

No. 545, A.]

[Published July 6, 1957.

**CHAPTER 288**

AN ACT to repeal chapter 64, laws of 1955, section 11; to amend chapter 64, laws of 1955, sections 13, 33, 34 (b) and 50; and to repeal and recreate chapter 64, laws of 1955, section 10, relating to clerks, disposition of receipts, reporter's fees, juries and jury service, in the municipal court of Sheboygan county.

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

SECTION 1. Chapter 64, laws of 1955, section 10 is repealed and recreated to read:

(Chapter 64, laws of 1955) Section 10. (a) The clerk of circuit court for Sheboygan county, and his deputies shall be the clerk and deputies, respectively, of the municipal court. One of such deputies shall be designated "Deputy Clerk in charge of Municipal Court matters", but all deputies shall be deemed deputies of both courts. In addition to his oath and bond as clerk of the circuit court, he shall file an additional oath of office as clerk of the municipal court and shall execute and file with the county clerk a bond approved by the county clerk and in such sum as shall be ordered by the chairman of the county board of Sheboygan county, conditioned that he will pay over to the proper persons all fines and penalties, suit taxes and other moneys in his hands as required by law and the order of the court, and will faithfully perform the duties of his office as required by law. The deputies shall likewise file additional oaths as deputies of the municipal court and such bonds as may be required by the chairman of the county board of Sheboygan county conditioned that they shall faithfully perform the duties of their offices.

(b) The clerk shall have all the powers and perform all the duties with reference to the municipal court in the same manner and to the same extent as the clerk of the circuit court has done for that court, and

as the clerk of the municipal court has heretofore done for that court, all as herein provided and shall keep such records as are required to be kept for both courts according to law.

(c) Acting as clerk of the municipal court, the clerk shall keep dockets similar to justice dockets for the lower branch of the court for civil and criminal actions cognizable by justices of the peace, and for the upper branch of the court shall keep a record book, a criminal record, a judgment book and a minute book, in the same manner and form now in use in the circuit courts of this state and containing the entries as provided by section 59.39 of the statutes. He shall have the care and custody of all books, papers and records of the courts; he shall be present at all trials, except when excused from such attendance by the judge of the municipal court, and may administer all necessary oaths. He shall keep the minutes of all proceedings, issue the commitments and executions and make up and keep the records of the court in all cases therein, under the direction of the judge. He shall issue all processes, excepting summons in civil actions, under his hand and seal of the court, and teste them in the name of the judge, signing them by his title of office, and tax the costs in the cases required by law; provided that summons in civil actions within the court's jurisdiction may be issued and served in the same manner as in actions commenced in the circuit court. He may take bail from persons arrested when the court is not in session, subject to the revision of the court, and under the direction of the judge perform all other acts necessary to carry out the jurisdiction given to the court. He shall procure all necessary blanks, stationery, book and paper cases, desks, record books, and office furniture and equipment for the use of the court. He shall perform all ministerial acts required of him by and under the direction of the judge. He shall render to the county treasurer, and the proper municipal treasurers, his account quarterly, which account shall be so itemized as to show the fines, penalties and officers' fees in each case, and in criminal cases a brief statement of the character of the prosecution and the judgment of the court. In addition to his salary as clerk of the circuit court, the clerk shall receive such additional salary for performing the duties of clerk of the municipal court as may be fixed by the county board, payable monthly, and shall receive no fees of office or compensation other than such salary.

(d) The clerk shall appoint one or more deputy clerks necessary for the performance of his duties as clerk of both courts according to, and as set forth in section 59.38 of the statutes insofar as applicable, provided that the appointment of the deputy designated as deputy clerk in charge of municipal court matters shall be also approved by the judge of the municipal court, as well as by the circuit judge.

SECTION 1m. Chapter 64, laws of 1955, section 11 is repealed.

SECTION 2. Chapter 64, laws of 1955, section 13 is amended to read:

(Chapter 64, laws of 1955) Section 13. The reporter shall be furnished with all necessary stationery, and shall attend and report the proceedings, trials and examinations had in the court, and perform such other duties as the court or judge may order, and is hereby authorized and empowered to administer oaths, make and keep records of the court not kept by the clerk, and to issue subpoenas and processes. Upon any appeal, the reporter shall duly certify the same to be a correct transcript thereof. The reporter shall, upon the request of a party to any action, transcribe in longhand or typewriting, the evidence or other proceedings taken by him in such action or any part thereof so requested, and make, when requested, any number of carbon copies, each duly certified by him to be a correct transcript thereof, for which he shall be entitled to receive

from the party requesting the same the charges set forth in section 252.20 of the statutes *including fees from Sheboygan county for transcripts required by law or ordered by the judge of the court in the same manner as the reporter of the circuit court under that section.*

SECTION 3. Chapter 64, laws of 1955, section 33 is amended to read:

(Chapter 64, laws of 1955) Section 33. Any person who has been a member of either of the jury lists provided for in SECTION 32 and has actually served as a juror in the trial of any action in said court, shall not be eligible to have his name appear on any such list during the succeeding \* \* \* *3 months*, and during such period of ineligibility, he shall be disqualified for jury service in the municipal court and in the circuit court, unless he be summoned as talesman. All *such* persons not having so served shall \* \* \* *continue* eligible for jury service \* \* \*. The names of jurors drawn from the jury boxes as provided above, and not serving, shall be put back into the box from which drawn.

SECTION 4. Chapter 64, laws of 1955, section 34 (b) is amended to read:

(Chapter 64, laws of 1955) Section 34. (b) In all cases tried in the upper branch the jury shall consist of 12 citizens, except that \* \* \* the parties may, at any time before taking testimony, stipulate for a less number. Juries shall be drawn for trials on a day to be designated by the judge, before the day set for trial. Whenever a jury is to be drawn in a case set for trial in the city of Sheboygan, the clerk shall, at the time fixed by the judge, in the presence of the parties, or their attorneys, draw 28 names from the box containing the "City of Sheboygan List," unless either party shall, upon written demand to be filed with the clerk, on or before the date designated for drawing the jury, demand a jury from the county at large, and unless such demand is so filed, a jury from the county at large shall be deemed waived. If such demand is made, the clerk shall draw such names from the "County at Large List." In drawing jurors for criminal cases, there shall be drawn from the respective box 32 names, and 20 summoned. The court may, in its discretion, at the time of drawing the jury, in either civil or criminal cases, direct the clerk to draw additional names from the proper box \* \* \*. The parties shall then strike from the names so drawn, alternately, beginning with the plaintiff, one name at a time, until \* \* \* *such number of names remain as the court may direct, or as the parties may agree upon.* When all strikes have been made, a venire shall be issued for the persons remaining on the list, arranged in the same order as they appear on the list, to serve as jurors, and made returnable on the day fixed for the trial; but it is discretionary with the judge, instead of delivering the venire to the sheriff or other officer to summon the jury, to mail a copy of \* \* \* *a jury summons* \* \* \* *subscribed by the sheriff*, to each of said jurymen, securely enclosed in an envelope, properly addressed *by certified mail*, and when received by the juror, the mailing shall have the same force and effect as personal service of the same by the sheriff or other officer; and the judge shall have the same power and authority to fine the juror for contempt in case of his failure to appear for the trial as he would in case the juror were personally served by an officer of the court. *Any other method of selecting a jury out of one or the other lists, which may be agreed upon by the parties or their attorneys, shall be valid.*

SECTION 5. Chapter 64, laws of 1955, section 50 is amended to read:

(Chapter 64, laws of 1955) Section 50. All fines and penalties collected by the \* \* \* clerk in actions for the violation of the ordinances or charter provisions of the cities of Sheboygan, Sheboygan Falls, Plymouth;

or the ordinances of the villages or towns in the county shall be paid to the treasury of said city, village or town on the \* \* \* *seventh* secular day of the month following such collection, and all fines and penalties collected in any criminal or civil action \* \* \* under the general laws of the state \* \* \* *and under the ordinances of Sheboygan county, shall be paid to the county treasurer of Sheboygan county on the seventh secular day of the month after such collection. The costs collected in all actions in said court shall be disbursed as follows: The judge's fees and other fees due the county shall be paid to the treasurer of Sheboygan county. Witness fees shall be paid to the persons entitled thereto. Fees for officers' services, including witness fees, unless payable to a designated individual, shall be paid into the treasury of the municipality employing such officer.* Costs, fees and disbursements taxed, allowed and collected by the judge or clerk and not belonging to any officer, juror or witness as provided in this act, shall be paid to the treasurer of Sheboygan county on the \* \* \* *seventh* secular day of the month after such collection.

SECTION 6. This act, except SECTION 1, shall take effect on passage and publication, and SECTION 1 shall take effect October 1, 1957.

Approved July 1, 1957.

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