

CHAPTER 64

AN ACT relating to creating and establishing a municipal court of Sheboygan county.

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

SECTION 1. There is hereby created and established in and for the county of Sheboygan, state of Wisconsin, a court to be known and designated as the "Municipal Court of Sheboygan County," with process and jurisdiction to extend throughout the county and for that purpose the county of Sheboygan, and all the cities and villages therein, are hereby declared a municipality under the jurisdiction of said court, which court shall have the powers and jurisdiction hereinafter specified and provided, and shall be presided over by a judge to be known as the "Municipal Judge."

SECTION 2. The court shall be a court of record, and have a seal with a suitable device to be designed and procured under the direction of the judge thereof at the expense of the county.

SECTION 3. The court shall be held in some suitable room or rooms to be provided and suitably furnished at the county seat by the county board, and court may be held at such other places in the county as the judge shall order.

SECTION 4. The court shall be opened for business on all secular days except legal holidays.

SECTION 5. No person shall be eligible to the office of judge unless he be licensed to practice law in the state of Wisconsin and is a qualified elector of Sheboygan county, and during his term of office he shall not practice his profession nor hold any other county office.

SECTION 6. On the first Tuesday of April, 1956, and every 6 years thereafter, there shall be elected in the county of Sheboygan, in the same manner as county judges are elected, a judge of the municipal court, who shall hold his office for the term of 6 years thereafter, beginning on the first Monday of June next succeeding his election, and continuing until his successor is elected and qualified. The nominations of candidates for municipal judge shall be made in the same manner as provided for county judges. The judge first elected shall take office on the first Monday in June, 1956. The judge of the municipal court for the city of Sheboygan shall be eligible to be a candidate for the nomination and election to office of judge under this act.

SECTION 7. Vacancies in the office of municipal judge shall be filled as provided in section 17.21 (2) of the statutes.

SECTION 8. The judge, before entering upon the duties of his office shall take the official oath and furnish bond, file the same as provided in chapter 19 of the statutes, except that the amount of the bond shall be \$2,000 with surety to be approved by the county treasurer.

SECTION 9. The judge shall receive a salary, payable monthly, out of the treasury of Sheboygan county, the salary to be determined by the county board of supervisors for the county, and until the salary shall be determined by the county board, it shall be \$8,000 per year, and the same shall be in full compensation for all services rendered by the judge. The

salary of the judge, clerk and deputy clerk and all other expenses necessarily incurred in maintenance of said court shall be paid by Sheboygan county. The salaries fixed by the county board for the municipal judge, clerk, deputy clerk and reporter shall not be diminished during the term of office for which the same was fixed.

SECTION 10. The judge shall appoint a suitable person to the office of clerk of the court, who shall hold his office during the pleasure of the judge and until his successor is appointed. The clerk shall, before he enters upon the duties of his office, take the official oath and furnish bond, file the same as provided in chapter 19 of the statutes; the amount of the bond shall be fixed by the chairman of the county board. The clerk shall keep justice dockets for the civil and criminal actions heretofore cognizable by justices of the peace, and shall also keep a record book, a criminal record, a judgment book, a lien docket and a minute book, in the manner and form now in use in the circuit courts of this state and containing the entries as provided by section 59.39 of the statutes. He shall have the care and custody of all books, papers and records of the courts; he shall be present at all trials, and may administer all necessary oaths. He shall keep the minutes of all proceedings, issue the commitments and executions and make up and keep the records of the court in all cases therein, under the direction of the judge. He shall issue all processes, excepting summons in civil actions, under his hand and seal of the court, and teste them in the name of the judge, signing them by his title of office, and tax the costs in the cases required by law; provided that summons in civil actions within the court's jurisdiction may be issued and served in the same manner as in actions commenced in the circuit court. He may take bail from persons arrested when the court is not in session, subject to the revision of the court, and under the direction of the judge perform all other acts necessary to carry out the jurisdiction given to the court. He shall procure all necessary blanks, stationery, book and paper cases, desks, record books, office furniture, light and fuel for the use of the court. He shall perform all ministerial acts required of him by and under the direction of the judge. He shall render to the county treasurer, and various municipal treasurers appropriate, his account quarterly, which account shall be so itemized as to show the fines, penalties and officers' fees in each case, and in criminal cases a brief statement of the character of the prosecution and the judgment of the court. He shall receive a salary of \$4,000 per annum until otherwise fixed by the county board, payable monthly, and shall receive no fees of office or compensation other than his salary herein fixed.

(a) The judge shall appoint one or more deputy clerks when, in his opinion, such appointment is necessary for the proper functioning of the court. Such deputy clerk shall hold his office during the pleasure of the judge. Such appointments and revocations shall be in writing and filed in the office of the clerk of the municipal court; such deputies shall aid the clerk in the discharge of his duties, and in his absence from his office or from the court they may perform all his duties. The deputy clerk shall, before he enters upon the duties of his office, take the official oath, furnish bond and file the same as required of the clerk under SECTION 10. He shall receive a salary to be fixed by the county board and shall receive no fees of office or compensation other than his salary.

(b) In case of the sickness, temporary absence or disability of the clerk, the clerk may, by order in writing, filed and recorded in the court, appoint a deputy to discharge the duties of clerk during such sickness, temporary absence or disability, who shall have all the power of clerk while administering such office. In the event that the disability of the clerk is of such a nature that he is unable by reason of his physical and

mental condition to appoint a deputy, the judge shall make such appointment.

SECTION 11. The clerk shall have all the powers and perform all the duties with reference to the municipal court in circuit court matters in the same manner and to the same extent as the clerk of the circuit court has and does perform for that court, except as may be herein otherwise especially provided.

SECTION 12. The judge shall appoint a phonographic reporter who shall be skilled in the art of shorthand reporting and he may remove the reporter at pleasure. The reporter shall be deemed an officer of the court, and before entering upon his duties shall take the official oath, furnish bond and file the same as provided by chapter 19 of the statutes, except that the amount of the bond shall be \$1,000 and with sureties approved by the county treasurer.

SECTION 13. The reporter shall be furnished with all necessary stationery, and shall attend and report the proceedings, trials and examinations had in the court, and perform such other duties as the court or judge may order, and is hereby authorized and empowered to administer oaths, make and keep records of the court not kept by the clerk, and to issue subpoenas and processes. Upon any appeal, the reporter shall duly certify the same to be a correct transcript thereof. The reporter shall, upon the request of a party to any action, transcribe in longhand or typewriting, the evidence or other proceedings taken by him in such action or any part thereof so requested, and make, when requested, any number of carbon copies, each duly certified by him to be a correct transcript thereof, for which he shall be entitled to receive from the party requesting the same the charges set forth in section 252.20 of the statutes.

SECTION 14. The reporter shall receive an annual salary, payable monthly out of the county treasury, which shall be in full compensation for all services rendered by him in the court, and which shall be considered as an expense necessarily incurred in the maintenance of the court. The amount of the salary shall be fixed by the county board, and until so fixed shall be \$4,500 per year.

SECTION 15. The sheriff of Sheboygan county shall be an officer of the court, and, as to matters within the court's jurisdiction, he or any of his deputies may serve its processes and carry out its lawful orders and judgments and the constable of any town, chief of police, police officers, marshal and constable of any city or village in the county shall have authority to serve and execute the civil and criminal processes of the court within the county and shall have the authority and be required to serve and execute all processes issued out of the court wherein said village or city is a party plaintiff; nothing herein shall be construed as invalidating any service in the upper branch of the court made by a person not a party to the action as provided by section 262.07 of the statutes.

SECTION 16. The court shall be composed of 2 branches, the upper branch and the lower branch.

SECTION 17. The upper branch shall have jurisdiction equal to and concurrent with the circuit court for Sheboygan county, in all cases of crimes and misdemeanors arising in the county, except the crimes of treason and murder, and in all civil actions and proceedings, in law and equity, except in actions and proceedings in which it is sought to recover a sum in excess of \$50,000, exclusive of interest and costs, provided

that the upper branch shall have such concurrent jurisdiction of all actions for divorce, irrespective of the amount sought to be recovered by either party, and that the upper branch shall have such concurrent jurisdiction with the circuit court of the county in all actions or suits for foreclosure of real estate mortgages, land contracts and other liens, regardless of the sum claimed or of the value of the property involved. In the exercise of such jurisdiction, the court shall have all the powers according to the usages of law and equity, necessary to the full and complete administration of justice and to carry into effect its judgments, orders and other determinations, subject to re-examination and review by the supreme court as provided by law.

(a) The divorce counsel shall perform the same functions as he does in the circuit court, and shall receive the same compensation therefor.

SECTION 18. All the provisions of law relating to circuit court and the judges thereof and to the trial of civil actions and proceedings therein shall apply to the upper branch of the municipal court, and the judge thereof in the exercise of the jurisdiction conferred by this chapter, except as herein otherwise provided, and insofar as applicable; and whenever the term "circuit judge," "court," "presiding judge of the Circuit Court," "judge of the Circuit Court," "presiding judge," or "judge" shall appear in any statute of the state, the same shall be deemed to apply to the upper branch of the municipal court, and the municipal judge when sitting in the upper branch, except as herein otherwise provided and unless inapplicable.

SECTION 19. (a) The lower branch shall have exclusive jurisdiction of all crimes and misdemeanors committed within the city of Sheboygan, which are within the criminal jurisdiction of the justices of the peace of the county. If in the progress of a trial it appears to the judge that there is probable cause to believe the defendant guilty of a crime over which a justice of the peace has not trial jurisdiction, the provisions of section 360.30 of the statutes shall apply except that the defendant shall be bound over for trial in the courts specified in paragraph (d). Except as otherwise provided, the lower branch shall have jurisdiction equal to and concurrent with the justices of the peace of Sheboygan county in all cases of crimes and misdemeanors arising within the county.

(b) The lower branch shall also have exclusive jurisdiction of all prosecutions for the violation of the ordinance and charter provisions of the city of Sheboygan and concurrent jurisdiction with justices of the peace and police justices for the violation of all ordinances of the cities of Sheboygan Falls and Plymouth and all village and town ordinances.

(c) The lower branch is also vested with and shall have jurisdiction, authority, powers and rights given by law to justices of the peace generally in civil actions, special proceedings and actions for recovery of personal property, with damages for the unlawful taking or detention thereof, and actions brought for any breach of any recognizance given in said court, equal to and concurrent with said justices; and in addition thereto, shall have cognizance of and jurisdiction to hear, try and determine, by and pursuant to the process and procedure common to justices' courts, of all actions and proceedings at law wherein the amount of the debt, demand, damage, penalty or forfeiture shall not exceed \$1,000, after deducting all payments and setoffs; and also of 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 \$1,000, exclusive of damages.

(d) The judge shall also be deemed a magistrate under chapter 354 of the statutes and the provisions of that chapter unless inconsistent with

this chapter shall apply. Where a defendant is committed to await trial he shall be bound over for that purpose to the circuit court of the county, except that where the offense is triable in the municipal court for Sheboygan county, he may be bound over for trial to the municipal court or to the circuit court.

SECTION 20. All provisions of law in force and effect relating to justices of the peace and to the trial of actions and proceedings therein shall apply to the lower branch of the municipal court, and the judge thereof, in the exercise of the jurisdiction conferred by this chapter, except as herein otherwise provided, and insofar as applicable.

SECTION 21. Appeals from justice court in civil and criminal actions and proceedings may be taken either to the circuit court or the upper branch of the municipal court at the election of the unsuccessful party. In case both parties appeal, the election made by the plaintiff shall prevail. If such appeal is taken to the municipal court and neither party shall bring the same to a hearing in said court within 6 months after filing of the return of the justice therein, such court shall dismiss the appeal unless it shall continue the same by special order for cause shown.

SECTION 22. Appeals from judgments and orders of the lower branch of the municipal court in civil and criminal actions and proceedings shall be taken to the circuit court of Sheboygan county within the same time and in like manner and with like effect as from justice court.

SECTION 23. Appeals from the judgments and orders of the upper branch of the municipal court in civil and criminal actions and proceedings shall be taken to the supreme court, and within the same time and in like manner as appeals from judgments and orders of the circuit court.

SECTION 24. A change of venue in any action or proceeding pending before any justice of the peace of Sheboygan county may be taken to the lower branch of the municipal court, provided either party to the action shall, on or before the return day, by himself or attorney, in writing demand that such action be removed to the municipal court, in which case the justice shall, upon payment by the party making such demand of the costs and disbursements thus far incurred, forthwith transmit the papers to the municipal court, whereupon the action shall proceed in like manner as if originally commenced in the municipal court.

SECTION 25. No action, examination or other proceeding shall be removed from the municipal court, but whenever on or before the return day in the lower branch and on or before joining issue in the upper branch, and before the commencement of any examination, it shall appear by affidavit that from prejudice the 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 that he is within the forbidden degree of consanguinity, the judge shall appoint the circuit judge, county judge or any court commissioner in the county, who is not disqualified, to try and hear the cause, and the circuit judge, county judge or court commissioner shall discharge the duties of the judge in the trial or hearing in the cause in the same manner and with like effect as the municipal judge would if not disqualified.

SECTION 26. The judge of the municipal court shall also have the power on his own motion, in any case in which he deems it advisable, to call the circuit judge, county judge or court commissioner to try and hear any cause or matter pending in his court.

SECTION 27. In case of the absence or temporary disability of the municipal judge, he, or if the municipal judge is unable to act then the

judge of any other court of record in the county, may, by order in writing to be filed in the court, call the circuit judge, county judge or a court commissioner of the county, to discharge the duties of judge during such absence, sickness or disability.

SECTION 28. A court commissioner who shall for any reason be so appointed as acting municipal judge shall receive for his services such sum per diem as may be fixed by the county board and until so fixed shall be \$25 per half day to be paid by the county, which expense shall be considered an expense necessarily incurred in the maintenance of the court.

SECTION 29. While administering the duties of the judge of the municipal court, the circuit judge, county judge or court commissioner shall have all the powers of the municipal judge and shall sign all papers, processes and records as "B.B., Acting Municipal Judge."

SECTION 30. Nothing herein contained shall be construed as abrogating the right to change of venue provided for by sections 261.03, 261.04, 261.07 and 261.08 of the statutes, so far as applicable. Applications for change of venue shall be made on or before the return day in the lower branch, and on or before joining issue in the upper branch. When such change of venue shall be made, it shall be from the municipal court direct to the circuit court of the proper county for the trial or hearing of the action, examination or proceeding.

SECTION 31. In case the municipal judge shall not, for any reason, preside at the trial, if it be an action triable by a jury, he may nevertheless fix the day for trial and the day for drawing a jury and order the jury to be drawn and summoned as in this act provided and do any other act or thing necessary to have a jury in attendance on the day fixed for trial ready for the judge called in to proceed with the trial.

SECTION 32. The jury commissioners appointed by the circuit court shall also act as jury commissioners of the municipal court. The municipal judge shall notify the jury commissioners to certify 2 lists, of as many names as he shall direct, of citizens qualified to act as jurors in the circuit court, and who are not exempt by law from jury service. These names shall not include any person then on the list of circuit court jurors, or who has served on a circuit court panel within one year preceding. One of the lists shall be made up of residents within the city of Sheboygan, which shall be known as the "Sheboygan Jury List," the other shall be made up of residents selected from the county at large, which shall be known as the "County At Large Jury List," and no name shall appear on more than one list at the same time. Whenever either list shall be reduced below a certain number to be designated by the judge, the jury commissioners, upon notice from the judge shall certify, as before, a sufficient number of names to bring the list up to the original number named by the judge. The name of each juror so certified shall be written on a slip of paper and sealed in an envelope and deposited in boxes to be provided therefor by the clerk. There shall be a separate box for each list. The envelopes shall not be opened by any person, or the name of any juror revealed by the jury commissioners until drawn out of the box by the clerk or judge as herein provided.

SECTION 33. Any person who has been a member of either of the jury lists provided for in SECTION 32 and has actually served as a juror in the trial of any action in said court, shall not be eligible to have his name appear on any such list during the succeeding year, and during such period of ineligibility, he shall be disqualified for jury service in the municipal court and in the circuit court, unless he be summoned as

talesman. All persons not having so served shall be eligible for jury service during such succeeding year. The names of jurors drawn from the jury boxes as provided above, and not serving, shall be put back into the box from which drawn.

SECTION 34. Trials by jury in the upper branch shall be as follows:

(a) There shall be a trial by jury in all cases now triable by jury in the circuit court unless the parties thereto, by their attorneys, shall stipulate that said action shall be tried by the judge.

(b) In all cases tried in the upper branch the jury shall consist of 12 citizens, except that in civil actions, the parties may, at any time before taking testimony, stipulate for a less number. Juries shall be drawn for trials on a day to be designated by the judge, before the day set for trial. Whenever a jury is to be drawn in a case set for trial in the city of Sheboygan, the clerk shall, at the time fixed by the judge, in the presence of the parties, or their attorneys, draw 28 names from the box containing the "City of Sheboygan List," unless either party shall, upon written demand to be filed with the clerk, on or before the date designated for drawing the jury, demand a jury from the county at large, and unless such demand is so filed, a jury from the county at large shall be deemed waived. If such demand is made, the clerk shall draw such names from the "County at Large List." In drawing jurors for criminal cases, there shall be drawn from the respective box 32 names, and 20 summoned. The court may, in its discretion, at the time of drawing the jury, in either civil or criminal cases, direct the clerk to draw additional names from the proper box, as may be deemed necessary, except that an even number shall be always drawn. The parties shall then strike from the names so drawn, alternately, beginning with the plaintiff, one name at a time, until each has struck 6 names. When all strikes have been made, a venire shall be issued for the persons remaining on the list, arranged in the same order as they appear on the list, to serve as jurors, and made returnable on the day fixed for the trial; but it is discretionary with the judge, instead of delivering the venire to the sheriff or other officer to summon the jury, to mail a copy of the venire and summons in a registered letter, to each of said jurymen, securely enclosed in an envelope, properly addressed, and when received by the juror, the mailing shall have the same force and effect as personal service of the same by the sheriff or other officer; and the judge shall have the same power and authority to fine the juror for contempt in case of his failure to appear for the trial as he would in case the juror were personally served by an officer of the court.

(c) The jury so struck shall be called in the order that they appear upon the venire. The jurors shall be examined upon their "voir dire" as in trials in circuit court. Thereafter each side shall have 2 peremptory challenges, or in case more than 16 jurors have been summoned, each side shall have an equal number of peremptory challenges, to reduce the number of jurors to 12. In addition, jurors may be challenged for cause, set aside or excused, after the exercise of the peremptory challenges, upon the discretion of the judge and according to circuit court procedure. If less than 12 jurors shall remain after exhausting the names appearing upon the venire unless the parties or their attorneys stipulate to try the cause with the number of jurors remaining, the jury shall be completed, at the discretion of the judge, either by summoning a sufficient number of talesmen to appear as provided by circuit court practice or by drawing a sufficient number of names from the jury list.

(d) Jurors in the upper branch shall receive the same mileage as jurors in the circuit court, and \$7 per day for attendance upon the trial of cases to be paid by the county of Sheboygan and shall be considered

as an expense necessarily incurred in the maintenance of the court. Jurors who appear and fail to serve shall be allowed their necessary mileage and fees for one-half days attendance.

(e) In any case above provided for, if either party declines to strike from the list of names which he is entitled to strike, the court may direct the clerk, or any disinterested person, to strike the same for said party.

SECTION 35. Provisions as to trials by jury in the lower branch shall be as follows:

(a) Either party to an action, wishing a jury trial, shall make due demand therefor, at the time and in the manner provided for in courts of justices of the peace and shall advance fees for one-half days attendance and mileage, and if not so made and fees advanced, such jury will be deemed to have been waived.

(b) The jury shall consist of 6 persons and shall be selected as follows: On the day of trial, unless the parties stipulate for some earlier date, the judge shall draw, by lot from the box containing the names of the "City of Sheboygan List" 18 names, and make a list thereof.

(c) Unless either party shall, upon written demand, to be filed with the court, on or before the time of drawing the jury, demand a jury from the county at large, and unless such demand is so filed, a jury from the county at large shall be deemed waived. If such demand is thus made, the names shall be drawn from the "County at Large List." The jury shall be struck from this list in the same manner as in trials in justice court, and a venire issued and the jury summoned, in the same manner as in trials in justice court. The jurors shall be duly examined by the attorneys to the action, and should it appear that any of them are partial or prejudiced within the meaning of the law, or in case, for any other reason, the number of jurors falls below 6, and the parties do not stipulate to try their case before a less number of jurors, the panel shall at the discretion of the judge, be filled either by drawing additional names from the particular box or by summoning talesmen, which talesmen shall be summoned as prescribed by the statutes for circuit court procedure.

(d) The compensation for jurors shall be \$5 per day for each day in attendance and mileage at the same rate as provided for justice courts but if the jurors are not in attendance more than one-half of any day, they shall receive only fees for one-half days attendance.

SECTION 36. Notice of the time of fixing date of trial or hearing in any action or proceeding in the upper branch may be served and filed by either party at any time after issue joined, and the judge shall thereupon fix the date of trial or hearing of the same. If neither party shall bring the same to trial or hearing within 6 months after issue joined, the court shall dismiss the action unless it shall continue the same by special order for cause shown.

SECTION 37. The judge is empowered to set certain dates, not less than 4 in each year, when regular terms of court in the upper branch thereof will be held, at which time he will take up the trial in the order of issue joined and without notice of time of fixing date of trial being served, all jury cases undisposed of wherein a trial by jury has been demanded.

SECTION 38. Except as otherwise herein provided and insofar as applicable, processes, proceedings and practices to be followed in both civil and criminal matters shall, in the lower branch be as is provided by law for the courts of the justices of the peace, and in the upper branch as provided for circuit courts by law and the rules of practice prescribed by the justices of the supreme court.

SECTION 39. It is the intent of the legislature that a municipal court within the meaning of the constitution is established by this chapter.

SECTION 40. The judgments, orders and decrees of the municipal court, or of the judge thereof, shall have the same force and effect and be enforced in the same manner as judgments, orders and decrees of the circuit court. In order, however, that any judgment rendered in the lower branch of the municipal court shall constitute a lien upon real property, transcript of said judgment shall be docketed in the office of the clerk of the circuit court as provided in section 270.75 of the statutes, and when so docketed shall have the same force and effect as therein provided.

SECTION 41. The municipal judge may make such rules as he shall see fit governing practice and procedure in said court, not inconsistent with law and the provisions of this act.

SECTION 42. The judge shall have power in actions in both branches, in his discretion, to direct the jury to find a special verdict as provided by section 270.27 of the statutes, and to instruct the jury in accordance with the practice prescribed for circuit courts.

SECTION 43. Except as herein otherwise provided, in all actions, examinations and proceedings in the lower branch, costs, fees and disbursements shall be taxed and allowed in the same manner as in courts of the justices of the peace; and in all actions, examinations and proceedings in the upper branch the costs, fees and disbursements shall be taxed and allowed as in circuit court.

SECTION 44. For 10 days after judgment in civil actions and criminal causes heard, tried and determined in either branch, the judge shall have, and he is hereby vested with the same power over verdicts, judgments, rulings, orders and proceedings in such matters as are possessed by the circuit court or judge thereof over the judgments, orders and proceedings of said court, and do any act or thing which the circuit court or a circuit judge may do with reference to proceedings therein, being governed by the general law and practice of the circuit courts, as near as may be. The decisions of all matters tried before the judge in the lower branch may be taken under advisement by the judge, and his decision rendered any time within 20 days from the date of submission of same.

SECTION 45. In any trial of any criminal action or information or on an appeal, or any bastardy case, the court may, in its discretion, order a transcript of the evidence or proceedings, or any part thereof to be made and certified by the reporter and filed with the clerk of the municipal court.

SECTION 46. The judge of the municipal court shall be a conservator of the peace and have the same power as judges of other courts of record to solemnize marriages, administer oaths, take acknowledgments of deeds and other written instruments throughout the state, and shall receive like fees therefor.

SECTION 47. Circuit court commissioners in the county shall have the same powers and be subject to the same duties in respect to actions and proceedings in the upper branch of the municipal court as in the circuit court.

SECTION 48. The judge shall be ex officio a court commissioner and shall have and may exercise all the powers conferred upon court commissioners by the laws of this state.

SECTION 49. The judge may make calendars of cases to be tried by the court and by a jury and shall mail copies thereof to all attorneys of record in the actions.

SECTION 50. All fines and penalties collected by the judge or clerk in actions for the violation of the ordinances or charter provisions of the cities of Sheboygan, Sheboygan Falls, Plymouth or the ordinances of the villages or towns in the county shall be paid to the treasury of said city, village or town on the first secular day of the month following such collection, and all fines and penalties collected in any criminal or civil action or proceeding under the general laws of the state, together with all costs, fees and disbursements taxed, allowed and collected by the judge or clerk and not belonging to any officer, juror or witness as provided in this act, shall be paid to the treasurer of Sheboygan county on the first secular day of the month after such collection.

SECTION 51. The judge shall cause to be kept in a book provided for that purpose and file a complete record and account of all fees and costs received by the judge or the clerk, in such manner that the records shall show the exact amount of money paid to said judge or clerk, by whom, at what time, on what account, in what case and how and on what account such moneys are disbursed. A certified statement showing all such facts in detail shall be made and filed with the county clerk at least 10 days before the annual session of the county board.

SECTION 52. In all matters and proceedings in the lower branch, the judge, or the clerk, shall keep one docket of criminal actions and proceedings, one docket for civil actions, and a third and separate docket for prosecutions under city ordinances, and the proceedings in such matters shall be recorded therein, in like manner, as far as practicable, as is required of justices of the peace. In the upper branch, the clerk shall keep like record of all actions and proceedings therein as are required to be kept by him as clerk of the circuit court, and in the same record books as far as practicable; such dockets and the other records shall be public records and open to inspection at all reasonable hours.

SECTION 53. The judge may sign in blank any summons, writ or other process in the lower branch, and deliver the same to attorneys of record to be issued by them as occasion may require, substantially in the manner provided by section 301.02 of the statutes. The attorney issuing the same shall within 24 hours thereafter file with the judge the affidavit, if any, upon which such summons, writ or process was based, together with the original or a copy of the summons, writ or process, or a statement of the names of the parties to the action, the date of the summons, writ or process, the time when the same is returnable and the nature of the demand or claim, upon which the judge shall forthwith docket the case, and which docket entries shall have the same force and effect as if made at the time of issuing the summons, writ or other process.

SECTION 54. All necessary stationery, blanks, dockets and other record books required by the court shall be furnished at the expense of the county upon the order of the judge thereof, which expense shall be considered an expense necessarily incurred in the maintenance of the court.

SECTION 55. All papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by the municipal judge and sealed with the seal of the court, shall be received as evidence in all the courts of this state and have the same force and effect as if signed by the judge of any other court of record.

SECTION 56. Whenever a jury is demanded in any action pending in the lower branch, or when it appears to the judge that it is necessary to adjourn any action pending in the lower branch for a longer time than is prescribed by law for adjournment in justice court, such adjournment

may be ordered by the court, and the docket shall show the reason therefor, which shall be final, and no loss of jurisdiction shall result therefrom.

SECTION 57. The judge shall have full power to summon and compel the attendance of witnesses before him, and summon them on oath for the purpose of determining whether a warrant should be issued, and in case any witness so summoned shall refuse to attend or answer pertinent questions relative to the subject of inquiry, he shall be subject to punishment for contempt.

Approved May 5, 1955.
