discharge all the duties of said municipal judge that such court commissioner, judge or justice of the peace has jurisdiction of, until such vacancy is filled, or such absence or inability to act by the municipal judge is removed.*

Section 9. No action, examination or other proceeding shall be removed from said court, but whenever previous to joining issue in any action, or before the commencement of any examination, it shall appear by the affidavit of either party, his agent or attorney, that from prejudice or other cause, specifying such cause, he believes the municipal judge will not decide impartially in the matter, or that said municipal judge is a material witness

for such party, without whose testimony he cannot safely proceed to trial, or that said municipal judge is near of kin to either party, * * * then the municipal judge shall notify the nearest *court commissioner, county judge or justice of the peace* in * * * *said county, * * * provided said justice of the peace has jurisdiction to act in the said matters; whereupon it shall be the duty of said court commissioner, county judge or justice of the peace so notified * * **, to forthwith appear at the court room of said municipal court, and to discharge the duties of said municipal judge 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 *court commissioner, county judge or justice of the peace*, when so presiding over said municipal court, shall have and be of the same force and effect as like proceedings of said municipal judge, and when said 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 *court commissioner, county judge or justice of the peace*, shall receive * * * *for such service the fees allowed by law to justices of the peace but not to exceed \$2.50 during each one-half day actually employed in said court to be paid by said municipal judge; providing, that in civil actions said amount shall be payable when the costs and fees have been paid into court.*

Section 13. The judge of said court shall keep one docket for criminal trials and proceedings, and a separate docket for civil actions, and all docket entries and process shall be made and kept in the same manner as far as applicable to this court, as the same are required to be kept by justices of the peace, under the laws of this state; provided, always, that the municipal judge may in civil actions sign in blank, summonses, writs and other civil process, and deliver the same to attorneys of courts of record, to be issued by them. Such attorneys, upon issuing such summons, writ or other process, shall subscribe the same, and shall file within twenty-four hours thereafter the affidavit, if any, upon which such summons, writ or other process was based, 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 demand or claim. Thereupon said judge shall forthwith docket said case, which docket entries shall have the same force and effect as if made at the time of issuing the summons, writ or other process. Said judge shall also appoint a competent phonographic reporter,

skilled in the art of shorthand reporting, for said court, and may remove him at pleasure and appoint another in his place. Every person so appointed shall be deemed an officer of said court, and shall, before entering upon the duties of his office, take and subscribe the constitutional oath, and file the same, duly certified, with the clerk of the circuit court of Oneida county. The reporter shall attend said court whenever requested by the judge, perform such duties as the judge may require, and shall * * * *in all criminal proceedings wherein the state of Wisconsin is plaintiff receive the sum of three dollars for each day and two dollars for each one-half day employed in taking testimony to be paid out by the county treasurer upon a certificate of the municipal court, and approved by the district attorney said amount to be paid by the county treasurer upon presentation of such certificate at the end of each month.* Section 4141 of the * * * statutes shall apply to transcribing copies of the testimony and proceedings taken by the reporter in said municipal court. *Section 2439 of the statutes shall also apply to said reporter and to said court.*

Section 14. The board of supervisors of the county of Oneida shall fix the salary of said municipal judge the same as the salaries of other county officers are fixed. Such salaries shall * * * not be less than * * * *twelve hundred dollars or more than \$2,600* * * * per year, and shall be paid out * * * *by the county* * * * *treasurer* as the salaries of other county officers are paid, and shall be in full for all services rendered by said court in criminal cases * * * *and all actions in which the county would otherwise be liable for fees of said municipal judge.* Until changed by the said board the salary of said judge shall be * * * *twelve hundred dollars*, per year. The same fees in all actions, civil and criminal, that are now allowed by law to justices of the peace, it shall be lawful for said municipal judge to charge and collect, and one dollar in addition thereto for every civil action or proceeding in his court. The fees so charged and collected in civil actions shall be retained by said municipal judge for his compensation therein. On the first day of November in each year, said municipal judge shall pay over to the treasurer of said county all fines paid him, imposed under the laws of this state, and all of the aforesaid fees collected by him in criminal actions since the first day of November of the preceding year, taking said county treasurer's duplicate receipt therefor; one of said receipts shall be filed in the office of the county clerk of said county. And said municipal judge shall file with said county clerk on said day a statement, verified by his affidavit, of all fines and mu-

nicipal court fees received by him in each criminal action in which any such fines or fees have been paid, since the first day of November of the preceding year, together with the statement required of other magistrates by section 679 and section 680 of the * * * statutes.

Section 16. All needful stationery, * * * blanks and equipment required by said court in all criminal and civil actions and examinations, and the judges' dockets, both criminal and civil, required by law, shall be furnished at the expense of Oneida county.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1913.

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CHAPTER 136.

AN ACT to repeal sections 4734a, 4734b, 4734c and 4734j of the statutes and to create new sections to be designated sections 4734a, 4734b, 4734c, 4734j and 4734n, relating to the suspension of judgments in criminal actions and placing defendants on probation.

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

SECTION 1. Sections 4734a, 4734b, 4734c and 4734j of the statutes are repealed.

SECTION 2. Five new sections are added to the statutes to be designated sections 4734a, 4734b, 4734c, 4734j and 4734n and to read: Section 4734a. Whenever there is a conviction in any court of this state of a felony punishable by imprisonment for a term not exceeding ten years, convictions under section 4587c of the statutes excepted, and it appears to the satisfaction of the court that the person convicted has never before been convicted of a felony, either in this state or elsewhere, that the character of the defendant and the circumstances of the case indicate that he is not likely again to commit crime, and that the public good does not require that the defendant shall suffer the penalty provided by law, said court may, except in cases otherwise provided for by law, by order suspend the judgment or stay the execution thereof and place the defendant on probation, stating therein the reasons for the order which shall be made a part of the record.

Section 4734b. Sections 4734a and 4734j shall not apply to any conviction under the provisions of section 4725a nor affect any of the laws dealing with delinquent juveniles.