

No. 389, A.]

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CHAPTER 317.

AN ACT to repeal 59.77 (5) (d); to amend 59.81 (3); and to create 59.77 (8) of the statutes, relating to payment of juror, witness, interpreter, attorney, guardian ad litem and transcript fees in counties having a population of 300,000 or more, and providing a penalty.

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

SECTION 1. 59.77 (5) (d) of the statutes is repealed.

SECTION 2. 59.77 (8) of the statutes is created to read:

59.77 (8) PAYMENT OF JUROR, WITNESS, INTERPRETER, ATTORNEY, GUARDIAN AD LITEM AND TRANSCRIPT FEES IN POPULOUS COUNTIES; PENALTY. Whenever any county having a population of 300,000 or more is liable for juror, witness, interpreter, attorney, guardian ad litem fees on the part of the state or of the defendant in any action or proceeding before a judge of the circuit, municipal, district, county, civil or children's court, or in either of said courts, or before the medical examiner of such county, the procedure to secure payment of such fees shall be as follows:

(a) The clerk of the respective court, the register of probate, or the medical examiner as the case may be shall issue to such person an order directing the county treasurer to make payment of such fee. Said order shall state the name of the person to whom payable, the time served, the number of miles traveled by him, and the amount of compensation to which he is entitled, together with the title of the action in which such person so served, the capacity in which he served and the date or dates of service, or in case of transcript fees, the title of the action and the dates on which the testimony for such transcript was taken.

(b) The person to whom such certificate or order is issued shall be required to indorse the same prior to receiving payment and thereby indicate that he is the person mentioned therein, that the number of miles traveled and the capacity in which he served and the work which he performed is true and correct as stated and that he has not at any time received any compensation therefor.

(c) Upon presentation of such certificate or order properly signed and indorsed, the county treasurer of any county having a population of 300,000 or more shall pay to the holder upon surrender thereof the amount therein set forth, and such order or certificate shall thereafter in all other respects be handled by said treasurer in the same manner as all other county orders drawn upon him are handled.

(d) Any judge, magistrate, juror, witness, interpreter, attorney, guardian ad litem or recipient of transcript fees who shall make, sign or indorse any such certificate or order which is untrue in respect to anything material, which he knows to be false, or which he has not good reason to believe is true, shall be punished as provided in section 348.33.

SECTION 3. 59.81 (3) of the statutes is amended to read:

59.81 (3) In all counties having a population of 300,000 or more all orders and warrants drawn upon or against county funds shall be countersigned by the county auditor; and the treasurer of such county shall make no payments of county funds for any purpose unless the order, warrant, certificate, direction or authority given him for such payment is countersigned by such county auditor. This provision requiring the countersigning by said auditor shall apply to all laws and statutes, special and general, relative to the payment of county funds by the county treasurer *except certificates or orders issued for the payment of juror, witness, interpreter, attorney, guardian ad litem and transcript fees.*

Approved June 22, 1949.
