

CHAPTER 99

AN ACT to repeal section 7; to amend sections 1, 3, 5, 10.1, 15, 17 and 20. 2; to repeal and recreate section 9; and to create section 17m of chapter 139, laws of 1951, relating to an additional judge and creating branches in the superior court for Dane county.

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

SECTION 1. Chapter 139, laws of 1951, sections 1, 3 and 5 are amended to read:

(Chapter 139, laws of 1951) Section 1. The superior court of Dane county is, and shall be known and understood as, the court created and established by chapter 136 of the laws of 1917 with powers and jurisdiction hereinafter specified and provided. *Commencing on the first Monday in May 1960, the superior court of Dane county shall consist of 2 branches, the judge of the court prior to that date, and his successors thereafter, shall be judge in branch No. 1, and a judge to be elected in April 1960, and his successors thereafter shall be judge in branch No. 2. Each branch constitutes a court and may be designated in any action, proceeding and paper either by its respective number or by the name of the presiding judge.*

Section 3. Said superior court shall be held in the city of Madison in some suitable * * * rooms to be furnished and supplied at the expense of the county under the direction of the county board thereof. *The salaries of the judges of both branches shall be equal and shall be fixed by the county board.*

Section 5. * * * *The present judge shall continue for the term for which elected and until his successor is elected and qualified. On the first Tuesday in April 1960, there shall be elected in the county of Dane a judge for said court, to preside in branch No. 2, for a term to commence on the first Monday in May 1960, and to expire on the first Monday in January 1966, and until his successor is elected and qualified. The term otherwise of every elected judge shall be 6 years and until his successor is elected and qualified, which term commences with the first Monday in January following his election. The judges shall be subject to removal from office in the manner provided by the constitution of this state for the removal of judges of the circuit court. The nominations of candidates for superior judge and his election shall be made in the same manner as provided for county judges. Any vacancy in the office of judge shall be filled as provided in sections 8.02 and 17.21 (2) of the statutes.*

SECTION 2. Chapter 139, laws of 1951, section 7 is repealed.

SECTION 3. Chapter 139, laws of 1951, section 9 is repealed and recreated to read:

(Chapter 139, laws of 1951) Section 9. 1. By the first Monday in May 1960, the judge of branch No. 1 shall have made provisions by general rules or by special order for the division of the work of the court then pending.

2. Unless clearly inapplicable the provisions of this chapter pertaining to the judge of the superior court apply equally to each judge except that the judge who is senior in time of service shall appoint the clerk of the court, and each judge shall appoint his own reporter and other personnel.

SECTION 3m. Chapter 139, laws of 1951, section 10.1 is amended to read:

(Chapter 139, laws of 1951) Section 10.1. The superior court of Dane county shall have jurisdiction equal to and concurrent with the circuit court of Dane county in all cases of crimes and misdemeanors arising in said county, excepting the crime of treason, and * * * *of all actions to foreclose a land contract, mortgage, or lien concurrent with the circuit court and of all other civil actions and special proceedings of all kinds concurrent with the circuit court except actions for damages in which a sum in excess of \$10,000 exclusive of interest and costs is demanded in the complaint.* In the exercise of such jurisdiction, such court shall have all the powers, according to the usages of law and equity, necessary to the full and complete jurisdiction of the causes and parties and the full and complete administration of justice and to carry into effect its judgments, orders and other determinations, subject to re-examination by the supreme court as provided by law.

SECTION 4. Chapter 139, laws of 1951, section 15 is amended to read:

(Chapter 139, laws of 1951) Section 15. The judges of the circuit court for Dane county or * * * *any* of them and the judges of the superior court of said county *or either of them* may transfer any civil or criminal action or proceedings from one such court to the other within the jurisdiction of the court to which same is transferred * * * and may make such rules and institute such measures as may promote justice and expedite the business of such courts.

SECTION 5. Chapter 139, laws of 1951, section 17 is amended to read:

(Chapter 139, laws of 1951) Section 17. In case of the sickness, absence, or inability arising from any cause, of the county judge of Dane county, or when said judge for any cause deems it improper for him to hear or try any proceeding in the county court for Dane county, or before him as judge of said court, *or when said judge because of congestion or overload in his court deems it necessary,* he may request * * * *a* superior court judge of said county to hold court or hear and try any matter or proceeding as a court or as a judge of said court in the Dane county court; and the said superior judge is hereby authorized and empowered upon such request from the county judge to hold said county court or perform any act as judge thereof as fully as said county judge is authorized or empowered to do. In case of the inability of such county judge to make such request, or in case of a vacancy in such office, said superior judge shall so act and fulfill the duties of such county judge, and said superior judge when so acting shall be designated in such proceeding as "acting county judge." Such superior judge shall have and is hereby given concurrent jurisdiction with the judge of the county court of Dane county, and is hereby given full power, as to all matters in which such county judge is authorized to act (1) in relation to * * * *mentally deficient* persons as provided in chapter * * * *51* of the statutes, (2) in relation to the relief and support of the poor as provided in chapter 49 of the statutes, and (3) in relation to neglected or abused children as provided in chapter 48 of the statutes. *Whenever a judge of the superior court acts for the county judge under this section, both he and the county judge may hold court and hear matters separately at the same time.*

SECTION 6. Chapter 139, laws of 1951, section 17m is created to read:

(Chapter 139, laws of 1951) Section 17m. In addition to the causes specified in chapter 138, laws of 1951, relating to the small claims court

for Dane county for which a superior court judge may be requested by the small claims court judge to act for him, the small claims court judge may request a superior court judge to act for him when he deems it necessary because of congestion or overload in his court. Whenever a judge of the superior court acts for the small claims court judge, both he and the small claims court judge may hold court and hear matters separately at the same time.

SECTION 7. Chapter 139, laws of 1951, section 20. 2, is amended to read:

(Chapter 139, laws of 1951) Section 20. 2. The * * * *judges* of said court shall have power *jointly* to make all such rules for conducting the judicial business of said court as * * * *they* may deem advisable for the due administration of justice.

SECTION 8. This act shall take effect on the first Monday in May 1960, except that the provisions for the nominations, election, qualifications, and the time of taking office of a judge for branch No. 2 of the superior court for Dane county shall take effect on passage and publication.

Approved June 16, 1959.
