

CHAPTER 495

AN ACT to repeal 17.12 (1) (b) and (2) (b), 17.15 (3), 17.16 (8) (d), 17.23 (1) (c), 17.27 (3), 48.05 (2) to (12), 48.10, 59.15 (1) (am), 61.30, 63.03 (1) (e), 63.54, 253.15 (1), of the 1959 statutes, as amended by chapter 259, laws of 1959, 253.29, 256.33, 256.335, 261.12, 307.02 (1) (b) and 960.02; to renumber 252.18 (1), 253.10 (2), as created by chapter 315, laws of 1959, 253.11 and 307.02 (1) (a); to renumber and amend 253.35 (2) and (3), as created by chapter 315, laws of 1959; to amend 5.24 (2), 5.25 (3), 6.24, 8.01, 17.09 (4), 17.12 (1) (a), 17.21 (2), 17.23 (1) (b), 30.76 (1), 48.03 (1) and (3), 48.47, 51.01 (1), 52.03 (1) and (2), 52.06, 52.10 (2) (d), 52.21, 52.22, 52.24, 52.25, 52.26, 52.27, 52.30, 52.31, 56.08 (7) (a), 59.38, 59.89 (1) and (2), 60.595, as created by chapter 315, laws of 1959, 61.305, as amended by chapter 315, laws of 1959, 62.09 (13) (a), 62.24 (1) (a), as amended by chapter 315, laws of 1959, 78.81 (2), 196.675 (3), 235.19 (2) (j), 247.01, 247.13 (1), 251.08, 251.184, as created by chapter 315, laws of 1959, 252.017, as created by chapter 315 and amended by chapters 660 and 685, laws of 1959, and chapter 33, laws of 1961, 252.03, 252.15 (6), 252.20, 253.015, as amended by chapter 33, laws of 1961, 253.02 (3), as created by chapter 315, and as amended by chapter 621, laws of 1959, 253.02 (5) and (6) (a) and (b), 253.06, 253.07 (3), 253.10 (7), 253.12, 253.13 (2), 253.18 (2), 253.30 (1) and (3) (a), (b) and (c), 253.31 (4) and 253.35 (4), as created by chapter 315, laws of 1959, 255.03 (1), 255.04 (1), (2) (b), (3), (4) and (6), 255.25, 256.02 (1) and (2), 256.21, 256.24, 261.05, 261.07, 261.08 (1), as amended by chapter 140, laws of 1961, and (3), 268.26 (1), 268.28 (1) (b), 268.31 (1), 269.29, 270.12 (4), 270.125 (3), 270.70, 271.21, as repealed and recreated by chapter 315, laws of 1959, 271.25 (intro. par.), 276.14 (1), 276.45, 276.48, 276.50, 276.53 (2), 276.55, 280.10, 281.30 (1), 286.32 (intro. par.), 286.41, 287.17, 288.19, 289.20, 289.53 (3) and (4) (a), 289.535 (5), 291.05, 301.245, 310.06 (2), 326.01 (1), 343.10 (1), as amended by chapters and , laws of 1961 (Bills No. 436, A., and 444, A.) and 960.03; to repeal and recreate 252.073, 252.08, as amended by chapter 261, laws of 1961 (Bill No. 65, S.), 252.14 (1), 252.15 (9), 253.35 (1), as created by chapter 315, laws of 1959, 256.22 and 279.01; and to create 57.025 (10), 251.185, 252.175, 252.18 (1) (b), 253.03, 253.10 (2) (b), 253.11 (2) and (3), 253.135, 253.142, 253.143, 253.144, 253.145, 253.15, 253.164, 253.165, 253.17, 253.20, 253.21, 253.25, 253.26, 253.30 (3) (a) 1, 2 and 3, (e) and (f), 253.32 (8) and (9), 253.33 (1) (d) and (e), 253.34, 253.344, 253.345, 253.35 (2) (b) and (6), 253.36, 253.40, 256.02 (4), 288.195 and 990.01 (17m) of the statutes; and to repeal chapter 120, private and local laws of 1870, as amended by chapter 471, private and local laws of 1871, and chapter 417, laws of 1917, relating to the implementation of and revisory changes to the court reorganization plan enacted by the 1959 legislature, providing a penalty, and making an appropriation.

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

SECTION 1. 5.24 (2) of the statutes is amended to read:

5.24 (2) If nomination papers proposed 3 or more candidates for members of the county board of supervisors or for any elective town office, including constable, in towns adopting the primary for elective town officers as provided in s. 5.27 (4) in counties having a population of 500,000

or more, or for any judicial office or for county superintendent of schools in any county having a population of 500,000 or more, or propose more than twice as many candidates for any elective town office in any such towns or for members of the board of school directors or the board of education as are to be elected in any city of any such county, or propose 3 or more candidates for justice of the supreme court, circuit * * * or county * * * judge or for state superintendent of public instruction, no person's name shall be placed on the ballot in the spring election unless he is nominated at the spring primary.

SECTION 2. 5.25 (3) of the statutes is amended to read:

5.25 (3) The order in which the names of candidates so presented for offices mentioned in s. 5.24 (2) are printed on such ballots for the spring primary shall be determined by drawing lots at 2 p.m., on the day immediately following the last day for filing nomination papers, by or under the supervision of the secretary of the county election commission at his office, in case of candidates for a county-wide judicial office, or member of the county board of supervisors, and by or under the supervision of the secretary of the city election commission at his office in case of candidates for members of a school board, or at the office of the town clerk in case of candidates for town office. The candidates for such office shall be designated upon the primary ballot as follows "For Circuit Judge (to succeed -----, Branch Number -----)," * * * "For County Judge (to succeed -----, Branch Number -----)," "For Member of the County Board of Supervisors, ----- District," "For Members of the Board of School Directors," "For Town Chairman," "For County Superintendent of Schools," "For Town Supervisor," etc., as the case may be. The 2 candidates for any judicial office, county superintendent of schools in counties having a population of 500,000 or more, member of the county board of supervisors in each district and twice as many candidates as are to be elected for members of the board of school directors, the board of education or elective officers receiving the highest number of votes cast at such primary shall be the nominees for such office, and their names, and none other, shall be placed on the official ballot at the ensuing spring election.

SECTION 3. 6.24 of the statutes is amended to read:

6.24 No candidate for any judicial, school, member of county board in counties having a population of 250,000 or more, or elective city office shall be elected upon any party ticket, nor shall any designation of party or principle represented be printed on the ballot used at the election of any such candidate. The statement "a nonpartisan judiciary" * * * , "a nonpartisan superintendency," or "a nonpartisan administration" shall not be deemed a designation of party or principle within the meaning of this section. The election of members of such county boards, except as provided by s. 17.21 (5) in cases of vacancy, shall be held and conducted in the manner provided for the election of judicial officers, except * * * *municipal* justices or justices of the peace in counties having a population of 300,000 or more, and containing an entire judicial circuit for which more than one circuit judge is provided by law.

SECTION 4. 8.01 of the statutes is amended to read:

8.01 In this chapter the word "justice" means a justice of the supreme court, "judge" means a judge of a circuit * * * or county * * * court, and "superintendent" means the state superintendent of public instruction and a county or district superintendent of schools.

SECTION 5. 17.09 (4) of the statutes is amended to read:

17.09 (4) The county judge, by address of both houses of the legislature in the manner provided in the constitution for the removal of justices of the supreme court or judges of the circuit courts. * * *

SECTION 6. 17.12 (1) (a) of the statutes is amended to read:

17.12 (1) (a) Elective officers * * * by recall as provided in s. 10.44, or by the common council, for cause.

SECTION 7. 17.12 (1) (b) and (2) (b) of the statutes are repealed.

SECTION 8. 17.15 (3) of the statutes is repealed.

SECTION 9. 17.16 (8) (d) of the statutes is repealed.

SECTION 10. 17.21 (2) of the statutes is amended to read:

17.21 (2) (a) In the office of county judge, * * * by temporary appointment by the governor, which shall continue until a successor is elected, as provided in s. 8.02, and qualifies. When so elected the successor shall hold office for a full term and shall take office at the time of year specified for the beginning of term for the respective office.

(b) Notwithstanding any provision of the law to the contrary any vacancy occurring in the office of the judge of any county court, * * * by reason of the induction of such judge into any branch of the armed forces of the United States when at war, shall be filled by appointment by the governor of a qualified person who shall continue to act as judge of such court for the residue of the unexpired term or until the judge so inducted * * * is discharged from military service and * * * resumes his duties and functions as judge of said court, whichever period is the shorter. When the judge so inducted * * * is discharged from military service before the expiration of the term for which he was elected or appointed he shall thereupon resume his duties and functions as judge of such court until such expiration. When the compensation of the judge of such court or any part thereof is an annual salary the judge so inducted and person so appointed to fill the vacancy shall each receive as compensation for his services as judge such proportion of * * * the annual salary in any year as the number of months or parts of months he served in such year, as judge, bears to the number of months in the year * * * .

SECTION 11. 17.23 (1) (b) of the statutes is amended to read:

17.23 (1) (b) In the office of any other elective officer, * * * and except as provided in s. 10.44, by appointment by the mayor subject to confirmation by the council, except that in case of vacancies in the office of any such officer of a city of the first class who is authorized by law to have a deputy, such deputy shall have full power and authority and it is * * * his duty to * * * perform the duties of such office, and he shall be entitled to the emoluments of such office during the remainder of the term. A person so appointed and confirmed shall hold office until his successor is elected and qualifies. His successor shall be elected as provided in par. (a).

SECTION 12. 17.23 (1) (c) of the statutes is repealed.

SECTION 13. 17.27 (3) of the statutes is repealed.

SECTION 14. 30.76 (1) of the statutes is amended to read:

30.76 (1) A person arrested without a warrant for a violation of any provision of ss. 30.50 to 30.80 or any rule or local regulation enacted pursuant thereto, who is not released at the time of arrest or without un-

necessary delay brought before a magistrate or a court, shall be allowed to make a deposit of money by mailing the deposit as directed by the arresting officer, at the nearest mail box, to the office of the sheriff, area conservation headquarters, city or village police headquarters or precinct stations or to the office of the clerk of court or justice of the peace * * * *municipal* justice before whom he is summoned to appear, or by going in the custody of the arresting officer to any of those places to make the deposit.

SECTION 15. 48.03 (1) and (3) of the statutes are amended to read:

48.03 (1) * * * When hearing * * * cases *arising under this chapter*, the court shall be known as a juvenile court. * * *

(3) In case of the absence or disability of the judge of a court designated as a juvenile court, * * * *another judge shall be requested or designated under s. 253.142 (3) to act temporarily in his place. If the judge so designated to act temporarily is from a county other than the one for which he was elected he shall receive * * * his expenses as provided in s. 252.073 or 253.08, whichever applies.*

SECTION 16. 48.05 (2) to (12) of the statutes are repealed.

SECTION 17. 48.10 of the statutes is repealed.

SECTION 18. 48.47 of the statutes is amended to read:

48.47 Any person aggrieved by an adjudication of the * * * *county* court *under this chapter* and directly affected thereby has the right to appeal to the circuit court of the same county within 40 days of the entry of the order in the manner in which appeals are taken from judgments in civil actions. No undertaking shall be required on such appeal. The order of the * * * *county* court shall stand, pending the determination of the appeal, but the circuit court may in its discretion and upon application stay such order. The appeal shall be on the record which the * * * *county* court shall make and keep of the entire proceedings.

SECTION 19. 51.01 (1) of the statutes is amended to read:

51.01 (1) (a) Written application for the mental examination of any person (herein called "patient") believed to be mentally ill, mentally infirm or mentally deficient, and for his commitment, may be made to the county * * * court of the county in which the patient is found, by at least 3 adult residents of the state, one of whom must be a person with whom the patient resides or at whose home he may be or a parent, child, spouse, brother, sister or friend of the patient, or the sheriff or a police officer or public welfare or health officer. However, if the patient is under 18 years of age, the application shall be made to the juvenile court of the county in which such minor is found.

(b) If the judge of the county court * * * is not available, the application may be made to any court of record of the county.

SECTION 20. 52.03 (1) and (2) of the statutes are amended to read:

52.03 (1) When the father, or mother, being a widow or living separate from her husband, absconds or is about to abscond from his or her children, or a husband from his wife, or when such father, mother or husband is about to remove permanently from the municipality in which he or she resides, leaving a wife or children, or both, chargeable or likely to become chargeable upon the public for support, or neglects or refuses to support or provide for such wife or children, the county or municipality where such wife or children may be, by the official or agency designated to administer public assistance, may apply to the county judge * * * of

any county in which any property, real or personal, of said father, mother or husband is situated for a warrant to seize the property.

(2) Upon due proof of the facts aforesaid such judge * * * shall issue his warrant authorizing such county or municipality to seize the property of such person, wherever found in said county; and they shall, respectively, be vested with all the rights and title, as limited in this section, to such property which such person had at the time of his departure. They shall immediately make an inventory thereof and return the same with said warrant and their proceedings thereon to the county court. All sales and transfers of any real or personal property left in such county, made by him after the issuing of such warrant, shall be absolutely void.

SECTION 21. 52.06 of the statutes is amended to read:

52.06 The several county * * * courts shall have concurrent jurisdiction with the circuit courts of offenses arising under s. 52.05, and every such court shall be at all times open to hear, try and determine all cases arising thereunder. Process may issue and proceedings be had for the arrest and examination of offenders under ch. 954. If, upon examination, the defendant is bound over or held for trial the court or officer who conducts the examination shall forthwith transmit the record thereof to the circuit * * * or county * * * court of the county in which the examination was held, and shall order the defendant forthwith to appear before the court to which he has been held, there to stand trial.

SECTION 22. 52.10 (2) (d) of the statutes is amended to read:

52.10 (2) (d) "Court" means the family court branch of circuit or county court or, if there is none, the court having jurisdiction under s. 52.05 to enforce support and, when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

SECTION 23. 52.21 of the statutes is amended to read:

52.21 Any judge of a court of record, in vacation as well as in open court, and all court commissioners, except in counties containing cities having a population of 500,000 or more, shall have * * * jurisdiction * * * in all complaints and proceedings arising under ss. 52.21 to 52.45.

SECTION 24. 52.22 of the statutes is amended to read:

52.22 The district attorney shall appear in and prosecute every paternity proceeding where the complainant is not represented by private counsel, including both the preliminary examination * * * and the proceedings in the trial court and all subsequent proceedings brought to modify the original judgment or agreement. Where the complainant is a minor or incompetent the district attorney shall automatically act as her guardian ad litem without court order in every such proceeding which he prosecutes. Private counsel in behalf of the complainant may appear instead of the district attorney after a warrant or summons is issued pursuant to s. 52.25, and reasonable attorney's fees may be allowed and taxed against the defendant. In every case where private counsel does so appear in behalf of the complainant, the private counsel shall be charged with the duty of prosecuting the proceeding in all respects thereafter (except that any settlement agreement in such case shall be drawn by the district attorney as provided in s. 52.28); and the private counsel shall be automatically substituted by the court as complainant's counsel in place of the district attorney, who shall thereafter withdraw from the case. If a complainant represented by private counsel is a minor or incompetent, the private counsel may also be appointed as her guardian ad litem with court ap-

proval; provided that if a conflict of interest should thereafter arise on the part of said private counsel, the court may then appoint another qualified person to act as guardian ad litem. In counties having a population of 500,000 or more the corporation counsel of such county or an assistant corporation counsel shall have all the powers and perform all the duties conferred or imposed upon the district attorney by ss. 52.21 to 52.45 exclusively and in lieu of such district attorney.

SECTION 25. 52.24 of the statutes is amended to read:

52.24 If any woman bears a child out of wedlock which is or is likely to become a public charge, or is pregnant with a child likely to be born out of wedlock and to become a public charge, the district attorney, if he believes it to be to the best interest of the child, shall apply to any * * * *court or officer* of the county, who shall thereupon examine such woman on oath respecting the father of such child, the time when and the place where such child was begotten and such other circumstances as he * * * *deems* necessary; and such * * * *court or officer* shall reduce such examination to writing and shall thereupon issue * * * *a* warrant, without further or formal complaint, to apprehend the reputed father, and the same proceeding shall be had thereon and with * * * *like* * * * *effect* as * * * provided in cases of complaint made by such woman.

SECTION 26. 52.25 of the statutes is amended to read:

52.25 On complaint made to any * * * district attorney by any woman who has borne a child out of wedlock or who is pregnant with a child likely to be born out of wedlock, accusing a named person of being the father of such child, the * * * district attorney shall take such complaint in writing, under oath of such woman, and shall thereupon issue his warrant, returnable before * * * *a court or officer* of the county, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before the * * * *court or officer* before whom the warrant is returnable to answer such complaint. The district attorney shall forthwith deliver any complaint filed with him to the * * * *court or officer* before whom the warrant is returnable. With the consent of the complainant and the district attorney, a summons may be issued as provided in s. 954.02.

SECTION 27. 52.26 of the statutes is amended to read:

52.26 Any warrant issued under ss. 52.21 to 52.45 may be executed in any part of this state; and in all cases a copy of the complaint shall be served upon the defendant and the * * * *court or officer* may compel the complainant and defendant to attend and testify the same as witnesses in other cases. At the time of arraignment, the defendant may give bail, as provided in ss. 960.07 and 960.08, to insure his appearances at the time of the preliminary examination and all subsequent stages of the proceedings until entry of judgment or until the matter is dismissed or he is otherwise discharged by the court; and in default thereof he shall be committed pending such proceedings, to the county jail.

SECTION 28. 52.27 of the statutes is amended to read:

52.27 On the entry of defendant's plea denying paternity, or on the date to which the matter is then adjourned, the * * * *court or officer* shall examine the complainant under oath respecting the cause of complaint; the defendant may cross-examine her and put any questions necessary for his defense. Witnesses may be examined on behalf of either party. If the defendant does not appear, the * * * *court or officer* shall proceed in the same manner as though he were present, and shall make such orders as if the

defendant were in court. The * * * *court or officer* may * * * exclude the public from attendance at such examination. All testimony taken and proceedings had shall be reduced to writing; and the proceedings for cause shown may be adjourned from time to time. * * *

SECTION 29. 52.30 of the statutes is amended to read:

52.30 If the defendant enters into agreement with the complainant as provided in s. 52.28 or 52.29, the * * * *court or officer* shall make a memorandum of said agreement * * * and upon entry of judgment on such agreement shall discharge such defendant.

SECTION 30. 52.31 of the statutes is amended to read:

52.31 (1) If the defendant does not enter into a settlement agreement with the complainant as provided in s. 52.28 or 52.29 and there is probable cause to believe him to be the father of the child, the justice, *court or officer* shall cause him to be bound over for trial at the next term of the circuit or county court for the proper county.

(2) The justice, *court or officer* shall thereupon certify and return the examination and all testimony so taken before him with all process and papers in the case to the clerk of said circuit or county court. If any examination has been had as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his paternity, and the district attorney afterwards discovers admissible evidence sufficient, in his judgment, to convict the person discharged, he may, notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon another proceeding shall be had.

SECTION 31. 56.08 (7) (a) of the statutes is amended to read:

56.08 (7) (a) If the prisoner was convicted in a justice or a municipal justice court, a court * * * having criminal jurisdiction (other than the circuit court) located in the county seat (designated for this purpose by the judges of all such courts if there * * * is more than one) has authority and jurisdiction to make all determinations and orders under this section and s. 53.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

SECTION 32. 57.025 (10) of the statutes is created to read:

57.025 (10) CONTINUANCE OF PROBATION OFFICERS IN SERVICE. Municipal and district court probation officers having civil service status in such counties on December 31, 1961, shall continue in such status for the criminal branches of the circuit court and the misdemeanor and traffic branches of the county court on and after January 1, 1962.

SECTION 33. 59.15 (1) (am) of the statutes is repealed.

SECTION 34. 59.38 of the statutes is amended to read:

59.38 CLERK OF COURT; DEPUTIES; CHIEF DEPUTY; DIVISION CHIEF DEPUTIES; CALENDAR DEPUTY CLERK IN CERTAIN COUNTIES. (1) COUNTIES OF LESS THAN 500,000 POPULATION. Every clerk of the circuit court shall appoint one or more deputies, men or women, which appointments shall be approved by the judge of the circuit court, but shall be revocable by the clerk at pleasure * * *, except in counties having a population of 500,000 or more. Such appointments and revocations shall be in writing and filed in * * * the clerk's office; such deputies shall aid the clerk in the discharge of his duties, and in his absence from his office or from the court they may perform all his duties; or

in case of a vacancy by resignation, death, removal or other cause the deputy appointed shall perform all such duties until such vacancy is filled.

(2) COUNTIES OF MORE THAN 500,000 POPULATION. In counties having a population of * * * 500,000 or more the clerk shall appoint one chief deputy clerk * * * ; *one chief deputy clerk, criminal division; one chief deputy clerk, county court, civil division; one chief deputy clerk, children's court division; a calendar deputy clerk, circuit court; a calendar deputy clerk, county court, civil division,* and one or more deputy clerks, men or women, as the county board * * * *authorizes.* Such deputy clerks shall aid the clerk in the discharge of his duties under the supervision of the clerk * * * , the chief deputy clerk *and the division chief deputy clerks.* The appointment of such chief deputy clerk *who is exempt from classified civil service* and such calendar deputy clerk shall be in writing and filed in the clerk's office; shall be approved by the judges of * * * *the circuit court of such county,* but be revocable at the pleasure of the clerk. Such chief deputy clerk shall have all powers and duties of *divisional chief deputy clerks, deputy clerks, * * * and other court assistants except bailiffs and reporters* and in the absence of the clerk from his office or from the court, he may perform all of said clerk's duties; or in case of a vacancy by resignation, death, removal or other cause the chief deputy clerk shall perform all such duties until such vacancy is filled. Such calendar deputy clerk, *circuit court,* shall have the duties prescribed by the judges of the circuit court in the county.

SECTION 35. 59.89 (1) and (2) of the statutes are amended to read:

59.89 (1) On or before January 10 of every odd-numbered year the clerk of any circuit court * * * or other court of record in this state shall file with the county treasurer of his county a written report under oath of all moneys, securities * * * or funds in his hands or under his possession or control where, for a period of 4 years or more, no order has been made, or no step or proceeding * * * had or taken in the case, action, or proceeding in, by or through which said moneys, securities * * * or funds may have been deposited or left with said clerk or his predecessors in office, and where no valid claim has been made upon or for any such moneys, securities * * * or funds for a period of 4 years or more, and where the owner or ownership of said moneys, securities * * * or funds is unknown, or undetermined, and said clerk or his successor in office shall hold said moneys, securities or funds, together with all interest or profits had thereon, until 2 years after the making of said report unless sooner demanded by and turned over to the legal * * * owners thereof.

(2) Two years after the filing of said report the clerk of any circuit * * * or other court of record holding or having in his possession any such moneys, securities * * * or funds, shall turn the same over to the county treasurer, unless sooner demanded by and turned over to the legal * * * owners thereof pursuant to order of the court in which * * * case, action or proceeding shall have been pending, and the county treasurer and his successors in office shall hold the same for a period of 6 years unless sooner demanded by and turned over to the legal * * * owners thereof.

SECTION 35m. 60.595 of the statutes, as created by chapter 315, laws of 1959, is amended to read:

60.595 The town board of any town may create, *and provide for election to,* the office of municipal justice of the peace in the manner provided by s. 62.24, and thereupon such court shall have the jurisdiction provided by s. 62.24 including the exclusive jurisdiction of violations of town ordinances. *In any town which has so provided for the election of a municipal justice of the peace and which on January 1, 1962 has a police*

justice of the peace presiding, such police justice of the peace shall thereupon become the municipal justice of the peace for such town for the balance of the term to which he was elected or appointed as police justice of the peace.

SECTION 36. 61.30 of the statutes is repealed.

SECTION 37. 61.305 of the statutes, as amended by chapter 315, laws of 1959, is amended to read:

61.305 The village board of any village may create, *and provide for election to*, the office of municipal justice of the peace in the manner provided by s. 62.24, and thereupon such court shall have the * * * jurisdiction * * * provided by s. 62.24 including the *exclusive* jurisdiction * * * of violation of village ordinances * * *. *In any village which has so provided for the election of a municipal justice of the peace and which on January 1, 1962 has a police justice of the peace presiding, such police justice of the peace shall thereupon become the municipal justice of the peace for such village for the balance of the term to which he was elected or appointed as police justice of the peace.*

SECTION 38. 62.09 (13) (a) of the statutes is amended to read:

62.09 (13) (a) The chief of police shall have command of the police force of the city under the direction of the mayor. It * * * *is* his duty to obey all lawful written orders of the mayor or common council. The chief and each policeman shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; shall arrest with or without process and with reasonable diligence take before the * * * *municipal* justice or other proper court every person found in the city in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of such city and he may command all persons present in such case to assist him therein, and if any person, being so commanded, * * * *refuses or neglects* to render such assistance he shall forfeit not exceeding \$10. They shall collect the same fees allowed to constables for similar services.

SECTION 38m. 62.24 (1) (a) of the statutes, as amended by chapter 315, laws of 1959, is amended to read:

62.24 (1) (a) The common council of any city may by ordinance provide for the election of a justice of the peace to be "municipal justice of the peace" in addition to justices of the peace otherwise provided for by law * * * *and* such municipal justice of the peace shall be elected at large as provided by the council. He shall qualify pursuant to s. 62.09 (4). *In any city which has so provided for the election of a municipal justice of the peace and which on January 1, 1962, has a police justice of the peace presiding, such police justice of the peace shall thereupon become the municipal justice of the peace for such city for the balance of the term to which he was elected or appointed as police justice of the peace.*

SECTION 39. 63.03 (1) (e) of the statutes is repealed.

SECTION 40. 63.54 of the statutes is repealed.

SECTION 41. 78.81 (2) of the statutes is amended to read:

78.81 (2) Any action brought under this chapter may be brought either in the * * * circuit court for Dane county or in the proper court in the county wherein the defendant resides or has its principal place of business.

SECTION 42. 196.675 (3) of the statutes is amended to read:

196.675 (3) The provisions of this section shall not apply to court commissioners * * *.

SECTION 43. 235.19 (2) (j) of the statutes is amended to read:

235.19 (2) (j) A * * * *municipal* justice; or

SECTION 44. 247.01 of the statutes is amended to read:

247.01 * * * *The county courts, except in counties having a population of 500,000 or more, and all circuit courts have jurisdiction of all actions affecting marriage and of all actions under s. 52.10 (or concurrent jurisdiction where other courts are vested with like jurisdiction), and has authority to do all acts and things necessary and proper in such actions and to carry its orders and judgments into execution as hereinafter prescribed. All such actions shall be commenced and conducted and the orders and judgments therein enforced according to these statutes in respect to actions in courts of record, as far as applicable, except as provided in this chapter and in s. 52.10. Whenever any court is presiding in any such action affecting marriage it shall be known as the "Family Court Branch".*

SECTION 45. 247.13 (1) of the statutes is amended to read:

247.13 (1) In each county of the state, except in counties having a population of 500,000 or more, the circuit * * * *and county* judges in and for such county shall, by order filed in the office of the clerk of the circuit court on or before the first Monday of July of each year, appoint some reputable attorney of recognized ability and standing at the bar * * * family court commissioner (formerly divorce counsel) for such county. Such commissioner shall, by virtue of his office and to the extent required for the performance of his duties, have the powers of a court commissioner. Such court commissioner shall be in addition to the maximum number of court commissioners permitted by s. 252.14. The office of the family court commissioner, or any assistant commissioner, may be placed under a county civil service system by resolution of the county board. Before entering upon the discharge of his duties such commissioner shall take and file the official oath. The person so appointed shall continue to act until his successor is appointed and qualified, except that in the event of his disability or extended absence said * * * judges may appoint another reputable attorney to act as temporary family court commissioner, and except that the county board may provide that one or more assistant family court commissioners shall be appointed by the * * * judges of the county. Such assistants shall have the same qualifications as the commissioner and shall take and file the official oath.

SECTION 46. 251.08 of the statutes is amended to read:

251.08 The supreme court shall have and exercise an appellate jurisdiction only, except when otherwise specially provided by law or the constitution, which shall extend to all matters of appeal, error or complaint from the decisions or judgments of any of the circuit * * * *or county* courts * * * and shall extend to all questions of law which may arise in said courts upon a motion for a new trial, in arrest of judgment, or in cases reserved by said courts.

SECTION 48. 251.184 of the statutes, as created by chapter 315, laws of 1959, is amended to read:

251.184 In counties having a population of * * * *200,000* or more there is constituted a county board of judges to consist of all the judges of courts of record in such county. *A circuit judge shall be chairman of such board.*

Such board shall have power by majority vote of all members to organize and to establish, modify and repeal rules, not inconsistent with the statutes, to provide for the orderly, efficient and expeditious handling of all matters within the jurisdiction of such courts.

SECTION 49. 251.185 of the statutes is created to read:

251.185 TRANSFER OF CASES BETWEEN CIRCUIT AND COUNTY COURT. (1) If an action is brought in the circuit court over which the county court has jurisdiction under ch. 299, the court on its own motion may transfer the action, together with a record of all the proceedings had therein, to the county court.

(2) Except as provided in sub. (3) when it appears that an action pending in the county court will be tried by a 12-man jury, the county court may, by order transfer the action to the circuit court of said county, and the clerk shall transfer the file thereof to the circuit court.

(3) In counties having a population of 200,000 or more, actions commenced in county court may be transferred to circuit court, and actions commenced in circuit court may be transferred to county court, jurisdiction permitting, whenever the county board of judges so determines.

SECTION 50. 252.017 of the statutes, as created by chapter 315, laws of 1959, and as amended by chapters 660 and 685, laws of 1959, and chapter 33, laws of 1961, is amended to read:

252.017 In circuits in which there are 2 or more branches, the judges may provide for the distribution of the work and assignment of cases among branches except that in the second circuit, branches 11 and 12 shall be designated as the criminal court branches and all cases specified in s. 252.015 for the second circuit criminal branch jurisdiction including all appeals from *convictions in criminal * * * actions* and from ** * * ordinances and traffic forfeiture violations from * * **the county court of Milwaukee county, and all ** * * commitments and transfers* for trial in case of crimes and misdemeanors not triable in said county court branches shall be assigned by the clerk to those branches and shall be reassigned to another branch only in case of disqualification, illness or vacation of the judges or congestion or vacancies in branches 11 and 12. The senior judge of said second circuit criminal court branches shall allocate the work of said branches and all assignments of work to said branches by the clerk shall be subject to approval by said senior judge. No grand jury shall hereafter be drawn or summoned for the circuit court of Milwaukee county unless the senior judge of the criminal court branches thereof shall make and file with the clerk an order in writing directing a grand jury to be summoned, and specifying the time at which such grand jury shall appear before the court.

SECTION 51. 252.03 of the statutes is amended to read:

252.03 The circuit courts have the general jurisdiction prescribed for them by the constitution and have power to issue all writs, process and commissions provided therein or by the statutes, or which may be necessary to the due execution of the powers vested in them. They have power to hear and determine, within their respective circuits, all civil *and criminal* actions and proceedings ** * * unless exclusive jurisdiction is given to some other court*; and they have all the powers, according to the usages of courts 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 their judgments, orders and other determinations, subject to re-examination by the supreme court as provided by law. Said courts and the judges thereof have power to award all such writs, process and commissions, throughout the state, returnable in the proper county.

SECTION 53. 252.073 of the statutes is repealed and recreated to read:

252.073 A circuit judge shall be reimbursed by the state for his actual and necessary itemized expenses incurred in the discharge of judicial duty outside his county of residence and as an officer or member of the board of circuit judges and of committees thereof, and as the judge designated to serve on the administrative committee under s. 251.183.

SECTION 54. 252.08 of the statutes, as amended by chapter 261, laws of 1961 (Bill No. 65, S.) is repealed and recreated to read:

252.08 BOARD OF CIRCUIT JUDGES. (1) The circuit judges of the state constitute the board of circuit judges and shall meet at least once each year for the purpose of:

(a) Discussion and exchange of ideas among the judges;

(b) Recommendation to its members of rules of court to promote the due and prompt administration of the judicial business of their respective courts;

(c) Recommendation to either the legislature or the supreme court of methods for improving the administration of justice.

(2) The board shall elect a chairman. It shall also elect a vice chairman who shall have all the powers and duties of the chairman during his disability or absence from the state, and such other officers as they consider necessary.

SECTION 55. 252.14 (1) of the statutes is repealed and recreated to read:

252.14 (1) In each county the circuit and county judges shall appoint such number of court commissioners as the proper transaction of business requires subject to the following exception; in counties having a population of 500,000 or more each circuit judge may appoint not more than 2 such commissioners, and in counties having a population of less than 500,000 each judge shall, as nearly as possible, appoint an equal number of commissioners within the county. In all counties such appointments shall be subject to the approval of a majority of the circuit judges of such county and a majority of the county judges of such county. Appointments shall be in writing and shall be filed in the office of the clerk of the circuit court. All court commissioners appointed after May 1, 1953, other than official court reporters or persons who have served as official court reporters in any court of record in this state for a period of not less than 5 years, shall be attorneys licensed to practice in this state except in counties where a sufficient number of such licensed attorneys are not available. Each judge shall have power at will and without cause to remove any court commissioner appointed by him or by his predecessor in office. The term of each court commissioner, unless removed by the judge, shall continue until the expiration of the term of the judge who appointed him and until the successor of such commissioner is appointed and qualified. Each commissioner before entering upon the duties of his office shall take and subscribe the constitutional oath of office and file the same duly certified, together with his appointment, in the office of the clerk of the circuit court of the county for which he is appointed.

SECTION 56. 252.15 (6) of the statutes is amended to read:

252.15 (6) He has power concurrent with that of a circuit judge at chambers to punish disobedience of his lawful orders made in proceedings pending before him, but subject to review by the * * * court in which the proceeding is pending * * * .

SECTION 57. 252.15 (9) of the statutes is repealed and recreated to read:

252.15 (9) ACTIONS IN CIRCUIT OR COUNTY COURTS. All court commissioners have full powers and duties in civil actions in the circuit and county courts.

SECTION 58. 252.175 of the statutes is created to read:

252.175 FEES; WHERE PAID. Any fee received by a judge of a court as a court commissioner shall be paid into the county treasury except that any amount payable under s. 252.17 to a reporter shall be paid to such reporter.

SECTION 59. 252.18 (1) of the statutes is renumbered 252.18 (1) (a).

SECTION 60. 252.18 (1) (b) of the statutes is created to read:

252.18 (1) (b) In branches 11 and 12 of the second circuit (criminal court branches) the circuit judge may appoint 2 reporters in each branch. The reporters and assistant reporters serving in the municipal court of Milwaukee county on December 31, 1961, shall be given the first appointments, shall retain their civil service status and shall be paid by the county in the same total salary as is received by other reporters under county civil service, provided that the state shall reimburse Milwaukee county annually on voucher signed by the circuit judges of said branches for that portion of said reporter's salary which is paid by the state. Whenever the service of any of the said reporters first appointed, as above provided, is terminated, his successor shall be appointed and paid in the same manner as the reporters in the other branches of said circuit, as provided in par. (a).

SECTION 61. 252.20 of the statutes is amended to read:

252.20 Every reporter shall, upon the request of a party to any action, transcribe in longhand or typewriting, the evidence or any other proceedings taken by him in such action or any part thereof so requested, and * * * when requested * * * make any number of carbon copies, each duly certified by him to be a correct transcript thereof, for which he shall be entitled to receive, from the party requesting the same, 20 cents per folio for single transcript and 5 cents per folio for each carbon copy; except that when transcript is requested by the state or any political subdivision thereof, the charge shall be 15 cents per folio for single transcript and 2½ cents per folio for each carbon copy. In the trial of any criminal action or proceeding the court may, * * * and, in case of commitment to any state penal or reformatory institution * * * or to a house of correction in counties having and maintaining same, shall order such transcript of the evidence and proceedings to be made and certified by the reporter and filed with the clerk of the court, and a certified duplicate of such transcript to be filed with the warden or superintendent of the institution to which the person may be sentenced, and the cost thereof, not exceeding 15 cents per folio for the original transcript and 2½ cents per folio for the duplicate, shall be certified and paid by the county treasurer upon the certificate of the clerk of the court. In case of application for a pardon or commutation of sentence said duplicate transcript shall accompany the application. In all actions in which any * * * court * * * orders a compulsory reference the court may direct the reporter thereof to attend the trial of such action, take the evidence and proceedings therein and furnish the * * * referees with a transcript thereof in longhand or typewriting, when the court * * * so * * * orders. Such reporter shall receive the same fees for such transcript of testimony, paid in the same manner as hereinbefore provided.

This section does not prohibit an additional charge, made by special arrangement, for transcribing proceedings in longhand or typewriting from day to day during the progress of a trial. * * *

SECTION 62. 253.015 of the statutes, as amended by chapter 33, laws of 1961, is amended to read:

253.015 Menominee county shall not be organized separately for county court purposes, but shall be a part of a joint Shawano-Menominee county court, which * * * constitutes a single judicial district. Such court shall have 2 divisions, the Shawano county division and the Menominee county division. No county judge for Menominee county shall be elected separately, but the duly elected judge of the Shawano-Menominee county court shall serve as county judge of the district. The books, papers and records of the office of such county judge shall be kept at the county seat of the county in which he has his principal office, or, at the discretion of the county judge, at either or both county seats. The incumbent judge of Shawano county court shall assume his duties as judge of Shawano-Menominee county court on * * * April 29, 1961. The judge of Shawano-Menominee county court may appoint a register in probate and a public administrator for each of the 2 divisions of the county court, or, in his discretion, may appoint one register in probate or public administrator to serve both divisions. If a separate register in probate is appointed for the Menominee county division, he may be the same person who is the duly elected clerk of circuit court for Menominee county. If one register in probate serves for both the Shawano and Menominee county divisions of the county court, the office of such register in probate shall be in the city of Shawano. The qualified electors of Menominee county shall cast ballots for the election of the judge of the Shawano-Menominee county court at the first election for county judge held after * * * April 29, 1961, and at every succeeding election for county judge. The Shawano-Menominee county court shall possess all the jurisdiction in Menominee county that it presently has in Shawano county, and the judge of the Shawano-Menominee county court shall possess all of the duties, rights * * * and powers as a judge that he presently has in Shawano county. Any civil matter or proceeding or criminal matter or action, except a criminal action which the justice of the peace has no jurisdiction to try, commenced in the Shawano-Menominee county court, Menominee county division, justice court branch, which would be within the jurisdiction and authority of the justices of the peace of Menominee county had the action been commenced in Menominee county, shall be, on the motion of the defendant in a criminal case or in the case of a forfeiture, and may be on the motion of either party in other cases, transferred by the county judge to a justice of the peace in Menominee county for trial. * * * The county boards of Menominee county and Shawano county shall enter into an agreement * * * prorating * * * the * * * joint expenditures involved in conducting the joint county court, and for such purposes the county board of Menominee county shall be authorized to appropriate, levy and collect a sum each year sufficient to pay its share of such expenses; provided that no portion of the initial cost, or amortization of debt on the Shawano county courthouse or repair, maintenance, or improvement of the same or items which are taxable costs between the parties shall be included as a joint expenditure for proration purposes. If the 2 county boards are unable to agree on prorating the * * * joint expenditures involved, then the judge of the circuit court for the tenth circuit shall, under appropriate notice and hearing, determine the prorating of such expenditures, on the basis of the volume and character of work and responsibilities, to each county, under such procedure as he * * * prescribes. The county judge may order court held at the county seat in Menominee county or at the county seat in Shawano county or

other appropriate place, and the general terms of the court * * * for the county court of Shawano county shall be the terms of Shawano-Menominee county court. The proper place of trial of civil and criminal actions commenced in such court shall be the place in either county where the judge orders court held. The jury commissioners of Shawano county shall serve as jury commissioners for the Shawano-Menominee county court, and shall add to the present Shawano county court jury list from which jurors shall be drawn the names of qualified residents of Menominee county, and the list shall be known hereinafter as the Shawano-Menominee county court jury list. All fines and all costs and fees collected in Shawano-Menominee county court in causes of action arising out of Menominee county shall be accounted for and paid over quarterly to the county treasurer of Menominee county and, in causes of action arising out of Shawano county shall be accounted for and paid over quarterly to the county treasurer of Shawano county. All process and pleadings and documents of the Shawano-Menominee county court shall be entitled, "Shawano-Menominee County Court: ----- County Division", to be completed with the name of the appropriate county. * * *

SECTION 63. 253.02 (3) of the statutes, as created by chapter 315 and as amended by chapter 621, laws of 1959, is amended to read:

253.02 (3) In all counties having more than one branch of the county court the incumbent county judge on January 1, 1962, is the judge of branch No. 1 of the county court; in *Jefferson, Walworth * * * and Washington counties* and in counties having a population of 500,000 or more the incumbent judge of branch No. 1 of the county court and the incumbent judge of branch No. 2, of the county court on January 1, 1962, are the judges of branches Nos. 1 and 2 of the county court respectively.

SECTION 64. 253.02 (5) and (6) (a) and (b) of the statutes, as created by chapter 315, laws of 1959, are amended to read:

253.02 (5) The municipal courts of Douglas, Fond du Lac, Manitowoc, Outagamie, Ozaukee, Rock, Racine, Shawano and Sheboygan counties, the municipal court of the city of Oshkosh and county of Winnebago, the criminal court branch of the municipal court for Brown county, the branch of the municipal court of Kenosha county presided over by the senior judge, and *branch No. 1 of the superior court of Dane county* shall be renamed branch No. 2 of the county court of their respective counties on January 2, 1962. The small claims court for Dane county, the superior court of Douglas county, the municipal court of the city of Beloit in Rock county and the 2nd branch of the municipal court of Kenosha county shall be renamed branch No. 3 of the county court of their respective counties on January 2, 1962. *Branch No. 2 of the superior court of Dane county shall be renamed branch No. 4 of the county court for Dane county on January 2, 1962.* Branch No. 2 of the district court of Milwaukee county, branches Nos. 4, 5, 6 and 7 of the civil court of Milwaukee county * * * , the children's court of Milwaukee county and *branch No. 3 of the district court for Milwaukee county* shall be renamed branches Nos. 3, 7, 8, 9, 10 * * * , 11 and 12, respectively, of the Milwaukee county court on January 2, 1962. The incumbent judges of these courts on January 1, 1962, shall serve as judges of the county court until the term for which they were elected expires * * * , and shall be paid the same compensation in the same manner as regularly elected county judges.

(6) (a) The cost of operation of such county court, except for * * * the salaries of the judge and court reporter provided to be paid by the state, shall be paid by the county.

(b) In counties having a population of 500,000 or more the county shall initially pay all of the * * * operating costs of branches 3 * * * , 4

*and 12 of the county court * * * including that part of the cost of the clerk of circuit court's office attributable to the operation of such branches. After crediting the revenues received by the clerk as fees from actions brought in these branches, salaries of judges and state aids for court reporters, the balance of the costs or gain then remaining shall be shared annually by the city of the first class in such county and the county equally. This subsection shall not apply if the city of the first class has created and is operating a municipal justice court.*

SECTION 65. 253.06 of the statutes, as created by chapter 315, laws of 1959, is amended to read:

253.06 The term of office of every elected county judge is 6 years, and until his successor is elected and qualifies, which term commences with the first Monday in January next succeeding his election, except that the judges elected for the Rock county court, branch No. 3, and for the Brown county court, branch No. 2, at the spring, 1966, election shall serve for terms commencing the first Monday in May 1966 and ending the first Monday in January 1972; *the judge elected for the Rock county court, branch No. 2, at the April 1965 election shall serve for a term commencing on the last Monday in June 1965, and ending the first Monday in January 1971; the judge elected for the Douglas county court, branch No. 2, at the spring, 1965, election shall serve for a term commencing the first Monday in May 1965, and ending the first Monday in January 1971;* the judges elected for the Outagamie county court, branch No. 2, and the Douglas county court, branch No. 3, at the spring, 1967, election shall serve for terms commencing May 1, 1967 and ending the first Monday in January * * * 1973; the judge elected for the Milwaukee county court, branch No. 11, at the spring, 1967, election shall serve for a term beginning the first Monday in June 1967, and ending the first Monday in January 1973; the judge elected for the Fond du Lac county court, branch No. 2, at the spring, * * * 1964, election shall serve for a term beginning May 1, * * * 1964, and ending the first Monday in January * * * 1970; the judge elected for the Sheboygan county court branch No. 2, at the spring, 1962, election shall serve for a term beginning the first Monday in June 1962, and ending the first Monday in January 1968; *the judge elected for the Ozaukee county court branch No. 2, in the spring 1962 election shall serve for a term commencing the first Monday in July 1962 and ending the first Monday in January, 1968;* and the * * * judge elected for * * * the Dane county court, branch No. 3, at the spring, * * * 1961, election shall serve for * * * a term beginning the first Monday in July * * * 1961 and ending the first Monday in January * * * 1967.

SECTION 66. 253.07 (3) of the statutes, as created by chapter 315, laws of 1959, is amended to read:

253.07 (3) No judge shall receive any salary or fees *from the state or any political subdivision thereof* other than that specified in this section.

SECTION 67. 253.08 of the statutes is created to read:

253.08 EXPENSES. (1) WHEN SERVING AWAY FROM SEAT OF HIS COURT. A county judge shall be reimbursed by the county for his actual and necessary itemized expenses incurred in the discharge of judicial duty away from the permanent seat of his court but within the county for which he is elected.

(2) JUDGE OF FOREST AND FLORENCE COUNTY COURTS. The judge for the Forest and Florence county courts shall be reimbursed, one-half by each county, for the actual and necessary expenses incurred by him in the dis-

charge of judicial duty away from the county seat of the county of his residence but within the district specified in s. 253.05 (1).

(3) WHEN SERVING IN ANOTHER COUNTY OR ATTENDING MEETINGS OF BOARD OF COUNTY JUDGES. A county judge shall be reimbursed by the state for his actual and necessary expenses incurred in the discharge of judicial duty in a county other than the one for which he is elected, and incurred when attending meetings of the board of county judges specified in s. 253.20, and of committees thereof.

(4) OTHER DUTIES. The county judge who is acting as chairman of the board of county judges shall be reimbursed by the state for his actual and necessary expenses, incurred in the performance of his duties as chairman. The county judge who is designated by the board of county judges to serve on the administrative committee under s. 251.182 shall be reimbursed by the state for his actual and necessary expenses, incurred in the performance of his duties on this committee.

SECTION 68. 253.10 (2) of the statutes, as created by chapter 315, laws of 1959, is renumbered 253.10 (2) (a).

SECTION 69. 253.10 (2) (b) of the statutes is created to read:

253.10 (2) (b) The county court shall also have concurrent jurisdiction to hear and determine all matters and proceedings involving inter vivos trusts, and the administration thereof, in the manner provided in ch. 231.

SECTION 70. 253.10 (7) of the statutes, as created by chapter 315, laws of 1959, is amended to read:

253.10 (7) All matters arising * * * *under* this section shall be administered in accordance with the statutes, rules and procedure of the county court applicable to the * * * *estates* of deceased residents of the state.

SECTION 71. 253.11 of the statutes, as created by chapter 315, laws of 1959, is renumbered 253.11 (1).

SECTION 72. 253.11 (2) and (3) of the statutes are created to read:

253.11 (2) The county court shall have jurisdiction over all actions for ordinance violations within the county except violations of ordinances of towns, villages or cities which have established municipal justices of the peace. Except where otherwise provided, all provisions of the law pertaining to municipal justices of the peace relating to such actions, the determination thereof, and appeals therefrom shall apply to such violations.

(3) In actions where the amount in issue does not exceed \$200, except where otherwise provided, all provisions of law pertaining to municipal justices of the peace relating to such actions, the determination thereof, and appeals therefrom, shall apply to such actions; and in actions within the jurisdiction of the court where the amount in issue exceeds \$200, except where otherwise provided, all provisions of law pertaining to trial and determination of such actions and appeals therefrom in the circuit court shall apply to such actions.

SECTION 73. 253.12 of the statutes, as created by chapter 315, laws of 1959, is amended to read:

253.12 The county court has jurisdiction of all criminal matters except treason, concurrent with the circuit court * * * ; except *that* in * * * *any county* having a population of 500,000 or more * * * the county court * * * *shall have jurisdiction to hear, try and determine all charges for misdemeanors arising within the county, and in addition thereto shall have*

jurisdiction to hear, try and determine all charges for offenses arising within the county, the punishment whereof does not exceed one year's imprisonment in the state prison or county jail, or a fine not exceeding \$1,000, or both. Said branches shall also have authority and jurisdiction to issue warrants for the apprehension of persons charged with the commission of offenses in said county which are triable before the criminal court branches of the circuit court, and jurisdiction to examine said alleged offenders and commit or hold them to bail.

SECTION 74. 253.13 (2) of the statutes, as created by chapter 315, laws of 1959, is amended to read:

253.13 (2) (a) In counties having a population of 500,000 or more branch 11 of the county court (children's court) in addition to the jurisdiction, powers and duties prescribed for juvenile courts under ch. 48, shall also have jurisdiction in actions or proceedings involving the custody of children under 18 years of age whether raised by habeas corpus or otherwise, except such children as are wards of or whose care and custody is under the control of other courts. *Where the words "juvenile court" are used in the statutes, they shall be deemed to include said branch 11 of the county court (children's court) or the judge of said court in counties of 500,000 or more, except as otherwise specifically provided.*

(b) No person shall be eligible * * * for the office of judge of such court unless for 5 years immediately prior to January 1 of the year of election he has been a resident of the county.

(c) *Such court shall be held at the county seat, or at such other place within the county designated by the county board.*

(d) *Practice and procedure in such branch 11 of the county court shall be the same as is now or may hereafter be provided by law for civil courts.*

(e) *The court shall have a clerk with such assistants as the county board determines and a stenographic reporter, each of whom shall be appointed pursuant to ss. 63.01 to 63.17, and shall be paid such compensation as the county board determines. The clerk shall be appointed by the clerk of the circuit court. The reporter shall be appointed by the judge of said branch 11. Such clerk shall be an officer of the court, and before entering upon his duties, shall take and subscribe the constitutional oath of office and furnish an official bond in such amount and with such sureties as the county board determines; such oath and bond shall be filed in the office of the clerk of the circuit court of such county. The reporter of said court shall be an officer of said court and shall take and file a constitutional oath of office. He shall be furnished by the county with all necessary supplies.*

(f) *The sheriff of such county shall upon request of the judge of branch 11 (children's court) assign such deputy sheriffs, one of whom shall be a woman, who shall be designated as deputy sheriffs of the children's court, and each of whom shall receive the same salary as is paid to other deputy sheriffs of said county. Such sheriffs shall act as attendants upon said branch 11 (children's court) during its sessions. The judge of said branch 11 (children's court) has the power to make rules to be entered in full upon the records of said court, concerning the attendance and duties of such deputy sheriffs as the judge deems proper, and it is the duty of such deputy sheriffs to conform to the same.*

(g) *Any judge of the county court of such county may hold court with the judge of said branch 11 (children's court) upon request of the judge of said branch 11, and in case of the absence or the disability of the judge of said branch 11 without said request having been made, the senior judge of the county court of such county shall designate some judge of said county court to so hold court, whose duty it shall be to act temporarily in the*

place of said judge of said branch 11, and while so doing, the judge, so substituting, shall have all of the powers of the regularly elected judge of said branch 11.

(h) The orders and judgments of said branch 11 of the county court (children's court) in all actions and proceedings tried before it may be appealed from, examined and reviewed by either the circuit court of said county, not as a trial de novo, but as a review of the record, or the supreme court in the same manner as other orders and judgments of the circuit court may be appealed from and reviewed.

SECTION 75. 253.135 of the statutes is created to read:

253.135 TWO COUNTIES; JURISDICTION RETAINED. If a case is originally within the jurisdiction of the county courts of 2 or more counties the court which first takes cognizance thereof by commencement of proceedings shall retain the same throughout.

SECTION 76. 253.142 of the statutes is created to read:

253.142 DISQUALIFICATION OF JUDGE BY RELATIONSHIP OR INTEREST; BY AFFIDAVIT; ANOTHER JUDGE CALLED; PROCEDURE; PAY AND EXPENSES. (1) (a) Any person interested in any matter concerning the administration of estates may, either at the time of filing any petition or objection, notice of contest or other paper raising an issue, or at any other time up to and including the day set for hearing such matter, file an affidavit stating that he has good reason to believe and verily believes that from prejudice or other cause the judge of the county court, naming him, will not decide impartially. The judge shall thereupon be disqualified to act in relation to that matter. No person shall be allowed to file an affidavit against more than one judge in any matter.

(b) The person who files such an affidavit of prejudice may be ordered by the court to immediately pay to the adverse party the fees of his witnesses in attendance on the hearing date and an attorney fee of \$10, unless the adverse party was notified in writing at least 5 days prior to the hearing that such affidavit had been or would be filed. Failure to make payment as ordered shall nullify the effect of the affidavit of prejudice. This paragraph does not apply in case an outside judge is presiding at the hearing of such matter unless the affiant has had 8 days' written notice that he was to preside.

(c) Ex parte orders, letters, bonds, petitions and affidavits may be presented to such assigned judge, by mail or in person, for signing or approving, wherever he may be holding court, who shall execute or approve the same and forthwith transmit the same to the attorney who presented it, for filing with the county court of the county where the records and files of the matter are kept.

(2) In civil matters other than those specified in sub. (1) (a) and other than as provided in s. 299.205, the provisions of ss. 261.08 to 261.11, shall apply.

(3) Upon the disqualification of any judge the case shall be referred to the clerk who, in multi-branch courts, shall determine by lot a judge from another branch of that court to attend and hold court in such matter. In single branch courts, or in multi-branch courts if no other judge is able to serve, the clerk shall request the chief justice of the supreme court, pursuant to s. 251.182, to designate and assign another judge to attend and hold court in such matter.

(4) If said matter has been set for hearing the same shall stand continued until the judge so requested or designated to act shall be ready to take it up for disposition. If the matter has not been set for hearing, the judge requested to act shall order a hearing thereon.

SECTION 77. 253.143 of the statutes is created to read:

253.143 CLERKS, ETC., NOT TO BE APPRAISERS. No clerk or other person employed in the office of any county judge shall be appointed commissioner or appraiser in any matter that is within the jurisdiction of such county judge or of the county court.

SECTION 78. 253.144 of the statutes is created to read:

253.144 The provisions of s. 252.20 shall apply to county court reporters.

SECTION 79. 253.145 of the statutes is created to read:

253.145 MATTERS TO CIRCUIT COURT IF BEYOND COUNTY COURT JURISDICTION. If an action or special proceeding is brought in the county court which is not within the subject matter jurisdiction (including the jurisdictional amount) of that court, the action or special proceeding shall not be dismissed for lack of jurisdiction of the subject matter but shall be transferred by order of the county court to the circuit court of the same county. All process, pleadings and other papers and copies of all entries and minutes of the clerk shall be certified by him and filed with the circuit court.

SECTION 80. 253.15 (1) of the 1959 statutes, as amended by chapter 259, laws of 1959, is repealed.

SECTION 81. 253.15 of the statutes is created to read:

253.15 SEALS. The county board in each county shall furnish the county court of that county with appropriate seals as specified by the court. The court or, in multi-branch courts the judges of the court by joint action, may, from time to time, alter the inscription and devices on the seal. The seal in use by the county court in each county on January 1, 1962, shall continue to be the seal of that court until changed.

SECTION 82. 253.164 of the statutes is created to read:

253.164 COUNTY COURT TERMS. Wherever any matter under s. 253.11 in the county court is related to a term of court, "term" shall be construed, for county courts, to mean the first Monday in April or the first Monday in October, whichever is more appropriate in context. Except as otherwise provided herein and in s. 954.005, a regular term of the county court shall be held on the first Tuesday of each month, except July and August.

SECTION 83. 253.165 of the statutes is created to read:

253.165 WHEN COURT TO BE HELD. In case any matter appointed to be heard at a specified time is not heard at the time appointed, it stands continued and may be heard at any time, unless the court orders otherwise.

SECTION 84. 253.17 of the statutes is created to read:

253.17 ADOPTION OF COURT RULES. (1) Whenever the county court adopts or amends rules under s. 253.16 or 253.18, they shall be adopted or amended only after a public hearing, 3 weeks' notice of which has been given by publication in a newspaper likely to give notice of the hearing. In multi-branch courts, such rules shall be adopted or amended by a majority of the judges.

(2) A copy of all court rules or amendments thereto shall be filed with the clerk of circuit court and with the judicial council.

SECTION 85. 253.18 (2) of the statutes, as created by chapter 315, laws of 1959, is amended to read:

253.18 (2) In counties having a population of 500,000 or more, branches Nos. 1 and 2 shall be the probate branches * * *, branch No. 3 shall be the traffic court branch. Branch No. 4 shall be the misdemeanor court branches. Branch No. 11 shall be the juvenile court branch. *Branch No. 12 shall be the traffic-misdemeanor court branch.* Branches Nos. 5, 6, 7, 8, 9 and 10 shall be the civil court branches. The revenue from all actions for the violation of ordinances of a city of the first class, in any such county, brought in the county court shall be paid to the city *monthly* as provided in s. 288.10. *Said city of the first class shall have access to all books and records concerned with accounting of revenues and expenditures relating to this chapter.*

SECTION 87. 253.20 of the statutes is created to read:

253.20 BOARD OF COUNTY JUDGES. The county judges of the state constitute the board of county judges and shall meet at least once each year. The board shall elect a chairman, secretary and other officers considered necessary and may establish sections for judges interested in specialized fields of law.

SECTION 88. 253.21 of the statutes is created to read:

253.21 UNIFORM FORMS. (1) PROBATE FORMS. (a) The board of county judges or its duly authorized committee shall adopt uniform forms necessary for the administration of proceedings under Title XXIX. Duly authenticated copies of these forms shall be furnished to the secretary of state and kept on file in his office. The secretary of state shall transmit copies of these forms to the register in probate in each county in the state.

(b) The court in its discretion may refuse to accept any legal documents not drafted in compliance with the uniform forms.

(2) JUVENILE COURT FORMS. The board of county judges or its duly authorized committee shall adopt uniform forms necessary for the administration of juvenile matters under ch. 48. Duly authenticated copies of these forms shall be furnished to the secretary of state and kept on file in his office. The secretary of state shall transmit copies of these forms to the register in probate in each county in the state and in counties having a population of 500,000 or more to the clerk of the children's court.

SECTION 89. 253.25 of the statutes is created to read:

253.25 PUBLIC ADMINISTRATOR. (1) A public administrator shall be appointed for each county. Before entering upon his duties, he shall take the official oath and give bond, with sufficient sureties, to the court, in a sum not less than \$1,000 with conditions substantially like the conditions of administrators' bonds, that he will faithfully perform his duties. The bond and the oath shall be filed and recorded with the register in probate. Additional bonds may be required. The expense of surety upon such bonds shall be paid by the county treasurer out of inheritance tax funds belonging to the state, on the order of the court. The person appointed shall be an attorney, if one is available, and his term shall terminate upon the appointment and qualification of his successor. The appointment of the public administrator and the approval of his bond shall be by the county judge and in multi-branch courts, by the judge of branch No. 1.

(2) In counties having a population of 500,000 or more, 2 public administrators shall be appointed and their bonds approved, one each by the judges of branches No. 1 and No. 2.

SECTION 90. 253.26 of the statutes is created to read:

253.26 PRESUMPTION IN FAVOR OF ORDERS. When the validity of any order or judgment of a county court in a proceeding under Title XXIX, or to terminate a life estate or joint tenancy, in an inheritance tax proceeding, shall be drawn in question in another action or proceeding, everything necessary to have been done proved to render the order or judgment valid, and which might have been proved by parol at the time of making the order or judgment and was not required to be recorded, shall, after 20 years from such time be presumed to have been done or proved unless the contrary appears on the same record.

SECTION 91. 253.29 of the statutes is repealed.

SECTION 92. 253.30 (1) and (3) (a) of the statutes, as created by chapter 315, laws of 1959, are amended to read:

253.30 (1) The clerk of circuit court shall keep the books and records under s. 59.39 and ch. 299 and perform the duties under s. 59.395 for all matters in the county court except those under ch. 48 and Title XXIX. *In counties having only one county judge, with the written approval of the circuit judge, the county judge may appoint the clerk of court register in probate. Such appointments shall be revocable at the pleasure of the county judge. Appointments and revocations shall be in writing and shall be filed in the office of the register in probate. When appointed for this purpose, the clerk shall have the powers and duties of registers in probate under ss. 253.32 and 253.33. In prosecutions of ordinance violations in the county court in counties having a population of 500,000 or more, the chief deputy clerk, criminal division, or one of his deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court directs formal complaint be made. The defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue, any other provisions of law notwithstanding.*

(3) (a) Appoint, pursuant to ss. 63.01 to 63.16, a chief deputy clerk, *criminal division* for the exclusive handling of the clerk's work in all criminal and ordinance matters in circuit and county courts, provided that the clerk of the circuit court or such chief deputy clerk, *criminal division* shall sign all extradition requisition papers as required by law. The incumbent clerk of the municipal and district courts of such counties in office * * * December 31, 1961, shall * * * be appointed the first such chief deputy clerk, *criminal division* provided that he shall have served at least 2 consecutive years in such former capacity.

SECTION 93. 253.30 (3) (a) 1, 2 and 3 of the statutes are created to read:

253.30 (3) (a) 1. Said chief deputy clerk or one of his deputies shall be present at each session of the criminal branches of the circuit court and the misdemeanor and traffic branches of the county court and shall perform all ministerial acts required of him by and under the direction of the judges of said courts, and when the misdemeanor and traffic branches of the county court are not in session, shall have power to take bail for the appearance of any person under arrest before said courts, subject to revision by said courts; he, or one of his deputies, shall issue all processes under his hand and the seal of the court and attest it in the name of the judge, signing it by his title of office, and shall tax costs; he, or one of his deputies, may issue warrants upon complaint filed in writing and upon oath in all cases. The complaints, warrants, recognizance, commitments, attachments, venires, subpoenas and all other writs and papers in said courts shall be in substance in the form provided by rules duly adopted and published by the county board of judges.

2. In prosecutions of ordinance violations in the county court, said clerk, or one of his deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court directs formal complaint to be made; then the defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue, any other provision of law notwithstanding.

3. Such clerk and his deputies and the police officers attending said criminal branches of the circuit court and misdemeanor and traffic branches of the county court and serving its process shall receive no fee.

SECTION 94. 253.30 (3) (b) and (c) of the statutes, as created by chapter 315, laws of 1959, are amended to read:

253.30 (3) (b) Appoint, pursuant to ss. 63.01 to 63.16, a chief deputy clerk *county court, civil division* for the exclusive handling of the clerk's work in all civil matters in county court excluding probate and juvenile matters. The incumbent clerk of the civil court of such * * * *counties* on * * * *December 31, 1961*, shall * * * *be appointed* the first chief deputy clerk *county court, civil division* provided that he has served at least 2 consecutive years in such former capacity.

(c) Appoint, pursuant to ss. 63.01 to 63.16, a chief deputy clerk, *children's court division*, for the exclusive handling of the clerk's work in the children's court branch of such county court. The incumbent clerk of the children's court of such county on * * * *December 31, 1961*, shall * * * *be appointed* the first such chief deputy clerk, *children's court division*, provided that he has civil service status on such date in such former capacity.

SECTION 95. 253.30 (3) (e) and (f) of the statutes are created to read:

253.30 (3) (e) The clerk of the circuit court shall be deemed to be the department head of the clerk of courts department of the circuit and county courts of the county, except branches 1 and 2 of such county court, as to all personnel, procurement, budget and related matters.

(f) All clerks and assistants in the municipal and district courts having civil service status in a city of the first class in such county on the effective date of the abolition of such courts, shall automatically be transferred to county civil service in the county and circuit courts and retain their civil service status, including without limitation the right to go to the maximum step in the range of salaries as set forth in the city civil service salary ordinance as of July 1, 1961. Unless required by federal social security law, such city employes, upon entrance into county civil service, shall not be required to come under social security if they had determined while in city service that they did not elect to do so. Subject to the exception above stated, the county board shall fix and pay the salaries of all such clerks and assistants.

SECTION 96. 253.31 (4) of the statutes, as created by chapter 315, laws of 1959, is amended to read:

253.31 (4) In counties having a population of 500,000 or more, the appointment under * * * *subs. (1) and (2)* shall be made by joint action of the judges of branches Nos. 1 and 2, *but such judges shall not have the power to remove said register in probate and deputy registers, except through charges for dismissal made and sustained pursuant to s. 63.10.*

SECTION 97. 253.32 (8) and (9) of the statutes are created to read:

253.32 (8) When appointed deputy clerk pursuant to s. 253.344, perform such duties as the clerk of circuit court directs.

(9) In counties having a population of 500,000 or more, the register in probate shall be the department head as to all personnel, procurement, budget and related matters with reference to his office as register in probate of branches Nos. 1 and 2 of the county court. The register in probate shall appoint pursuant to ss. 63.01 to 63.16 as many deputy clerks as may be authorized by the county board for branch No. 1 and branch No. 2 of the county court, provided that such appointment shall be approved by the judge of the branch which such deputy shall serve. Such deputy clerks shall aid the register in probate and deputy registers in probate in the discharge of their duties.

SECTION 98. 253.33 (1) (d) and (e) of the statutes are created to read:

253.33 (1) (d) Has, when appointed for this purpose, the powers of deputy clerks as provided in s. 59.38.

(e) Has, when appointed for this purpose, the powers and duties of court reporters and assistant reporters specified in s. 253.35 (2).

SECTION 99. 253.34 of the statutes is created to read:

253.34 FEES IN PROBATE MATTERS. (1) The register in probate shall collect the following fees:

(a) For filing a petition whereby any proceeding in estates of deceased persons is commenced, when the gross estate or value of the property is \$1,000 or less, no fee; when the gross estate is more than \$1,000 and less than \$10,000, a fee of \$3; when the gross estate is \$10,000 or more and less than \$25,000, a fee of \$6; when the gross estate is \$25,000 or more and less than \$100,000, a fee of \$25; when the gross estate is \$100,000 or more, a fee of \$100. Such fees shall be paid at the time of the filing of the inventory, or other documents, setting forth the value of the estate in such proceedings. The fees fixed in this subsection shall also be paid in survivorship proceedings and in such survivorship proceedings the value shall be based on the value of the property passing to the survivors.

(b) For a certificate terminating a life estate or homestead interest, \$1, but the fee shall not be collected if such termination is consolidated with probate or administration proceedings.

(c) For a certificate or judgment of descent of lands the same fees shall be charged and collected as are charged in estate proceedings in par. (a) based upon the valuation of the property passing by said certificate or judgment of descent.

(d) For filing objections to the probate of a will, \$10, except that this fee may be waived by the court when objection is filed by a guardian ad litem or attorney for a person in military service. The court may order a refund of said fee to the objector from the assets of the estate.

(e) For receiving a will for safekeeping, except under s. 310.02, \$1.

(f) For each certificate issued by the registers in probate or county judges, 50 cents.

(g) For copies of records or other papers in the custody and charge of registers in probate at the rate of 50 cents a page; and for the comparison and attestation of such copies as are not provided by the registers, 25 cents for each page, but the minimum charge in each of the above mentioned instances is \$1, including the certificate.

(h) In counties having a population of 500,000 or more, for filing claims against estates, \$1, except that the state or the political subdivisions thereof and bureaus and boards of the state and its political subdivisions shall be exempt from the payment of this fee.

(2) For purposes of determining fees payable under sub. (1), the following shall apply:

(a) U.S. government bonds which by their terms are payable to another person upon death of the original registered owner are included in his gross estate and not subject to the fee for terminating a life estate.

(b) Life insurance, retirement benefits or annuities are excluded unless paid or payable to the estate or personal representative in which case they are included.

(c) When survivorship proceedings are pursued independent of probate or administration, a fee shall be collected for each, such fee not to be less than that payable if the proceedings were consolidated.

(d) Proceedings to administer assets subsequent to entry of final judgment in an estate are subject to fees as separate proceedings which fees shall not be less than those which would have been chargeable if such assets had been included in the original proceedings.

(e) The value of decedent's interest in real estate shall be diminished by the unpaid balance on duly recorded or filed liens and mortgages.

(f) Special administrations are subject to filing fees, such fees to be credited upon fees for subsequent general administration or probate.

(3) The register in probate shall, on the first Monday of each month, pay into the office of the county treasurer all fees collected by him and in his hands and still unclaimed as of said day. Each county treasurer of a county having a population under 500,000 shall make a report under oath to the state treasurer on or before the fifth day of January, April, July and October of all fees received by him under s. 253.44 (1) up to the first day of each of said months and shall at the same time pay 65 per cent of such fees to the state treasurer for deposit in the general fund. Each county treasurer shall retain the balance of fees received by him under this section for the use of the county. In counties having a population of 500,000 or more all fees paid under this section shall be kept for use by the county.

SECTION 100. 253.344 of the statutes is created to read:

253.344 REGISTER IN PROBATE MAY BE APPOINTED DEPUTY CLERK. With the written approval of the county judge or, in multi-branch county courts, of the judge of branch No. 1 of the county court, and of the judge or judges of the circuit court, the clerk of circuit court may appoint the register in probate a deputy clerk. Appointments by the clerk under this section shall be revocable by him at pleasure. Such appointments and revocations shall be in writing and shall be filed in the clerk's office.

SECTION 101. 253.345 of the statutes is created to read:

253.345 COUNTY COURT REPORTERS AS REGISTERS IN PROBATE. County court reporters may be appointed registers in probate or deputy registers by the county judge, except that in multi-branch county courts the appointment shall be by the judge of branch No. 1 of the county court, with the consent of the judge of the branch in which the reporter serves. Appointments by the county judge under this section shall be revocable by him at pleasure. Appointments and revocations shall be in writing and shall be filed in the office of the register in probate.

SECTION 102. 253.35 (1) of the statutes, as created by chapter 315, laws of 1959, is repealed and recreated to read:

253.35 APPOINTMENT OF REPORTER AND ASSISTANTS. (1)
(a) Every county judge may appoint a competent phonographic reporter and as many assistant reporters as necessary, and may remove them at pleasure, provided that in counties having a population of 500,000 or more, appointments and removals shall be pursuant to ss. 63.01 to 63.17. The register in probate or deputy register may be appointed such reporter or assistant reporter.

(b) In counties having a population of 500,000 or more, the judges of branches Nos. 1 and 2 of the county court may appoint 2 reporters. In counties having a population of 50,000 or more, in which the county court is a single branch court, the county judge may appoint 2 reporters.

SECTION 103. 253.35 (2) of the statutes, as created by chapter 315, laws of 1959, is renumbered s. 253.35 (2) (a) and amended to read:

253.35 (2) (a) When qualified under s. 252.18 every court reporter and assistant reporter shall attend the sessions of the court for which he was appointed and, on request of the judge appointing him, sessions of court presided over by that judge in other counties and shall perform any other duties as the judge directs. *When any witness is sworn and examined in any contested matter or proceeding in any county court such testimony shall be taken by the reporter and in the event of an appeal, shall upon request of any party be transcribed and the stenographic reporter of such court shall receive the fees provided by law for transcripts of testimony in circuit court; provided, that nothing herein shall prohibit the judge in his discretion from causing the testimony to be so reduced to writing even in the absence of an appeal.* In counties having a population of 500,000 or more, the court may order transcripts to be filed in noncontested matters; reporters appointed to the misdemeanor and traffic branches shall report all preliminary examinations held before said courts, but in all cases of prosecutions for misdemeanors, ordinance violations and traffic forfeitures, said reporters shall not be required to report such trial or proceeding, nor shall it be necessary for said judge of said court to take minutes of the evidence given before him; but said misdemeanor or traffic branch judge may * * * require said reporters to report and transcribe the evidence given upon any trial or proceeding, other than preliminary examinations, which may be had before said court. *Any such transcript in a noncontested matter ordered filed by the court shall be paid for by the county treasurer upon the certificate of the clerk of court or register in probate.* Any court reporter or assistant reporter may act in any circuit or county court of the state on request of the judge of that court and with permission of the judge by whom he was appointed.

SECTION 104. 253.35 (2) (b) of the statutes is created to read:

253.35 (2) (b) County court reporters when appointed pursuant to s. 253.345, shall have the powers and duties of registers in probate or deputy registers, as the case may be, and, when appointed pursuant to s. 253.36, shall have the powers and duties of deputy clerks.

SECTION 105. 253.35 (3) of the statutes, as created by chapter 315, laws of 1959, is renumbered 253.35 (3) (a) and amended to read:

253.35 (3) (a) Except as hereinafter provided for reporters in counties having a population of 500,000 or more, every reporter appointed under sub. (1) shall receive from the state the salary specified for him in s. 20.930. The county for which each reporter is appointed shall reimburse the state for one-half of his salary as described in s. 253.07 (1). *The county may pay an equal amount to each county court reporter in addition to that specified in s. 20.930.* If 2 counties share a single reporter, each shall reimburse the state for one-quarter of his salary. *Compensation paid to any assistant reporter appointed under sub. (1) shall be paid by the county.*

SECTION 106. 253.35 (4) of the statutes is amended to read:

253.35 (4) In counties having a population of 500,000 or more every reporter appointed under sub. (1) shall receive the salary specified for him by s. 20.930, directly from the county. The state shall annually reimburse the county for \$3,000 of such salary. The county may pay each

county court reporter * * * *compensation* in addition to that specified in s. 20.930, *but such additional compensation shall be the same for each such reporter*. All reporters of the * * * district, * * * civil, county and children's court of such county who have civil service status in such county on * * * *December 31, 1961*, shall retain such status as reporter in the county court. Such reporters who are members of the county employes' retirement system on said date shall remain as members subject to all provisions of the retirement system law *included in chapter 201, laws of 1937, as amended, and all such reporters thereafter appointed shall likewise be members of said system. In no event shall any of the aforesaid reporters be considered members of the Wisconsin retirement system.*

SECTION 107. 253.35 (6) of the statutes is created to read:

253.35 (6) The provisions of s. 253.08 shall apply with respect to expenses of a county court reporter and assistant reporter.

SECTION 108. 253.36 of the statutes is created to read:

253.36 COUNTY COURT REPORTERS AS DEPUTY CLERKS. A county court reporter or assistant reporter may be appointed a deputy clerk by the clerk of circuit court with the written approval of the county judge of the branch in which he serves, and of the judge or judges of the circuit court. Appointments by the clerk under this section shall be revocable by him at pleasure. Appointments and revocations shall be in writing and shall be filed in the clerk's office.

SECTION 109. 253.40 of the statutes is created to read:

253.40 OFFICE AND RECORDS TO BE KEPT AT COUNTY SEAT. Every county judge in this state shall maintain in his office the books, papers and records of the county court at the county seat of the county in which he holds his office, which office and the books, papers and records thereof shall at all reasonable times be open to access and inspection by any person having any business therewith except as otherwise provided by law. Provision may be made by court rule that duplicate copies of matters within county court jurisdiction, which are heard by branch No. 3 of the Rock county court in Beloit, may be kept in Beloit.

SECTION 110. 255.03 (1) of the statutes is amended to read:

255.03 (1) There shall be 3 jury commissioners in each county appointed as provided in this section. They must be * * * *qualified electors* of the county and possess the qualifications required for jurors by s. 255.01. * * * Jury commissioners shall be appointed by the joint action of the judges of * * * *the circuit and county courts*. One commissioner shall be appointed each year for a term of 3 years commencing on July 1 following such appointment. Appointments shall be made in writing and shall be filed in the offices of the clerks of circuit courts.

SECTION 111. 255.04 (1), (2) (b), (3), (4) and (6) of the statutes are amended to read:

255.04 (1) Petit jurors for all *circuit and county courts* * * * when exercising civil or criminal jurisdiction shall be drawn and obtained as prescribed in ss. 255.04 to 255.07 * * * .

(2) (b) 1. A certified copy of such list, containing the address and occupation of each person named therein, shall be furnished to the clerk of * * * *circuit court* * * * , to be kept by him for the use of the * * * *courts* and for public inspection. The name of each person listed shall be written by a commissioner on separate cards of like weight, size and color and measuring not more than 1 by 3 inches. All cards shall be placed in separate opaque envelopes of like weight, size and color and only large enough to

admit the cards. The commissioners shall provide a master tumbler into which all the cards shall be placed. Such tumbler shall have but one opening, and shall be kept locked at all times, except when the list is being revised or when the jury panel is being drawn therefrom. Such tumbler shall be kept secure by the clerk of * * * circuit court against unauthorized entry therein.

2. *In counties where the total number of branches of circuit and county courts exceeds 10, there shall be 2 master tumblers, one for civil actions excluding ordinance and forfeiture violations, and one for criminal actions and ordinance and forfeiture violations, which tumblers shall be cared for as provided in subd. 1.*

(3) At least 15 and not more than 30 days before the sitting of any court at which a jury is required to attend, *and for which a panel is not available under sub. (6)*, the clerk * * * of circuit court shall in the presence of at least 2 of the commissioners draw 36 names from such tumbler. Before each name is drawn, the tumbler shall be rotated. The clerk shall read each name aloud when drawn and pass the card on which it appears to the commissioners, who shall then cause the name to be written, together with the person's address and occupation, in the order in which it was drawn, upon a panel list provided for that purpose, at the bottom of which the commissioners shall certify that the drawing was in accordance with law. In like manner the clerk shall then draw the names of 18 additional persons, to be recorded upon a reserve-panel list. They shall be summoned in the order in which their names appear on the reserve-panel list in the event and to the extent that the regular panel is inadequate. When summoned, they shall become a part of the regular panel. Such regular and reserve-panel lists shall be kept by the commissioners; and a signed duplicate thereof shall be furnished the clerk of * * * circuit court.

(4) No advertisement of the drawing need * * * be given, but the clerk shall fix the date of the drawing and give 5 days notice thereof to the commissioners. * * *

(6) * * * The judges of * * * the circuit and county courts (or the senior judges thereof in the case of courts having more than one judge) may by joint order direct that the jury lists, panel lists, and reserve-panel lists of their respective courts, or any one or more of such lists, be combined *into one or more lists*, and that the number of names on the combined list be as specified in the order. The order shall designate * * * such modifications of the time of issuance of *venires* under s. 255.08 and time of appearance as are suitable to the needs of the respective courts. *The order may also provide the length of service and the number for each court, or if there is more than one branch of a court, for each branch of that court and further, in counties where the total number of branches of circuit and county courts exceeds 10, may provide that jurors for civil cases except actions arising out of ordinance and traffic forfeiture violations, may have a different length of service than jurors for criminal cases and shall be drawn from the master tumbler for civil actions and that the jurors for criminal actions and all actions arising out of ordinance and traffic forfeiture violations shall be drawn from the master tumbler for criminal actions.* The order may be modified from time to time or revoked by the same authority by which it was promulgated.

SECTION 112. 255.25 of the statutes is amended to read:

255.25 Every grand and petit juror summoned upon any venire shall receive not less than \$4 nor more than \$16, as fixed by the county board, for each day's actual attendance upon any circuit or county court, * * * and 10 cents for each mile actually traveled each day in going and returning by the most usual route; but shall be paid for no day when the court is not in session unless specially ordered by the presiding judge.

SECTION 113. 256.02 (1) and (2) of the statutes are amended to read:

256.02 (1) Every person elected or appointed justice of the supreme court, or judge of the circuit * * * or county court, * * * or justice of the peace, shall take, subscribe, and file the following oath:

STATE OF WISCONSIN, }
County of ----- } ss.

I, the undersigned, who have been elected (or appointed) to the office of -----, but have not yet entered upon the duties thereof, do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin; that I will administer justice without respect to persons and will faithfully and impartially discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this ---- day of -----, 19-----

(Signature)

(2) The judge of any court of record in this state shall be ineligible to hold any office of public trust, except a judicial office, during the term for which he was elected, or appointed * * * .

SECTION 114. 256.02 (4) of the statutes is created to read:

256.02 (4) The county board is prohibited from reducing the salary or additional salary of a county or circuit judge for the term for which elected.

SECTION 115. 256.21 of the statutes is amended to read:

256.21 No judge shall have a partner practicing in the court of which he is a judge; nor shall any judge be directly or indirectly interested in the costs of any action that * * * is brought in the court of which he is a judge except in those actions in which he * * * is a party or * * * is interested. Whenever the judge of any court is related within the third degree of kinship to any litigant or to any attorney or agent or his spouse appearing for one of the litigants in any matter, he shall disqualify himself from acting in such matter and a qualified judge shall be called in such manner as provided by statute upon the filing of an affidavit of prejudice.

SECTION 116. 256.22 of the statutes is repealed and recreated to read:

256.22 JUDGE NOT TO ACT AS ATTORNEY, ETC.; ATTORNEYS NOT TO HAVE OFFICE WITH JUDGE. (1) No judge, while holding such office, shall be in any manner engaged or act as attorney or counsel; and no court commissioner or other judicial officer shall be allowed to give advice to parties litigant in any matter or action pending before such officer, or which he has reason to believe will be brought before him for decision, or draft or prepare any papers or other proceedings relating to any such matter or action except when expressly authorized by law; and no court commissioner or other judicial officer shall be allowed to demand or receive any fees or compensation for services as such commissioner or judicial officer, except those expressly authorized by law, upon penalty, for any violation hereof, of removal from office.

(2) No practicing attorney shall hold his office in the office of the clerk of any court in which he practices nor shall he hold his office in the same room with a judge.

(3) No practicing attorney shall have his office in the same room with any district attorney, municipal justice, justice of the peace, or court commissioner, unless he is a partner of such district attorney, municipal justice, justice of the peace, or court commissioner, in which case he shall not practice as an attorney before such municipal justice, justice of the

peace, or court commissioner nor act as attorney in any case in which it is the duty of such district attorney to appear or prosecute for the state; except that the law partner of any district attorney may, at the request of the district attorney, without fee or compensation therefor, assist the district attorney in the prosecution of any case on the part of the state.

(4) No law partner of any district attorney shall act as a municipal justice, justice of the peace or court commissioner in any case in which the state may be a party or defend in any court any person charged with any offense, or appear in any civil action against the state in which it is the duty of such district attorney to prosecute or appear for the state.

(5) Any attorney who violates any provision of sub. (2), (3) or (4), and any municipal justice, justice of the peace or court commissioner, who violates or knowingly permits any such violation, shall be fined not to exceed \$100 for each such offense.

SECTION 117. 256.24 of the statutes is amended to read:

256.24 The judges of the circuit * * * and county courts * * * and court commissioners shall be held personally liable to any party injured for any wilful violation of the law in granting injunctions and appointing receivers, or for refusing to hear motions to dissolve injunctions and to discharge receivers; provided, such motions are made in accordance with the rules of law or such rules as * * * are promulgated by the supreme court.

SECTION 118. 256.33 and 256.335 of the statutes are repealed.

SECTION 119. 261.05 of the statutes is amended to read:

261.05 CHANGE OF VENUE BETWEEN COUNTY AND CIRCUIT COURTS. When the parties or their attorneys * * * so stipulate in writing, the place of trial of any civil action, over which the circuit and * * * county courts have concurrent jurisdiction, shall be changed from the circuit court to the * * * county court or from the * * * county court to the circuit court; and filing such stipulation shall change the place of trial accordingly.

SECTION 120. 261.07 of the statutes is amended to read:

261.07 JUSTICE COURT APPEALS; CHANGE OF VENUE. The appellate court shall change the place of trial of any action commenced before a justice of the peace * * * upon application of the defendant in like manner and for like causes as in actions originally brought in the circuit court. The demand for consent to such change shall be made within 10 days after the defendant has notice of the appeal.

SECTION 121. 261.08 (1), as amended by chapter 140, laws of 1961, and (3) of the statutes are amended to read:

261.08 (1) Upon the application of any party, who files his affidavit, that he has good reason to, and does believe, that he cannot have a fair trial on account of the prejudice of the judge, naming him, the court shall request the * * * chief justice of the supreme court or other designated justice to call some other circuit judge to attend and hold court during the current or next term for the purpose of exercising jurisdiction in all actions and proceedings in which applications for change of the place of trial have been made for such reason. And while so in attendance said judge may make all orders and hear all applications and motions that may be brought on for hearing. If no other judge can hold court for such purpose, at either of such terms, an order changing the place of trial shall be entered on the first day of the next term. In no event, however,

shall a judge against whom an affidavit of prejudice has been filed be allowed to choose the successor judge.

(3) * * * The affidavit * * * must be filed and motion thereon made on or before the first day of the term, at which the case is triable, or within 10 days after the case is noticed for trial; * * * *except that if* the judge so named is the judge of some other circuit, the affidavit must be filed and * * * *a copy thereof mailed to such judge at least 5 days* before any proceeding is had *before him* in the case in which such affidavit is filed, *including any motion upon the affidavit.* * * * The filing of such affidavit shall not deprive the presiding judge of the circuit, or of the branch of a circuit court in which the case is pending, of jurisdiction to determine pending motions made by the party filing such affidavit. No such affidavit shall name more than one circuit judge, except that in a circuit court consisting of more than * * * 3 branches such affidavit may, *in cases other than those assigned to and pending in the criminal branches thereof,* name 2 judges of said circuit court.

SECTION 121m. 261.12 of the statutes is repealed.

SECTION 122. 268.26 (1) of the statutes is amended to read:

268.26 (1) At any time, during the proceedings, upon application to the court and presentation of satisfactory evidence of the absentee's death, the court may make a final finding and decree that the absentee is dead; in which event the decree and a transcript of all of the receivership proceedings shall be certified to the * * * *proper* court for any administration required by law upon the estate of a decedent, and the receivership court shall proceed no further except for the purposes set forth in s. 268.28 (1) and (3).

SECTION 123. 268.28 (1) (b) of the statutes is amended to read:

268.28 (1) (b) By then certifying the proceedings to the * * * *proper* court; or

SECTION 124. 268.31 (1) of the statutes is amended to read:

268.31 (1) In each case of termination of receivership as provided in s. 268.28, the court, except in cases where the proceedings have been certified to the * * * *proper* court under s. 268.26 (1), shall set aside the sum there named and direct its payment by the receiver, to the state treasurer.

SECTION 125. 269.29 of the statutes is amended to read:

269.29 Where an order or proceeding is authorized to be made or taken by the court it must be done by the court in session; where an order or proceeding is authorized to be made or taken by the presiding judge or the circuit *or county* judge, using such words of designation, no * * * court commissioner can act. Except as so provided or otherwise expressly directed a county judge or court commissioner may exercise within his county the powers and shall be subject to the restrictions thereon of a circuit judge at chambers but such orders *of a court commissioner* may be reviewed by the court. The court may make any order which a judge or court commissioner has power to make.

SECTION 126. 270.12 (4) of the statutes is amended to read:

270.12 (4) The clerk shall prepare a calendar for each term of the circuit court of all actions which are for trial as shown by the notices filed including those covered by sub. (3), containing the title of each action, and the names of the attorneys, and arranged as follows: (a) criminal cases in the order of filing, (ab) prosecutions for violations of municipal

ordinances and appeals thereof from * * * *county* and justice courts to the circuit courts, (b) civil jury issues, (c) issues of fact for court, and (d) issues of law in the order in which notice of trial was filed. The calendar shall be disposed of in the above order unless for convenience of parties, the dispatch of business, or the prevention of injustice, the presiding judge * * * otherwise * * * *directs*.

SECTION 127. 270.125 (3) of the statutes is amended to read:

270.125 (3) The criminal cases, ordinance violation cases and appeals thereof from * * * *county* and justice courts and the first 6 civil cases on the calendar shall be subject to call for trial upon the first day of the term. The clerk shall each day make up the following day's calendar, upon which he shall place such cases as the presiding judge * * * *directs*.

SECTION 128. 270.70 of the statutes is amended to read:

270.70 The filing of the judgment or order of *either the circuit or county court* in the office of the clerk constitutes the entry of the judgment or order.

SECTION 129. 271.21 of the statutes, as repealed and recreated by chapter 315, laws of 1959, is amended to read:

271.21 In each civil action, special proceeding, except probate proceedings, and cognovit judgment in the circuit or county court, excluding all matters brought into the probate branches, a suit tax of \$5 shall be paid at the time the action is commenced, except that in actions by small claim type procedure and forfeiture actions in the county court, the tax shall be \$1. *A municipality need not advance the \$1 tax but shall be exempt from payment of such tax until the defendant pays costs pursuant to s. 299.25.* The tax paid in circuit courts shall be paid into the state treasury; the tax paid in county courts shall be paid one-half into the state treasury and one-half into the county treasury.

SECTION 130. 271.25 (intro. par.) of the statutes is amended to read:

271.25 (intro. par.) In any civil action or proceeding tried in a circuit or *county* court of this state, either by or against the state or any of the state officers in their official capacity, or any of the state commissions, under the provisions of the statutes, there shall be repaid out of the state treasury to said county upon the certificate of the presiding judge and the clerk of said court and the approval of the attorney general and the audit of the * * * *department of administration*:

SECTION 131. 276.14 (1) of the statutes is amended to read:

276.14 (1) In partition, a widow's and a widower's homestead under s. 237.02 (2) shall be deemed life estates. If part of the premises is subject to a life estate which has not been set off the commissioners shall first set off the same to the party entitled thereto and thereafter they shall, in dividing said real estate, include and partition the reversionary interest in the real estate which is subject to a life estate determining the value of such reversionary interest for the purpose of such partition, by deducting from the entire value of the land, the value of the life estate ascertained according to s. 314.06, and they may allot the whole or any part of such reversionary estate to any of the parties to the action in severalty, as the whole or as a part of his share. * * * This section shall also apply to the distribution of the surplus where the homestead is sold in * * * *county* court to pay mortgage indebtedness.

SECTION 132. 276.45 of the statutes is amended to read:

276.45 Whenever any general guardian residing in or out of this state, * * * *applies* in writing to the circuit or *county* court of the county in which the lands of his ward lie, stating that such ward owns interest in lands in such county which authorize such ward to bring an action for partition and that the interest of such ward or of any other person in such lands requires partition, the court shall inquire into the circumstances; and after a hearing the court may authorize such guardian to agree upon a partition or a sale of the whole interest of such ward in such lands or of such part thereof as, in the opinion of the court, shall be capable of partition, or as shall be most for the interest of such ward to have sold. The application by a foreign guardian shall be accompanied with a certified copy of his appointment and bond.

SECTION 133. 276.48 of the statutes is amended to read:

276.48 When any lands shall be held by the state and by individuals as tenants in common proceedings for the partition thereof may be had against the state in the circuit or *county* court in the same manner as against individuals, and the like orders and judgments shall be had therein, and the proportion of the costs and expenses of such partition, adjudged to be paid by the state, shall be certified by the attorney general and paid out of the state treasury on the warrant of the * * * *department of administration*. The summons and all notices required to be served shall be served on the attorney general, who shall appear in behalf of the state and attend to its interest.

SECTION 134. 276.50 of the statutes is amended to read:

276.50 In case of disagreement between owners of water power or of any rights or interests therein, respecting their rights as owners, or the use of the waters of such power, or the expense of repairs of dams or other structures required for the operation, maintenance or preservation of the same, or other necessary expenses incident to the care, management, maintenance or preservation of such water power either party may bring an action in the circuit or *county* court as provided in ss. 276.50 to 276.54 for a determination of such matters of disagreement or for a partition of any property pertaining to such water power held by the owners as joint tenants or tenants in common.

SECTION 135. 276.53 (2) of the statutes is amended to read:

276.53 (2) If the place of trial of such action is changed and a judgment is rendered in any county other than that in which the water power is situated and the judgment roll therein or a certified copy thereof is afterwards transmitted to the clerk of the circuit court of the county wherein such water power is situated all subsequent proceedings in the action may be had in the * * * county wherein such water power is situated.

SECTION 136. 276.55 of the statutes is amended to read:

276.55 In case of disagreement between riparian owners concerning their rights or interests in the water frontage and in any river or lake and the right to the use of such waters and the construction of docks therein, one or more of such owners, whether they own separately, jointly or as tenants in common, may bring an action * * * under the declaratory judgments act, s. 269.56, for a determination of any or all such matters of disagreement and for a determination of the respective riparian boundaries, and the amount of water frontage each owner is entitled to, and all owners that have water frontage and riparian rights on the same shore may join as plaintiffs or be made parties defendant.

SECTION 137. 279.01 of the statutes is repealed and recreated to read:

279.01 INJUNCTION. Injunctions may be granted to stay or prevent waste.

SECTION 138. 280.10 of the statutes is amended to read:

280.10 Whenever a nuisance, as defined in s. 280.09, exists the district attorney or any citizen of the county may maintain an action in the circuit or county court in the name of the state to abate the nuisance and to perpetually enjoin every person guilty thereof from continuing, maintaining or permitting such nuisance. All temporary injunctions issued in such actions begun by district attorneys shall be issued without requiring the undertaking specified in s. 268.06, and in actions instituted by citizens it shall be discretionary with the court or presiding judge to issue them without such undertaking. The conviction of any person, of the offense of lewdness, assignation, or prostitution committed in the building or part of a building, erection or place shall be sufficient proof of the existence of a nuisance in such building or part of a building, erection or place, in an action for abatement commenced within 60 days after the conviction.

SECTION 139. 281.30 (1) of the statutes is amended to read:

281.30 (1) When all or part of the area of any city block is affected by restrictive deed provisions, restrictive covenants or agreements, and when the first said restriction affecting said property has existed for 30 years or more, and when 75 per cent or more of the area of said city block has not been developed with buildings of the type allowed by said restrictions, the owner of any part of said block may commence an action in the circuit or county court of the county where said land lies to remove said restrictive deed provisions, restrictive covenants or agreements. All adjacent property owners shall be named as defendants and shall be served with a copy of the complaint.

SECTION 140. 286.32 (intro. par.) of the statutes is amended to read:

286.32 JURISDICTION. * * * Courts shall have jurisdiction over directors, managers, trustees and other officers or corporations:

SECTION 141. 286.41 of the statutes is amended to read:

286.41 If such dissolution action * * * is pending in the circuit or county court the receiver shall be appointed by the judgment or by an order founded thereon. If it * * * is pending in the supreme court then, upon the entry of a judgment of dissolution, the attorney general shall commence an action in the circuit or county court for the appointment of a receiver and the winding up of the affairs of the corporation; and it shall be deemed to exist until a receiver shall be invested with its property but shall not be able to do any act or thing other than to transfer its assets to such receiver.

SECTION 142. 287.17 of the statutes is amended to read:

287.17 No action shall be commenced against an executor or administrator, excepting actions for the recovery of specific property, or actions to establish, enforce or foreclose a lien on property, or to quiet title or remove a cloud on title, to construe wills, enforce the liability of stockholders, to avoid fraudulent conveyances, to pass the title to real property and other actions in which the county court in probate cannot afford a remedy as adequate, complete, prompt or efficient as the circuit or county court. Nor shall any attachment or execution be issued against the estate of the decedent or the executor or administrator, until the expiration of the time limited for the payment of debts, except as provided in ss. 266.25 and 272.14.

SECTION 143. 288.19 of the statutes is amended to read:

288.19 Whenever property * * * is forfeited to this state or to any officer for its use, an action for the recovery of such property may be brought in the circuit *or county* court.

SECTION 144. 288.195 of the statutes is created to read:

288.195 CLERK'S FEES. (1) In forfeiture actions for violations of ordinances other than those provided in ss. 345.20 to 345.46 on default of appearance or on a plea of guilty or nolo contendere, the clerk's fee shall be not more than \$2, but if it is necessary to issue a warrant or summons and the action tried as a contested matter, additional fees may be added not to exceed \$3.50, except that a municipality need not advance such fees, but shall be exempt from payment of fees until the defendant pays costs pursuant to this section.

(2) In contested matters in which the municipality prevails, costs shall be allowed to the municipality not to exceed \$15.

SECTION 145. 289.20 of the statutes is amended to read:

289.20 (1) An action to enforce any lien mentioned in s. 289.18 may be brought in the circuit court of the county where the petition is filed, when the amount claimed * * * exceeds \$100, or before any * * * *county* court or justice of the peace having jurisdiction of the amount claimed in the county in which such petition is filed. Such claim shall cease to be a lien unless an action to foreclose it is commenced within 4 months after filing such petition. If the claim * * * is not due at the time of filing such petition the time when the same will become due shall be stated therein, and in such case such claim shall not cease to be a lien until 30 days after the claim * * * has become due and until 4 months after the filing of such petition.

(2) Where the property subject to such lien has been taken from the county where such work was done the lienor may bring an action to foreclose the lien in any county where said property may be found. In all foreclosure actions the person liable for such claim shall be made defendant and any other person claiming to own or have any interest in such property may be made a defendant, but shall not be liable for costs unless he defends the action. In actions appealed from * * * justice court no change of venue shall be allowed except for prejudice of the judge or of the people.

SECTION 146. 289.53 (3) and (4) (a) of the statutes are amended to read:

289.53 (3) If the contractor disputes the claim, the right to a lien and to the moneys in question shall be determined in an action brought by the lien claimant or the contractor in the circuit *or county* court. If the action is not brought within 3 months from the time the notice required by sub. (1) is served, and notice of bringing such action filed with the officer with whom the claim is filed, such lien rights are barred.

(4) (a) When the total of such lien claims exceeds the sum due the contractor, the rights of the lien claimants shall be determined in an action brought by lien claimants or the contractor in the circuit *or county* court. The state may be made a defendant if money is due from it.

SECTION 147. 289.535 (5) of the statutes is amended to read:

289.535 (5) (a) For the purpose of administering this section, sworn statements of the contractor setting forth the unpaid lien claims, filed or fileable under s. 289.53, may be accepted by the proper officer, board, department or commission, unless the judgment creditor or other interested person gives written notice that an action is pending in circuit *or county*

court to determine whether specified lien claims were incurred in performing the public work and the amount thereof, or to determine priorities; in which event payments shall await the result of such action.

(b) Within 10 days after the filing of the certified copy of judgment under sub. (2), the contractor shall file the sworn statement above mentioned, in duplicate, with the proper officer, board, department or commission, who shall immediately furnish the judgment creditor with one of said statements, and said judgment creditor shall have 10 days from the receipt thereof in which to serve the notice of pendency of the * * * court action as aforesaid.

SECTION 148. 291.05 of the statutes is amended to read:

291.05 The plaintiff shall file with * * * *the county court or with a municipal justice of the city, town or village where the premises are located*, a complaint signed by him, his agent or attorney, giving therein a description of the premises of which possession is claimed, stating the facts which authorize the removal of the defendant, naming him, and praying for his removal. *If the complaint is filed in the county court the provisions of ch. 299 with respect to pleading and practice shall apply. If the complaint is filed with a municipal justice*, the justice shall thereupon issue a summons, directed to the sheriff or any constable of the county, commanding him to summon the defendant to appear before him on a day in such summons named, which shall not be less than 6 nor more than 15 days from the day of issuing the same and shall deliver the summons and complaint to such officer. * * *

SECTION 149. 301.245 of the statutes is amended to read:

301.245 In counties having a population of less than 500,000, * * * the defendant in any action brought in justice court may, on the return day of the process, transfer the cause to the * * * county court of said county. Upon receipt of such a request, accompanied by a fee of \$1, the justice shall forthwith transmit all the papers in the cause to the clerk of said court.

SECTION 150. 307.02 (1) (b) of the statutes is repealed.

SECTION 151. 307.02 (1) (a) of the statutes is renumbered 307.02 (1).

SECTION 152. 310.06 (2) of the statutes is amended to read:

310.06 (2) Upon request of the petitioner or his attorney the judge of the county court in which the estate is pending may by order direct that proof of heirs or proof of will, if uncontested, may be taken in open court by the county judge of any county in this state, or by a judge having probate jurisdiction in any other state or territory of the United States, for use in the court having jurisdiction of such probate proceeding provided no guardian ad litem objects to such procedure. * * * No will shall be removed for the taking of a deposition or other proof until the time fixed for proving the will.

SECTION 153. 326.01 (1) of the statutes is amended to read:

326.01 (1) An oath or affidavit required or authorized by law (except oaths to jurors and witnesses on a trial and such other oaths as are required by law to be taken before particular officers), may be taken before any judge, court commissioner, resident United States commissioner who has complied with s. 235.19, clerk, deputy clerk or calendar clerk of a court of record, notary public, town clerk, village clerk, city clerk, justice of the peace, * * * *including any municipal justice*, county clerk or his deputy within the territory in which such officer is authorized to act; and,

when certified by such officer to have been taken before him, may be read and used in any court and before any officer, board or commission. Oaths may be administered by any person mentioned in s. 325.01 (3) and (4) to any witness examined before him.

SECTION 154. 343.10 (1) of the statutes, as amended by chapters and , laws of 1961 (Bill Nos. 436, A., and 444, A.), is amended to read:

343.10 (1) If a person has had his chauffeur's license revoked he may file a petition with the commissioner for a limited chauffeur's license as provided in s. 343.126. If a person has had his license revoked under ss. 343.30, 343.31 and 343.32, and if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, he may after complying with sub. (2) file with a judge of a court of record * * * having criminal jurisdiction in the county of residence a verified petition setting forth in detail his need for operating a motor vehicle. Thereupon, if the petitioner has not been convicted of any other offense requiring the revocation of his license or resulting in an order revoking his license within the 18-month period immediately preceding the present conviction, the judge may order the commissioner to issue an occupational license to such person. The order for issuance of an occupational license shall contain definite restrictions as to hours of the day (not to exceed 12), type of occupation and areas or routes of travel to be permitted under the license. If the petitioner holds a valid chauffeur's license at the time of filing petition the order for issuance shall further restrict operation under the occupational license to travel only between the licensee's place of residence and his place of employment (in addition to operation permitted under the chauffeur's license). A copy of the petition and the order for the occupational license shall be forwarded to the department. No order for an occupational license shall be issued until at least 90 days have elapsed since the date of conviction or, in the case of an appeal which is subsequently dropped or affirmed, until at least 90 days have elapsed since the date of revocation following the dropping or affirmance of the appeal.

SECTION 155. 960.02 of the statutes is repealed.

SECTION 156. 960.03 of the statutes is amended to read:

960.03 All provisions of ch. 954 relating to complaints, warrants and summonses shall apply to proceedings under this chapter. * * *

SECTION 157. 990.01 (17m) of the statutes is created to read:

990.01 (17m) JUSTICE OF THE PEACE. "Justice of the peace" includes municipal justices of the peace.

SECTION 158. Chapter 120, private and local laws of 1870, as amended by chapter 471, private and local laws of 1871 and chapter 417, laws of 1917, is repealed.

SECTION 159. The town board of any town, the village board of any village, and the common council of any city, wherein there is a town, village or city police justice of the peace, may provide for the establishment of the office of municipal justice of the peace to become operative on the first Monday in January, 1962. All actions, proceedings and other matters pending before any police justice on December 31, 1961, in a town, village or city in which provision is made for a municipal justice of the peace to succeed him, shall be transferred to such municipal justice on the first Monday in January, 1962.

SECTION 160. All statutory courts except as provided in chapter 315, laws of 1959, as amended, are abolished effective the first Monday in January 1962. All actions, proceedings and other matters pending in those

courts on December 31, 1961, which are within the jurisdiction of the county court under sections 253.10 to 253.14 of the statutes, as created by chapter 315, laws of 1959, and amended by this act, are transferred to the county court.

All actions, proceedings and other matters not within such jurisdiction are transferred to the circuit court. All records and files of statutory courts which are abolished shall be transmitted to the clerk of circuit court.

SECTION 161. All special or local acts conferring jurisdiction on county courts are repealed, effective the first Monday in January 1962. All actions, proceedings and other matters pending in the county courts on December 31, 1961, which are not within their jurisdiction under sections 253.10 to 253.14 of the statutes, as created by chapter 315, laws of 1959, and amended by this act, are transferred to the circuit court.

SECTION 162. Branches 1 and 2 of the municipal court of the city and county of Milwaukee are constituted the 11th and 12th branches of the 2nd judicial circuit effective the first Monday of January, 1962.

SECTION 163. The amendments to sections 247.13 (1), 252.14 (1), and 255.03 (1) of the statutes, by chapter 495, laws of 1961 (Bill No. 116, S.), shall not affect the terms of any family court commissioners, court commissioners, or jury commissioners in office on January 1, 1962.

SECTION 164. This act shall take effect on the first Monday in January, 1962, except SECTION 159 which shall take effect upon passage and publication.

Approved September 15, 1961.
