

criminal cases are paid; and the said clerk shall pay the same [into] the county and city treasuries, to apply on the salary of the judge and clerk as follows: All costs imposed and collected in criminal cases, arising under the laws of the state shall be paid into the county treasury, and all costs imposed and collected in cases arising under the charter and ordinances of any city or village shall be paid into the treasury of the city or village under whose charter, by-laws or ordinance said case arose, and all costs collected in civil cases shall be paid as follows: Three-fourths of the same into the county treasury of Waukesha county; and one-fourth into the treasury of the city of Oconomowoc. The clerk of said court shall keep an accurate statement of all such costs thus collected, and file the same in the county clerk's office at the end of each month, under his hand and the seal of the said court; and shall at the same time pay over all such moneys as provided for in this act.

Clerk to keep accurate statement.

SECTION 15. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1895.

No. 306, A.]

[Published March 13, 1895.]

CHAPTER 24.

AN ACT to establish a municipal court in and for the city of Oshkosh, and the county of Winnebago.

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

SECTION 1. A municipal court for the city of Oshkosh and county of Winnebago, is here-

Municipal court established.

Jurisdiction of
the court de-
fined.

by established, under the name of the municipal court of the city of Oshkosh and county of Winnebago; said court shall be a court of record, and have a clerk and seal with suitable device to be procured under the direction of the judge of said court, at the expense of the city of Oshkosh; said court may exercise powers and jurisdiction equal and concurrent with the circuit court of Winnebago county in all cases of crimes and misdemeanors arising in said county, except murder, and except where the person accused shall demand, in writing, as herein provided, to be tried in said circuit court; such jurisdiction shall include the right to try and determine all appeals to such court, in criminal cases, from justices of the peace in said county, and the party appealing may, at his option, appeal to the county court of said county, or to said municipal court, or the municipal court of Neenah and Menasha. No justice of the peace or court commissioner within said city, shall exercise any jurisdiction in criminal or bastardy cases, but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances and commitments from said judge, and the other justices of the peace of said county, in criminal cases (except murder), and in bastardy cases, shall be certified and returned to said municipal court or the municipal court of Neenah and Menasha, instead of said circuit court, at or before the time fixed for the appearance of the accused; and the accused, and all witnesses required to attend, shall be committed to be brought or recognized to appear before said municipal court, or such other court as they may be held to, on a day certain, not more than thirty days from the date of such commitment or recognizance; the judgments of said municipal court, in criminal cases tried upon information or upon appeal, may be reviewed by the supreme court in the same manner as like judgments of the circuit court may be, and all judgments originally rendered by said court or the judge thereof, in criminal cases of which justices of the peace have jurisdiction, may be

appealed to and tried by the county court, in the same manner as like judgments rendered by justices of the peace.

SECTION 2. The general provisions of law which may at any time be in force relative to circuit courts, and actions and proceedings therein, in criminal cases, shall relate also to said municipal court, unless inapplicable, and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said municipal court, and its rules of practice and proceedings shall conform as near as practicable to the rules and practice of circuit courts; but the laws of the state relative to change of venue, in criminal examinations and trials, shall not apply to said court or the judge thereof; any person charged upon information of a criminal offense, in the municipal court of the city of Oshkosh may, at any time before a jury is drawn for the purpose of a trial in said court, obtain a change of venue to the circuit court of said Winnebago county, upon making affidavit that he believes that he cannot obtain a fair and impartial trial in said municipal court, and thereupon the said municipal court shall commit or hold the party to bail, to appear at the next term of said circuit court, as upon examinations, and the judge, under the seal of said court, shall transmit all the papers and a copy of the records and proceedings in such cause properly certified to be such, to said circuit court, which shall then proceed to hear and determine the same, and all recognizances previously given in such cases, and returned to said municipal court, may be enforced by said circuit court as fully as if they had originally run and been certified and returned thereto; said court shall have power and authority to issue all process necessary to carry into effect its jurisdiction, which process shall in substance be the same when applicable, as used in circuit courts, or shall be as directed by the judge thereof; process issued by said court, its judge, or clerk, in criminal cases may be executed in any part of the state by the officer to whom it is addressed;

General provisions of law to apply.

all informations for criminal offenses, except murder, committed in said county of Winnebago, and where the offender shall be held for trial in said municipal court, shall, in the first instance, be filed in said municipal court by the district attorney of said county at the next term at which the same may be triable; if terms are held as hereinafter provided, and if not, then before the time fixed for the trial thereof; the sheriff of Winnebago county may execute all sentences and judgments of said court.

Vested with powers of justice of the peace; powers defined.

SECTION 3. The municipal judge, in addition to the powers vested in the municipal court as aforesaid, is vested with all the powers and jurisdiction of a justice of the peace in said county, in criminal actions and proceedings, and jurisdiction of all prosecutions for breach of any ordinance or by-law of the city of Oshkosh; and also with all the powers and jurisdiction of justices of the peace in said county in civil actions and proceedings, and also power to hear and determine any such case, although the title to land may come in question therein; and to exercise such jurisdiction, shall hold the municipal court as courts are held by justices of the peace; the general provisions of law relative to civil and criminal actions before justices of the peace shall apply to said court so far as applicable; appeals from judgments rendered in said court, in civil actions, may be taken to the county court for Winnebago county, in the same manner as appeals from judgments of justices of the peace in similar actions; said judge shall open court each morning (Sundays and legal holidays excepted), and hear and dispose of, in a summary way, all cases for violations of the ordinances and by-laws of said city which shall be brought before him, by police officers or otherwise, either with or without process; proceedings therein shall be in the forms heretofore used, except as modified by said judge, and the city attorney shall be the prosecuting officer therein; all the provisions in the charter and ordinances of the city of Oshkosh, relating to jus-

tices of the peace, or to criminal prosecutions, shall be held applicable to said municipal court.

SECTION 4. The qualified electors of the county of Winnebago shall, on the first Tuesday of April, 1895, and on the same day of the same month each six years thereafter, elect a suitable person who shall be an attorney of a court of record, to the office of judge of said municipal court, to be called municipal judge, who shall hold his office for the term of six years from the third Monday in April next succeeding his election, and until his successor is elected and qualified, and who may be removed from office in the manner provided in the constitution for the removal of supreme and circuit court judges; whenever a vacancy shall happen in the office of such judge, the governor shall appoint to fill the same until a successor is elected; elections to fill a vacancy, for the residue of the term only, shall be held as is provided in section 88, of the revised statutes, for other judges, and notice thereof shall be given by the sheriff of Winnebago county, in the same manner as for elections of county officers; all such elections shall be held and conducted, and the votes cast thereat shall be returned and canvassed, and a certificate shall be given in all respects as is provided by law in case of the election of county judges; and said judge, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed in the constitution, which shall be filed in the office of the clerk of the city of Oshkosh, and a duplicate oath in the office of the clerk of the circuit court of the county of Winnebago; in case of the absence, sickness or temporary disability of said judge, he may, by order in writing to be filed in said court, call in the county judge of said Winnebago county, to discharge the duties of such judge during such absence, sickness or disability, who shall have all the powers of such judge, while administering such office.

SECTION 5. Said judge shall appoint, in writing, a clerk of said court, who, before entering

Election of municipal judge; when; term defined.

Conduct of elections.

Shall take the oath of office.

Clerk to be appointed by the judge.

upon his duties, shall take and subscribe the oath of office prescribed in the constitution, which appointment and oath shall be filed in the office of the city clerk of said city, and a duplicate thereof in the office of the clerk of the circuit court of Winnebago county; he shall make and keep the records of said court and perform all ministerial acts required of him, by and under the direction of the judge; he shall have power to administer oaths, and take bail, in the absence of the judge, subject to his revision; he may examine on oath all persons applying for warrants, may reduce their examination to writing and file the same, and may issue all warrants and other processes from said court; he shall procure under the direction of said judge, all necessary record books, blanks, stationery, lights and fuel for said court, at the expense of the city of Oshkosh, subject to approval of the common council of said city; in the absence or disability of the judge of said municipal court the clerk of said court may adjourn the same in the manner now provided by law for the adjournment of circuit courts.

Duties of clerk defined.

Where court shall be held.

Fines and penalties, how collected.

SECTION 6. Said municipal court shall be held at the city of Oshkosh, in some suitable place to be provided and suitably furnished by said city; all fines and penalties collected in criminal cases, in which the state is a party, shall be immediately paid by said judge to the treasurer of said city, and shall be by him annually accounted for, and paid over to the treasurer of the county of Winnebago, at the time of his paying over county taxes; all fines collected in city prosecutions, shall be immediately paid by said judge to the treasurer of said city; at the time of such payment to the county treasurer, said county shall pay to said city two-thirds of all sums paid by it for record books, blanks, stationery, office furniture, lights, fuel, and the other expenses of said court.

Drawing of jurors to try criminal cases.

SECTION 7. Said judge may, if he deem it best, by order in writing filed in said court, direct terms to be held for the trial of offenses

on which informations may be filed, and of appeals from justices of the peace in criminal cases, not exceeding four in any one year; when such terms are ordered, the clerk of said court, in the presence of the judge, at least three days before such term, shall draw, from the list of persons selected as hereinafter provided to serve as jurors therein, thirty-six jurors for such term, and shall issue a venire to summon them as such; if no such terms are ordered, the court shall fix a particular day for the trial of the criminal cases mentioned in this section, not more than twenty days after the day fixed in the recognizance or commitment for the appearance of the accused, or after the filing of the return on appeals; and a jury shall be drawn in open court, in presence of the defendant and prosecuting officer, at least two days before the day fixed for trial, in the following manner: The clerk shall draw, in presence of the court, from a box containing the names of all the persons so furnished by the senior aldermen and supervisors, twelve names; each party may, alternately, beginning with the prosecution, object to a name drawn, not more than six in all on each side, and as soon as any name is objected to the clerk shall draw another; the twelve remaining after such objections are made or waived, shall be summoned as jurors in such cases. In civil actions before such judge, the eighteen names from whom the jury shall be struck shall be drawn from such list in like manner; the day for trial may be adjourned from time to time, in the discretion of the court; if any person thus drawn cannot be summoned, or be excused, or be set aside as incompetent, another name may be drawn from said list to supply his place, who shall be summoned in like manner, or the judge may direct the issue of a venire to said sheriff to summon the necessary jurors to complete the panel from said county at large.

SECTION 8. The senior alderman and supervisor for each ward of the city of Oshkosh, shall each, on or before the third Tuesday of

Qualified jurors, how drawn.

April in each year, make a list of twenty qualified electors in each ward of said city, to serve in said court as jurors for the then ensuing year, and deliver such list to said judge; a jury trial in said court may be waived by the accused, in writing, or by consent in open court, entered in the minutes; upon trial of informations or appeals from justices of the peace in criminal cases, the jury shall consist of twelve jurors; the fees of jurors shall be one dollar per day in criminal cases, and in civil cases the same as are allowed by law in courts of justices of the peace; the fees of said judge, witnesses, sheriff and other officers, shall be the same in criminal cases not cognizable before a justice, as in circuit courts, and in cases so cognizable the same as in a court held by a justice of the peace, except as hereinafter provided, and shall be paid in like manner as in circuit and justices' courts respectively.

Salary of the judge, how payable.

SECTION 9. The salary of the judge of said municipal court shall be the sum of two thousand and four hundred dollars per annum, which shall be in full for all services rendered by said judge, to be paid as follows: Two-thirds of the same to be paid out of the county treasury of Winnebago county, and one-third to be paid out of the treasury of the city of Oshkosh, to be paid quarter-yearly at the end of each quarter, out of said county and city treasuries respectively. The salary of the clerk of said municipal court shall be six hundred dollars, to be paid in [the] same manner as the judge of said court is paid, and shall be in full for all services rendered by said clerk. The said judge is authorized to tax and collect fees as follows: For all services rendered by him in civil and criminal actions, when exercising the powers of a justice of the peace, the fees allowed to justices of the peace, except as hereinafter provided; for hearing and deciding any motion, fifty cents; for issuing each venire, fifty cents; for making and recording all necessary orders, fifty cents each; for receiving and recording verdict of jury, fifty cents; taking and approving bail, fifty cents; each com-

Salary of the clerk, how paid.

mitment, fifty cents; drawing jury, in every case, fifty cents; for services of clerk, one dollar in each criminal case, and fifty cents in each civil case, and the same shall be paid as other costs in criminal cases are paid, and the said judge, or clerk, shall pay the same into the county and city treasuries, to apply on the salary of said judge, as follows: All costs imposed and collected in criminal cases, arising under the laws of the state, shall be paid into the county treasury, and all costs imposed and collected in cases arising under the charter and ordinances of said city, shall be paid into the city treasury, and all costs collected in civil actions shall be paid as follows: Two-thirds of the same into the county treasury of Winnebago county, and one-third into the treasury of the city of Oshkosh. The clerk of said court shall keep an accurate statement of all such costs thus collected and file the same in the county clerk's office at the end of each month, under his hand and the seal of said court, and shall at the same time pay over all such moneys as provided for in this act. .

Costs and fines to be paid into the city treasury.

SECTION 10. The sheriffs of Winnebago county, and chief of police and all policemen of the city of Oshkosh, and all constables of the county of Winnebago, shall be officers of said court and may serve its processes and carry into effect its lawful orders and judgments.

Officers of the court defined.

SECTION 11. The judge of said court may appoint and from time to time remove, a stenographic reporter for said court, skilled in the art of shorthand, who shall take and subscribe the oath of office in the constitution, and who shall be furnished with all necessary stationery, and shall attend only when required by said judge, and perform such duties as he may require. Such judge shall fix his compensation, not exceeding ten dollars for each day, and five dollars for each half day, that he shall attend, and which shall be in full compensation for his services and for making such transcripts of his shorthand notes of any charge of the court required by it or the judge;

Stenographic reporters may be appointed.

Compensation fixed.

and who shall furnish to and charge persons requiring them like transcripts at a price not exceeding five cents per folio. He shall make the like transcripts required by the court to be filed therein, and shall be paid therefor the like sum, which sum, together with his per diem compensation, shall be paid in the same manner as the other expenses of the court are paid.

Use of common jail.

SECTION 12. The use of the common jail of Winnebago county is granted to said court for the confinement of all persons committed to it for contempt or otherwise, and every such person shall be delivered to the sheriff of such county, who shall confine him in such.

What this act does not affect.

SECTION 13. Nothing in this act shall be construed in any manner affecting the right or jurisdiction of any court, judge, justice of the peace, or police court, to hear, try, and determine any cause now pending in such court, or before such judge, justice of the peace, or police court, or which may be commenced before the judge of said municipal court shall enter upon the duties of his office.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1895.

No. 160, A.]

[Published March 14, 1895.

CHAPTER 25.

AN ACT to amend section 2590, revised statutes of 1878, relating to attorneys and bonds.

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

[See ch. 150.]

SECTION 1. Section 2590, revised statutes 1878, is hereby amended so as to read as fol-