

No. 386, A.]

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CHAPTER 257.

AN ACT to amend sections 2505, 2506 and 2513, of chapter 115, of the Annotated Statutes of Wisconsin, entitled "Of other courts of record," and relating to the municipal court for Milwaukee county.

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

Amends sec.
2505, S. & B.'s
Anno. Stats.
Clerk may ap-
point deputy
and assistant
clerk.

SECTION 1. Section 2505, of the Annotated Statutes of Wisconsin, is hereby amended so as to read as follows: Section 2505. Said clerk may appoint a deputy clerk and an assistant clerk who may perform the clerk's duties in his absence from his office and for whose acts said clerk, and the sureties upon his official bond shall be liable. The appointment shall be in writing, shall be subject to the approval of the judge, and shall be filed in said court, and may be revoked at the pleasure of the judge or clerk. Such deputy and assistant clerk, before entering upon their duties, shall take and subscribe the oath of office prescribed in the constitution, which oath shall be filed in the office of the clerk of said city; in case of a vacancy in the office of clerk for any reason, such deputy shall perform the duties of clerk until the vacancy is filled.

Oath of office

Amends sec.
2506, S. & B.'s
Anno. Stats.
Duties of clerk,
deputy and
assistant clerk.

SECTION 2. Section 2506, of the Annotated Statutes of Wisconsin, is hereby amended so as to read as follows: Section 2506. The clerk of said court shall have the care and custody of all books, papers and records of the court; he or his deputy and assistant clerk shall be present at all trials and examinations held in said court; he or his deputy and assistant clerk may administer all necessary oaths, and may take and certify the acknowledgments of all deeds and other instruments required or authorized to be acknowledged; he or his deputy and assistant clerk shall keep minutes of all the proceedings, reduce to writing the evidence given on criminal examinations for use before the grand jury, enter the judgments, issue com-

mitments 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 his deputy and assistant clerk 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. Said clerk shall, in the presence of **Draw juries.** the sheriff of said county, draw the grand and petit juries for said court in the same manner and upon the like notices required by law for drawing such juries in circuit courts, the list of which jurors shall be made out by the county board of said county at the annual meeting in November, and certified to the clerk of said court by the county clerk, and shall embrace the names of four hundred and thirty-two qualified electors of said county, to serve as petit jurors, and one hundred names of such electors to serve as grand jurors. Such clerk or his deputy and assistant clerk may issue warrants upon complaint filed in writing and upon oath in all cases; and in city prosecutions and complaint and warrant shall be in substance in the form hitherto used in said court. In offenses **Issue warrants.** not indictable, he shall enter upon the record of the court a statement of the offense charged, which shall stand as the complaint unless the court or judge shall direct a formal complaint to be made; and the defendant's plea shall be guilty or not guilty, and shall be entered by the clerk as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue. Such clerk may take **Take bail.** bail from persons arrested when the court is not in session, subject to revision by the court, and shall also, under like direction of the judge, do all other acts necessary to carry out the jurisdiction herein given to said court. He shall also under the direction of the common council of said city procure and furnish all necessary blanks, stationery, book and paper cases, desks, record books, office furniture, lights and fuel for the use of said court and its clerks at the expense of said city. He may be removed from **Removal from office.** office by said judge for incompetency, failure to pay over moneys as required by law, or other official misconduct or wilful or habitual neg-

lect to perform the duties of his office. On such removal such judge may appoint some person to fill the vacancy, until it is filled by election, unless it occurs within twenty days before or after the first Tuesday of April, and then for the residue of the term, and the person so appointed shall have all the powers and be subject to all the duties and liabilities of such clerk. Such clerk shall account for and pay over to the treasurer of said city, on the first Mondays of January, April, July and October, all fines, penalties, clerks' and other fees, except witnesses' fees collected and other moneys belonging to the treasury of the city or county of Milwaukee which may have come into his hands as 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, and which have not been paid to the persons entitled thereto, which witnesses' fees may 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 cause in which he was a witness.

Account for
fees, etc.

Amends sec.
3512, S. & B.'s
Anno. Stats.

Salaries of
judge, clerk,
etc.

Fees.

SECTION 3. Section 2513, of the Annotated Statutes of Wisconsin, as amended by chapter 333, of the laws of 1891, is hereby amended so as to read as follows: Section 2513. The salary of said judge shall be three thousand six hundred dollars *per annum*; of said clerk three thousand dollars *per annum*; and of said deputy clerk, eighteen hundred dollars, and of said assistant clerk, twelve hundred dollars *per annum*; all payable monthly at the end of each month by the city of Milwaukee. The fees of the clerk, witnesses, jurors, sheriffs, other officers and taxable costs of suit, shall be the same as in circuit courts, except that in cases that would otherwise be cognizable by a justice of the peace, the costs shall be paid in criminal prosecution in the name of the state by the county; and in the city prosecutions by the city when not otherwise collected upon the certificate of the clerk as in circuit courts.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.