

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.

of crime and misdemeanors arising in towns of said county and not triable before justices of the peace, shall be certified, returned or made to the municipal court of said county instead of to the circuit court of said county, and all such cases shall thereafter be proceeded in and tried in said municipal court as provided by law in similar cases in the circuit court. Said municipal court has also jurisdiction of all actions brought for breach of any recognizance returned to or given in said court; but no judgment in any such action shall constitute a lien upon real estate in said county until a transcript thereof is duly docketed in the office of the clerk of the circuit court of said county, in like manner as judgments of circuit courts in civil cases are required to be docketed, and when so docketed it shall have the same lien upon real estate in said county as judgments of the circuit court so docketed have. The judgments of the municipal court in all cases tried before it may be examined and reviewed by the supreme court in the same manner as the judgments of the circuit court be. No grand jury shall hereafter be drawn or summoned for the circuit court of Milwaukee county, and grand jurors shall not be summoned to attend any term of said municipal court unless the judge thereof shall make and file with the clerk an order in writing directing a grand jury to be summoned, and specifying the time at which such grand jury shall appear before the court. Grand juries, when ordered, shall be drawn and summoned as provided in chapter 116, of the annotated statutes. To carry out its jurisdiction, such municipal court shall have all the powers of circuit courts, and the municipal judge shall have the same powers in all matters appertaining to the jurisdiction of said municipal court as circuit judges.

Election of
judge, when
held.

SECTION 2. Section 2502. The qualified electors of the city and county of Milwaukee shall, on the first Tuesday of April, A. D. one thousand eight hundred and ninety-five, and on the same day of the same month each six years thereafter, elect a suitable person to the

office of judge of said municipal court to be called the "municipal judge," who shall hold his office for the term of six years from the first Monday of January next succeeding such election, and until his successor is elected and qualified, who may be removed from office in the manner provided in the constitution for the removal of supreme and circuit judges. Said electors, on the first Tuesday of April, A. D. one thousand eight hundred and ninety-five, and the same day, in the same month each six years thereafter, shall elect a suitable person to the office of clerk of the municipal court, who shall hold his office for the term of six years from the first Monday of January next succeeding his election, and until his successor is elected and qualified. If a vacancy shall happen in the office of judge of said court, the governor shall appoint to fill the vacancy until a successor is elected. Elections to fill such vacancies shall be held as provided in section eighty-eight, and notice thereof shall be given by the sheriff of Milwaukee county in the same manner as for the election of county officers. If a vacancy shall happen in the office of clerk, the judge of said court shall appoint to fill the same. All vacancies so filled shall be for the residue of the term only. All such elections shall be held and conducted and the votes cast shall be returned and canvassed, and the certificates of election shall be given in all respects as is provided by law in case of the election of county judges.

SECTION 3. Section 2505, of the annotated statutes of Wisconsin is hereby amended so as to read as follows: Section 2505. Said clerk may appoint three deputy clerks, either of whom 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 appointments shall be in writing, shall be subject to the approval of the municipal judge, and shall be filed in said court, and may be revoked at the pleasure of the judge or clerk. Each of such deputies before entering upon his duties shall take and

subscribe the oath of office prescribed in the constitution, which oath shall be filed in the office of the city clerk of the city of Milwaukee. In case of a vacancy in the office of the clerk for any reason, the deputy designated by the judge for that purpose shall perform the duties of clerk until the vacancy is filled.

Duties of clerk
and his deputies
defined.

SECTION 4. 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 courts; he, or one of his deputies shall be present at all trials and proceedings held in said court; he, or one of his deputies 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 one of his deputies shall keep minutes of all proceedings, enter judgments, issue the 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 processes under his hand and the seal of the court, and attest in the name of the judge, signing it by his title of office, and shall tax costs. Such clerk 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 office by the municipal judge for incompetency, failure to pay over moneys as required by law, or other official misconduct, or wilful or habitual neglect to perform the duties of his office. On such removal such judge may appoint some suitable 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, collections and other fees, except witnesses' fees collected and other moneys belonging to the treasury of the city and county of Milwaukee, 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, 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. 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. Such witness fees shall be taxed, and when collected shall be paid by the clerk to the treasurer of the Policemen Relief Association of said city on the first Mondays of January, April, July and October of each year.

SECTION 5. Section 2507, of the annotated statutes of Wisconsin is hereby amended so as to read as follows: Section 2507. Said municipal court shall be held at the city of Milwaukee, in some suitable place, to be provided and suitably furnished by said city. The terms of the said municipal court shall be held on the first Monday of February, the first Monday of April, the first Monday of June, the first Monday of October, and the first Monday of December, in each year. The jury shall be summoned for the first day of each of said terms, unless otherwise ordered by the said court. Any trial, hearing, argument or proceeding which shall have been commenced during any term, but shall not have been concluded before the commencement of the next term, shall be continued and proceeded with

Terms of court,
when and
where held.

at said next term in the same manner, and with like effect, as though it had been commenced at that term. The district attorney of Milwaukee county shall be the prosecuting officer in all criminal cases, and the city attorney in all city prosecutions in said court.

Change of
place of trial,
when and
how had.

SECTION 6. Section 2509, of the annotated statutes of Wisconsin is hereby amended so as to read as follows: Section 2509. Whenever a change of the place of trial of any action pending in said court shall be applied for on account of the prejudice of the judge thereof, or whenever the judge of said court shall be interested in any civil cause or action depending upon the same state of facts that any criminal action is based upon, or shall be related to the defendant, or complaining witness, or shall have been of counsel for either of them, or shall be otherwise disqualified to try the cause, said municipal court may, in its discretion, either change the place of trial of such action to the circuit court of Milwaukee county, unless it shall be made to appear that the circuit court judge is also prejudiced or disqualified for any reason to try such cause, in which case it shall be changed to some county where such prejudice or disqualification does not exist, or in lieu of changing the place of trial may make an order retaining such action in said municipal court for thirty days from the date of such order, and, in the meantime, shall call upon the circuit judge of any circuit in this state to attend and hold court for the purposes of trying such action. And if such other judge can so attend and hold court for such purpose, the same shall be done with the same effect as if a change of venue to the circuit court of Milwaukee county, or any other county, and a trial therein had occurred in said action. But if no circuit judge shall so attend and assume jurisdiction of such action within said thirty days, then an order for a change of the place of trial shall be entered in such action on the last day of said thirty days, and thereupon such change shall be made to the circuit court of Milwaukee county, or some other

county as herein above provided. The expense of the judge requested and holding the court as aforesaid, shall be paid by the county of Milwaukee. Whenever such change of the place of trial shall be applied for by one or more, but not all of the several defendants in any indictment or information, or any case where a separate trial has not been previously awarded to the defendant or defendants making such application, the court in every case where it is adjudged that the place of trial be changed to the circuit court of Milwaukee county, or of any other county, shall order the change of the place of trial as to all of the defendants named in such indictment or information, in the same manner, and with like effect as if all had joined in such application; and whenever in any case the place of trial is changed to the circuit court of Milwaukee county, or of any other county from the municipal court, at any time when a term of such circuit court is being held, the recognizance of the accused and the witnesses, required by law, shall be for their appearance at such term; otherwise, for their appearance at the next term of such circuit court. When another judge is called as herein provided and shall attend and hold court for the purpose of trying any action in said municipal court, the judge of said municipal court may also hold court at the same time and exercise all the powers of presiding judge, and may try cases by jury.

SECTION 7. Section 2511, of the annotated statutes of Wisconsin is hereby amended so as to read as follows: Section 2511. Any circuit judge may hold court as judge of said municipal court in case of the absence, sickness, or other disability, or upon request of the judge of municipal court, and while so doing such circuit judge shall have the same powers as if elected judge of said municipal court. The judge of said municipal court may hold court for the trial of criminal cases in any county other than the county of Milwaukee upon the request of the circuit judge of such other county, and while so doing he shall have

Circuit judge
may hold
court, when.

the same powers in criminal matters as if elected for the county in which he is acting.

Salary of judge
and clerks.

SECTION 8. Section 2513, of the annotated statutes of Wisconsin is hereby amended so as to read as follows: Section 2513. The salary of the judge of said municipal court shall be three thousand six hundred dollars per annum, of said clerk, three thousand dollars per annum, and of the three deputy clerks, eight hundred dollars per annum, twelve hundred dollars per annum, twelve hundred dollars per annum, respectively, all 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 taxable costs of suit shall be the same as in the circuit courts, and in criminal prosecutions in the name of the state the costs shall be paid by the county, and in city prosecutions by the city, when not otherwise collected, upon the certificate of the clerk as in circuit courts.

Jury law shall
apply to
municipal
court.

SECTION 9. All the provisions of law relating to and regulating the manner of selecting, drawing and summoning petit jurors for the circuit court of Milwaukee county, shall relate and apply also to said municipal court.

Acts repealed.

SECTION 10. Section 2501, of the annotated statutes of Wisconsin, chapter 228, of the laws of 1891, entitled, "An act to amend section 2507, chapter 115, of the revised statutes, relating to the municipal court of the county of Milwaukee," chapter 265, of the laws of 1891, entitled, "An act to amend section 2501, revised statutes, 1878, as amended by section 3, chapter 256, of the laws of 1879, and pertaining to the municipal court for Milwaukee county," chapter 294, of the laws of 1891, entitled, "An act to amend section 2511, of the revised statutes for 1878, as amended by section 4, of chapter 256, laws of 1879, and pertaining to the municipal court of the city and county of Milwaukee," chapter 338, of the laws of 1891, entitled, "An act to amend section 2513, of the revised statutes, as amended by chapter 200, laws of 1879, as amended by chapter 378, laws of 1887, relat-

ing to the municipal court of Milwaukee county," and chapter 257, of the laws of 1893, entitled, "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," and all other acts or parts of acts contravening the provisions of this act are hereby repealed.

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

Approved Feb. 21, 1895.

No. 412, S.]

[Published Feb. 26, 1895.

CHAPTER 8.

AN ACT amendatory of and supplementary to chapter 7, laws of 1895, entitled, "An act to amend sections 2499, 2502, 2505, 2507, 2509, 2511 and 2513, revised statutes, and to repeal section 2501, revised statutes, and chapters 228, 265, 294 and 338, laws of 1891, and chapter 257, laws of 1893," all relating to the municipal court for Milwaukee county.

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

SECTION 1. Section 11, of chapter 7, laws of 1895, is hereby amended so as to read as follows: "Section 11. Section 2, of this act shall take effect and be in force from and after its passage and publication, and all of the other sections, portions and provisions of this act shall take effect and be in force from and after the first Monday in May, 1895."

Act of 1895
amended as to
when to take
effect.

SECTION 2. This act is amendatory of and supplementary to said chapter 7, laws of 1895, and is for the purpose of preventing the taking