

No. 732, A.]

[Published September 3, 1929.

CHAPTER 450.

AN ACT to amend sections 366.01, 366.02, and 366.05 to 366.14 of the statutes, relating to coroners.

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

SECTION 1. Sections 366.01, 366.02, and 366.05 to 366.14 of the statutes are amended to read: 366.01 Whenever the district attorney shall have notice of the death of any person within his county and from the circumstances surrounding the same there is good reason to believe that murder or manslaughter has been committed, he shall forthwith order and require the coroner, *deputy coroner or in the event of the absence or disability of the coroner, or any deputy coroner,* * * * some justice of the peace therein to take an inquest on the view of the dead body of such person. For the purpose of taking such inquest *deputy coroners* may perform all the duties and exercise all the jurisdiction and powers conferred upon * * * *such coroners* by this chapter and shall be entitled to the same fees as such * * * *coroner* for the performance of like duties, except as hereinafter provided. *Provided, however, that nothing herein contained shall be construed as preventing such coroner from holding an inquest without being first notified by the district attorney so to hold such inquest.*

366.02 Whenever any * * * coroner, *deputy coroner or justice of the peace* shall * * * *hold an inquest*, he shall issue a precept to the sheriff or any constable forthwith to summon a jury of six good and lawful men of the county to appear before him at the time and place specified in the precept, which precept shall be in substance as follows: The State of Wisconsin, to the sheriff or any constable of the county of

You are hereby required immediately to summon six good and lawful men of the county of, to appear forthwith before me at, in the town of, to inquire upon the view of the body of there lying dead, how and by what means he came to his death.

Given under my hand this day of, 19.....

* * * *Coroner.*

366.05 If six jurors shall not appear at the time and place appointed the * * * coroner may require the officer to summon such number of jurors as shall make up the number six, and when the requisite number so summoned shall appear the * * * coroner shall there, in view of the dead body, administer to them an oath or affirmation in substance as follows, viz.: You do solemnly swear that you will diligently inquire in behalf of this state when, in what manner and by what means the person whose body lies here dead came to his death; that you will return a true inquest thereon according to your knowledge and such evidence as shall be laid before you.

366.06 The coroner may issue subpoenas for witnesses, returnable forthwith or at such time and place as he shall therein direct, and the attendance of * * * the persons so served with such subpoena may be enforced in the same manner, and they shall be subject to the same penalties as if * * * they had been served with a subpoena in behalf of this state to attend a justice's court; and * * * it shall be lawful for the coroner taking such inquest . * * *, in all such cases, to require by subpoena the attendance of one or more competent physicians or surgeons for the purpose of making an examination of the body and of testifying as to the result of the same. Such physicians and surgeons so subpoenaed shall, instead of witness' fees, receive such reasonable compensations as may be allowed by the county board; * * * provided, that such additional compensation shall not be less than five dollars for each examination.

366.07 An oath or affirmation to the following effect shall be administered to each witness by the * * * coroner: You do solemnly swear that the evidence you shall give to this inquest concerning the death of the person here dead shall be the truth, the whole truth, and nothing but the truth.

366.08 In all cases the testimony of all witnesses examined before the inquest shall be reduced to writing by the * * * coroner, or some other person by his direction, and subscribed by the witnesses. Any officer authorized to take inquests may * * * employ a stenographer to take and transcribe the testimony of all witnesses examined at any inquest held by him. Such stenographer shall receive ten cents per folio for all the testimony taken and transcribed by him, his account therefor, after being audited by the proper county board, shall be paid by the county treasurer.

366.09 The jury, upon the inspection of the body and after hearing the testimony of the witnesses and making all needful inquiries, shall draw up and deliver to the * * * coroner their inquisition under their hands, in which they shall find and certify when, and in what manner and by what means the deceased came to his death, and his name, if known; and if it shall appear that he came to his death by unlawful means the jurors shall further state who was guilty, either as principal or accessory or were in any manner the cause of his death, if known.

366.10 Such inquisition may be in substance in the following form:

An inquisition taken at, in the county of, on the day of, 19....., before, * * * the coroner of the said county, upon the view of the body of (or a person unknown), there dead, by the jurors whose names are hereunto subscribed, who, being duly sworn to inquire on behalf of this state, when, in what manner and by what means the said (or person unknown) came to his death, upon their oaths do say (here insert when, in what manner and by what means, persons, weapons or instruments he was killed or came to his death).

In testimony whereof, the said * * * coroner and the jurors of this inquest have hereunto set their hands the day and year aforesaid.

366.11 If the jury find that any murder, manslaughter or assault has been committed upon the deceased the * * * coroner shall bind over, by recognizance, such witnesses as he shall think necessary to appear and testify at the next court to be held in the same county at which an indictment for such offense may be found or an information filed; and he shall also return to the same court the requisition, written evidence and all recognizances and examinations by him taken, and may commit to the jail of the county any witness who shall refuse to recognize in such manner as he shall direct.

366.12 If any person charged by the inquest with having committed any such offense shall not be in custody the * * * coroner shall issue a warrant for his apprehension, and such warrant shall be made returnable before * * * any other magistrate or court having cognizance of the case, who shall proceed

thereon in the manner that is required of magistrates in like cases.

366.13 When any * * * *coroner* shall take an inquest upon the view of the dead body of a stranger or, being called for that purpose, shall not think it necessary on view of such body that an inquest should be taken, he shall cause the body to be decently buried *or cremated*; and the said * * * *coroner* shall certify to all the charges incurred in taking any inquest by him and to the expenses of burial *or cremation* of such dead body; and the same shall be audited by the county board of the proper county and paid out of the county treasury.

366.14 The sole compensation of * * * *the coroner and deputy coroners* for taking inquest shall be * * * *eight* dollars for each day and * * * *four* dollars for each half day actually and necessarily required for the purpose, and ten cents for each mile actually and necessarily traveled in performing such duty; *provided, that any coroner or deputy coroner who is paid an annual salary by the county shall not be entitled to any additional compensation for services in taking inquests.* The compensation of jurors * * * *and of constables and witnesses at such inquest shall be the same as is allowed for like services in justice court.*

SECTION 3. This act shall take effect upon passage and publication.

Approved August 29, 1929.

No. 836, A.]

[Published August 31, 1929.

CHAPTER 451.

AN ACT to amend the introductory paragraph of subsection (1) of section 20.08 of the statutes, relating to the attorney-general and making an appropriation.

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

SECTION 1. The introductory paragraph of subsection (1) of section 20.08 of the statutes is amended to read: (20.08) (1) (Introductory paragraph) Annually, beginning July 1, * * * 1929, * * * *seventy* thousand dollars, for the execution of his functions. Of this there is allotted:

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

Approved August 30, 1929.