

No. 391, S.]

[Published August 3, 1955.]

CHAPTER 492

AN ACT to amend 261.12 of the statutes, relating to the filing fees of cases transferred from circuit to civil court.

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

261.12 of the statutes is amended to read:

261.12 Whenever the circuit court of Milwaukee county shall determine that due to congestion there is delay in the trial of actions and proceedings pending in said court, or for any other reason it shall appear that the prompt and efficient administration of justice will be promoted by the transfer of certain cases pending in said court, said court shall, unless by reason of consolidation of trials it will be in the interest of justice to retain the cause in said circuit court, by proper order upon its own motion or upon the application by any party, transfer to the civil court of Milwaukee county any action or proceeding pending in said circuit court within the classification of actions or proceedings enumerated in ss. 300.05 and 300.06 (2) and (4) in which action or proceeding the amount claimed or involved does not exceed the sum of \$10,000. Actions and proceedings so transferred shall be entitled to the same place for trial on the civil court calendar as if originally commenced there; and shall be heard, tried and determined in said civil court in the same manner and upon the same conditions, except as to appeal, as if said actions have been held for trial in the circuit court. Costs in actions transferred to the civil court hereunder shall be taxed therein in accordance with the practice in that court, except that the prevailing party may include disbursements incurred before the transfer of the cause taxable in his favor under the circuit court practice. *The clerk of the circuit court shall on such transfer of its record, pay to the clerk of the civil court, the sum of \$5, out of the filing fee originally received from the litigants in said action.*

Approved July 22, 1955.