

not safe he may order the same to be transferred to the treasury of the state.

SEC. 46. The compensation of all the officers provided for by this act shall be paid quarter yearly out of the said fund.

SEC. 47. As soon as the selection of the lands appropriated by congress in aid of the improvements contemplated by this act shall be completed and a sale of any portion thereof shall be required the governor of the state shall appoint a register and treasurer who shall hold their offices until the end of the session of the legislature then next to be holden and thereafter the register and treasurer shall be appointed and hold their offices in the manner and for the term provided in this act.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 8, 1848.
NELSON DEWEY.

AN ACT to establish a Municipal Court of 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 established in the city of Milwaukee a court of record to be known by the name of the municipal court of Milwaukee to consist of one judge who shall reside in the city of Milwaukee and who shall hold his office for the term of three years, and until his successor is elected and qualified and shall take a similar oath and be subject to removal for like causes and in the manner as judges of circuit courts of the state : said judge shall be elected by the qualified electors of the city of Milwaukee and the first election therefor shall be held on the first Monday of September eighteen hundred and forty eight and thereafter at such time

as may be prescribed by the common council of said city: provided always that such election shall not be held at any general election for state county or city officers: The election for the said judge shall be conducted and returns thereof made in the same manner as other elections for city officers, and no person shall be eligible to the office of Judge of said court unless he shall be a qualified elector at such election.

Sec. 2. There shall be elected by the qualified electors of said city of Milwaukee, a clerk of the municipal court aforesaid at the same time and in the same manner as herein provided for the election of judge, and who shall hold his office for two years and until his successor shall be chosen and qualified, and he shall take the same or a similar oath that clerks of the circuit courts are required by law to take and shall also execute to the city of Milwaukee a bond in such penalty and with such sureties as may be approved by the mayor of said city conditioned for the faithful performance of the duties of his office.

Sec. 3. Said court shall be holden and the office of the clerk thereof kept in the same place in the city of Milwaukee to be provided by the common council of said city, and it shall hold four terms in each year, the time thereof to be fixed by the common council of said city, and the judge shall have power to hold special or adjourned terms as often as he may deem necessary for the dispatch of business, but no jury shall be summoned at such special or adjourned terms, and no grand jury shall be summoned except for each alternate term.

Sec. 4. Said court shall have concurrent jurisdiction in the city of Milwaukee with the circuit courts of all civil causes both in law and equity as well of all criminal proceedings or causes, except in capital cases; and in order to confer upon said municipal court the same power and authority for the complete exercise of its jurisdiction as is or may be conferred upon the circuit courts in the exercise of their jurisdiction it is declared that all laws conferring jurisdiction upon the circuit courts giving them power to hear and determine such cases appoint or remove their officers punish contempts regulating forms of process prescribing the duties of their offices and of sheriff and coroner allowing fees to such officers and providing for the collection thereof or requiring of such officers official oaths and bonds shall be held to extend to said municipal court and its officers as fully as they extend to said circuit courts and their officers; The judge herein provided for shall be a conservator of the peace in Milwaukee city

and as such shall in the recess or vacation of said court have the same power and authority as the judges of the circuit courts; and shall also have power to grant and determine writs of habeas corpus quo warranto mandamus, all other remedial writs that circuit courts are authorized to grant and determine, and also to exercise all such powers as the judges of the circuit courts at chambers are by law authorized to exercise.

SEC. 5. The supreme court shall have appellate jurisdiction to said municipal court and causes may be removed from that court to the supreme court by appeal writ of error or other process and remanded back and proceeded in, in the way provided by law for the exercise by that court of its appellate or supervisory jurisdiction over the circuit courts and the judges or their judgments or decrees.

SEC. 6. The process of said courts shall have the seal thereof affixed and be tested directed served and returned and be in form as is or may be provided for the process of the circuit courts, varying only in the style of the court and to conform to its terms; and any process issuing out of said court may be directed to the sheriff or coroner of Milwaukee county, the city marshal or any constable of said city, who are hereby authorized and directed to serve and execute said writs.

SEC. 7. The sheriff and coroner of the county of Milwaukee and the constables of the city of Milwaukee shall be bound to attend said court preserve order execute and return its process, as they are required to do in the circuit courts upon the order of said court in case the circuit court shall not be in session in said county and the fees of said officers shall be paid out of the treasury of the city of Milwaukee.

SEC. 8. The mayor of the city and the clerk of the common council shall annually select one hundred and fifty judicious and well informed persons in the city of Milwaukee (who have not been returned as jurors to the clerk of the circuit court) having the qualifications of electors to serve as grand and petit jurors, a list of whose names shall be deposited with the clerk of said municipal court, that said clerk shall write the names of the persons so selected upon separate pieces of paper and put them into a box to be by him provided at the expense of the city, and the said clerk shall at least fifteen days before each term of said court in the presence of the sheriff of the county of Milwaukee (the sheriff having first shaken the box so as to mix the ballots on which the names are written) proceed to draw forty seven ballots, the first twenty three of whom shall be summoned as

grand jurors, and the remaining twenty four as petit jurors and the clerk shall forthwith issue venires therefor; which shall be served and returned in the same manner as in the circuit courts: provided always, that a grand jury shall only be drawn for each alternate term and for the term in which the grand jury is not to be drawn, the first twenty four names drawn as aforesaid shall be summoned as petit jurors in the same manner as hereinbefore provided; and said court shall have power to issue special venires and to call tales jurors, and in reference thereto shall have the same power conferred by law upon the circuit courts, and said jurors summoned under this act shall be paid out of the city treasury.

SEC. 9. The judgments and decrees of said municipal court shall be liens upon the property of the judgment debtor in the manner and to the extent that judgments and decrees are in the circuit courts of the state and the laws regulating judgments and executions shall be considered as extending to said court, to the same extent they extend to the circuit courts.

SEC. 10. The common council of the city of Milwaukee shall provide a seal for said court with proper devices which shall be kept by the clerk of said municipal court.

SEC. 11. There shall be allowed and paid quarter yearly to the said judge a salary not exceeding fifteen hundred dollars from the city treasury.

SEC. 12. The clerk of said court shall receive no fees or perquisites from his office but in lieu thereof and as a compensation for his services shall receive such salary as may be fixed or provided for by the common council and to be paid out of the city treasury in quarterly payments which salary when fixed shall not be diminished during the term for which he is elected

SEC. 13. the rules of practice in said court shall conform so far as practicable to the rules adopted by the circuit courts.

SEC. 14. In all suits instituted in said court or brought thereto by appeal certiorari or otherwise from inferior courts, there shall be charged a docket fee of one dollar to be recovered against the losing party and taxed as other costs: which together with all the costs accruing excepting the costs of suitors shall be collected by the clerk of said court who shall as often as every month deposit the monies so collected with the treasurer of said city of Milwaukee taking his receipt therefor.

SEC. 15. The clerk of said court shall as often as required by the common council make out a just and true account of all costs collected and

deposited with the treasurer as aforesaid (and exhibit his vouchers there for) as well as of all sums due and unpaid and on his refusal to comply with such requirements the common council may remove him from office, and they may also remove him for incompetency or any other just cause always however giving him the benefit of a trial according to the usual course of trials for impeachments before their body.

SEC. 16. In case of the removal of the clerk of said court or of his death or inability to officiate, the judge thereof may appoint a temporary clerk from time to time as may be necessary for the dispatch of business.

SEC. 17. All recognizances in criminal cases taken before justices of the peace for the city of Milwaukee shall be made returnable to the term of the municipal court of the city of Milwaukee or the circuit court next to be holden in said county at which a grand jury is by law required to be summoned.

SEC. 18. All fines and penalties recovered in said court for the violation of any ordinance of the city of Milwaukee shall be paid into the city treasury.

SEC. 19. This act shall take effect immediately after its passage and publication.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 8, 1848.

NELSON DEWEY.