

ing a population exceeding sixty-five thousand, according to the last census, there may be appointed not to exceed ten court commissioners, the same to be appointed by the circuit court and the circuit judges jointly in vacation, for the county or counties of their respective circuits. Each court commissioner shall hold his office during the term of office of the judge or judges who appointed him, and until his successor is appointed and qualified, unless sooner removed by the court or judge or judges appointing him, and shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and file the same duly certified, together with his appointment, in the office of the clerk of the circuit court of the county in which he resides. Any woman authorized to practice as an attorney of any court of record, may be appointed and act as a court commissioner; all court commissioners heretofore appointed in any county in this state shall hold their office until the expiration of the term for which they were appointed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 148, A.]

[Published May 26, 1905.

CHAPTER 254.

AN ACT to amend section 2940 of the statutes of 1898, relating to payment of costs by county on change of venue.

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

What county to pay costs when venue changed. SECTION 1. Section 2940 of the statutes of 1898 is hereby amended so as to read as follows: Section 2940. In all actions or legal proceedings, including criminal actions, where a change of venue is had or made by the order of any court or of any judge, pursuant to law (except in cases where such change is made because the action was not brought in the proper county), or when an action, occupying a day or more, is tried outside the

county wherein pending, the county in which such action was commenced shall pay to the county in which the same shall be tried the following expenses arising out of such change of venue:

1. The per diem fees allowed by law to the clerk or his deputy or deputies, all the taxable costs, disbursements and fees of such clerk on any proceeding or action.

2. The per diem fees allowed by law to the petit jurors actually in attendance upon said court.

3. The per diem fees allowed by law to the sheriff, undersheriff and deputies in attendance upon said court.

4. All lawful charges for boarding the jury.

5. The legal fees of all witnesses in any criminal case or proceedings which are a lawful charge against the county.

6. The fees or compensation allowed by law to the phonographic reporter in attendance upon said court, and such other fees allowed to such reporter in criminal proceedings which are chargeable to the county by law.

7. Such other lawful costs, charges, fees and disbursements which, by law, are chargeable to the county, and all lawful costs, disbursements and charges which any such county may be lawfully subjected to or may incur in any such action or proceedings.

8. All lawful charges and fees for subpoenaing witnesses in any criminal case or proceedings and which are a proper charge against the county. The fees of such officers, jurors and phonographer to be estimated for each day and part of a day, not less than half a day, occupied in trying or disposing of any such action; but no costs shall be paid to such county to which a change of venue is had which are not properly chargeable against such county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.