

## CHAPTER 150.

[Published April 16, 1867.]

AN ACT to regulate the fees and prescribe the duties of clerks of the circuit court.

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

Fees of clerks of courts.

SECTION 1. The clerks of the several circuit courts of this state shall, for the services hereinafter specified, when rendered, receive the fees hereinafter provided, and no more.

SECTION 2. The fees for services rendered shall be as follows, viz. :

For entering upon the court record hereinafter provided for, the title of each cause commenced, or coming into court by appeal or otherwise, fifty cents.

For filing every paper in a cause, or any paper required by law to be filed in the office of the clerk of the circuit court, ten cents.

For drawing a jury in each cause, fifty cents, and for swearing a jury when drawn, twenty-five cents.

For docketing each judgment or transcript of judgment, one dollar, and for satisfying judgment, twenty-five cents.

For issuing and sealing every writ or process when filled up by them, fifty cents, and when not filled up by them, twenty-five cents.

For issuing each subpoena when filled up by them, twenty-five cents, and when not filled up by them, fifteen cents.

For every certificate, including seal, twenty-five cents.

For receiving and entering a verdict of a jury, twenty-five cents.

For swearing an officer to take charge of a jury, fifteen cents.

For swearing each witness upon the trial of a cause, ten cents, and for administering an oath to any other person, twenty-five cents.

For recording any paper, order, judgment or report, when required, ten cents per folio.

For making copies of any judgment, order, report, or other paper or record, ten cents per folio.

For each commission to take a deposition, fifty cents.

For searching each volume for each judgment, fifteen cents per volume.

For making up judgment roll, when none is furnished by the parties, fifty cents.

For certifying and mailing judgment roll, papers or records on an appeal or writ of error to supreme court, two dollars.

For certifying and mailing papers in any action upon change of venue, one dollar.

For taxing bill of costs in civil causes, twenty-five cents.

For entering upon a judgment docket an assignment of judgment or return of execution, fifteen cents.

For entering cause upon calendar for trial, when at issue, ten cents.

For entering in minutes each motion or order, fifteen cents, and for entering return of writ or process, ten cents.

For entering plea of criminal, in each cause, fifty cents.

For entering any criminal cause upon the criminal record hereinafter provided for, upon an indictment or upon an appeal or an examination from a justice court, fifty cents.

For entering forfeiture of recognizance or discharge of bail, twenty-five cents.

For filing any paper in any criminal proceedings, ten cents.

For entering any motion or demurrer to an indictment, or taking a recognizance, fifty cents.

For making a commitment, or certificate of conviction of any criminal, one dollar.

For copy of an indictment, ten cents per folio.

For entering a declaration to become a citizen of the United States, twenty-five cents, and for a copy of the same under seal, fifty cents.

For entering the final admission of an alien to the rights of citizenship, including certificate of the same under seal, one dollar.

For indexing each case, direct and inverse, which is entered of record, ten cents.

For drawing grand and petit jurors, one dollar.

For issuing a venire, fifty cents.

For drawing special jury, grand or petit, fifty cents.

For notice for publication of time when grand and petit jurors are to be drawn, fifty cents.

For reporting on assessment of damages, fifty cents.

For approving of any bond or undertaking, twenty-five cents.

For transcript of judgment, fifty cents.

Record books,  
&c.

SECTION 3. There shall be kept in the office of the several clerks of the circuit court of this state a book, to be called a court record, for the entry of all civil causes; and a book, to be called a criminal record, for the entry of all criminal proceedings; a minute book, and a book for the record of judgments and orders, and such other records and books as the court shall order. There shall be also kept in the office of the clerk of the circuit court's office a book, to be called record of officers, in which shall be recorded all appointments of court commissioners, deputy sheriffs, notaries public and other officers whose appointments are required by law to be recorded in that office. In said book the clerk shall enter in tabular form the name, date of qualification and of the commencement and termination of official term of each justice of the peace hereafter elected in his county; and the same shall be properly indexed, and shall have for entering in tabular form the names of said justices of the peace, fifteen cents each.

How record of  
officers to be  
kept.

Entry of suits.

SECTION 4. When any action or suit is brought in any circuit court of this state, either by petition, summons, appeal or change of venue, or otherwise, the clerk shall enter the names of the parties plaintiffs and defendants on the court record, together with the names of the attorneys, and for whom they appear, with a brief statement of the nature of the action, also entering therein the date of the filing of the papers; and upon the subsequent filing of any paper in the action, the clerk shall enter the date of filing in said court record, so that the record will show the date of filing of all papers in the cause, and it shall also show when the cause is put upon the calendar for trial, and when and how disposed of, making the record a history in brief of the cause from its beginning to the final disposition of the same.

SECTION 5. The criminal record shall be kept in the same manner as the civil record herein provided for. Criminal record.

SECTION 6. The minute book shall be a record kept by the clerk of the proceedings had in open court, and shall contain a brief statement of all the proceedings of the court during its holdings, and also show all motions and orders made in open court in the progress of a trial, together with the names of the witnesses sworn, and the names of jurors drawn, and the name of the officer sworn to take them in charge, and the verdict of the jury when returned. It shall also be the duty of the clerk, immediately after the trial or disposition of any cause, to note in the civil or criminal record, as the case may be, in each and every cause in which any proceedings have been had, the volume and page of the minute book where the minute record can be found, and shall also make a like note in case of judgments, orders or reports entered of record, so that the record book shall be a complete index of all proceedings in a cause. Minute book.

SECTION 7. If any clerk of the circuit court shall fail, neglect or refuse to perform any of the duties prescribed and required by this act, or shall charge, take or demand any other or greater fees than those herein provided, it shall be the duty of the judge of the circuit court within whose jurisdiction such clerk shall be, to forthwith remove him and appoint another in his place: *provided*, that no clerk shall be removed until he has had served upon him a copy of charges preferred against him, and has been given an opportunity to be heard thereon upon a notice of not less than five days after service of charges; *and it is hereby further provided*, that every clerk of the court shall perform the duties prescribed and required by law by him to be performed upon his fees being tendered; and every clerk shall file with the papers of each case an itemized bill of all fees charged by him therein at the time they are paid, or before the time of taxation of the costs, or before he can demand, lawfully receive, sue for or collect any fees for services which he may have rendered: *provided*, before entering judgment in any action, the clerk shall be entitled to the payment of all his fees therein which may then be unpaid in his itemized bill; and the party in whose Clerk may be removed for neglect of duty, &c.

First to be served with charges.

Itemized bill of fees.

Fees to be paid before entering judgment.

favor judgment is rendered, shall be required to pay said fees to the clerk, and the same shall be taxed in his bill of costs in the action, and when the same are collected in the judgment, they shall be paid to the party entitled thereto.

Additional fees may be allowed.

SECTION 8. The board of supervisors of each county may allow to the clerk of the circuit court, when they think his fees are not sufficient, an additional amount, to be paid from the county treasury, such additional amount to be fixed by said board: *provided*, every clerk of the court shall be paid out of the county treasury upon the certificate of the circuit judge, the sum of three dollars per day for each day's attendance upon the court during the session thereof.

Per diem during session of court.

Repealed.

SECTION 9. Sections six and seven of chapter one hundred and thirty-three of the revised statutes, and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Not applicable to Milwaukee county.

SECTION 10. Sections three (3,) four (4,) five (5) and six (6) shall not apply to the county of Milwaukee, and nothing herein contained shall be construed to modify or repeal chapter three hundred and eleven (311) of the general laws of 1862, entitled "an act to fix the salary of the clerk of the circuit and county courts for the county of Milwaukee."

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1867.