

1969 Assembly Bill 9

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CHAPTER 87, LAWS OF 1969

AN ACT to repeal 59.82, 176.01 (5), 254.05 (2) and (3), 271.01 (2), 288.05, 288.09 (2), 289.60, 290.07, 290.08, 291.06 to 291.09, 291.12, 291.14, 291.16, 291.17, chapters 301 to 307, 958.01, 958.02, 960.01 to 960.07, 960.10 to 960.21, 960.23 to 960.35 and 990.01 (17m); to renumber and amend 200.24 and 254.05 (1); to amend 15.251, 19.03 (1), 48.25 (2), 51.07 (4), 52.26, 60.54 (intro.), 61.28, 62.13 (5) (d), 62.25 (1) (c), 66.12 (1) (a) and (2), 74.11 (1), (2), (3) (intro.) and (c) and (4) to (7), 74.12 (2), 80.19 (3), 80.27, 86.04 (2), 95.31, 95.32 (1) and (3), 95.37 (1), 126.63, 146.14 (3), 170.03, 170.04, 170.05, 170.08, 171.03, 171.04 (1) to (3), 171.05, 171.06, 172.04, 172.05, 172.06, 173.01, 173.03, 173.06, 176.28 (2), 176.36, 253.015, 253.11 (3), 254.04, 255.04 (2) (c), 256.54 (1) and (5), 270.95, 271.03 (1), 272.05 (6), 289.20 (1), 289.21 (1), 289.29, 289.30, 289.57 (1) and (3), 289.58 (1) and (2), 289.65, 289.66, 290.09 (2), 291.05, 291.11, 291.13, 291.15, 387.26 (7), 956.05, 960.09, 960.22, 962.01, 962.10, 962.20, 966.01 to 966.03 and 966.14; to repeal and recreate 86.04 (3), 254.07, 254.09, Title XXVIII (title), chapter 300, 946.15 and chapter 960 (title); and to create 254.045 and 254.11 to 254.16 of the statutes, relating to revamping jurisdiction of municipal courts.

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

SECTION 1. 15.251 of the statutes is amended to read:

15.251 SAME; PROGRAM RESPONSIBILITIES. The department of justice shall have the program responsibilities specified for the department under ch. 14 and ss. 7.70 (2), 8.50 (1) (a), 10.01 (2) (c), 12.45, 12.56 (2), 13.52, 13.69, 16.007, 16.31, 16.55, 16.77, 16.80, 16.96, 19.015, 20.180 (1) (d) and (9), 24.02, 24.03, 25.12, 27.01 (3), 30.03, 35.59, 43.01, 46.16 (7), 52.10 (16), 59.07 (44), 66.912, 66.919 (2), 67.02 (3), 69.07, 71.11 (49), 71.13 (4), 72.15 (12), 72.18, 72.81, 73.03 (22), 73.04, 76.14, 76.37 (4), 77.07 (2), 78.70, 78.81, 88.54 (6), 93.05, 98.14, 100.20 (4), 100.24, 101.24, 101.31 (14) and (15), 102.23 (4), 102.64, 108.09 (7), 108.14 (3m), 110.10 (14), 111.12, 114.065, 125.08, 133.01 to 133.03, 133.06, 133.19, 133.20, 133.22, 133.23, 134.45, 135.11 (15), 135.12, 140.29, 140.58 (4), 143.04, 144.09, 144.536, 146.04, 146.07, 146.19 (2) (f), 147.195, 152.01 (6), 165.01 (4), 168.17, 169.20, 174.13, 175.13, 175.15, 176.90, 180.769, 180.771, 182.220, 185.72, 185.73, 185.84, 186.26, 189.17 (5), 189.20, 194.15, 195.07 (2), 200.10, 200.14, 200.20, 215.02 (10) and (13), 215.03 (4), 215.11 (7), 220.12, 220.25, 221.205, 221.28, 224.06 (7), 227.025, 227.26, 231.34, 234.23, 251.181, 251.19, 256.47, 268.025, 269.56 (11), 274.05, 276.48, 280.02, 280.20, 286.13, 286.15, 286.325, 286.35 to 286.37, 286.41, 286.43, 286.44, ~~288.05~~, 294.04, 295.20, 295.21, 318.02, 318.03, 885.07, 945.10 and 963.03 (2). In addition:

SECTION 1m. 19.03 (1) of the statutes is amended to read:

19.03 SECURITY FOR COSTS; NOTICE OF ACTION. (1) Every person commencing an action against any officer and his sureties upon his

official bond, except the obligee named therein, shall give security for costs by an undertaking as prescribed in s. 271.28 (3) ~~or 307.00, respectively,~~ and a copy thereof shall be served upon the defendants at the time of the service of the summons. In all such actions if final judgment ~~be~~ is rendered against the plaintiff and the sureties to such undertaking for all the lawful costs and disbursements of the defendants in such action, by whatever court awarded.

SECTION 2. 48.25 (2) of the statutes is amended to read:

48.25 (2) There shall be a jury trial only if one is demanded. ~~Justice court~~ Practice in civil actions shall govern the selection of jurors.

SECTION 3. 51.07 (4) of the statutes is amended to read:

51.07 (4) Expenses of the proceedings, from the presentation of the application to the commitment or discharge of the patient, including a reasonable charge for a guardian ad litem, shall be allowed by the court and paid by the county from which the patient is committed or discharged, in the manner that the expenses of a criminal prosecution in ~~justice~~ county court are paid, as provided in s. 59.77.

SECTION 4. 52.26 of the statutes is amended to read:

52.26 Any warrant issued under ss. 52.21 to 52.45 may be executed in any part of this state; and in all cases a copy of the complaint shall be served upon the defendant and the court or court commissioner may compel the complainant and defendant to attend and testify the same as witnesses in other cases. At the time of arraignment, the defendant may give bail, as provided in ~~ss. 960.07 and~~ s. 960.08, to insure his appearances at the time of the preliminary examination and all subsequent stages of the proceedings until entry of judgment or until the matter is dismissed or he is otherwise discharged by the court; and in default thereof he shall be committed pending such proceedings, to the county jail.

SECTION 5. 59.82 of the statutes is repealed.

SECTION 6. 60.54 (intro.) of the statutes is amended to read:

60.54 (intro.) The constable is a ministerial officer of the municipal ~~justice,~~ and he shall:

SECTION 7. 61.28 of the statutes is amended to read:

61.28 The village marshal shall execute and file an official bond. He shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. ~~It shall be his duty to~~ He shall obey all lawful written orders of the village board; ~~to~~ and arrest with or without process and with reasonable diligence to take before the municipal justice every person found in such village in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of such village. He may command all persons present in such case to assist him therein, and if any person, being so commanded, ~~shall refuse or neglect~~ refuses or neglects to render ~~such~~ assistance he shall forfeit not exceeding ~~ten dollars~~ \$10. He shall be entitled to the same fees allowed to constables for similar services; for other service rendered the village ~~such~~ compensation as the board ~~shall fix~~ fixes.

SECTION 8. 62.13 (5) (d) of the statutes is amended to read:

62.13 (5) (d) Following the filing of charges in any case, a copy thereof shall be served upon the person charged. The board shall set date for hearing not less than 10 days nor more than 30 days following service of ~~such~~ charges. The hearing on the charges shall be public, and both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the president of the board on request and be served as are subpoenas in ~~justice court~~ under ch. 885.

SECTION 9. 62.25 (1) (c) of the statutes is amended to read:

62.25 (1) (c) The clerk shall cause to be served on the claimant notice of any disallowance if the claimant in writing furnished the address of his usual place of abode. The notice shall be served by a police officer, without fees, in the manner of service of summons in municipal court. If the claimant be a nonresident and he furnished the address of his usual place of abode, the notice shall be sent to such address by registered mail and receipt therefor, signed by the claimant, or the returned registered letter, shall be proof of service.

SECTION 10. 66.12 (1) (a) and (2) of the statutes are amended to read:

66.12 (1) (a) An action for violation of a city or village ordinance, resolution or bylaw is a civil action. All forfeitures and penalties imposed by any ordinance, resolution or bylaw of the city or village may be collected in an action in the name of the city or village before the municipal justice, or a court of record, to be commenced by warrant or summons as provided in ~~under~~ s. 954.02; but the marshal, constable or police officer may arrest the offender in all cases without warrant, as provided in ~~under~~ s. 954.03. The affidavit where the action is commenced by warrant may be the complaint. The affidavit or complaint shall be sufficient if it alleges that the defendant has violated an ordinance, resolution or bylaw of the city or village, specifying the same by section, chapter, title or otherwise with sufficient plainness to identify the same. ~~All of~~ The provisions of s. ~~954.034~~ 300.03 (5) pertaining to bail upon arrest shall apply to such actions. In arrests without a warrant or summons a statement on the records of the court of the offense charged shall stand as the complaint unless the court directs that formal complaint be issued. In all actions hereunder the defendant's plea shall be guilty, not guilty or ~~not contended~~ *no contest* and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue, any other provision of law notwithstanding.

(2) Appeals in actions to recover forfeitures and penalties imposed by any ordinance, resolution or bylaw of the city or village may be taken either by the defendant or by such municipality to the circuit court. Appeals from municipal court shall be taken ~~in the same manner as from judgment in civil actions by municipal justices~~ *under* s. 300.10. Appeals from county court shall be taken in accordance with ch. 299, except that any appeal from wherever taken shall be perfected within ~~§~~ 20 days after judgment is entered. If the appeal is taken by the defendant he shall, as a part thereof, execute a bond to the city or village with surety, to be approved by the municipal justice or judge, conditioned that if judgment be affirmed in whole or in part he will pay the same and all costs and damages awarded against him on such appeal. ~~In case such~~ *If the judgment shall be* is affirmed in whole or in part, execution may issue against both defendant and his surety. The appellant shall pay the fees and suit taxes prescribed in s. ~~306.02~~ ~~(1)~~ 300.20 (3). Upon perfection of the appeal the defendant shall be discharged from custody.

SECTION 11. 74.11 (1), (2), (3) (intro.) and (c), and (4) to (7) of the statutes are amended to read:

74.11 (1) If the treasurer is unable to collect any tax assessed upon personal property he may ~~make and~~ file with a ~~municipal justice or~~ the county court of his county an affidavit showing that there is such tax upon personal property, the amount thereof and the name of the person against whom assessed, that he has demanded payment thereof and is unable to collect the same. ~~If commenced in the county court ch. Chapter~~ 299 shall apply so far as applicable. ~~Such justice or~~ The judge of ~~such~~ the county court shall thereupon issue a summons directed to such person, commanding him to appear forthwith to answer under oath and show cause why he does not pay ~~said~~ the tax. Such summons may be served by the treasurer or any constable in ~~said~~ the county on the person to whom

the summons is directed as required for the exercise of personal jurisdiction under ch. 262 in a civil action in a court of record; upon its appearing by the affidavit of the officer or person serving ~~such~~ the summons that the same was duly served upon such person to whom ~~the same~~ it was directed, and that he has failed or neglected to appear before ~~said~~ justice ~~or~~ the judge for 24 hours after the service of the summons, the justice ~~or~~ judge shall issue a warrant, directed to the sheriff or any constable of the county, commanding him to forthwith arrest and bring such person before him.

(2) The justice ~~or~~ judge before whom such person appears or is brought shall enter the cause in his docket if a municipal justice ~~or~~ if in county court as provided in *under* ss. 299.07 and 299.10, as an action wherein the town, city or village in which ~~such~~ the tax is assessed shall be plaintiff and the person against whom the ~~same~~ tax is assessed shall be defendant; and the affidavit of the treasurer shall be deemed the complaint. ~~Such~~ defendant may, on his appearing or being brought before such justice and before submitting to an examination as hereinafter provided, remove such action to the county court or another municipal justice in the same county upon making and filing with such justice an affidavit stating that from prejudice or other cause he believes such justice will not decide impartially in the matter; and thereupon the justice shall transmit all the papers, with a copy of his docket entries in such action, to such court or justice; and if the defendant is under arrest the officer having him in charge shall take him before such judge or justice. Such judge or justice shall take jurisdiction of the case and proceed as hereinafter provided; if such defendant is not under arrest and fails to appear before such last named judge or justice within one hour after the receipt of the papers in such action he may issue his warrant, directed to the sheriff or any constable of his county, commanding him to forthwith arrest such defendant and bring him before the court. If the action is in county court the defendant may in like manner disqualify the county court judge and in such case another judge shall be required to attend and hold court in the matter, as provided in *a.* 299.205, and thereupon this section shall apply to such other judge.

(3) (intro.) When the defendant appears or is brought before the justice ~~or~~ judge before whom ~~such~~ the proceedings were commenced, or if the cause has been removed to another justice, before such last named justice, ~~or~~ referred to another judge, ~~such~~ justice ~~or~~ the judge shall cause the defendant to be examined on oath, and hear the testimony of any witnesses or other evidence presented by either party upon the following questions:

(c) Whether he is ~~justly~~ liable for the payment of such tax or any part thereof; and if any of ~~said~~ the questions are established in the negative the defendant shall be discharged with his costs; but if the defendant refuses to answer ~~such~~ relevant questions ~~as are~~ put to him or if he fails to establish either of ~~said~~ the questions in the negative, judgment shall be entered against the defendant for the amount of such tax which he ought to pay, with costs of such proceedings. No stay of execution shall be allowed on any such judgment except in case of appeal; and no property of such defendant shall be exempt from levy and sale upon execution ~~issued~~ thereon. The justice ~~or~~ judge shall reduce the examination of the defendant and of all witnesses ~~produced~~ and examined by either party to writing, and cause the same to be signed by the persons ~~so~~ examined.

(4) The treasurer may file a transcript of ~~any~~ such judgment rendered against the defendant in any such action in the office of the clerk of the circuit court of any county, and ~~the same~~ it shall be docketed by such clerk in the same manner as other transcripts of justices' ~~or~~ county court judgments, and when so docketed it shall be a lien on all the real estate of the defendant in every county in which ~~the same~~ it is docketed. The clerk of any circuit court in which any such transcript is filed and

docketed may issue execution thereon, and no real ~~or personal~~ estate or ~~personal property~~ of the defendant shall be exempt from seizure and sale on such execution; and upon the sale of any real estate of the defendant by virtue of such execution the sheriff selling ~~the same~~ it shall make, execute and deliver to the purchaser thereof a deed ~~of the same thereto~~, and the defendant shall have no right to redeem the ~~said~~ real estate after the sale thereof; and such deed shall be absolute to convey all the interest of the defendant in such real estate so sold ~~as aforesaid~~, and the sheriff shall proceed in the sale of ~~such~~ the real estate as upon sale on execution in other cases.

(5) The defendant may, within 20 days after the entry of any such judgment, appeal to the circuit court by executing and delivering to the ~~justice or~~ county court judge an undertaking to the town, city or village, with one or more sureties to be approved by such ~~justice or~~ judge, conditioned to pay any judgment the ~~said~~ circuit court may render against him in ~~such~~ the action; and upon the receipt of such undertaking the ~~justice or~~ judge shall return ~~the same~~ it with the examinations and evidence taken by him and all other papers and proceedings in such action, duly certified by him, to the ~~said~~ circuit court. The plaintiff may also appeal from any such judgment or from any judgment discharging such defendant to the ~~said~~ circuit court in the same manner that a plaintiff to a civil action in a ~~justice's court or~~ such county court may appeal from a judgment rendered therein; ~~and~~. Upon taking such appeal the ~~justice or~~ judge shall make a like return to the circuit court as upon an appeal by the defendant.

(6) Upon filing the return of the ~~justice or~~ judge by the clerk of the circuit court ~~such~~ the action shall be tried in ~~such~~ court as other actions therein; and the district attorney of the county shall appear for and try ~~such~~ the action on behalf of the plaintiff whenever so requested by the county treasurer ~~so to do~~. Upon ~~the trial in such courts~~, either party may read as evidence the examinations taken by the ~~justice or~~ judge and returned by him to such court and produce such other proofs as they deem necessary. The issues shall be the same as before the ~~justice or~~ judge; and if upon the trial in the circuit court neither of ~~said~~ the issues are established in the negative, or if the defendant neglects or refuses to appear on such trial and answer all relevant questions ~~which are~~ put to him the judge or jury by whom such action is tried shall assess the amount of the tax which the defendant ought to pay, and judgment shall be rendered against him and his sureties in said undertaking for the amount so assessed and for all costs, fees and disbursements before the ~~justice or~~ county court judge and the circuit court; ~~and~~. Execution shall issue upon such judgment against the property of all the defendants in such judgment, and no property belonging to the defendant in the action shall be exempt from seizure and sale on such execution; but if either of such issues are established in the negative the action shall be dismissed and the defendant shall recover his costs.

(7) In case execution in any such action upon a judgment rendered upon an appeal or upon a transcript of a judgment of such ~~justice or~~ judge is returned unsatisfied in whole or in part, the proper treasurer is ~~hereby~~ authorized to institute proceedings supplementary to execution to collect such judgment; and all laws applicable to supplementary proceedings upon other judgments are made applicable to the judgment above mentioned.

SECTION 12. 74.12 (2) of the statutes is amended to read:

74.12 (2) Whenever the treasurer of any town, village or city files with any ~~justice of the peace or~~ county court judge in any county an affidavit, ~~setting forth~~ stating that a certain person, naming him, owns, possesses, or is in charge of, certain personal property duly assessed in such municipality, and that such person is about to depart permanently from the municipality or state, or is about to dispose of ~~such~~ the property, or

is about to remove such property from the municipality, ~~such justice or the~~ judge shall issue a warrant of attachment as provided in sub. (1). If such person has departed permanently from the municipality or state, or has disposed of ~~such~~ the property, or has removed ~~such~~ the property from the municipality, the personal property tax matures, and an action of debt or distress shall lie and s. 74.11 ~~will be applicable~~ shall apply, in the name of the municipality for its collection. Prior to filing such affidavit the treasurer shall make a demand upon such person for payment of the tax and if not collected, shall then file ~~an~~ the affidavit under this section.

SECTION 13. 80.19 (3) of the statutes is amended to read:

80.19 (3) In case said list is exhausted before 3 commissioners who can and will act are obtained, the judge shall, without notice to either party, summon ~~in the manner provided in section 302.10~~ a sufficient number of persons having the qualifications above required to complete the commission.

SECTION 14. 80.27 of the statutes is amended to read:

80.27 Upon filing ~~such~~ the bond and notice with proof of service thereof, ~~such~~ the judge shall make out a list of 15 disinterested resident freeholders of his county, not of kin to the owner or occupant of ~~said~~ the lands. Each party shall strike 5 from such list, and if none of the proper supervisors or commissioners or other appellee ~~shall be~~ is present, the judge shall strike off the 5 names for them, and the judge shall thereupon issue an order to the sheriff or some constable of his county to summon the 5 persons named in such list and not stricken off to meet at a time and place to be specified in such order to appraise the damages, the award of which has been appealed from. In case any juror fails to appear at the time and place fixed for their meeting another juror shall be summoned in his place ~~in the manner provided by section 302.10~~. Any juror may be excused for good cause, and if any juror ~~has been~~ duly summoned and not ~~so~~ excused ~~shall fail~~ fails to serve he shall forfeit not to exceed \$10, and shall be liable to the party having the costs of the appeal to pay for additional costs made in consequence of such failure.

SECTION 15. 86.04 (2) of the statutes is amended to read:

86.04 (2) If the occupant or owner upon whom the order is served shall not deny such encroachment, ~~as provided in subsection under sub. (3),~~ and the encroachment is not removed within 30 days after the service of such order, the occupant or owner shall forfeit \$1 for every day after the expiration of that time during which ~~such~~ the encroachment ~~shall continue~~ continues. An action to recover such penalty may be brought in any court of record ~~or municipal court~~ in the county. In all cases where a judgment is rendered, the judgment shall order that the occupant or owner remove the encroachment within the time fixed by the judgment, and if he fails to obey the order, the ~~state~~ highway commission, county highway committee, or city council, village or town board, ~~as the case may be appropriate,~~ may remove the encroachment and recover from the occupant or owner the cost thereof.

SECTION 16. 86.04 (3) is repealed and recreated to read:

86.04 (3) If, within 30 days after service of the order issued under sub. (1) upon him, the owner or occupant delivers a denial in writing of the alleged encroachment to the ordering body, or fails to make a denial, the ordering body may commence an action to remove the encroachment in a court of record in the county where the property is located.

SECTION 17. 95.31 and 95.32 (1) and (3) of the statutes are amended to read:

95.31 Whenever it is deemed necessary by the department to slaughter diseased animals, either on the premises or at some designated abattoir or any other place for demonstration purposes, the representative of the de-

partment may agree in writing with the owner as to the value of such animals; in the absence of such agreement, written notice shall be given to the owner, his agent, or the person in charge of such animals, and to a ~~municipal justice in the county in which the animals are, and if there is no municipal justice, then to the county court,~~ of the purpose to order the slaughter thereof, giving the number and description of the animals, and the name of the owner.

95.32 (1) ~~Such~~ Notice given under s. 95.31 shall be entered on the ~~docket or~~ court record and the county court ~~or municipal justice~~ shall immediately thereafter notify ~~such~~ the owner, agent or possessor of the animals and summon 3 disinterested citizens of the county not residents of the immediate neighborhood in which the animals are owned or kept to appraise the value thereof. Every appraiser shall have had experience in the raising and care of livestock, and shall be familiar with the value of livestock and competent to appraise the same. The appraisers shall, before entering upon the discharge of their duties, be sworn by the county court ~~or municipal justice~~ to make a true ~~appraisement~~ appraisal without prejudice or favor of the market value of such animals. The appraisers shall immediately make a verified report to the county court ~~or municipal justice~~, giving the number of animals appraised, and the value of each, and if slaughtered on the premises, the appraisers shall certify in their return that they saw the appraised animals slaughtered.

(3) The appraisers shall receive \$2 a day for each day actually employed as such, which ~~amount~~ shall be paid out of the county treasury upon the certificate of the county court ~~or the municipal justice~~ by whom they were summoned. ~~The municipal justice and other~~ Officers who may perform any duty hereunder, shall have the same fees as are allowed by law in ~~municipal county~~ courts, and shall be paid by the county in which their services are performed.

SECTION 18. 95.37 (1) of the statutes is amended to read:

95.37 (1) Claims against the state arising from the condemnation of animals shall be made by delivering to the department, to be forwarded to the department of administration, a copy of the condemnation notice, and of the notice to the ~~municipal justice or~~ county court and return of the appraisers certified by the court ~~or justice~~, giving the name and place of residence of the owner, the date on which such animals were condemned and the tag number of each animal, and also a statement of the salvage received and of the sum due from the state and ~~such~~ any additional information as the department requires. If the value was fixed by agreement the claim shall be made by delivering to the department to be forwarded to the department of administration the agreement or a sworn copy thereof and a statement of the salvage received and of the amount due from the state and any additional information demanded. The department shall promptly transmit all claims to the department of administration and accompany the same with a report of the sum due from the state and thereupon the claims may be audited and paid.

SECTION 19. 126.63 of the statutes is amended to read:

126.63 In addition to other remedies, the commission may seize any grain upon which it has a lien for charges, and hold or sell the same; or it may take a sufficient amount of grain from each car to cover ~~such~~ the charges and the expenses of selling the grain and may sell ~~such~~ the grain in the open market in Superior after giving not less than 10 days' notice of the time and place of sale, either personally or ~~in the manner~~ as provided for sales of personal property upon execution in ~~municipal court in ch. 272.~~ The Commission may also bring an action to foreclose its lien in the usual manner. If the action is brought while the grain is in the hands of the railway company, it shall not be necessary to make any person a defendant other than the company, in which case the company shall notify

the owner of the grain, who may upon his application be made a party defendant. The commission may foreclose its lien upon all grain or upon any number of carloads of grain in the possession of any railroad company in a single action.

SECTION 20. 146.14 (3) of the statutes is amended to read:

146.14 (3) If the local board of health or commission is refused entry to any building or vessel to examine into and abate, remove or prevent a nuisance, any member may complain under oath to a ~~municipal justice or county Judge of a court of record, whether or not such justice or judge is a member of the board or commission,~~ stating the facts in his knowledge and. *Upon a finding of probable cause the justice or judge shall issue a warrant commanding the sheriff or any constable of the county to take sufficient aid, and being accompanied by 2 or more members of the board of health or commission, and under their direction, between sunrise and sunset, abate, remove or prevent the nuisance.*

SECTION 21. 170.03 of the statutes is amended to read:

170.03 Every finder of a stray of the value of \$10 or more, at the time of such taking up, shall ~~also within one month thereafter~~ cause the ~~same~~ *stray* to be appraised by a ~~municipal justice or the town~~ chairman of ~~such the~~ town, and a certificate of ~~such the~~ appraisal, signed by the ~~municipal justice or chairman,~~ shall be filed in the town clerk's office. The finder shall pay the ~~municipal justice town chairman~~ 50 cents for the certificate and 10 cents per mile for each mile necessarily traveled to make the same.

SECTION 22. 170.04 of the statutes is amended to read:

170.04 The owner or person entitled to the possession of ~~any such the~~ stray at any time within one year after ~~such the~~ notice is filed with ~~such the~~ town clerk may have the ~~same~~ *stray* restored to him upon proving his right thereto and paying all lawful charges incurred in relation to the ~~same~~ *stray*. If the claimant and the finder cannot agree as to the amount of ~~such the~~ charges or upon what should be allowed for the use of such *stray* either party, on notice to the other, may apply to ~~any municipal justice or the town~~ chairman of ~~such the~~ town to settle the same, who for that purpose may examine witnesses on oath. If any amount ~~shall be~~ is found due ~~to~~ the finder, over the value of the use of ~~such the~~ stray, the same, with the costs, shall be a lien upon ~~such the~~ stray and costs of ~~such the~~ adjudication shall abide the decision of the ~~municipal justice~~. When acting in any case under this chapter a town chairman shall have the same powers as a ~~municipal justice and the law governing municipal justices and municipal courts shall, so far as applicable, apply thereto~~ town chairman. *If either party refuses to accept the decision of the town chairman, action may be brought in county court.*

SECTION 23. 170.05 of the statutes is amended to read:

170.05 If no claimant for ~~such the~~ stray ~~shall cause~~ requests its return to him as ~~before provided under s. 170.04~~ and if ~~such the~~ stray ~~shall~~ has not ~~have~~ been appraised at more than ~~ten dollars~~ \$10 the finder shall ~~thereupon~~ become the absolute owner ~~thereof~~; but if ~~such the~~ appraised value exceeds ~~ten dollars~~ ~~such~~ \$10 the stray shall be sold at public auction by the sheriff or any constable of the county on the request of the finder. Notice thereof shall be given and the sale shall be conducted and the same fees allowed therefor as in case of sales ~~upon a justice's execution under ch. 272.~~ The finder may bid at ~~such the~~ sale and shall, at the time of sale, deliver to such officer a statement in writing of his charges, which shall be filed by ~~such the~~ officer with the town treasurer; and after deducting ~~such the~~ charges, if just and reasonable, and the costs of the sale the officer shall pay one-half of the remaining proceeds to the finder and within ~~ten~~ 10 days thereafter the other half to the treasurer of ~~such the~~ town for its use. If the finder of any ~~such the~~ stray ~~shall neglect or refuse~~ neglects or refuses to

cause ~~such~~ the sale to be made when required by law he shall pay to the town the value of ~~such~~ the stray, to be recovered in an action by the town.

SECTION 24. 170.08 of the statutes is amended to read:

170.08 Every finder of lost goods of the value of \$25 or more shall give notice thereof to the clerk of the town wherein found, within 15 days after finding the ~~same~~ goods and cause a class 2 notice thereof, under ch. 985, to be published in the county. If no person appears to claim the same who ~~may be~~ is entitled thereto he shall, within 2 months after finding such goods and before using the same to their injury, procure an appraisal thereof by a ~~municipal justice~~ or the town chairman of his town, ~~which the~~ appraisal shall be certified to by ~~such municipal justice~~ or the chairman and filed in the town clerk's office ~~of such town~~.

SECTION 25. 171.03 of the statutes is amended to read:

171.03. The fees allowed to any ~~municipal justice~~ under this chapter shall be one dollar for each day's service, and to any sheriff or constable are the same fees ~~as are~~ allowed by law to a sheriff for sales upon execution, ~~and 40 cents per folio for making an inventory of property.~~

SECTION 26. 171.04 (1) to (3), 171.05 and 171.06 of the statutes are amended to read:

171.04 (1) If any property delivered to any forwarding merchant, wharfinger, or warehouseman, for carriage or storage, ~~shall be~~ is in a state of decay, or manifestly liable to immediate damage and decay, the person in whose custody the ~~same shall then be~~ property is, his agent or attorney, may make an affidavit of ~~such~~ this fact, and present the same to a circuit judge, county judge, or court commissioner, or ~~municipal justice~~ of the county in which such property shall then be, and ~~such the~~ circuit judge, county judge, or court commissioner, or ~~municipal justice~~, shall ~~thereupon~~ immediately make an order requiring the sheriff or any constable of ~~such the~~ county to immediately inspect ~~such the~~ property, and directing him, if ~~the same shall be~~ it is found by him to be in a state of decay, or manifestly liable to immediate damage or decay, to summarily sell the same without notice.

(2) If ~~such the~~ sheriff or constable shall upon inspection, ~~find such~~ finds the property to be in a state of decay, or manifestly liable to immediate damage or decay, he shall attach to ~~such the~~ order his affidavit stating such fact, and shall make an inventory of ~~said the~~ property, and shall ~~thereupon~~ summarily sell ~~said the~~ property without notice, and shall make full return of his execution of ~~said the~~ order to the judge or ~~justice~~ commissioner who issued the same, together with his affidavit, inventory, and the proceeds of said sale, after deducting his fees therefrom.

(3) From the proceeds of such sale, the judge or ~~justice~~ commissioner shall pay all legal charges that have been incurred in relation to ~~such the~~ property, or a ratable proportion of each charge if the proceeds of ~~such the~~ sale shall are not be sufficient to pay all the charges; and the balance, if any ~~there be~~, he shall immediately pay over to the treasurer of his county, with a copy of all the proceedings in ~~said the~~ matter. The county treasurer shall file ~~such the~~ copy in his office.

171.05 If any ~~such~~ property shall ~~be~~ is perishable or subject to decay by keeping, the person in whose custody ~~such the~~ property shall ~~then be~~ is, his agent or attorney, may make an affidavit of ~~such~~ this fact and present the same to a circuit judge, county judge, or court commissioner, or ~~municipal justice~~ of the county in which ~~such the~~ property shall ~~then be~~ is located, and ~~such circuit judge, county~~ the judge, or court commissioner, or ~~municipal justice~~, shall ~~thereupon~~ immediately make an order requiring the sheriff or any constable of ~~such the~~ county to immediately inspect ~~such the~~ property, and if ~~the same shall be~~ it is found by him to be perishable or subject to decay by keeping, to make and return an affidavit of ~~such~~

this fact. Upon the return of ~~such~~ this affidavit, the judge or ~~municipal justice commissioner~~ making the order shall immediately ~~make~~ issue an order requiring the sheriff or constable to sell the property at public auction, giving notice of the time and place of the sale by publication of a class 1 notice, under ch. 985, and serving upon the consignor, the consignee and the custodian, of the property, if they are known, a copy of the notice by mail. ~~Such~~ The sheriff or constable shall, at the time and place fixed by ~~said~~ the notice, unless ~~said~~ the property has been otherwise lawfully disposed of, sell ~~said~~ the property at public auction, and shall make full return of his execution of ~~said~~ the order, and return the same with an inventory of ~~said~~ the property and the proceeds of ~~said~~ the sale, after deducting his fees, to the judge or ~~municipal justice commissioner~~ making ~~said~~ the order. From the proceeds of ~~such~~ the sale, ~~said~~ the judge or ~~municipal justice commissioner~~ shall pay all legal charges that have been incurred in relation to ~~such~~ the property, or a ratable proportion of each charge if the proceeds of ~~such~~ the sale ~~shall are~~ not be sufficient to pay all the charges; and the balance, if any ~~there be~~, he shall immediately pay over to the treasurer of his county, with a copy of all the proceedings in ~~said~~ the matter. The county treasurer shall file ~~such~~ the copy in his office. The person in whose custody ~~such~~ the property ~~shall be~~ is when ~~any~~ ~~such~~ the proceedings for the sale ~~thereof~~ ~~shall be~~ were commenced, shall immediately notify the consignor and consignee of ~~such~~ the sale, ~~which~~ notice shall be in writing, ~~and~~ which shall be served by leaving a copy thereof with the consignor and consignee personally or by mail.

171.06 When any ~~such~~ property ~~shall is~~ not be perishable or subject to decay and ~~shall is~~ not be claimed and taken away within one year after it ~~shall have been so~~ was received, ~~the same~~ it may be sold as follows: The person in whose custody ~~such~~ the property ~~shall then be~~ is, his agent or attorney, may make an affidavit of the facts and present the same to a ~~circuit judge, county judge, or court commissioner, or municipal justice~~ of the county in which ~~such~~ the property ~~shall then be~~ is located and such ~~circuit judge, county judge, or court commissioner, or municipal justice,~~ shall ~~thereupon~~ immediately ~~make~~ issue an order requiring the sheriff or any constable of ~~such~~ the county to sell ~~such~~ the property at public auction, ~~first~~ giving ~~sixty~~ 60 days' notice of the time and place of ~~such~~ the sale to the consignor, the consignee, and the custodian of ~~such~~ the property. ~~Such~~ This notice shall be in writing and ~~shall be~~ served personally or by mail upon ~~such~~ of ~~such~~ the persons ~~the~~ whose names and residences of ~~whom~~ are known. If the name or residence of any of the persons is unknown and cannot be ascertained with reasonable diligence, the sheriff or constable shall make an affidavit of ~~such~~ this fact and shall ~~thereupon~~ publish a class 3 notice, under ch. 985, in the county. At the time and place of ~~such~~ the sale ~~such~~ the sheriff or constable shall sell ~~said~~ the property at public auction and shall make a full return of his proceedings under ~~said~~ the order to the judge or ~~municipal justice~~ making ~~commissioner~~ issuing the ~~same~~ order, together with proof of service or publication of the notice of the sale, and an inventory of the property sold and the proceeds of ~~such~~ the sale after deducting his fees. From the proceeds of ~~such~~ the sale the judge or ~~municipal justice commissioner~~ shall pay all legal charges that have been incurred in relation to ~~such~~ the property, including the charges of the person in whose custody ~~said~~ the property was when ~~said~~ the proceedings were begun, or a ratable proportion of each charge if the proceeds of ~~such~~ the sale ~~shall are~~ not be sufficient to pay all the charges; and the balance, if any ~~there be~~, he shall immediately pay over to the treasurer of his county, with a copy of all proceedings in ~~said~~ the matter. The county treasurer shall file ~~such~~ the copy in his office. The person in whose custody ~~such~~ the property ~~shall be~~ is when any ~~such~~ proceeding for the sale ~~thereof~~ ~~shall be~~ commenced, shall immediately notify the consignor and consignee of ~~such~~

the sale, ~~which notice shall be~~ in writing, and shall be served by leaving a copy thereof with the consignor and consignee, personally or by mail.

SECTION 27. 172.04, 172.05 and 172.06 of the statutes are amended to read:

172.04 The finder shall, within one month from taking them up, if the animals are of the value of \$10 or more, apply to a ~~municipal justice of the county or to the town chairman, village president or city mayor of the municipality where found for the appointment of a disinterested appraiser; a certificate of ~~such~~ the appraisal shall be signed by the appraiser and filed in the municipal clerk's office. The finder shall pay the appraiser \$3 for the certificate and 10 cents per mile for every mile necessarily traveled in ~~such~~ service.~~

172.05 The owner or person entitled to the possession of ~~any such~~ the animal, at any time within 90 days after such notice is filed with ~~such town~~ the municipal clerk, may have ~~such~~ the animal restored to him upon proving his right thereto and paying all lawful charges incurred in relation to the same. If ~~such~~ the claimant and the finder cannot agree as to the amount of ~~such~~ the charges or for the use of ~~such~~ the animal either party upon notice to the other may apply to the ~~municipal justice or town chairman, village president or city mayor or manager of such town~~ the municipality to settle the same, who for that purpose may examine witnesses on oath. ~~If~~ Any amount is found due to the finder over the value of the use of such animal ~~the same, together~~ with the costs of such adjudication, shall be a lien upon ~~such~~ the animal.

172.06 If no claimant for ~~such~~ the animal ~~shall cause~~ causes its return to him as heretofore provided, and if ~~such~~ the animal shall have not been appraised for more than ~~ten dollars~~ \$10, the finder shall thereupon become the absolute owner thereof; but if ~~such~~ the appraised value exceeds ~~ten dollars~~ ~~such~~ \$10 the animal shall be sold at public auction by the sheriff or any constable of the county on the request of the finder. Notice thereof shall be given and the sale shall be conducted and the same fees allowed therefor as in cases of sales upon a ~~justice's~~ execution under ch. 272. The finder may bid at ~~such~~ the sale and shall at the time of sale deliver to such officer a statement in writing of his charges, which shall be filed by ~~such~~ the officer with the ~~town~~ municipal treasurer, and after deducting ~~such~~ the charges, if just and reasonable, and the costs of the sale the officer shall pay one-half of the remaining proceeds to the finder, and within ~~ten~~ 10 days thereafter the other half to the treasurer of ~~such town~~ the municipality for its use. If the finder of any ~~such~~ stray shall ~~neglect or refuse~~ neglects or refuses to cause ~~such~~ a sale to be made when required by law he shall pay to the ~~town~~ municipality the value of ~~such~~ the stray, to be recovered in an action by the ~~town~~ municipality.

SECTION 28. 173.01, 173.03 and 173.06 of the statutes are amended to read:

173.01 The owner or occupant of any lands may distrain any beast doing damage on his premises, either while upon the premises or upon immediate pursuit of ~~such~~ the beasts escaping therefrom and before returning to the enclosure of or to the immediate care of the owner or keeper, and may keep ~~such~~ the beasts upon his premises or in some public pound in his town, city or village until his damages are appraised as hereinafter provided. If the owner of ~~such~~ the beasts is known to the person distraining and resides within the same town, city or village the person distraining shall give a written notice to ~~such~~ the owner within 24 hours, but if he resides in the same county, but not in the same town, city or village, within 48 hours, Sundays excepted, specifying therein the time when and the place where distrained, the number of ~~such~~ beasts and the place of their detention, and that at a time and place, which shall not be less than 12 hours after the serving of ~~such~~ the notice nor more than 3 days after

such distress, he will apply to ~~some~~ ~~municipal~~ ~~justice~~ of the county (naming him) ~~or~~ to the town chairman, village president or city mayor ~~or manager~~ of the municipality where found for the appointment of 3 disinterested freeholders of ~~such~~ the town, city or village to appraise the damages; but if ~~such~~ the owner is unknown or does not reside in the county he shall apply for the appointment of ~~such~~ appraisers without notice and within 24 hours after such distress; and upon ~~such~~ application ~~such~~ justice, the chairman, president ~~or~~, mayor ~~or manager~~ shall appoint in writing 3 disinterested freeholders of ~~such~~ the town, city or village to appraise the damages, and shall receive ~~fifty~~ 50 cents therefor.

173.03 Unless the damages so ascertained, together with the fees of the appraisers and justice, chairman, president or mayor, have been paid within 24 hours after ~~such~~ the appraisal the person distraining shall cause the beasts distrained to be put into the nearest pound of the same town, city or village, if there is one, and if not, then in some secure ~~inclosure~~ enclosure, where they shall remain until sold as hereinafter directed, or until ~~such~~ the damages, fees and the costs of keeping ~~such~~ the beasts after appraisal are paid or until otherwise seized or discharged according to law. ~~Such~~ The beasts shall be furnished with suitable food from the time of seizure until discharged therefrom or sold; and the expense thereof, after the appraisal, shall be added thereto and paid as additional costs; and if ~~such~~ the beasts are put in a pound the certificate of appraisal shall be delivered to the keeper of ~~such~~ the pound.

173.06 From the proceeds of ~~such~~ the sale the person making it shall retain his fees ~~therefor~~, which shall be the same as are allowed to constables upon sales of personal property on execution, and the cost of keeping ~~such~~ the beasts; and he shall pay to the person who distrained ~~such~~ the beasts the damages so certified, with the fees of the appraisers and justice, chairman, president or mayor, and pay the surplus, if any, to the owner of ~~such~~ the beast, if known. If no owner appears at the time of sale or within one week thereafter and claims ~~such~~ the surplus it shall be paid to the treasurer of ~~such~~ the town, city or village. If ~~such~~ the money is not applied for within one year thereafter the treasurer shall place the same in the town treasury, to be expended in the support of the poor; but if the owner applies therefor and gives proper proof of ownership within 6 years after its receipt by such treasurer it shall be paid over to such owner, deducting 2% for fees.

SECTION 29. 176.01 (5) of the statutes is repealed.

SECTION 30. 176.28 (2) of the statutes is amended to read:

176.28 (2) The person to whom the selling to, or purchasing or procuring for, any such intoxicating liquors or fermented malt beverages has been prohibited may be arrested on complaint of ~~the~~ his wife ~~of~~ ~~such~~ ~~person~~ or of any supervisor, trustee, alderman, county welfare director, mayor, chairman of the county board or district attorney and brought before ~~any~~ ~~municipal~~ ~~justice~~ or the county judge of the county to testify as to where and from, through or by whom or by whose agency, he obtained or procured intoxicating liquor or fermented malt beverages, and if he refuses to testify he shall be committed to the county jail or house of correction to be detained therein until he so testifies or is discharged by order of the court.

SECTION 31. 176.36 of the statutes is amended to read:

176.36. Every sheriff, undersheriff and deputy sheriff, police officer, marshal or deputy marshal or constable of any town, village or city peace officer as defined in s. 939.22 (22) who ~~shall know~~ knows, or he is credibly informed, that any unlawful offense has been committed against the provisions of any law of this state relating to the sale of intoxicating liquors, shall make complaint against the person so offending within their respective towns, villages or cities jurisdictions to a ~~proper~~ municipal justice

~~or other magistrate therein~~ *person authorized to issue a criminal warrant,* and for every neglect or refusal ~~so~~ to do so, every such officer shall be deemed guilty of a misdemeanor and shall be punished by a fine ~~not exceeding \$50 and the costs of prosecution.~~

SECTION 32. 200.24 of the statutes is renumbered 165.55 (11) and amended to read:

165.55 (11) All officers who shall perform any service at the request of the state fire marshal or his subordinates shall receive the same fees as officers in municipal courts, *determined by the state fire marshal* and such fees shall be paid in the manner witnesses are paid under s. 200.21, and charged to the appropriation for the ~~state fire marshal~~ *department of justice.*

SECTION 33. 253.015 of the statutes is amended to read:

253.015 Menominee county shall not be organized separately for county court purposes, but shall be a part of a joint Shawano-Menominee county court, which constitutes a single judicial district. Such court shall have 2 divisions, the Shawano county division and the Menominee county division. No county judge for Menominee county shall be elected separately, but the ~~duly elected~~ judges of the Shawano-Menominee county court shall serve as county judges of the district. The books, papers and records of the office of such county judges shall be kept at the county seat of the county in which each has his principal office, or, at the discretion of the county judges, at either or both county seats. The judge of Shawano-Menominee county court, branch one, may appoint a register in probate and a public administrator for each of the 2 divisions of the county court, or may appoint one register in probate or public administrator to serve both divisions. If a separate register in probate is appointed for the Menominee county division, he may be the same person who is the ~~duly elected~~ clerk of circuit court for Menominee county. If one register in probate serves for both the Shawano and Menominee county divisions of the county court, the office of such register in probate shall be in the city of Shawano. The qualified electors of Menominee county shall be eligible to vote at every election for county judge. ~~Any civil matter or proceeding or criminal matter or action, except a criminal action which the municipal justice has no jurisdiction to try, commenced in the Shawano-Menominee county court, Menominee county division, which would be within the jurisdiction and authority of a municipal justice in Menominee county had the action been commenced in Menominee county, shall be, on the motion of the defendant in a criminal case or in the case of a forfeiture, and may be on the motion of either party in other cases, transferred by the county judge to a municipal justice in Menominee county for trial.~~ The county boards of Menominee county and Shawano county shall enter into an agreement prorating the joint expenditures involved in conducting the joint county court, and for ~~such purposes~~ *that purpose* the county board of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to pay its share of such expenses; but no portion of the initial cost, or amortization of debt on the Shawano county courthouse or repair, maintenance, or improvement of the same or items which are taxable costs between the parties shall be included as a joint expenditure for proration purposes. If the 2 county boards are unable to agree on prorating the joint expenditures involved, then the judge of the circuit court for the 10th circuit shall, under appropriate notice and hearing, determine the prorating of such expenditures, on the basis of the volume and character of work and responsibilities, to each county, under ~~such~~ *the* procedure as he prescribes. The county judge may order court held at the county seat in Menominee county or at the county seat in Shawano county or other appropriate place, and the general terms of the court for the county court of Shawano county shall be the terms of Shawano-Menominee county court. The proper place of trial of civil and criminal actions commenced

in such court shall be the place in either county where the judge orders court held. The jury commissioners of Shawano county shall serve as jury commissioners for the Shawano-Menominee county court, and shall add to the present Shawano county court jury list from which jurors shall be drawn the names of qualified residents of Menominee county, and the list shall be known as the Shawano-Menominee county court jury list. All fines and all costs and fees collected in Shawano-Menominee county court in causes of action arising out of Menominee county shall be accounted for and paid over quarterly to the county treasurer of Menominee county and in causes of action arising out of Shawano county shall be accounted for and paid over quarterly to the county treasurer of Shawano county. All process and pleadings and documents of the Shawano-Menominee county court shall be entitled, "Shawano-Menominee County Court: _____ County Division", to be completed with the name of the appropriate county.

SECTION 34. 253.11 (3) of the statutes is amended to read:

253.11 (3) ~~Except for municipal court concurrent jurisdiction as to garnishment under s. 300.05,~~ The county court shall have the exclusive jurisdiction of garnishment actions where the amount involved is under \$500.

SECTION 35. 254.04 of the statutes is amended to read:

254.04 The ~~council governing body~~ shall fix a salary for such justice which shall be in lieu of fees and costs. Fees and taxable costs shall be paid into the municipal treasury as the governing body directs. The salary may be increased by the governing body before the start of the 2nd or a subsequent year of service of the term of the justice, but shall not be decreased during a term. Salaries may be paid annually or in equal instalments as determined by the governing body, but no justice shall be paid a salary for any time during his term during which such justice has not executed his official bond or official oath, as required by s. 254.03, and filed pursuant to s. 19.01 (4) (c).

SECTION 36. 254.045 of the statutes is created to read:

254.045 JURISDICTION. A municipal court has exclusive jurisdiction over offenses against ordinances of the city, town or village which operates the court and where legal relief only is sought. If equitable relief is demanded, the municipal court does not have jurisdiction and the action must be brought in a court of record.

SECTION 37. 254.05 (1) of the statutes is renumbered 254.05 and amended to read:

254.05 Every justice ~~shall have~~ has county-wide jurisdiction. If elected in a city or village lying in more than one county, he shall qualify and have jurisdiction in each, the same as though the municipality lay wholly therein, and may hold court in one county while exercising jurisdiction in the other. ~~If a defendant resides in either of such counties, venue on appeal or certiorari in civil cases, except actions brought by cities or villages, shall be in that county, otherwise in that one of the counties where the cause of action arose if it arose in either, otherwise in either county. In criminal cases venue upon appeal or certiorari shall be in the county where the offense was committed. In all actions brought by a city or village appeals may be taken to the circuit court of the county where the action was tried. Juries may be impaneled of persons qualified as jurors in either county.~~

SECTION 38. 254.05 (2) and (3) of the statutes are repealed.

SECTION 39. 254.07 of the statutes is repealed and recreated to read:

254.07. LIMITED MAGISTRATE DUTIES. A municipal justice is not a magistrate except for the purpose of issuing warrants.

SECTION 40. 254.09 of the statutes is repealed and recreated to read:

254.09. OFFICE, WHERE KEPT. (1) Every justice shall keep his office and hold court only in the municipal hall of the town, village or city in

which he was elected or if no room is available in the municipal hall, the governing body may authorize him to temporarily keep his office and hold court elsewhere in the municipality, other than at a place prohibited under sub. (2). He may issue process or perform ministerial functions at any place in the county.

(2) No justice shall keep his office or hold court in any tavern, or in any room in which intoxicating liquors are sold, or in any room connecting therewith. For any violation of this section the justice shall forfeit \$25 but the violation of the subsection does not make any order or judgment void.

(3) No justice shall hold court or keep his office with a practicing attorney unless the attorney is his law partner, and the partner shall not act as attorney before such justice.

SECTION 41. 254.11 to 254.16 of the statutes are created to read:

254.11 PAPERS, HOW KEPT. Every justice shall file and keep together all papers in an action, separate from all other papers.

254.12 DELIVERY OF BOOKS TO MUNICIPAL CLERK. When a municipal court ceases to operate, the docket, books of account, case files, moneys and bonds belonging to the court shall be delivered to the municipal clerk within 10 days after the vacancy occurs by the person who is in possession.

254.13 BOOKS DEMANDED BY MUNICIPAL CLERK. If any materials which should be delivered to the municipal clerk under s. 254.12 are not delivered within the time specified, the municipal clerk shall demand their delivery and may by action compel delivery.

254.14 DUTY OF CLERK ON RECEIPT OF BOOKS. (1) When the municipal clerk receives the docket, books of account and case files of a municipal court which has ceased to operate, he shall within 10 days dispose of them as follows:

(a) Deliver them to the clerk of the county court of that county if the municipality in which the municipal court was located was within one county.

(b) Deliver the case files of the pending and appealable cases to the clerk of the county court of the county where the court held office and certified copies of the docket for the past 12 months to the clerk of the county court of every other county in which the municipality lies, if the municipality in which the municipal court was located is in more than one county.

(2) For any pending or appealable cases, the bail shall be delivered along with the case file to the proper clerk of court. Any other moneys received under sub. (1) shall be delivered to the city treasurer as provided in s. 300.21.

254.15 PENDING ACTIONS TRIABLE BY COURT WHICH RECEIVES BOOKS. When any action is pending before a justice at the time his office becomes vacant and his books and papers have been delivered to the county court, it may try the action and enter judgment as though the action was begun before it.

254.16 CONTINUANCE ON VACANCY; NOTICE OF TRIAL. All actions before any justice undetermined or appealable when his office becomes vacant are continued until the expiration of 10 days from the time when his books and papers were delivered to the county court. The court shall give 3 days' notice to the parties to the action.

SECTION 42. 255.04 (2) (c) of the statutes is amended to read:

255.04 (2) (c) The commissioners shall ~~also~~ furnish, upon periodic request of the sheriff, a current list of the names of persons available for jury duty in ~~municipal court~~, mental inquiries and reexaminations, coroner's inquests, and for such other purposes as the sheriff is required by law to

summon or select a jury, which list shall contain not less than 100 nor more than 200 names of persons drawn and apportioned in the manner provided in *under par. (a)*.

SECTION 43. 256.54 (1) and (5) of the statutes are amended to read:

256.54 (1) In this section, unless the context requires otherwise, "court" means any tribunal recognized as part of the judicial branch of the government, ~~but excluding municipal justices.~~

(5) All judges, *municipal justices*, clerks of court, registers in probate and other officers or employes of the courts shall comply with all requests made by the administrative director for information and statistical data relative to the work of the courts and of such offices.

SECTION 44. 270.95 of the statutes is amended to read:

270.95 No action shall be brought upon a judgment rendered in any court of this state, ~~except a court of a municipal justice,~~ between the same parties, without leave of the court, for good cause shown, on notice to the adverse party.

SECTION 45. 271.01 (2) of the statutes is repealed.

SECTION 46. 271.03 (1) of the statutes is amended to read:

271.03 (1) If the plaintiff is not entitled to costs under s. 271.01 (1) or (3) ~~or is denied costs under 271.01 (2),~~ the defendant shall be allowed costs to be computed on the basis of the demands of the complaint.

SECTION 47. 272.05 (6) of the statutes is amended to read:

272.05 (6) If it ~~be is~~ for the delivery of property, to deliver the possession of the same, particularly describing it, to the party entitled thereto, and may require the officer to satisfy any costs, damages or rents and profits covered by the judgment out of the personal property of the party against whom it was rendered, and shall specify the value of the property for which the judgment was recovered; if a delivery of the property cannot be had and if sufficient personal property cannot be found, then out of the real property belonging to him on the day when the judgment was docketed or at any time thereafter. When a judgment in replevin ~~or upon appeal from a municipal justice's judgment shall be is~~ entered against the principal and also against his sureties ~~as provided in under s. 270.60 or 306.20,~~ the execution shall direct that the property of the surety shall not be levied on unless the property found, belonging to the principal, is not sufficient to satisfy the judgment.

SECTION 48. 288.05 and 288.09 (2) of the statutes are repealed.

SECTION 49. 289.20 (1), 289.21 (1), 289.29 and 289.30 of the statutes are amended to read:

289.20 (1) An action to enforce any lien ~~mentioned in under s. 289.18~~ may be brought in the circuit court of the county where the petition is filed, when the amount claimed exceeds \$100, or before ~~any~~ the county court ~~or municipal justice having jurisdiction of the amount claimed in~~ of the county in which such petition is filed. ~~Such~~ This claim shall cease to be a lien unless an action to foreclose it is commenced within 4 months after filing such petition. If the claim is not due at the time of filing ~~such the~~ petition the time when the same will become due shall be stated therein, and in ~~such this case such the~~ claim shall not cease to be a lien until 30 days after the claim has become due and until 4 months after the filing of ~~such the~~ petition.

289.21 (1) The plaintiff in ~~such this~~ action may have ~~the his~~ remedy by attachment of the property upon which the lien is claimed as in personal actions; ~~such this~~ attachment may be issued, served and returned and like proceedings had thereon including the release of any attached property as in personal actions. The affidavit for the attachment must state that the defendant who is personally liable is indebted to him in

the sum named, above all setoffs, for services which entitle the plaintiff to a lien, describe the property on which it is claimed ~~such~~ that the services were performed and that the plaintiff has filed his petition for a lien pursuant to law; ~~but~~ no other fact need be stated ~~therein~~. No undertaking upon ~~such~~ this attachment or security for costs in actions hereunder before county courts ~~or municipal justices~~ need be given unless upon application of some defendant showing by affidavit that he has a valid defense to the plaintiff's claim, and no order shall be made by any court or any judge thereof requiring an undertaking or security for costs except upon 10 days' notice to the plaintiff.

289.29 In an action for the enforcement of a lien upon property ~~mentioned in~~ under s. 289.18 a person not a party may, at any time before sale of the property upon which a lien is claimed, become a party defendant by filing with the clerk of the court ~~or with the municipal justice~~ where the action is pending an affidavit made by him or in his behalf that he is the owner of or of some interest in the property upon which a lien is claimed and verily believes that said claim for lien is invalid; upon filing ~~such~~ this affidavit he may defend ~~said~~ this action so far as a claim for a lien is concerned, and in case judgment has been previously rendered for a lien he may appeal within 20 days after the filing of ~~such~~ the affidavit. ~~Such~~ The right to file an affidavit or take an appeal should not extend beyond one year from the rendition of the judgment.

289.30 ~~Such~~ An appeal under s. 289.29 shall not stay execution unless the appellant files an undertaking, with 2 or more sureties, who shall each justify in a sum equal to double the amount of the judgment, conditioned that if the plaintiff establish his right to a lien on such property they will pay the amount of judgment in his favor with costs; ~~said~~ the undertaking shall be approved by the judge of the court to which the appeal is taken; and upon filing it all proceedings upon the judgment appealed from shall be stayed during the pendency of ~~such~~ the appeal, and in case execution ~~shall have~~ has been previously issued the same shall, upon presenting to the officer in whose custody it may be a certified copy of such affidavit and undertaking and certificate of the ~~municipal justice or~~ clerk of the court that an appeal has been perfected, be returned, and all property in which appellant ~~shall claim~~ claims an interest that may have been levied upon shall be released from such levy. If upon the trial in the appellate court the plaintiff ~~shall recover~~ recovers judgment of lien upon ~~such~~ this property ~~such~~ the judgment may be entered against the appellant and his sureties; but if the plaintiff does not establish his right to a lien the appellant shall recover judgment for costs. ~~When the judgment to be appealed from is rendered in municipal court and by reason of the death of the municipal justice who rendered it or any other cause the affidavit and undertaking cannot be presented to him they may, with notice of appeal and affidavit upon appeal, be filed with the clerk of the court to which such appeal is taken within the time aforesaid.~~

SECTION 50. 289.57 (1) and (3) and 289.58 (1) and (2) of the statutes are amended to read:

289.57 (1) Actions to enforce the lien may be brought before ~~any~~ the county court ~~or municipal justice~~ having jurisdiction of the amount ~~claimed in~~ of the county ~~in which~~ where the petition is filed. Actions may be commenced to enforce and foreclose the lien immediately after the filing of the petition if the amount owing for the services is then due. The claim for services shall cease to be a lien on the animal described in the petition unless an action to foreclose the lien is commenced within 4 months after the filing of the petition.

(3) Where the animal has been taken from the county where the work was done, the person in whose favor the lien exists may bring an action to foreclose it in ~~any~~ the county where the animals ~~may~~ be is found.

In all foreclosure actions the person liable for the payment of the claim shall be made the party defendant. Any person claiming any interest in the animal may be also made a defendant, but shall ~~is not be held~~ personally liable for any costs unless he defends the action. ~~In actions appealed from county or municipal court no change of venue shall be allowed for prejudice of the judge or of the people.~~

289.58 (1) The plaintiff in an action in county ~~or municipal~~ court may attach the animal upon which the lien is claimed as in personal actions. The attachment may be issued, served and returned and like proceeding had thereon, including the release of any attached animal, upon giving an undertaking in ~~such~~ ~~the~~ ~~sum~~ ~~as~~ ~~may~~ ~~be~~ fixed by the court or judge for the payment of the amount which may be finally determined to be a lien on the animal. The affidavit for the attachment must state that the defendant who is personally liable is indebted to plaintiff in the sum named, above all setoffs, for services performed which entitle the plaintiff to a lien, describe the animal on which it is claimed the services were performed and that the plaintiff has filed his petition for a lien pursuant to law; ~~but no other fact need be stated therein.~~

(2) No undertaking upon ~~such~~ ~~this~~ attachment or security for costs in actions ~~hereunder~~ before county ~~or municipal~~ courts need be given unless upon application of some defendant showing by affidavit that he has a valid defense to the plaintiff's claim, and no order shall be made by any circuit court or any judge thereof requiring the giving of an undertaking or security for costs except upon 10 days' notice to the plaintiff. The writ of attachment shall direct the officer to whom it is issued to attach the animals described or so many thereof as ~~it~~ ~~are~~ necessary to satisfy the sum claimed to be due thereon and to hold the same subject to further proceedings in the action.

SECTION 51. 289.60 of the statutes is repealed.

SECTION 52. 289.65 and 289.66 of the statutes are amended to read:

289.65 In any action for the enforcement of a lien upon any animal mentioned in s. 289.54 any person not a party ~~thereto~~ may, before ~~an~~ ~~actual~~ the sale of the animal upon which a lien is claimed, become a party defendant by filing with the clerk of the court where ~~such~~ ~~the~~ action is pending, ~~or with the municipal justice in actions pending in a municipal court,~~ an affidavit made by such person or in his behalf to the effect that he is the owner of or of some interest in the animal upon which a lien is claimed and verily believes that the claim for lien is unjust and invalid; upon filing ~~such~~ ~~the~~ affidavit he may defend ~~and~~ the action so far as a claim for a lien is concerned, and in case judgment has been previously rendered for a lien he may appeal within 20 days after the filing of ~~such~~ ~~the~~ affidavit but his right to file an affidavit or take an appeal shall not extend beyond one year from the date of the rendition of the judgment.

289.66 (1) ~~Such~~ An appeal ~~under~~ s. 289.65 shall not stay execution unless the appellant files an undertaking, with 2 or more sureties, who shall each justify in a sum equal to double the amount of the judgment, conditioned that if the plaintiff establish his right to a lien on the animal they will pay the amount of the judgment in his favor with costs; . The undertaking shall be approved by the judge of the court to which the appeal is taken; and upon filing it all proceedings upon the judgment appealed from shall be stayed during the pendency of ~~such~~ ~~the~~ appeal, and in case execution has been issued the same shall, upon presenting to the officer in whose custody it may be a certified copy of ~~such~~ ~~the~~ affidavit and undertaking and certificate of the ~~justice~~ ~~or~~ clerk of the court that an appeal has been perfected, be returned, and all animals in which appellant claims an interest that may have been levied upon shall be released from ~~such~~ ~~the~~ levy.

(2) If upon the trial in the appellate court the plaintiff recovers judgment of a lien upon ~~such~~ the animals, the judgment may be entered against the appellant and his sureties; but if the plaintiff does not establish his right to a lien the appellant shall recover judgment for costs. ~~When the judgment appealed from is rendered in municipal court and by reason of the death of the municipal justice who rendered it or any other cause the affidavit and undertaking cannot be presented to him they may, with notice of appeal and affidavit upon appeal, be filed with the clerk of the court to which such appeal is taken within the time aforesaid.~~

SECTION 53. 290.07 and 290.08 of the statutes are repealed.

SECTION 54. 290.09 (2) of the statutes is amended to read:

290.09 (2) Such undertaking shall be of no effect unless accompanied by the affidavit of the sureties, in which each surety shall state that he is worth a certain sum, mentioned in ~~such~~ the affidavit, over and above all his debts and liabilities, in property within this state, not by law exempt from execution, and which sum ~~is~~ sworn to by ~~such~~ the sureties shall, in the aggregate, amount to the sum specified in ~~such~~ the undertaking; and ~~such~~ the sureties shall, upon notice, justify in like manner as upon bail or arrest. Upon filing ~~such~~ the undertaking the clerk of the court ~~or municipal justice~~ shall make an order discharging the property attached, and upon delivery to the officer having ~~such~~ the ship, boat or vessel in his custody of a certified copy of such order he shall deliver the property attached to the person obtaining such order

SECTION 55. 291.05 of the statutes is amended to read:

291.05 The plaintiff shall file with the county court ~~or with a municipal justice of the city, town or village where the premises are located,~~ a complaint signed by him, his agent or attorney, giving ~~therein~~ a description of the premises of which possession is claimed, stating the facts which authorize the removal of the defendant, naming him, and praying for his removal. ~~If the complaint is filed in the county court~~ The provisions of ch. 299 with respect to pleading and practice shall apply. ~~If the complaint is filed with a municipal justice, the justice shall thereupon issue a summons, directed to the sheriff or any constable of the county, commanding him to summon the defendant to appear before him on a day in such summons named; which shall not be less than 6 nor more than 15 days from the day of issuing the same and shall deliver the summons and complaint to such officer.~~

SECTION 56. 291.06 to 291.09 of the statutes are repealed.

SECTION 57. 291.11 of the statutes is amended to read:

291.11 If either party ~~shall feel~~ is aggrieved by the judgment rendered in such action he may appeal within 10 days to the circuit court or other court having jurisdiction of such appeal ~~as in other cases tried before municipal justices;~~ but no such appeal by a defendant shall stay proceedings on such judgment unless the appellant ~~shall~~, within said 10 days, ~~execute and file~~ *executes and files* with the ~~municipal justice court~~ his undertaking to the plaintiff, with 2 or more sureties, to be approved by the ~~municipal justice, court~~ to the effect that the appellant will pay all costs of such appeal which may be awarded against him, and abide the order of the court therein, and pay all rent and other damages justly accruing to the plaintiff during the pendency of such appeal. Upon taking ~~such~~ the appeal and filing ~~such~~ the undertaking all further proceedings in the case ~~shall be thereby~~ are stayed and the appellate court shall thereafter issue all needful writs and processes to carry out any judgment which may be rendered thereon in such appellate court.

SECTION 58. 291.12 of the statutes is repealed.

SECTION 59. 291.13 of the statutes is amended to read:

291.13 If a writ of restitution ~~shall have been~~ is issued previous to the taking of any appeal, by which proceedings are stayed, the ~~justice court~~ shall forthwith give the appellant a certificate of the allowance of such

appeal, and upon the service of such certificate upon the officer having such writ the ~~said~~ officer shall forthwith cease all further proceedings thereon; and if such writ ~~shall~~ *has* not ~~have~~ been completely executed the defendant shall remain in possession of the premises until the appeal ~~shall~~ *is* determined.

SECTION 60. 291.14 of the statutes is repealed.

SECTION 61. 291.15 of the statutes is amended to read:

291.15 When a final judgment ~~shall be~~ is rendered in favor of the plaintiff in any ~~such~~ action, brought against a person for holding over after default in the payment of rent, ~~either in municipal court or in the appellate court,~~ he may stay all proceedings on ~~such~~ the judgment by paying all rent due at the date of the judgment and the costs of the action ~~or by filing with the justice, or after judgment in the appellate court, with the clerk, his undertaking to the plaintiff, with such sureties as such justice or the clerk shall approve approves,~~ to the effect that he will pay ~~such~~ the rent and costs within 10 days; at the expiration of which time a writ of restitution may issue unless he ~~produce~~ produces to the justice ~~or~~ clerk satisfactory evidence of ~~such~~ payment.

SECTION 62. 291.16 and 291.17 of the statutes are repealed.

SECTION 63. Title XXVIII (title) of the statutes is repealed and recreated to read:

TITLE XXXVIII.

MUNICIPAL COURT PROCEDURE.

(to precede ch. 300 in the statutes)

SECTION 64. Chapter 300 of the statutes is repealed and recreated to read:

CHAPTER 300.

MUNICIPAL COURT PROCEDURE.

300.01 DEFINITIONS. In ch. 300, unless the context plainly indicates otherwise:

- (1) Justice means municipal justice;
- (2) City includes town and village.

300.02 ACTION, HOW COMMENCED. Actions in municipal court may be commenced by the voluntary appearance of the parties or by service of summons or warrant.

300.03 PROCEDURE ON APPEARANCE. (1) When a defendant appears or is brought before a municipal court, the justice shall read the charges as stated in the warrant or complaint to him and shall explain the range of penalties which may be imposed. If the defendant is charged with a traffic violation, the justice shall follow the procedure under s. 343.27.

(2) Defendant shall be informed that he may plead guilty, not guilty or no contest and the effect of a plea of no contest shall be explained to him. The defendant shall plead to the charges and the justice shall enter the plea in his docket. If he refuses to plead, the justice shall enter a plea of not guilty.

(3) If the defendant pleads guilty or no contest, the court shall proceed under s. 300.06 (1).

(4) If the defendant pleads not guilty or if he wishes to appear at a later date, the justice shall advise him of his right to jury trial under s. 300.04. If the defendant agrees to immediate trial by the court, the case may be tried forthwith. If trial is not held, the justice shall then set a date for trial or advise the defendant that he will later be notified of the date set for trial.

(5) (a) A justice may release a defendant without bail or may permit him to execute an unsecured appearance bond.

(b) Paragraph (a) shall be used unless the justice determines that a release under its provisions will not reasonably assure the appearance of the defendant. If the justice determines that the defendant cannot be released under par. (a), he shall release the defendant on an appearance bond, in the amount which the justice directs, but not to exceed the maximum penalty for the offense, with or without sureties. On failure of the defendant to give an appearance bond under this paragraph, he shall be committed to jail while such default continues.

(c) The amount of bail should be determined solely in reference to the purpose of bail; namely, to assure the appearance of the defendant. Proper considerations in fixing a reasonable amount of bail which will assure the defendant's appearance for trial are: The ability of the arrested person to give bail, the nature and gravity of the offense and the potential penalty the defendant faces, the defendant's prior record, if any, the character, residence and reputation of the defendant, his health, the character and strength of the evidence which has been presented to the judge, whether the defendant is already on bail in other pending cases, whether the defendant has in the past forfeited bail or was a fugitive from justice at the time of his arrest, and the policy against unnecessary detention of defendants pending trial.

300.04 JURY TRIAL. The defendant shall be informed of his right to a jury trial in county court on payment of fees required under s. 299.21 (3). If the defendant requests a jury trial and pays the fees required under s. 299.21 (3), the justice shall promptly transmit all papers and fees in the cause to the clerk of the county court of the county where the offense occurred.

300.05 AFFIDAVIT OF PREJUDICE. (1) Any party may file an affidavit stating that he believes that he cannot have a fair trial because of the prejudice of the justice, naming him. The affidavit shall be filed not later than 7 days after the return day of the process. Upon filing the affidavit, the filing party shall forthwith mail a copy to each party in the action.

(2) Upon receipt of the affidavit, accompanied by a fee of \$4, the justice shall call in another justice of the county where the offense occurred or transfer the case to the county court of the county where the offense occurred. A justice so called in shall receive compensation as the governing body determines, to be paid by the municipality.

(3) If the case is transferred to county court, the justice shall transmit to the clerk of the county court all the papers in the action and \$3 as payment of the clerk's fee and suit tax. The action shall proceed as if it had been commenced in the county court.

(4) No party is entitled to file more than one affidavit of prejudice in any one action.

300.055 REMOVAL OF CASES TO OTHER COURT. In counties having a population of less than 500,000, the defendant in municipal court may, at any time prior to trial, transfer the cause to the county court of said county. Upon receipt of such a request, accompanied by a fee of \$1, the justice shall forthwith transmit all the papers in the cause to the clerk of said court.

300.06 JUDGMENT ON PLEA OF GUILTY OR ON FAILURE TO APPEAR. (1) If the defendant pleads guilty or no contest, the court shall convict him of the offense charged and render judgment.

(2) (a) In case the person arrested and released fails to appear, personally or by an authorized attorney or agent, before court at the time fixed for hearing of the case, then the bond and money deposited, if any, or

such portion thereof as the court determines to be an adequate penalty, plus costs, may be declared forfeited by the court or may be ordered applied upon the payment of any penalty which may be imposed after an ex parte hearing together with costs. In either event, the surplus, if there is any, shall be refunded to the person who made the deposit.

(b) The provisions of this subsection shall not apply to violations of parking ordinances. Bond or bail given for appearance to answer a charge under any such ordinance may be forfeited as determined by the governing body.

300.07 EVIDENCE. Actions for the recovery of forfeitures are civil actions and the rules of evidence in municipal court in these cases are the same as in civil actions in courts of record.

300.08 JUDGMENT. If a municipal court finds a defendant guilty it may render judgment by ordering payment of a forfeiture plus costs of prosecution or by imprisonment in default of such payment. Persons who fail to pay forfeitures and costs shall be committed to a jail or a house of correction in the county in which the cause of action arose and shall be kept at the expense of the municipality. Any person committed under this section may be accorded privileges under s. 54.08. The court may defer payment of any judgment for not more than 30 days.

300.09 EXECUTION. A justice may issue a property execution for the amount of the forfeiture, costs and interest as provided in ch. 272.

300.10 APPEALS. (1) Appeals from judgments of municipal courts may be taken by either party to the circuit court of the county where the offense occurred. The appellant may appeal by giving the justice written notice of appeal within 20 days after judgment.

(2) If the appeal is taken by the defendant, he shall execute a bond to the city with surety, approved by the municipal justice, that if the judgment is affirmed in whole or in part he will pay the judgment and all costs awarded against him on appeal. Any bail or sureties posted may be applied to the bond required under this section.

(3) On meeting the requirements for appeal, execution on the judgment of the municipal court shall be stayed until the final disposition of the appeal.

(4) On appeal the justice shall make a copy of the docket and forward it along with all papers concerning the action together with the bond to the clerk of the appellate court.

(5) On appeal from the judgment of a municipal court there shall be a trial de novo. Costs of the action in municipal court may be assessed against the losing party.

300.11 DOCKET ENTRIES. Every justice shall keep a docket in which he shall enter, in actions to which they relate:

- (1) The title of every action commenced before him, including the name and address of the defendant;
- (2) The process issued, date and place where it issued, when returnable and the return of the officer;
- (3) A brief statement of the charges, including the nature and time of the offense and the section of law violated;
- (4) Every adjournment, stating at whose request and to what time;
- (5) The date and time trial was held;
- (6) The names of witnesses sworn, stating at whose request;
- (7) The judgment rendered by the justice, including the penalties imposed, the date and time or rendering judgment and costs assessed in the action;
- (8) The record of contempt convictions under s. 300.13;

- (8m) The amount of bail and names and addresses of sureties, if any;
- (9) The time of ordering any stay of execution;
- (10) The time of issuing execution and the name of the officer to whom delivered;
- (11) The return of every execution and when made and every renewal of an execution, with the date thereof;
- (12) The date and reason of removal of the action to another court;
- (13) The date of giving transcript of judgment;
- (14) The date of an appeal made from judgment;
- (15) All motions made in the action, his decision thereon and all other proceedings in the action which he may think useful;
- (16) Failure of the justice properly to keep his docket shall not oust him of jurisdiction or render the judgment void.

300.12 TRANSCRIPT OF JUDGMENT. The transcript of judgment shall contain:

- (1) Name and location of court.
- (2) Title of action.
- (3) Name, address and vocation of defendant.
- (4) Date of judgment.
- (5) Amount of judgment, costs and fees.
- (6) Certification that this is a true copy of the judgment.

300.13 CONTEMPTS. In the following cases, and no others, a justice may punish for contempt:

- (1) Persons guilty of disorderly, contemptuous and insolent behavior towards him, while engaged in any judicial proceeding, or other conduct, which tends to interrupt such proceeding or impair the respect due his authority;
- (2) Persons guilty of resistance or disobedience to any lawful order or process made or issued by him.

300.14 CONTEMPT, PENALTY. A city may by ordinance provide that a municipal justice may impose a forfeiture for contempt under s. 300.13 not to exceed \$50, or upon default in payment of the forfeiture, a jail sentence of not to exceed 7 days.

300.15 ACCUSED TO BE HEARD. No person shall be punished for contempt before a justice until an opportunity has been given him to be heard in his defense, and for that purpose the justice may, if the offender is not present, issue his warrant to bring the offender before him.

300.16 MISTAKEN REMEDY OR COURT; TRANSFER TO PROPER COURT. When an action which is outside the jurisdiction of a justice has been tried and judgment entered in municipal court and the action has been appealed, the appeal operates as a transfer of the action to the appellate court and that court shall proceed as though the action had been commenced therein.

300.17 PROCESS. All provisions of ch. 954 relating to complaints, warrants and summonses shall apply to the municipal court unless otherwise provided in this chapter.

300.18 WARRANTS, POWER TO ISSUE. (1) Municipal justices are authorized to issue warrants. Criminal warrants issued by a municipal justice are to be made returnable to a judge of a court of record. A copy of any warrant issued under this section shall be immediately forwarded to the clerk of courts of that county.

(2) If a municipal justice has been authorized in writing by a county judge of that county, he may make a determination of bail and appoint

counsel for the indigent, according to procedures used in courts of record, on warrants issued by the justice. An authorization under this section shall be for a named justice and shall run for no longer period than the term of his office. The municipal justice shall not set bail or appoint an attorney under this section unless the officer having custody of the defendant gives oath that a judge of a court of record is not available to set bail. When bail is determined by a municipal justice under this section, he shall immediately forward a report and the bail to the clerk of courts for that county. Any determination of bail or appointment of attorney under this section shall be reviewable by a judge of a court of record on the first date that a judge of a court of record sits in that county.

300.19 FORMS. Unless otherwise specified by statute, municipal courts shall, where applicable, use similar forms to those prescribed for courts of record in criminal proceedings.

300.20 FEES AND COSTS. (1) Fees of the municipal justice are the same as clerk's fees under s. 288.195 (1).

(2) Costs and additional fees in municipal courts are taxed as in ss. 288.20, 299.25 and 299.255.

(3) On appeal from municipal court, the filing fee as designated in s. 59.42 (3) and the suit tax as designated in s. 271.21 are applicable.

300.21 FORFEITURES; REPORT. All forfeitures received by a municipal justice shall be paid to the city treasurer within 30 days of receipt. At the same time the municipal justice shall report the title of the action, the offense for which the forfeiture was imposed and the amount of the forfeiture.

300.22 REPORTS TO COURT ADMINISTRATOR. The municipal justice shall make the reports required by the administrative director under s. 256.54 (5).

SECTION 65. Chapters 301, 302, 303, 304, 305, 306 and 307 of the statutes are repealed.

SECTION 66. 887.26 (7) of the statutes is amended to read:

887.26 (7) The persons who take depositions and the witness shall be entitled to the fees allowed ~~municipal justices~~ *court commissioners* under s. 252.17 and witnesses for similar service by the law of this state, or such as may be prescribed by the law of the state or country where taken.

SECTION 67. 946.15 of the statutes is repealed and recreated to read:

946.15 PURCHASING CLAIMS FOR COLLECTION. A constable who lends or advances, agrees to lend or advance, or procures to be lent or advanced anything of value to another as an inducement to another person to place a cause of action in his hands for prosecution or collection or as a reward or consideration for another person having done so may be fined not more than \$200 or imprisoned not more than 6 months, and the judgment of conviction shall operate as a forfeiture of the office.

SECTION 68. 956.05 of the statutes is amended to read:

956.05 If the venue is changed, the court shall require the defendant to give bail in such sum as the court or judge ~~or justice~~ directs conditioned for his appearance in the trial court. In default of bail, a warrant shall issue to the sheriff to convey the defendant to the jail of the county where he is to be tried in time for the trial, and there to be kept until discharged; but the judge of that court, in case no trial is had during the pending or next term of court after such change, may order the defendant kept in the jail of any county and may make necessary orders for the defendant's custody, bail and appearance for trial.

SECTION 69. 958.01 and 958.02 of the statutes are repealed.

SECTION 70. Chapter 960 (title) of the statutes is repealed and recreated to read:

CHAPTER 960.

MISCELLANEOUS FORMS AND PROCEDURES.

SECTION 71. 960.01 to 960.07 of the statutes are repealed.

SECTION 72. 960.09 of the statutes is amended to read:

960.09 ~~The charge stated in the warrant or complaint shall be read to the defendant and he shall plead thereto. The justice shall enter the plea in his docket. The defendant may plead guilty, not guilty or nolo contendere; if he refuses to plead, the justice shall enter a plea of not guilty.~~ When a summons is issued by a police officer for a violation of ~~any provision of~~ chs. 194 and 340 to 348 or a municipal ordinance, the defendant if he resides, or if a corporation if it has its principal place of business, outside the county in which the ~~justice court~~ is located, may enter a plea of not guilty based on such summons by registered letter to the ~~justice court~~ at the address indicated on the summons, the letter to show the defendant's return address. Such letter may include a request for trial during normal day-time business hours. Upon receipt of the letter, the ~~justice court~~ shall reply by mail to the defendant's address setting forth a time and place for trial, such time to be during normal business hours if requested by the defendant; the warrant and complaint shall be included in the reply and the date of trial shall be at least 10 days from the mailing thereof by the ~~justice court~~. Nothing herein shall be construed as forbidding the setting of the trial at any time convenient to all parties concerned. The procedure prescribed in this section shall ~~also~~ apply to ~~municipal, county and inferior~~ courts.

SECTION 73. 960.10 to 960.21 of the statutes are repealed.

SECTION 74. 960.22 of the statutes is amended to read:

960.22 (1) If the defendant is acquitted, he shall be discharged; and if the ~~justice certifies in his docket court determines~~ that the complaint was malicious and without probable cause, he shall enter judgment against the complainant to pay all the taxable costs that have accrued, including the fees of witnesses.

(2) The complainant may stay such judgment for 30 days by giving a bond to the state with one or more sureties conditioned for the payment of the judgment at the expiration of 30 days; but if the complainant neglects to give such bond, the court may (if the complainant gave security for costs ~~in the manner as provided in s. 960.22 civil actions~~) issue execution against both the complainant and the surety, and if the complainant does not satisfy the execution and the officer cannot find sufficient property belonging to him upon which to levy, the officer shall levy upon the property of the surety; and in case the complainant has not given such security, the court may issue a body execution against the complainant, as in civil actions.

(3) The complainant may appeal from the judgment as in civil actions, and the action shall be tried and determined on such appeal upon the records in the action certified and returned by the ~~justice court~~.

SECTION 75. 960.23 to 960.35 of the statutes are repealed.

SECTION 76. 962.01, 962.10 and 962.20 of the statutes are amended to read:

962.01 Judges of the courts of record and court commissioners ~~and municipal justices~~ have power to enforce the laws for the preservation of the public peace and in the execution of that power may require persons to give security to keep the peace or for their good behavior or both, ~~in the manner provided in~~ under this chapter.

962.10 When no order respecting the costs is made, they shall be allowed and paid in the same manner as costs ~~before justices~~ in criminal prosecutions; but in all cases where a person is required to give security

for good behavior, the magistrate may further order the costs of prosecution or any part thereof to be paid by him, and he shall stand committed until such costs are paid, or he is otherwise legally discharged.

962.20 A surety on a bond to keep the peace or for good behavior shall have the right to surrender his principal and upon such surrender shall be discharged from liability for any act of the principal subsequent to surrender and the defendant may give a new bond before any ~~justice of the peace~~ magistrate for the residue of the term.

SECTION 77. 966.01 to 966.03 and 966.14 of the statutes are amended to read:

966.01 Whenever the district attorney has notice of the death of any person and from the circumstances surrounding the same there is any reason to believe that murder, manslaughter, homicide resulting from negligent control of vicious animal, homicide by reckless conduct, homicide by negligent use of vehicle or firearm, or homicide by intoxicated user of vehicle or firearm may have been committed, or that death may have been due to self-murder or unexplained or suspicious circumstances, and the venue of such offense is in his county, excepting in cases where a criminal warrant ~~or warrants have~~ *has* been issued, he shall forthwith order and require the coroner, ~~or deputy coroner, or in the event of the absence or disability of the coroner or deputy coroner, some municipal justice to make~~ an inquest as to how ~~such~~ *the* person came to his death. In any inquest ordered by the district attorney he shall appear in the inquest representing the state in presenting the evidence. For the purpose of taking ~~such~~ *the* inquest, deputy coroners may perform all the duties and exercise all the jurisdiction and powers conferred upon ~~such~~ coroners by this chapter and shall be entitled to the same fees as ~~such~~ *the* coroner for the performance of like duties, ~~except as hereinafter provided.~~ Nothing herein contained shall be construed as preventing such coroner from holding an inquest under the circumstances hereinabove specified without being first notified by the district attorney ~~to~~ to hold such inquest. Such inquest may be held in any county, if within this state, in which there would be venue for the trial of the offense.

966.02 Whenever any coroner, ~~or deputy coroner or municipal justice shall hold~~ *holds* an inquest, he may ~~in his discretion~~ dispense with the summoning of a coroner's jury and conduct the inquest himself and render a verdict therein ~~in the same manner~~ as a coroner's jury would do; or he shall issue a precept to the sheriff or any constable forthwith to summon a jury of 6 good and lawful men of the county to appear before him at the time and place specified in the precept, which precept shall be in substance as follows:

THE STATE OF WISCONSIN, to the sheriff or any constable of the county of _____ :

You are hereby required immediately to summon 6 good and lawful men of the county of _____, to appear forthwith before me at _____, in the town of _____, to inquire how and by what means the person known as _____ came to his death.

Given under my hand this _____ day _____, 19____, _____, Coroner.

966.03 Every officer to whom such precept ~~shall be~~ *is* directed and delivered shall forthwith execute the same and make return of the precept, with his proceedings thereon, to the ~~justice person~~ *person* who issued ~~the same~~ *it*.

966.14 The sole compensation of the coroner and deputy coroners for taking inquest or making an investigation to determine the necessity to take inquest shall be \$16 for each day actually and necessarily required for the purpose, and 10 cents for each mile actually and necessarily traveled in performing such duty. Any coroner or deputy coroner may be paid an annual salary and allowance for traveling expenses to be established by the county board pursuant to s. 59.15 which shall be in lieu of

~~any and~~ all fees, per diem, *and* compensation for services rendered. The compensation of constables and witnesses at such inquest shall be the same as is allowed for like services in ~~municipal~~ *county* court, and the compensation of jurors shall be the same as that ~~provided~~ for jurors under s 255.25.

SECTION 78. 990.01 (17m) of the statutes is repealed.

SECTION 79. If section 51.19, as created by SECTION 9 of 1969 Senate Bill 61 becomes law, then SECTION 3 of this bill is void as of the effective date of the former.

Approved June 17, 1969.
