

prosecute the same, when so requested by the industrial commission.

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

Approved August 8, 1929.

No. 618, A.]

[Published August 10, 1929.

CHAPTER 368.

AN ACT to amend section 2506 of the revised statutes of 1878 as amended by chapter 257, laws of 1893, and further amended by chapter 7, laws of 1895, and to amend section 9 of chapter 218, laws of 1899, relating to the destruction of obsolete files and docketts of the municipal court of the city and county of Milwaukee, and the district court of Milwaukee county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2506 of the revised statutes of 1878 as amended by chapter 257, laws of 1893, and further amended by chapter 7, laws of 1895, and section 9 of chapter 218, laws of 1899, are amended to read: 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. *The clerk of said court is hereby authorized to destroy all files and dockets of cases and proceedings in said court prior to January 1, 1890, and all such files prior to January 1, 1900. It shall be the duty of said clerk to hereafter retain and safely keep the files of all cases for a period of thirty years, and dockets for a period of forty years, after which same shall be destroyed unless otherwise ordered by the court.*

(Chapter 218, laws of 1899) Section 9. The clerk of the municipal court of the city and county of Milwaukee shall be ex officio clerk of said district court. He or one of his deputies, shall be present during the sessions of said district court and shall keep and have 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 district judge, and when the court is not in session shall have power to take bail for the ap-

pearance 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 processes 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, recognizance, commitments, attachments, venire, subpoenas and all other writs and papers in said court shall be in substance in the form hitherto used in the police court of the city of Milwaukee, or the municipal court of the city and county of Milwaukee. In city prosecutions, said clerk, or one of his deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court shall direct formal complaint to be made; then 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 in such case at issue. Said clerk shall also, under the direction of the common council of said city of Milwaukee, procure and furnish all the necessary blanks, stationery, book and paper cases, desk record books, office furniture, lights and fuel for the use of said district court and its clerks, at the expense of said city and county. Such clerk and his deputies and the police officers attending said district court and serving its processes shall receive no fee. *The clerk of said court is hereby authorized to destroy all files and dockets of cases and proceedings in said court prior to January 1, 1890, and all such files prior to January 1, 1900. It shall be the duty of said clerk to hereafter retain and safely keep the files of all cases for a period of thirty years, and dockets for a period of forty years, after which same shall be destroyed unless otherwise ordered by the court.*

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