

No. 134, S.]

[Published Feb. 23, 1895.]

CHAPTER 6.

AN ACT to establish a police court in the city of Milwaukee.

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

SECTION 1. There is hereby constituted and established in the city of Milwaukee, a court to be known and called the police court of the city of Milwaukee. It shall be a court of record, and have a clerk, and a seal with suitable device, to be procured under the direction of the judge thereof, at the expense of the city of Milwaukee.

Police court established.

SECTION 2. On the first Tuesday of April, 1895, and on the same day of the same month each six years thereafter, the qualified electors of said city of Milwaukee shall elect, the same as they elect their city officers, a suitable person to the office of judge of said police court, to be called "police justice," who must be a resident of said city and an attorney-at-law, admitted to practice in the circuit court of Milwaukee county. Such police justice shall hold his office for the term of six years, from the first Monday of May next succeeding his election, and until his successor shall have been elected and qualified, and who may be removed from office for cause in the manner provided by law for the removal of justices of the peace. The resignation of the police justice shall be made to the governor of the state. Whenever a vacancy shall occur in the office of such justice from any cause whatever, the governor shall appoint a police justice, and the person so appointed shall hold for the residue of the term.

Term of office; when judge to be elected.

Vacancies, how filled.

SECTION 3. Before entering upon the duties of his office, the police justice shall take and subscribe the oath of office prescribed in the

Shall take and subscribe the oath of office.

constitution, which oath shall be filed in the office of the city clerk of the city of Milwaukee.

Jurisdiction.

SECTION 4. Said police court shall have exclusive jurisdiction to try and sentence all offenders against the ordinances of said city of Milwaukee, and it shall also have exclusive jurisdiction to try all misdemeanors arising in said city of Milwaukee and triable before a justice of the peace and to issue warrants for the apprehension of persons charged with the commission of offenses in said city of Milwaukee and not triable before a justice of the peace, and to examine such alleged offenders, and commit or hold them to bail, the same as a justice of the peace might otherwise do.

Jurisdiction defined.

SECTION 5. No justice of the peace or court commissioner in said city of Milwaukee shall exercise any jurisdiction in any criminal cases, but all such jurisdiction is vested in said police court, and all examinations, recognizances and commitments for trial from said police court, and from the other justices of the peace of the county of Milwaukee, in criminal cases not triable before justices of the peace, shall be certified, returned and made to the municipal court of the city and county of Milwaukee instead of the circuit court, at or before the time fixed for the appearance of the accused. All such cases shall thereafter be prosecuted and tried in said municipal court as provided by law in similar cases in the circuit court, and all general provisions of law relating to criminal actions, proceedings and examinations before justices of the peace shall apply to said police court so far as applicable.

Court to be held in Milwaukee.

SECTION 6. Said police court shall be held at the said city of Milwaukee, in some suitable place, to be provided and suitably furnished by said city, and it shall open for business every morning (Sundays and legal holidays excepted). In case of the absence, sickness or temporary disability of said police justice he may, by an order in writing, to be filed in said court, appoint a justice of the peace of said city to discharge the duties of said police justice during such absence, sickness or disabil-

Time.

ity, who shall have all the powers of said police justice while administering such office, and such justice of the peace shall receive for his services five dollars per day, to be paid by said city. Said police justice shall not voluntarily absent himself from the duties of his office more than thirty days in any one year, except from sickness.

SECTION 7. The clerk of the municipal court of the city and county of Milwaukee shall be ex-officio clerk of said police court. He, or one of his deputies shall be present during the sessions of said police court, and shall keep and have the care and custody of all records, books, and papers of the court, perform all ministerial acts required of him by and under the direction of the police justice, and when the court is not in session shall have power to take bail for the appearance of any person under arrest before the court subject to the revision of the court; he, or one of his deputies, may administer all necessary oaths, enter the judgments of the court, issue commitments and executions to enforce the same, and make up and keep the records of the court in all cases therein under the direction of the judge; he or one of his deputies, shall issue all process under his hand and the seal of the court, and attest it in the name of the judge, signing it by his title of office, and shall tax costs; he, or one of his deputies, may issue warrants upon complaint filed in writing, and upon oath in all cases. The complaints, warrants, recognizances, commitments, attachments, venires, subpoenas, and other writs and papers in said court shall be in substance in the form hitherto used in the municipal court of the city and county of Milwaukee. In city prosecutions, said clerk, or one of his deputies, shall enter upon the record of the court a statement of the offense charged, which shall stand as the complaint, unless the court shall direct a formal complaint to be made; and the defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters

Clerk of municipal court shall be ex-officio clerk of police court.

Duties of clerk defined.

in such case at issue. Said clerk shall also, under the direction of the common council of said city, procure and furnish all the necessary blanks, stationery, book and paper cases, desks, record books, office furniture, lights and fuel for the use of said police court and its clerks, at the expense of said city. Such clerk and his deputies, and the police officers attending said police court and serving its processes shall receive no fees, and all costs collected in said court shall be paid into the city treasury as herein stated, and credited to the general fund, except as hereinafter provided.

Jury, how
drawn.

SECTION 8. After issue joined and before trial in all cases cognizable before said police court the accused may demand a trial by a jury of not more than twelve nor less than six men, and shall designate the number at the time of the demand. The court shall then direct the clerk to proceed to draw in the presence of the jury commissioners of Milwaukee county, from the box containing the names of persons furnished by said jury commissioners to serve as petit jurors in the municipal court of the city and county of Milwaukee, twice the number of jurors demanded, and from the list so prepared by the clerk, the parties shall then alternately strike, the accused commencing, so many names as shall leave remaining the number demanded. A venire shall thereupon be issued, commanding the officer to summon those so remaining to appear before the court at such time as may be directed to make a jury for the trial of said action, and the court may compel their attendance by attachment. Either party may challenge any juror for cause, and deficiencies occasioned thereby, or by any other cause shall be supplied by talesmen to be selected and summoned by the officer. If no jury shall be demanded, it shall be deemed a waiver of a jury trial. If either party declines to strike from the list the names which he is entitled to strike, the court shall appoint some disinterested person to strike the same for such party. Each juror shall receive for his services the same fees allowed by law

to petit jurors in courts of record in said county, and the fees of such jurors shall be taxed as costs in said action. Witnesses and jurors shall attend before said court in all city and criminal prosecutions without any payment of fees in advance or a tender thereof, upon the processes of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury after being kept a reasonable time should disagree, they shall be discharged, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Witnesses and jurors shall attend without pre-payment of fees.

SECTION 9. The sheriff of Milwaukee county shall be the officer of said police court, and shall serve its processes and carry into effect its orders and judgments, and the police officers of said city of Milwaukee may serve its processes in city prosecutions.

Sheriff of Milwaukee county shall be officer of the police court.

SECTION 10. Said police court is hereby authorized to appoint a phonographic reporter, skilled in the art of shorthand reporting, for such police court. The person so appointed shall be deemed an officer of the court, and before entering upon the duties of his office shall take and subscribe the constitutional oath of office and file the same duly certified in the office of the city clerk of said city of Milwaukee. Such reporter so appointed shall attend all the sessions of said police court, and shall report all preliminary examinations held before said court and report any other trial or proceeding which may be had before said court when directed by said police justice so to do. Said reporter shall receive a salary of nine hundred dollars per annum, payable monthly, at the end of each and every month by said city of Milwaukee. It shall be the duty of said reporter, at the request of any party, to transcribe in long hand the evidence of any proceeding or trial taken by him in said police court, or any part thereof, which transcript shall be duly certified by him to be correct, and for which he shall be entitled to receive from the party requesting the same, five cents per folio, when written out in full, and

Phonographic reporter to be appointed.

Salary \$900 per annum.

Duties defined.

Shall be furnished requisite stationery.

when at the request of the party it shall be written in narrative form, ten cents per folio. Said reporter shall be furnished all necessary stationery. Said court may in its discretion order a transcript of the evidence or proceedings, or any part thereof to be made and certified by the reporter, and filed with the clerk of the court, and the costs thereof, not exceeding five cents per folio, shall be paid upon certificate of said police justice, from the city treasury, in city prosecutions, and from the county treasury in all other criminal actions. It shall be the duty of such reporter to transcribe free of charge, and file as soon as may be, the charge of the court to the jury, and the evidence taken upon preliminary examinations, and in cases where the accused is committed to the Industrial School for Boys.

Fines and penalties to be accounted for.

Witness fees, etc.

SECTION 11. All fines and penalties imposed by said police court, and the costs and fees of a trial, shall be payable to the clerk of said court, and it shall be his duty to account for and pay over to the treasurer of said city of Milwaukee, on the first Mondays of January, April, July and October, all fines, penalties, collections and other fees, except witnesses' fees collected, which may have come into his hands as such clerk up to the day of such payment, and shall also account for and pay over to said city treasurer on the first Mondays of January and July in each year all witnesses' fees which may have come to his hands as such clerk up to the day of payment which have not been paid to the persons entitled thereto, which witnesses' fees may thereafter be paid by said treasurer to such persons upon the certificate of said clerk specifying the name of the person entitled thereto, the amount due him and the title of the case in which he was a witness. The foregoing provisions shall not apply, however, to witness fees of members of the police department of the city of Milwaukee who may testify for the prosecution. It shall be the duty of the clerk to tax witness fees for such members, but when collected such witness fees shall be paid by the clerk to the

treasurer of the Policemen Relief Fund Association of the city of Milwaukee, on the first Mondays of January, April, July and October of each year.

SECTION 12. All fines and penalties collected in criminal cases and paid into the treasury of said city, shall be accounted for and paid over to the treasurer of said county annually at the time of paying over state and county taxes. The county of Milwaukee shall also, at the same time pay to the city of Milwaukee one-half of the salaries of the police justice and the phonographic reporter of said court, and one-half of the expenses of blanks, stationery, book and paper cases, desks, record books, office furniture, lights and fuel, used for said court and its clerks, and the other expenses of said court which may have been paid for by said city.

Fines and penalties to be paid to treasurer of city.

SECTION 13. In all cases brought before the police court, the court may, in its discretion, grant such continuances as may be necessary to the ends of public justice either with or without bail.

Continuances.

SECTION 14. The salary of said police justice shall be two thousand five hundred dollars per annum, payable monthly, at the end of each and every month by the city of Milwaukee. The fees of the clerk, witnesses, jurors, sheriff and other officers, and the taxable costs of suit shall be the same as now in the municipal court of said city and county of Milwaukee in similar cases. In all cases before said police court, the costs shall be paid in criminal prosecutions in the name of the state, by the county of Milwaukee, and in the city prosecutions by the city of Milwaukee, when not otherwise collected, upon the certificate of the clerk of said court.

Salary \$2,500 per annum.

Costs and how paid.

SECTION 15. All persons convicted in said police court who would otherwise be sentenced or committed to imprisonment in the county jail, shall be sentenced to imprisonment in the House of Correction in Milwaukee county, and the court may order the prisoner to be kept

Commitments to be to house of correction.

therein at hard labor during the term of his imprisonment, if he shall have the ability to labor.

Appeal, how
made.

SECTION 16. Every person convicted before said police court may appeal from the sentence or judgment against him to the municipal court of said city and county of Milwaukee, within the time and in manner as is now provided by law for appeals in criminal cases from justices of the peace of the county of Milwaukee. Said municipal court is empowered to hear, try and determine such appeals and all provisions of law relating to appeals in criminal cases from justices' courts, and the trial and determination thereof shall apply to appeals from said police court to the municipal court.

Date when busi-
ness of court
begins.

SECTION 17. On the first Monday of May, 1895, all actions, causes, pleadings, processes and proceedings, which may be pending in the municipal court of the city and county of Milwaukee in relation to any violations of the ordinances of said city, or of the laws of this state, in cases of crimes and misdemeanors not indictable arising in said city, and in relation to the examination of persons charged with the commission of an offense in said city, and not triable before a justice of the peace, shall on that day be transferred, returnable and continued to and become actions, proceedings and examinations in said police court, and such actions, proceedings and examinations shall, on and after that date, be deemed and treated as pending in said police court for all purposes, to the same extent, and with the same effect as if said actions, proceedings and examinations had been originally commenced and had in said police court, but until said first Monday of May, 1895, the jurisdiction and procedure of said municipal court shall continue unaffected by this act.

SECTION 18. All laws and provisions of laws contravening the provisions of this act are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 21, 1895.

No. 135, S.]

[Published Feb. 26, 1895.

CHAPTER 7.

AN ACT to amend sections 2499, 2502, 2505, 2506, 2507, 2509, 2511 and 2513, of the annotated statutes of Wisconsin, and to repeal section 2501, of said statutes, chapter 228, 265, 294, and 338 of the laws of 1891, and chapter 257, of the laws of 1893, all relating to the municipal court of the city and county of Milwaukee.

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

SECTION 1. Section 2499, of the annotated statutes of Wisconsin is hereby amended so as to read as follows: The municipal court of the city and county of Milwaukee as heretofore established is continued. It shall be a court of record and have a clerk, and a seal with suitable device to be procured under the direction of the judge thereof at the expense of the city of Milwaukee. It has and may exercise powers and jurisdiction concurrent and equal with the circuit court of Milwaukee county in all cases of crimes and misdemeanors arising in said county, and exclusive appellate jurisdiction of all crimes and misdemeanors tried before the police court of the city of Milwaukee, and before justices of the peace in said county in the same manner as is provided by law for appeals to the circuit court in such cases. All examinations, recognizances and commitments for trial in cases

Municipal
court laws
amended.

Court estab-
lished and its
jurisdiction.