

ment, and a member of the industrial commission selected by the commission. The members of said committee shall receive no compensation for their services but shall be reimbursed their actual and necessary expenses out of the appropriation herein made. Allotments to farmers hereunder shall be made after investigation of the needs of the applicants and only to farmers rendered destitute by these storms. Payments of this appropriation shall be made on certification of the chairman and secretary of the committee.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 25, 1933.

No. 972, A.]

[Published July 29, 1933.]

CHAPTER 486.

AN ACT to amend section 2, the introductory paragraph and subsections (1) and (2) of section 3 and sections 4, 6, 8, 9, 12, 14, 15, 18, 19, 20 and 21; and to create subsections (5), (6) and (7) of section 3 of chapter 7, laws of 1927, as amended by chapter 31, laws of 1933, relating to the first municipal court for Washburn county.

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

SECTION 1. Section 2, the introductory paragraph and subsections (1) and (2) of section 3, and sections 4, 6, 8, 9, 12, 14, 15, 18, 19, 20 and 21 of chapter 7 of the laws of 1927 are amended to read: (chapter 7, laws of 1927) Section 2. (as amended by chapter 31, laws of 1931) On the first Tuesday in April, 1927, and every four years thereafter, there shall be elected, in the county of Washburn in the same manner as county judges are elected a municipal judge, 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 be elected and qualified; and in case of a vacancy occurring in the office of the municipal judge, the vacancy shall be filled by appointment by the governor, as provided in chapter 17 of the statutes. * * * *No person shall be eligible to the office of judge of said court except an attorney of a court of record * * **. The county clerk of Washburn county shall give the same notice of the elec-

tion of the judge of said municipal court as is given in other judicial elections.

Section 3. Said court shall have original jurisdiction to hear, try and determine all actions and special proceedings, (except the actions mentioned in subsection * * * (1) * * * of section 300.06 of the statutes and excepting actions for * * * *illegitimacy*) which may arise in said county and be of any of the following classes, namely:

(1) Crimes and misdemeanors excepting such as shall or may be punishable by commitment to the state prison; *however, the judge of said court shall have power to receive pleas of guilty and impose sentence thereon in conformity with the procedure outlined in sections 357.20 to 357.26 inclusive.*

(2) (as amended by chapter 31, laws of 1931) Civil actions and special proceedings in law and equity where the value of the property in controversy or the amount of money claimed or sought to be recovered, after deducting all payments and setoffs, shall not exceed * * * *five thousand dollars, and also of all actions for the foreclosure of mortgages, mechanics' liens, trust deeds, land contracts, tax certificates and tax deeds, in which the amount claimed does not exceed the sum aforesaid although the value of the property to be affected may exceed that sum. And the procedure of this court in such matters shall in all respects be the same as the procedure for circuit courts; and unless appealed from, the judgment of said court shall be certified to the clerk of the circuit court of said county, be recorded and docketed by him, and shall have the same force and effect as though the same were the judgment of the circuit court.*

Section 4. A judgment by confession may be entered before the judge of said court in any sum not exceeding * * * *five thousand dollars, without action, for money due or to become due or to secure any person against contingent liability on behalf of the defendant or both in the manner prescribed by section 302.22 of the statutes.*

Section 6. The judge of said court shall hold his office and the session of said court at the city of Spooner, in said county, in a suitable room or rooms for * * * *that purpose; providing, however, that such judge may also hold court in the village of Shell Lake, in said county, in the circuit court chambers in the county courthouse, on such occasions when he deems it expedient.* Such room or rooms shall be provided by the board of super-

visors of Washburn county, and such provision shall also include an official seal, necessary *files*, dockets and records, stationery, *postage*, * * * blanks and *telephone*, and such other furnishings as the said county board may provide from time to time at the expense of the county.

Section 8. The judge of said court shall be *an ex-officio* * * * *circuit* court commissioner and shall have and exercise any and all of the powers conferred upon court commissioners by the laws of this state.

Section 9. No action, examination or other proceeding shall be removed from said court, but whenever, prior to joining issue in any action or before the commencement of any examination it shall appear by affidavit that from prejudice said judge will not decide impartially in the matter or that he is interested pecuniarily in the action, examination or other proceedings or is a material witness or is within the forbidden degree of consanguinity, the said judge shall notify * * * *any county judge*, or * * * *any municipal judge* * * * *or any circuit court commissioner*, who is an attorney of a record, to forthwith appear in said court and discharge the duties of said judge in the trial or hearing of said cause in the manner and with like effect as said judge would if not disqualified to act. Said magistrate while * * * *presiding* in said court shall receive * * * *the sum of ten dollars per day and eight cents per mile for traveling expenses*. And in case no such order is entered, the county judge of Washburn county shall temporarily act as judge of such court.

Section 12. The processes, proceedings and practice of the courts of justices of the peace as provided by the laws of this state shall so far as practicable be adopted for the said first municipal court for Washburn county, and transcripts of judgments of said court may be filed and docketed with the clerk of the circuit court for Washburn county with the same effect as transcripts of judgments from courts of justices of the peace in this state, *except that this section shall not apply where circuit court practice and procedure are herein specifically provided for*.

Section 14. (as amended by chapter 31, laws of 1931) The sheriff or any constable of Washburn county or any person not a party to the action shall have the same power to serve and to execute any process of said municipal court as of courts of justices of the peace of this state and be entitled to receive the same fee and be subject to the same liability and penalty, as

provided for sheriffs or constables in courts of justices of the peace; however, no provision hereof shall be construed to prevent the service of summons or subpoena of said court by any competent citizen not interested in the cause.

Section 15. The judge of said court shall keep a *separate* docket for criminal proceedings *and actions*, * * * civil actions *and divorce actions*, and *equitable actions*. All docket entries shall be made and kept as far as practicable in the same manner as required in courts of justices of the peace in this state. In all civil actions the judge of said court may sign in blank and deliver * * * to attorneys of record, * * * to be used by them as occasion may require, blank summons * * * and *subpoenas*.

Section 18. The judge of said court shall in all actions in which the parties stipulate therefor, and may in other cases upon his own motion, call in a stenographic reporter in such action or proceedings, and may file the said reporter's notes of the minutes of the testimony required by law to be taken in courts of justices of the peace. Whenever a stenographic reporter shall be called in for any trial or hearing such reporter shall receive for the time actually employed in open court in said cause * * * *five* dollars for each day and two *and one-half* dollars for each one-half day, and when a transcript of the testimony taken may be required on appeal, five cents per folio for such transcribing, and, in case such reporter is called in, the judge of said court shall not be entitled to receive the fees provided for the taking of such minutes in courts of justices of the peace in this state, but in lieu thereof shall receive for each day actually engaged in the trial of said cause the sum of * * * *ten* dollars * * *. Such sums for per diem, and for such transcript, when required, shall be taxed as costs in any such action or proceedings.

Section 19. In all civil actions and special proceedings in said court attorney's fees shall be taxed, except where otherwise stipulated by contract, and allowed on all judgments of said court, in the sum of one hundred dollars or less in a sum equal to ten per cent of such judgment, and on all judgments over one hundred dollars, ten per cent on the first hundred dollars and five per cent on such sum as may be in excess thereof; provided, however, that the total amount that may be so taxed, unless otherwise provided by contract, and allowed shall not exceed * * * *seventy-five* dollars.

Section 20. Except as otherwise provided herein, the judge of said court shall have and receive and is hereby empowered to tax in any cause the same fees allowed by law to justices of the peace in this state, * * * costs and fees in criminal trials * * * and proceedings being payable by the county; and such judge, in addition thereto, * * * shall receive such salary * * * as the county board of said county may from time to time fix.

Section 21. The judge of said municipal court shall in the manner provided by subsections (3) and (4) of section 59.77 of the statutes, file with the county clerk of Washburn county a full and complete statement of all fees collected by him in all *criminal* actions and proceedings * * * had before him during the preceding year and further make and file a complete statement as required by said section and no such judge who shall neglect to make and file such statement within the time and as above provided shall receive any compensation from said county for his services.

SECTION 2. Three new subsections are added to section 3 of chapter 7, laws of 1927, to read: (chapter 7, laws of 1927) (section 3) (5) All actions for libel, slander, malicious prosecution or false imprisonment.

(6) All actions to affirm or annul a marriage, or for divorce from the bonds of matrimony, or from bed and board, and authority to do all acts and things necessary and proper in such actions and to carry out its orders and judgments into execution, as provided by law for circuit courts, with circuit court procedure therein; and unless appealed from the judgment of said court shall be certified to the clerk of the circuit court of said county, be recorded and docketed by him, and shall have the same force and effect as though the same were the judgment of the circuit court.

(7) To issue all writs, process and commissions necessary in execution of the powers delegated to it, or which may be necessary to the due execution of the powers vested in it.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 25, 1933.