

No. 711, S.]

[Published November 28, 1953.

**CHAPTER 666**

AN ACT to amend 254.28 and 306.02 (1) of the statutes, as amended by chapter 327, laws of 1953, for the purpose of reconciling conflicts as to state suit tax and clerk's fees.

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

SECTION 1. 254.28 of the statutes, as amended by chapter 327, laws of 1953, 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 \* \* \* *the state suit tax and 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 2. 306.02 (1) of the statutes, as amended by chapter 327, laws of 1953, 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 \* \* \* \$2 for his return \* \* \*, *plus state tax and clerk's fees.*

Approved November 20, 1953.

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