

CHAPTER 107

AN ACT to amend chapter 150, laws of 1951, sections 1 (paragraph 1), and 10; to repeal and recreate chapter 150, laws of 1951, sections 13, 14, 19 (paragraph 2), 20, 23 (paragraphs 3 and 4), and 26; and to create chapter 150, laws of 1951, sections 29 to 40, relating to the additional jurisdiction of the county court of Iowa county and creating a small claims branch in said court.

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

SECTION 1. Chapter 150, laws of 1951, section 1, paragraph 1, is amended to read:

(Chapter 150, laws of 1951) Section 1. 1. The said county court shall have and exercise jurisdiction concurrent with and equal with the the jurisdiction of the circuit court in said county in all civil actions, suits and proceedings, either at law or in equity, of every kind and nature, and in all special proceedings of every kind and nature \* \* \* .

SECTION 2. Chapter 150, laws of 1951, section 10, is amended to read:

(Chapter 150, laws of 1951) Section 10. There shall be held at the county seat of said county 2 general terms of said court, to be held as follows \* \* \* : on the last \* \* \* *Monday in April* and the second \* \* \* *Monday in October* of each year. Every term of such court continues from its commencement to the commencement of the next succeeding term. After an action or proceeding commenced or pending in said court has been noticed and placed on the calendar it shall not be necessary for either party to notice the same for trial at any subsequent term, but the clerk shall place the same on the calendar according to the nature and date of the issue or issues then or thereafter formed therein until it shall be tried or otherwise finally disposed of. Any trial, hearing, argument or assessment which shall have been commenced during any term, but shall not have been concluded before the commencement of any subsequent term, shall be continued and proceeded with at any subsequent term in the same manner and with like effect as though it had been commenced at such subsequent term.

SECTION 3. Chapter 150, laws of 1951, sections 13 and 14, are repealed and recreated to read:

(Chapter 150, laws of 1951) Section 13. The provisions of law applicable to change of venue in the circuit courts shall be applicable to said county court, except that when the venue of any action shall be so changed and there is no county court having jurisdiction equal to the county court for Iowa county in the matter the venue of the action shall be changed to the circuit court of the proper county.

SECTION 14. The judge of the county court shall be disqualified to try and determine any case in which he shall have acted as counsel for either party, except by agreement of the parties, and he shall transmit all such cases to the circuit court of the county; the judge may also transmit to the circuit court at any time any other case or proceeding pending before him, and at any stage of the case or proceeding, except during the progress of a hearing or trial if, in his discretion, he deems it expedient; and the circuit court shall thereupon proceed to try and determine the same in the same manner as if the case or proceeding had originated in the circuit court.

SECTION 4. Chapter 150, laws of 1951, section 19, paragraph 2, is repealed and recreated to read:

(Chapter 150, laws of 1951) Section 19. 2. On each civil action beyond the jurisdiction of justices of the peace, commenced in or appealed to said county court, there shall be paid a state suit tax and an advance clerk's fee of the same amount, at the same time, and in the same manner as now provided for the payment of state suit tax and advance clerk's fees for actions commenced in or appealed to the circuit court.

SECTION 5. Chapter 150, laws of 1951, section 20, is repealed and recreated to read:

(Chapter 150, laws of 1951) Section 20. The judge may appoint one or more deputy clerks, which appointment shall be revocable by the judge at his pleasure; the appointments and revocations shall be in writing and filed in the office of the clerk of said court. The deputy clerks, upon the request of the judge, shall aid the register in probate, clerk of court or phonographic reporter in the discharge of their duties, and in the absence of the clerk from his office, or from the court or from the county, may perform all his duties, or in the case of a vacancy by resignation, death, removal or other cause, the deputy appointed shall perform all such duties as clerk of said county court until such vacancy shall be filled.

SECTION 6. Chapter 150, laws of 1951, section 23, paragraphs 3 and 4, are repealed and recreated to read:

(Chapter 150, laws of 1951) Section 23. 3. The compensation of such reporter shall be on the same basis as assistant reporter in the circuit court, as provided in section 252.19 (2) of the statutes, which shall be in full compensation for services and for making transcripts from his notes as may be required by the judge; but, in lieu of the salary herein provided, the county board of the county may, in its discretion, from time to time, fix the salary of the phonographic reporter of said court, which salary shall be paid at the end of each month. During the time the assistant phonographic reporter performs the duties of the phonographic reporter, he shall receive the compensation provided by law.

4. The reporter and assistant reporter shall furnish the parties to an action, or their attorneys, requiring them, transcripts of testimony and proceedings had in the same manner and for the same amount as is provided in section 252.20 of the statutes for circuit court reporters. Until otherwise fixed by the county board, the per diem compensation of the reporter and assistant reporter shall be paid out of the treasury of the county upon the order of the judge.

SECTION 7. Chapter 150, laws of 1951, section 26, is repealed and recreated to read:

(Chapter 150, laws of 1951) Section 26. The county of Iowa shall provide all books, blanks, stationery, supplies and equipment for keeping the records and proceedings of the county court made necessary by this act; the county court shall be held in the county court room or building, or in the circuit court room when the circuit court is not in session, and at the county seat of said county, where all books, records, and proceedings shall be kept and in event that said room or buildings for any reason is rendered unsuitable or unsafe the county board shall procure, provide and furnish other suitable rooms at the county seat for holding court and for the offices of the judge and clerk of said court.

SECTION 8. Chapter 150, laws of 1951, sections 29 to 40, are created to read:

(Chapter 150, laws of 1951) Section 29. There is created and established in and for the county court of Iowa county a small claims branch with the jurisdiction, powers and duties as follows:

SMALL CLAIMS BRANCH

SECTION 30. In all civil actions and proceedings where either at law or in equity, of every kind and nature, and in all special proceeding of every kind and nature, at law on contract where the debt or balance due or damage claimed in the complaint are less than the sum of \$500 the following forms, procedure, costs and fees may be used by the party or parties commencing such action or proceeding, it being the intent to provide within this act certain of the forms, proceedings, costs and fees similar to the small claims court provision in actions involving similar amounts.

SECTION 31. The form of summons, warrants, writs, process, judgments, executions, or other documents or papers which shall be used under the provisions of this act, shall follow those which are now or may hereafter be prescribed by law for use in civil actions and proceedings, with such changes and additions as the judge, in his discretion, deems necessary for use in actions commenced under section 29 involving amounts of less than \$500.

SECTION 32. The issuance of summons shall be in accordance with the provisions of section 254.09 of the statutes.

SECTION 33. Every summons or other order or paper shall be made returnable not less than 6 nor more than 15 days from the date when it is served upon the defendant, if service is made other than by mail. If the service is made by mail, the summons or other order or paper shall be made returnable not less than 8 nor more than 17 days from the date of mailing. If a summons is issued by an attorney, it shall be made returnable on such day of the week as shall be designated by the clerk of said court. If service is made by mailing, the clerk shall make the summons or other order or paper returnable at intervals throughout the hours of the day on the days specified, to the end that cases may be heard with as little delay as possible.

SECTION 34. Any summons or other legal process or paper shall be served in accordance with the provisions of section 254.11 of the statutes.

SECTION 35. Docketing of actions shall be in accordance with the provisions of section 254.12 of the statutes.

SECTION 36. Trial by court shall be in accordance with the provisions of section 254.13 of the statutes.

SECTION 37. Trial by jury shall be in accordance with the terms and provisions of section 254.14 of the statutes.

SECTION 38. 1. At the time of issuance of every summons and process in a proceeding not commenced by a summons, the plaintiff shall pay to the clerk of the court a docket fee of 25 cents, plus a state tax of 10 cents. When a summons is issued in blank to an attorney the docketing fee shall be paid before the summons may be served.

2. Before the entry of any money judgment or dismissal of any action in which a money judgment was sought otherwise than by agreement, the prevailing party shall pay, to the clerk, an additional fee as follows:

Amount involved in action including interest:	Fee
\$ 0 to \$100 .....	\$1
100 to 200 .....	2
200 to 300 .....	3
300 to 400 .....	4
400 to 500 .....	5

3. Before the entry of any judgment other than a money judgment, or the dismissal of any action other than by agreement, the prevailing party shall pay to the clerk such fees as are comparable to fees for money judgments when the value of the subject of the action is considered or 50 cents if no other fee is determinable.

4. All fees received by the clerk, other than garnishee tender fees, shall be paid monthly to the treasurer of the county, and shall be used to defray the expenses of the court. The amounts received by the clerk as state suit tax shall be paid by the clerk to the county treasurer to create a fund to be applied to the payment of the salary of the judge.

5. Except as may be otherwise specifically provided in this act, no party shall be taxed or required to pay any other or further costs or fees in any civil action or proceeding in said court.

SECTION 39. The costs in every action and proceeding shall be in accordance with the provisions of section 254.16 of the statutes.

SECTION 40. In the event actual service by mail is not made, then the provisions of section 254.18 of the statutes shall apply.

Approved May 17, 1957.

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