

No. 333, S.]

[Published June 16, 1953.

CHAPTER 266

AN ACT to repeal and recreate section 28 of chapter 168, laws of 1951, relating to appeals from civil court of Milwaukee county.

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

Section 28 of chapter 168, laws of 1951, is repealed and recreated to read:

(Chapter 168, laws of 1951) Section 28. 1. Orders and judgments of civil court in civil cases (except unlawful detainer) may be reviewed by the supreme court as are orders and judgments of circuit court if the amount in controversy exceeds \$1,000. In bastardy proceedings all orders and judgments may be reviewed directly by the supreme court. In all unlawful detainer cases and in other civil cases where the amount in controversy does not exceed \$1,000 appeal shall be to the circuit court. On appeal to the circuit court, such court shall have the same power as to the orders or judgments appealed from as the supreme court has as to appeals from circuit court.

2. If an appeal is taken to circuit court, appellant shall serve notice of appeal on the respondent and file such notice with the clerk of civil court within 20 days after entry of the order or judgment from which the appeal is taken and shall file with the notice an affidavit that the appeal is made in good faith and not for the purpose of delay. The notice and affidavit shall be signed by the appellant or his attorney and the notice shall specify the title of the action or proceeding and the order or judgment from which the appeal is taken. The clerk of civil court shall make the return to circuit court as provided in ch. 306 of the statutes, provided that on appeal from an order the clerk shall include only so much of the record as is necessary to determine the questions raised. A deputy clerk shall certify that all transcripts returned on appeal are correct.

3. After a return is filed in circuit court upon appeal from civil court, any party may move, upon notice, that the order or judgment be affirmed or reversed, or that the judgment be modified and affirmed as modified. The circuit court may adopt rules, not inconsistent with law, to facilitate hearing of such motions and appeals. If a judgment is affirmed or modified and affirmed as modified, it shall be entered and docketed in circuit court and shall become for all purposes the judgment of the circuit court.

4. If an appeal is taken to the supreme court, it shall be taken in the same manner as are appeals from circuit court. A deputy clerk shall certify that all transcripts transmitted on appeal are correct.

Approved June 10, 1953.