

police department, and every village having a population of 5,500 or more shall have a fire department, with chiefs and subordinates; a board of police and fire commissioners; a police pension fund and a firemen's pension fund. All matters pertaining to the board and to appointments, promotions, suspensions, removals, dismissals, re-employment, compensation, rest days, sources of pension funds, control, management and administration of pension funds, eligibility for and payment of pensions, exemptions, organization and supervision of departments, contracts and audits, shall be administered, regulated and otherwise governed by the provisions of section 62.13 and amendments thereto, in so far as the same pertains to cities of the second or third class.

(4) Persons who are members of the police departments in villages of \* \* \* 5000 or more, and members of fire departments in villages of 5,500 or more, according to the last federal census, \* \* \* shall automatically and without examination, become members of the police and fire departments of such villages under this section and shall be entitled to pension benefits, in accordance with the provisions of this section, for all prior service rendered.

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

Approved June 17, 1941.

No. 361, A.]

[Published June 19, 1941.

#### CHAPTER 228.

AN ACT to amend 357.26 of the statutes, relating to counsel for the defense of indigent defendants.

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

SECTION 1. Section 357.26 of the statutes is amended to read:

357.26 (1) The courts of record may appoint counsel to defend any person charged with any offense before such courts, if the accused is destitute of means to employ counsel, and such appointment shall be in time to enable counsel to attend at the taking of any deposition for which leave is granted. The county

in which such criminal action or proceeding shall be pending shall pay such counselor for his services and expenses such sum as the court making the appointment shall, by an order to be entered in its minutes, certify to be a reasonable compensation, but not to exceed \$25 per day for each day actually occupied in such trial or proceeding, and not to exceed \$15 per day for not more than 5 days actually and necessarily occupied in preparing for trial in any one case, and, in addition thereto, the court may allow him \$10 per day and traveling expenses for attendance at the taking of depositions. Such compensation to counsel for indigent persons shall be paid by the county treasurer upon presentation to him of the certificate of the clerk of the said court therefor.

(2) If appointment of counsel has not been so made as to include services upon appeal or writ of error, the supreme court or the chief justice, upon being satisfied of the inability of the defendant to pay counsel and that review is sought in good faith and that there are reasonable grounds for seeking review, may appoint counsel to prosecute an appeal or writ of error, and such counsel shall be paid such sum for services and expenses as the supreme court shall determine, to be certified to the county treasurer by the clerk of the supreme court. *In any criminal action or proceeding where counsel has been appointed to represent an indigent person and the state seeks review in the supreme court, the supreme court or the chief justice thereof may appoint counsel to represent the indigent defendant on the appeal and such counsel shall be paid such sum for his services and expenses as the supreme court shall determine, to be certified to the county treasurer by the clerk of the supreme court.*

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

Approved June 17, 1941.