

No. 225, S.]

[Published June 30, 1953.

CHAPTER 327

AN ACT to repeal 252.07 (1), (5), (6), (7) and (8); to renumber 252.07 (10); to renumber and amend 252.07 (2), (3), (4), (9) and (11); to amend 59.39 (11), 254.28, 262.04, 271.21 and 306.02 (1); and to create 20.661, 252.01 (Second Circuit) (tenth line) and 252.016 (1) of the statutes, relating to the state suit tax and an additional branch in the second judicial circuit and powers and duties of circuit courts in the second and ninth judicial circuits.

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

SECTION 1. 20.661 of the statutes is created to read:

20.661 ADDITIONAL JUDICIAL CIRCUITS AND BRANCHES. There is appropriated from the general fund annually the amounts transferred to this appropriation under the provisions of s. 59.39 (11). At the close of each fiscal year the director of budget and accounts shall transfer from this appropriation to the general fund the amounts expended under s. 20.66 for any judicial circuit created after January 1, 1953.

SECTION 2. 59.39 (11) of the statutes is amended to read:

59.39 (11) Quarterly, on the first day of January, April, July and October, or within 5 days thereafter, pay to the treasurer of his county for the use of the state the state tax

of \$1 required by law to be paid to him on every civil action which has been entered in the circuit court of his county during the 3 months ending on the last day of the month immediately preceding, and take duplicate receipts from the county treasurer for the sums so paid; and within 10 days thereafter forward to the director of budget and accounts one of said receipts, with a statement on oath of the number of such actions entered in said court during said 3 months. *This tax is increased from \$1 to \$5 effective July 1, 1953, to provide revenues to pay for the state's share of the costs of the tenth branch of the second judicial circuit. Any revenues accruing from the increased tax in excess of the amount required to finance the costs of the tenth branch of the second judicial circuit shall be credited by the director of budget and accounts on June 30 of each fiscal year to the appropriation made by s. 20.661 to be used to finance any future additional branch of a judicial circuit or any additional judicial circuit.*

SECTION 3. 252.01 (Second Circuit) (tenth line) of the statutes is created to read:
252.01 (Second Circuit) (tenth line)
Tenth branch. A.D. 1961

SECTION 4. Judge for the tenth branch of the second judicial circuit shall be elected at an election to be held in the several towns, wards and precincts of said circuit on the first Tuesday of April, 1954, which election shall be conducted, and the votes given thereat canvassed, in all respects in accordance with the existing laws provided for the election of circuit judges. The term of office of the judge chosen at such election shall commence on the first Monday of May, 1954, and expire on the first Monday of January, 1961. Notice of such election shall be given as now provided by law for the election of circuit judges.

SECTION 5. 252.07 (1), (5), (6), (7) and (8) of the statutes are repealed.

SECTION 6. 252.07 (2) of the statutes is renumbered 252.015 and is amended to read:
252.015 EACH BRANCH A CIRCUIT COURT. Each * * * *branch of circuit court* constitutes a * * * court with all the powers and jurisdiction possessed by circuit courts in circuits having one judge only, and may be designated in all papers and proceedings either by its respective number or by the name of its presiding judge.

SECTION 7. 252.016 (1) of the statutes is created to read:
252.016 SECOND CIRCUIT; DOMESTIC CONCILIATION. (1) APPLICATION OF SECTION. This section shall apply only to the second judicial circuit.

SECTION 8. 252.07 (3) of the statutes is renumbered 252.016 (2), and (a) thereof is amended to read:

252.016 (2) JUDGES CONFER, MAKE RULES; FAMILY COURT BRANCH. (a) The * * * judges * * * shall meet * * * and divide the business of the whole circuit, apportioning to each branch its due portion thereof, and to that end they may make such rules and institute such measures as they shall determine will promote justice and expedite business.

SECTION 9. 252.07 (4) of the statutes is renumbered 252.016 (3) and amended to read:

252.016 (3) COURT ROOM; OFFICES; SALARY FROM COUNTY. * * * The county board shall provide suitable court rooms and offices, the sheriff shall provide the necessary deputy sheriffs as attending officers and the clerk of the circuit court shall provide a sufficient number of deputy clerks for all the judges and branches of said court * * *. The county shall pay to each such judge a salary of \$1,000 per annum *and may pay to each judge an additional \$1,000 per annum*, payable monthly out of the county treasury * * *, in addition to the salary paid him out of the state treasury *and any amount paid him by authority of s. 252.071.*

SECTION 10. 252.07 (9) of the statutes is renumbered 252.016 (4), and (a) (introductory paragraph) and (e) thereof are amended to read:

252.016 (4) DEPARTMENT OF DOMESTIC CONCILIATION. (a) (introductory paragraph) * * * There is created a department of domestic conciliation. Said department shall be under the direction and supervision of a director of domestic conciliation. Said director of domestic conciliation, through his respective assistants shall:

(e) The county board of supervisors of such county shall provide for such assistants, stenographic and otherwise, as shall be necessary to assist the director of domestic conciliation in carrying out the purpose of subs. * * * (4) to (6) particularly in regard to the proper disposal of domestic complaints. Such director and all other persons in said department shall be appointed by the judges of the family court branches of the circuit court under the laws governing civil service in such county, except in cases otherwise expressly provided for.

SECTION 11. 252.07 (10) of the statutes is renumbered 252.016 (5).

SECTION 12. 252.07 (11) of the statutes is renumbered 252.016 (6) and amended to read:

252.016 (6) CIVIL SERVICE. The board of supervisors and county civil service commission shall make suitable reclassifications in positions in said county to accomplish the purpose of subs. * * * (4) to (6).

SECTION 13. 254.28 of the statutes is amended to read:

254.28 In any proceeding commenced before the small claims court where it shall appear that such matter is without jurisdiction of the small claims court the judge shall immediately make entry thereof in the docket and cease further proceedings in the matter; he shall collect from the plaintiff * * * \$5 for state suit tax and \$2 for clerk's fees and certify and return to the clerk of the circuit court a transcript of the docket relating to the proceeding, and all process and other papers therein, and pay to the clerk said state tax and clerk's fees and thereafter proceedings shall be had in the circuit court as if the matter had been originally commenced therein.

SECTION 14. 262.04 of the statutes is amended to read:

262.04 The summons must be filed with the clerk, and a state tax on the action of * * * \$5 paid within 10 days after the service of an answer or demurrer; or if no answer or demurrer be served at the time of applying for judgment. Otherwise the action shall be dismissed on motion of any defendant unless the plaintiff shall pay the tax and \$5 costs of motion.

SECTION 15. 271.21 of the statutes is amended to read:

271.21 In each action, *special proceeding and cognovit judgment* in a court of record having civil jurisdiction there shall be levied a tax of * * * \$5 which shall be paid to the clerk at the time of the commencement thereof, which tax on * * * *such matters* in the circuit court shall be paid into the state treasury and form a separate fund to be applied to the payment of the salaries of the circuit judges; and which tax in other courts of record the salaries of the judges of which are wholly paid by the counties or by any county and city jointly shall be paid to the county treasurer to create a fund to be applied to the payment of the salaries of such judges.

SECTION 16. 306.02 (1) of the statutes is amended to read:

306.02 (1) The appellant must, within 20 days after being served with written notice of entry of judgment, but not more than 90 days after such entry, present to the justice having custody of the docket, a notice of appeal, and an affidavit that the appeal is made in good faith and not for the purpose of delay; and he must pay him his fees in the action, and \$1.50 for his return and * * * \$5 for state tax and \$2 for clerk's fees.

Approved June 26, 1953.
