

No. 195, S.]

[Published June 29, 1949.

**CHAPTER 347.**

AN ACT to amend chapter 43, laws of 1935, section 12, (2) and sections 17 and 20, relating to the municipal court of the city of Oshkosh and county of Winnebago.

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

SECTION 1. Chapter 43, laws of 1935, section 12 (2) is amended to read:

(CHAPTER 43, LAWS OF 1935) SECTION 12 (2). If any person charged upon indictment or information with a criminal offense shall have procured a change of venue to the circuit court of Winnebago county, said municipal court shall commit or hold the party to bail to appear at the next *or current* term of the circuit court, and the clerk of said municipal court shall transmit all papers and a copy of the record and proceedings in said case properly certified to be such under the seal of said court, to the said circuit court, which shall then have full jurisdiction of the action. 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 been originally certified and returned thereto.

SECTION 2. Chapter 43, laws of 1935, section 17, is amended to read:

(CHAPTER 43, LAWS OF 1935) SECTION 17. All appeals in any action or proceeding tried or determined in the municipal court of Winnebago county shall be taken to and reviewed by the supreme court in the same manner as appeals from orders and judgments of the circuit court, except that appeals in actions involving a breach of the charter or of any ordinance or by-law of the city of Oshkosh, *of any ordinance or by-law of the county of Winnebago*, or any judgment or order in the justice court branch shall be taken to the circuit court for Winnebago county. *The defendant, in city and county by-law and ordinance actions, may appeal to the circuit court of Winnebago county within 5 days after entry of judgment by presenting to the judge or clerk of the municipal court a notice of appeal, an affidavit that the appeal is made in good faith and not for the purpose of delay and paying \$1.50 for the return, \$1 for state tax, and \$2 for clerk's fees. Other provisions of the law governing appeals from justice courts in civil actions shall apply to such city and county ordinance and by-law actions.*

SECTION 3. Chapter 43, laws of 1935, section 20, is amended to read:

(CHAPTER 43, LAWS OF 1935), SECTION 20. (1) The said judge of the municipal court shall enter an order in writing appointing a suitable person to act as clerk of said court who shall serve at the will of the judge of said court until his successor shall have been appointed and qualified. The clerk so appointed shall subscribe to the oath of office prescribed in the constitution. Said appointment and oath of office shall be filed with the county clerk of Winnebago county, and a duplicate copy with the city clerk of the city of Oshkosh; and said clerk shall also execute and deliver to said county clerk a bond with sufficient sureties, to be approved by the chairman of the county board of said county and the mayor of the city of Oshkosh, conditioned that he will account to and pay over to the city treasurer of said city and to the county treasurer of said county, all fines and penalties and other monies belonging to the treasury of the city of Oshkosh or county of Winnebago, and will pay over all monies which shall come into his hands by virtue of his office as clerk, to the persons entitled to the same, and perform all of the duties of his office as required by law. Said clerk of the municipal court shall receive as compensation the sum of \$2,400 per annum, until otherwise fixed by the Winnebago county board, apportioned and paid monthly, two-thirds out of the county treasury of said county and one-third out of the treasury of the city of Oshkosh \* \* \*. When said judge of the municipal court is designated as judge of the juvenile court of said county, the clerk of the municipal court shall also be the clerk of the juvenile court. The clerk of said municipal court may with the approval of the judge of said municipal court appoint one or more suitable persons to act as deputy clerk or deputy clerks of said court as the

Winnebago county board may provide. The deputy clerk or deputy clerks of said court shall receive such compensation as the Winnebago county board shall fix, apportioned and paid monthly, two-thirds out of the treasury of Winnebago county and one-third out of the treasury of the city of Oshkosh.

(2) Said clerk shall keep justice dockets for civil and criminal actions heretofore cognizable by justices of the peace, and shall also keep a record book, a criminal record, a judgment book, a lien docket and a minute book, in the manner and form now in use in the circuit courts of this state and containing the entries as provided by law in 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, and may administer all necessary oaths. He shall keep the minutes of all proceedings, issue the commitments and executions and enforce the same, and make up and keep the record 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 the seal of the court and attest them in the name of the judge, signing them by his title of office, and tax the costs, including \$1 for state tax, in the cases required by law; provided \* \* \* that the summons in civil actions 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 court is not in session, subject to the revision of the court; 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; and shall under the direction of the judge perform all other acts necessary to carry out the jurisdiction herein given to said court. He shall procure all necessary supplies for the use of said court, and perform all ministerial acts required of him by and under the direction of said court. He shall render an account to the county treasurer monthly, which shall be so itemized as to show the fines, penalties and officers' fees in each case. *The liability of said clerk for acts or omissions in the performance of any of his duties incident to the application for and issuance of search warrants and criminal warrants, being judicial in nature, shall be the same as that of a judge of a court of record of general jurisdiction.*

Approved June 24, 1949.

---