

No. 282, S.]

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CHAPTER 315

AN ACT to repeal 62.24 (2) (d), (4) (b) and (5), 252.13, chapter 253 (except s. 253.29) and 300.05 (8), (9) and (10); to renumber 300.05 (12) and (13); to renumber and amend 8.04 and 62.24 (4) (a); to amend 57.025 (2), (3), (4), (5), and (9), 57.06 (4), 61.305 and 62.24 (1) (a) and (b), (2) (a), (b), (c) and (e) and (3) (a), (c) and (e) and 252.015; to repeal and recreate 252.031, 271.21 and 960.01; and to create 8.04 (1), 20.265, 20.930 (1) (a) (lines 14a and 14b), 60.595, 62.24 (2) (a) 2 to 8, 251.182, 251.183, 251.184, 252.017, 253.01, 253.02, 253.05, 253.06, 253.07, 253.10 to 253.14, 253.16, 253.18, 253.19, 253.30 to 253.33, 253.35, 288.105 and 300.06 (5) of the statutes, relating to reorganization of the courts into a system consisting of a supreme court, circuit courts, county courts and justices of the peace.

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

SECTION 1. 8.04 of the statutes is renumbered 8.04 (2) and amended to read:

8.04 (2) When 2 or more judges of the same court are to be elected on the same day the notice shall state the names of the judges whose successors are to be elected and the number *and name, if there is one,* of the branch presided over by each. One ballot box shall be used and the official ballot shall contain the names of all candidates for such successions, shall state the number of judges to be elected and the number of candidates for whom each elector may vote, and shall designate each candidacy as "For Circuit (or County) Judge to succeed -----, Branch No. -----,

(name of branch)." Each elector may vote for one candidate for each branch or judge of the court required to be filled, and the person receiving the highest number of votes for judge of either of such branches shall be declared elected.

SECTION 2. 8.04 (1) of the statutes is created to read:

8.04 JUDICIAL ELECTIONS, MULTI-JUDGE COURTS. (1) When there are 2 or more judges of the same court the notice shall state the number of the branch presided over by the judge to be elected and, if that branch has been designated by statute or court rule by a particular name, by its name also.

SECTION 3. 20.265 of the statutes is created to read:

20.265 COUNTY COURTS. (1) JUDGES AND REPORTERS. There are appropriated from the general fund, annually, such sums as may be necessary, for salaries and expenses of the judges, reporters and assistant reporters of the county courts, upon vouchers duly verified and certified by said judges, respectively, and filed with the director of budget and accounts.

SECTION 4. 20.930 (1) (a) (lines 14a and 14b ) of the statutes are created to read:

20.930 (1) (a)

14a	20.265 (1)	County judge -----	\$12,000
14b	20.265 (1)	County court reporter -----	\$ 6,000

SECTION 4m. 57.025 (2), (3), (4), (5) and (9) of the statutes are amended to read:

57.025 (2) JURISDICTION OF CRIMINAL BRANCHES OF CIRCUIT COURT AND MISDEMEANOR AND TRAFFIC BRANCHES OF COUNTY COURT. The \* \* \* *criminal branches of the circuit court* and the \* \* \* *misdemeanor and traffic branches of the county court*, respectively, shall have charge of persons on probation from each such court under this section and under ss. 57.01 and 57.04.

(3) The judges of the \* \* \* *criminal branches of the circuit court* and \* \* \* *the misdemeanor and traffic branches of the county court* shall have authority to impose any conditions which may in their discretion appear to be reasonable and appropriate in granting probation as provided in ss. 57.01 and 57.04.

(4) The *senior judge* of the \* \* \* *criminal branches of the circuit court* shall appoint a chief probation officer for said courts. The chief and additional probation officers shall receive such salaries and necessary expenses as determined by the county board. They shall be officers of both courts but subject to the control of the \* \* \* *senior judge of the criminal branches of the circuit court*, except as to matters pertaining exclusively to the probationers of the \* \* \* *misdemeanor and traffic branches of the county court*, as to which \* \* \* *such courts* shall have control. The chief shall have power to arrest and shall execute the orders of such courts affecting their probationers.

(5) Additional probation officers may be appointed by the *senior judge* of the \* \* \* *criminal branches of the circuit court*. They shall be subordinate to the chief and shall have power to arrest. \* \* \* *Such judge* may appoint one of them as deputy chief probation officer to perform the duties of the chief during his absence or inability to perform them.

(9) When a person is convicted of a misdemeanor or violation of a county or city ordinance, the \* \* \* *misdemeanor or traffic branch of the county court* or the \* \* \* *criminal branches of the circuit court* may place him on probation as prescribed by s. 57.04 (1) for not to exceed 2 years and upon such conditions as the court determines, including the payment of a fine. He may be returned to the court for sentence at any time within the probation period. Upon the expiration of such period or before, he may be sentenced or discharged or continued under probation subject to like sentence or discharge or probation.

SECTION 4r. 57.06 (4) of the statutes is amended to read:

57.06 (4) (a) Any person convicted in the \* \* \* *misdemeanor and traffic branches of the county court* and any person convicted in the \* \* \* *criminal branches of the circuit court* in counties having a population of 500,000 or more and sentenced to 2 years or less in the house of correction and any person committed to said house of correction for treatment and rehabilitation for alcoholism or narcotic addiction, who during the period of confinement or treatment appears to have been rehabilitated or cured to the extent, in the opinion of the superintendent of said house of correction or the person in charge of treatment and rehabilitation of a prisoner at said institution, that the prisoner may be released, said prisoner may be released upon conditional parole.

(b) Application for such conditional parole shall be made in writing by the superintendent of the house of correction. Application for such conditional parole shall be made to the judge of such \* \* \* *misdemeanor and traffic branches of the county court* or \* \* \* *criminal branches of the circuit court*, as the commitment may require, stating the facts justifying the application. Said \* \* \* *misdemeanor and traffic branches of the county court* or \* \* \* *criminal branches of the circuit court* shall proceed to take testimony in support of the application. If the judge \* \* \* *is* satisfied from the evidence that there is good reason to believe that the prisoner has been rehabilitated or cured to the extent that he may be released and that proper provision for employment and residence has been made for the prisoner, the judge may order his release on parole to the superintendent of said house of correction or the probation department of the \* \* \* *criminal branches of the circuit* or \* \* \* *misdemeanor and traffic branches of the county court* on such conditions to be stated in the order of release as the judge \* \* \* *determines*. In the event of violation of any such conditions by the prisoner, he shall be returned to the \* \* \* *misdemeanor and traffic branches of the county* or \* \* \* *criminal branches of the circuit court* and may be recommitted to the house of correction to serve the remainder of his sentence or for further treatment, as the case may be.

SECTION 5. 60.595 of the statutes is created to read:

60.595 MUNICIPAL JUSTICE OF THE PEACE. The town board of any town may create 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.

SECTION 6. 61.305 of the statutes is amended to read:

61.305 MUNICIPAL JUSTICE OF THE PEACE. The village board of any village may create the office of \* \* \* *municipal justice of the peace* in the manner provided by s. 62.24, and thereupon such court shall have the same jurisdiction as provided by s. 62.24 including the jurisdiction with respect to village ordinances as for city ordinances under s. 62.24 irrespective of the provisions of s. 61.30.

SECTION 6m. 62.24 (1) (a) and (b), and (2) (a) of the statutes are amended to read:

62.24 MUNICIPAL JUSTICE OF THE PEACE. (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. 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).

(b) The council \* \* \* shall fix a salary for such justice which shall be in lieu of fees and costs. *Such salary may be increased by such governing body before the start of the second year of service of the 2-year term of the justice, but shall not be decreased during the term of the justice. Salaries may be paid annually or in equal instalments as determined by such governing body, but no justice shall be paid a salary for any time during his term during which such justice has not executed and filed his official bond, or official oath as required by ss. 60.58, 61.30 or 62.09 (4).*

(2) (a) The \* \* \* municipal justice of the peace shall have the jurisdiction, both as to subject matter and as to territory, of any other justice of the peace and \* \* \* in addition shall have:

1. The exclusive jurisdiction of offenses against ordinances of the city \* \* \* :

SECTION 6r. 62.24 (2) (a) 2 to 8 of the statutes are created to read:

62.24 (2) (a) 2. Jurisdiction of actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of the property claimed does not exceed \$200;

3. Jurisdiction of actions for forcible entry and unlawful detainer;

4. Jurisdiction of actions for a penalty or forfeiture, not exceeding \$200, given by statute;

5. Jurisdiction of crimes arising within the county, the penalty for which is not more than \$200 or 6 months, or both;

6. Jurisdiction to accept pleas of guilty if the defendant upon arraignment requests to enter a plea of guilty and the offense is one punishable by not more than \$500 or 6 months, or both, or is for violation of ss. 348.15, 348.16 or 348.17 regardless of the monetary penalty involved;

7. Jurisdiction to cause the laws for the preservation of peace to be kept, to cause to come before him persons who break or attempt to break the peace and commit such persons to jail or bail; to cause to come before him the keepers of houses of ill fame and frequenters of the same or common prostitutes, and compel them to give security for good behavior, to cause to come before him persons who are charged with committing any crime and commit them to jail or bail.

8. Jurisdiction of garnishment actions and actions commenced by warrant of attachment against the property of a debtor, as provided by and subject to the limitations set forth in ch. 304. Justices of the peace, other than municipal justices of the peace, shall not have jurisdiction of such actions.

SECTION 7. 62.24 (2) (b) and (c) of the statutes are amended to read:

62.24 (2) (b) The \* \* \* municipal justice of the peace may punish a violation of a city ordinance by \* \* \* ordering payment of a forfeiture plus costs of prosecution or by imprisonment in case the \* \* \* forfeiture and costs are not paid, and may sentence any person convicted \* \* \* of a

misdemeanor, to pay a fine and the costs of prosecution or be imprisoned in the county jail, and may order the prisoner, if able, to be kept at hard labor. Prisoners confined in the county jail or in some other penal or correctional institution for violation of a city ordinance shall be kept at the expense of the city and such city shall be liable therefor.

(c) Civil actions, except actions under city ordinances, may be removed to another justice of the peace or, *if the justice of the peace does not have jurisdiction, to the county court* the same as such actions may be removed from one justice of the peace to another justice of the peace.

SECTION 7m. 62.24 (2) (d) of the statutes is repealed.

SECTION 7r. 62.24 (2) (e) and (3) (a), (c) and (e) of the statutes are amended to read:

62.24 (2) (e) In criminal *and ordinance violation* actions where affidavit of prejudice shall be filed as provided by s. 954.09, the \* \* \* *municipal* justice of the peace shall call in \* \* \* *another municipal* justice of the peace \* \* \* to try the case or shall transfer the case to the county court. \* \* \* A *municipal justice of the peace so called in* shall receive such compensation as the council shall determine, to be paid by the city.

(3) (a) The court of the \* \* \* *municipal* justice of the peace shall be called the "*\* \* \* Municipal Justice Court.*" It shall be open daily except Sundays and legal holidays.

(c) The \* \* \* *municipal* justice of the peace shall keep a criminal docket wherein shall be entered the substance of every complaint, date of the issuance of warrant, and date and substance of return thereon, plea of the accused, name of the witnesses, names and verdict of the jury, if any, and the judgment.

(e) The taxable costs shall be the same as in other justice courts, and \* \* \* shall be paid into the city treasury *in the manner directed by the common council.*

SECTION 8. 62.24 (4) (a) of the statutes is renumbered 62.24 (4) and amended to read:

62.24 (4) The council may by ordinance abolish the \* \* \* *municipal* justice court at the end of any term for which the \* \* \* *municipal* justice of the peace \* \* \* *has* been elected.

SECTION 8m. 62.24 (4) (b) and (5) of the statutes are repealed.

SECTION 9. 251.182, 251.183 and 251.184 of the statutes are created to read:

251.182 ASSIGNMENT OF JUDGES. The chief justice of the supreme court shall keep informed of the status of the administration of judicial business in the courts of the state. He may request circuit and county judges to serve temporarily in either the circuit or county court:

- (1) To assist a judge whose calendar is congested;
- (2) To act for a judge who is disqualified or unable to act;
- (3) To hold court where a vacancy in the office of judge has occurred or where the judge is on vacation.

251.183 ADMINISTRATIVE COMMITTEE FOR COURT SYSTEM.

(1) The chief justice of the supreme court, a circuit judge designated by the board of circuit judges, and a county judge designated by the board of county judges shall constitute an administrative committee for the court system. The chief justice shall serve as chairman.

(2) The administrative committee shall meet at the call of its chairman, but at least quarterly, to review the administration and methods of operation of all the courts of the state, the volume and condition of business in those courts and to plan the expeditious handling of judicial matters in the future. It shall direct the judicial council staff to obtain the statistical information necessary for its work and to prepare studies on administrative operation of the courts for its study.

251.184 COUNTY BOARD OF JUDGES IN POPULOUS COUNTIES. In counties having a population of 500,000 or more there is constituted a county board of judges to consist of all the judges of courts of record in such county. 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 10. 252.015 of the statutes is amended to read:

252.015 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, *except that in the second circuit, branches 11 and 12 shall be designated as the criminal court branches. 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.* The second circuit shall have \* \* \* 12 branches. The ninth circuit shall have 3 branches. *The fourteenth circuit shall have 2 branches.*

SECTION 10m. 252.017 of the statutes is created to read:

252.017 ADMINISTRATION OF WORK IN MULTI-BRANCH COURTS. 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 criminal trials and from ordinance violations from branches 3 and 4 of the county court of Milwaukee county, and all examinations, recognizances and commitments 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.

SECTION 11. 252.031 of the statutes is repealed and recreated to read:

252.031 TEMPORARY DUTY. A circuit judge may act as a circuit judge in another circuit or as a county judge on the written request of the judge of said court or of the chief justice of the supreme court; and, when requested to so act by the chief justice, shall do so. While acting temporarily in another circuit or as a county judge, a circuit judge has the power to hold court, try cases and exercise all the authority of the presiding judge.

SECTION 12. 252.13 of the statutes is repealed.

SECTION 13. Chapter 253, except s. 253.29, of the statutes is repealed.

SECTION 14. 253.01 and 253.02 of the statutes are created to read:

253.01 COUNTY COURT ESTABLISHED. There is established in each county a county court which is a court of record with the jurisdiction specified in ss. 253.10 to 253.14.

253.02 BRANCHES OF COUNTY COURT. (1) The county courts of Brown, Fond du Lac, Manitowoc, Marathon, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Waukesha, Winnebago and Wood have 2 branches. The county courts of Dane, Douglas, Kenosha and Rock have 3 branches. The county court of Milwaukee has 11 branches.

(2) Each branch of the county court constitutes a court with all the powers and jurisdiction possessed by county courts having one judge only.

(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 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.

(4) Branch No. 1 of the district court of Milwaukee county and branches Nos. 1 and 3 of the civil court of Milwaukee county shall be renamed branches Nos. 4, 5 and 6, respectively, of the Milwaukee county court on January 2, 1962. The judges of these branches of the Milwaukee county court and the judge of the Waukesha and Wood county courts, branch No. 2 shall be elected at the spring, 1961, election.

(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 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 district court of Milwaukee county, branches Nos. 4, 5, 6 and 7 of the civil court of Milwaukee county and the children's court of Milwaukee county shall be renamed branches Nos. 3, 7, 8, 9, 10 and 11, 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. In addition to their compensation as judges of the court to which they were elected, they shall receive an amount for their work as county judges which will make their total compensation equal to that received by the county judge or judges in the county. This additional compensation shall be paid by the state.

(6) (a) The cost of operation of such county court, except for the share of 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 net operating costs of branches 3 and 4 of the county court exclusive of those revenues transmitted to or retained by the county and city respectively, but the city of the first class in such county shall annually reimburse the county for one-half of such costs as determined by voucher submitted to such city by such county.

SECTION 15. 253.05, 253.06 and 253.07 of the statutes are created to read:

253.05 JUDGES OF COUNTY COURT. A county judge shall be elected for each county with the following exceptions:

(1) Florence and Forest counties shall be combined into one district for the purpose of electing a county judge to serve and preside in both the county court of Florence county and the county court of Forest county.

(2) In counties having more than one branch of the county court, a judge shall be elected for each branch.

253.06 TERM OF OFFICE. The term of office of every elected county judge is 6 years, and until his successor is elected and qualified, 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 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, 1962, election shall serve for a term beginning May 1, 1962, and ending the first Monday in January, 1968; 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; and the judges elected for the Ozaukee county court, branch No. 2, and the Dane county court, branch No. 3, at the spring, 1963, election shall serve for terms beginning the first Monday in July 1963 and ending the first Monday in January 1969.

253.07 COUNTY JUDGES' SALARIES. (1) Every county judge shall receive from the state the salary specified for him in s. 20.930, provided that in counties having a population of 500,000 or more, such salary shall be paid by the county and the state shall annually reimburse the county for \$6,000 of such salary. The county for which each judge is elected, except in counties having a population of 500,000 or more, shall reimburse the state for one-half of his salary. If 2 counties share a single judge, each shall reimburse the state for one-quarter of his salary. On July 1 of each year the director of budget and accounts shall certify to the secretary of state a statement of the amount due from each county under this section and mail a duplicate of that statement to the county clerk. These amounts shall then be certified by the secretary of state and levied, collected and paid in to the state treasury as a special charge, at the same time as the state taxes.

(2) The county may pay each county judge an equal amount in addition to that specified in s. 20.930 but the total salary of the county judge cannot be more than the total salary of the highest paid circuit judge for the county. In counties having a population of 500,000 or more containing multi-branch county courts the county board in providing for such additional payment may do so by branches.

(3) No judge shall receive any salary or fees other than that specified in this section.



SECTION 16. 253.10 to 253.14 of the statutes are created to read:

253.10 PROBATE JURISDICTION. (1) The jurisdiction of the county court shall extend to the probate of wills and granting letters testamentary and of administration on the estates of all persons deceased who were at the time of their decease inhabitants of or residents in the same county and of all who shall die without the state having any estate within such county to be administered, and to any other cases authorized by law; to the appointment of guardians to minors and others in the cases prescribed by law; to all matters relating to the settlement of the estates of such deceased persons and of such minors and others under guardianship; to all cases of constructions of wills admitted to probate in such court; and to all cases of trusts and trust powers created by will admitted to probate in such court, including administration under ch. 323 of trusts created in accordance with s. 206.52 (2); and to hearing objections to the granting of licenses to marry, to ordering the refusal of such licenses, and to the granting of stays upon the issuances thereof.

(2) The county court shall have concurrent jurisdiction to hear, try and determine all matters and controversies which may arise between any personal representative, guardian or trustee appointed by such court and any other person relating to title to or interest in real and personal property so far as such matter or controversy is incidental to and necessary for the complete administration of the estate, guardianship or trust, and regardless of who has possession of the property or in whose name it may be, to the same extent and with like effect as such matters and controversies may be heard, tried and determined in courts of general jurisdiction.

(3) Subsection (2) shall not affect the provisions of chs. 313 and 319 relating to debts of or claims against decedents or persons under guardianship.

(4) The jurisdiction of the county court shall also extend to a determination of the heirs and next of kin of nonresident foreign deceased persons who at the time of their death had an interest in real or personal property within such county and the state.

(5) The jurisdiction of the county court shall also extend to the administration of estates of nonresident foreign deceased persons who at the time of their death had an interest in real or personal property within such county and the state. A claim against the state school fund under s. 318.03 (4) shall be deemed an interest in real or personal property.

(6) For the purposes of this section the situs of intangible personal property found in this state belonging to nonresident foreign deceased persons shall be deemed to be within the state.

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

(8) All such nonresident foreign persons who have not been heard from for 10 years shall be presumed to be dead.

(9) If a case be originally within the jurisdiction of the county courts of 2 or more counties the court which shall first take cognizance thereof by the commencement of proceedings shall retain the same throughout.

(10) The jurisdiction assumed by any county court in any case, so far as it depends on the place of residence of any person or the location of his estate, shall not be contested in any action or proceeding whatever except on an appeal from the county court in the original case or when the want of jurisdiction appears on the same record.

**253.11 CIVIL JURISDICTION.** The county court has jurisdiction of all actions to foreclose a land contract, mortgage, or lien concurrent with the circuit court and of all other civil actions and special proceedings of all kinds concurrent with the circuit court except actions for damages in which a sum in excess of \$25,000 exclusive of interest and costs is demanded in the complaint, provided that in counties having a population of 500,000 or more the county court shall not have jurisdiction over any matters arising out of chs. 245 and 247. If a counterclaim or cross complaint for an amount in excess of \$25,000 exclusive of interest and costs is filed, the county court shall order the case transferred to the circuit court and the parties shall proceed as if the action or proceeding had been originally begun in the circuit court. If the party who files the cross complaint or counterclaim is finally adjudged to be entitled to recover less than the amount of \$25,000 exclusive of interests and costs, the circuit court may deny costs or partial costs to that party and, in addition, may impose costs or partial costs on that party.

**253.12 CRIMINAL JURISDICTION.** The county court has jurisdiction of all criminal matters except treason, concurrent with the circuit court, except in counties having a population of 500,000 or more in which the county court has the jurisdiction set forth in chapter 218, laws of 1899, as amended to and including December 31, 1961, and also as set forth in chapter 295, laws of 1941, as amended to and including December 31, 1961.

**253.13 JURISDICTION OF CHILDREN AND OF ADOPTIONS.** (1) The county court has exclusive jurisdiction of all proceedings under ch. 48 and under ch. 322.

(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.

(b) No person shall be eligible to 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) 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.

**253.14 MAY ISSUE PROCESS.** The several county courts shall have power to issue all summonses, citations, subpoenas, executions, warrants and processes authorized by law which may be necessary to carry into effect any order, judgment or decree thereof, to compel the attendance of witnesses or to carry into execution the powers with which they are vested.

SECTION 17. 253.16 of the statutes is created to read:

**253.16 WHERE COURT TO BE HELD.** (1) Court shall be held regularly at the county seat.

(2) In Rock county, branch No. 3 of the county court shall be established permanently at Beloit instead of at the county seat.

(2r) In Waukesha county, branch No. 2, of the county court shall be held in the city of Oconomowoc not less than 2 days in each week.

(3) Provision may be made, by court rule, for holding court in any city or village in the county other than the county seat where the court finds that there are adequate facilities provided and there is sufficient business to warrant holding court, except that jury trials may be held only at cities or villages where a branch of the court is established permanently by the legislature under sub. (2).

(4) When court is held in a city or village located partly in the county for which the judge was elected and partly in another, the judge may hold court for his county, except for trials of criminal offenses, anywhere in that city or village, the same as he could if it were entirely within the county for which he was elected.

SECTION 18. 253.18 and 253.19 of the statutes are created to read:

253.18 ADMINISTRATION OF WORK IN MULTI-BRANCH COURTS. In courts in which there are 2 or more branches, the judges may provide for the distribution of the work and assignment of cases among branches under the following rules:

(1) Branch No. 1 shall be designated as the probate branch. In addition, the judges may designate by court rule particular branches to handle primarily specific types of cases, such as juvenile matters, domestic relations, criminal matters, traffic or small claims.

(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 branch. Branches Nos. 5, 6, 7, 8, 9 and 10 shall be the civil court branches. Branch No. 11 shall be the juvenile court branch. 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 as provided in s. 288.10.

(3) Regardless of the name given to a particular branch or the type of cases assigned to it, the judge of that branch shall handle other matters assigned to him as time permits.

(4) Whenever a branch is given a particular name by statute, all cases of the type described by the name of the branch shall be assigned initially to that branch by the clerk and shall be reassigned to another branch only in the case of disqualification, illness or vacation of the judge or congestion or vacancy in the branch named by statute.

253.19 TEMPORARY DUTY. A county judge may act as county judge in another county or as a circuit judge on the written request of the judge of said court or of the chief justice of the supreme court; and, when requested to so act by the chief justice, shall do so. While acting temporarily as a county judge in another county or as a circuit judge, a county judge has the power to hold court, try cases and exercise all the authority of the presiding judge.

SECTION 19. 253.30 to 253.33 of the statutes are created to read:

253.30 CLERK OF CIRCUIT COURT. (1) The clerk of circuit court shall keep the books and records under s. 59.39 and perform the duties under s. 59.395 for all matters in the county court except those under ch. 48 and Title XXIX.

(2) In counties with multi-branch county courts, the clerk of circuit court may appoint one or more deputies for each branch except branch No. 1 and, in counties having a population of 500,000 or more, branch

No. 2, which appointments shall be approved by the judge of the branch which the deputy will serve. A deputy appointed to serve a particular branch may serve any other branch of the county court.

(3) In counties having a population of 500,000 or more the clerk of the circuit court shall:

(a) Appoint, pursuant to ss. 16.31 to 16.44, a chief deputy clerk 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 shall sign all extradition requisition papers as required by law. The incumbent clerk of the municipal and district courts of such counties in office at the effective date of the abolition of such courts by chapter 315, laws of 1959 (Bill No. 282, S.), hereinafter in this subsection referred to as "this act," shall automatically become the first such chief deputy clerk provided that he shall have served at least 2 consecutive years in such former capacity.

(b) Appoint, pursuant to ss. 16.31 to 16.44, a chief deputy clerk 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 county on the effective date of the abolition of such court by this act shall automatically become the first chief deputy clerk provided that he has served at least 2 consecutive years in such former capacity.

(c) Appoint, pursuant to ss. 16.31 to 16.44 a chief deputy clerk 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 the effective date of the abolition of such court by this act shall automatically become the first such chief deputy clerk provided that he has civil service status on such date in such former capacity.

(d) All other clerks and assistants in such courts having civil service status on the effective date of the abolition of such courts by this act shall automatically continue in such service in the county court and retain their civil service status. The county board shall fix and pay the salaries of all such clerks and assistants.

**253.31 APPOINTMENT AND COMPENSATION OF REGISTERS OF PROBATE.** (1) In each county, the county judge, or in multi-branch courts the judge of branch No. 1 shall appoint and may remove a register of probate, who, before entering upon his duties, shall take and subscribe the constitutional oath of office and file it, together with the order of appointment, in the office of the clerk of circuit court.

(2) One or more deputies may be appointed in like manner.

(3) The salary of the register of probate and of any deputies shall be fixed by the county board and paid by the county.

(4) In counties having a population of 500,000 or more, the appointment under sub. (1) shall be made by joint action of the judges of branches Nos. 1 and 2.

**253.32 DUTIES OF REGISTERS OF PROBATE.** The register of probate shall:

(1) File and keep all papers properly deposited with him unless required to transmit such papers.

(2) Keep a book called a court record and enter therein every proceeding in the court under Title XXIX under its proper title, a brief statement of the nature of the proceeding and of all papers filed therein, with the date of filing and a reference to the volume and page of the minute

book where minute records can be found or to the microfilm file where papers have been recorded so that the court record is a complete index or brief history of each proceeding from beginning to final disposition.

(3) Keep a book called a minute book and enter therein a brief statement of all proceedings of the court under Title XXIX during its sessions, all motions made and by whom, all orders granted in open court or otherwise, and the names of all witnesses sworn or examined. If this information is all included in the court record, the judge may direct that the minute book be no longer kept.

(4) Keep a record book or books and record therein in full all wills admitted to probate with the certificate of probate, all letters and all judgments rendered. The judge may require any other documents to be recorded therein. Any documents may be recorded on microfilm instead of in a record book. These records shall be kept irrespective of s. 59.715 (20) (c) unless recorded on microfilm.

(5) Keep an alphabetical index to the court record and the file containing the original documents or microfilm copies thereof.

(6) Perform any other administrative duties as the judge directs.

(7) Except in counties having a population of 500,000 or more, perform the duties of clerk of the juvenile court under ch. 48 unless these duties are performed by a person appointed under s. 48.04.

**253.33 POWERS OF REGISTERS OF PROBATE.** (1) The register of probate:

(a) May make orders for hearings when the judge is away from the county seat or unable to discharge his duties or when given authority in writing by the judge and an application is made to the court in a proceeding under Title XXIX requiring notice of hearing. The order and notice when signed "by the court, -----, register in probate" has the same effect as if signed by the judge.

(b) Has the same powers as clerks of court to certify copies of papers, records and judicial proceedings. Copies certified by registers in probate are receivable in evidence as if certified by clerks of court.

(c) Has the power to administer any oath required by law.

(2) Subsection (1) applies to duly authorized deputy registers in probate.

**SECTION 20.** 253.35 of the statutes is created to read:

**253.35 APPOINTMENT OF COURT REPORTER AND ASSISTANT.** (1) Every county judge, may, in his discretion, appoint a competent phonographic reporter under s. 252.18. He may also appoint as many assistant reporters as necessary under s. 252.18.

(2) 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. In counties having a population of 500,000 or more, 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 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, in his discretion, 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 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.

(3) 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). If 2 counties share a single reporter, each shall reimburse the state for one-quarter of his salary.

(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 an equal amount in addition to that specified in s. 20.930. All reporters of the former district, traffic, civil, county and children's court of such county who have civil service status in such county on the first Monday in January 1962, 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.

(5) Every reporter appointed under sub. (1) shall furnish to any party a transcript of the testimony taken by him in any matter or proceeding in the manner and for the fees provided in s. 252.20.

SECTION 21. 271.21 of the statutes is repealed and recreated to read:

271.21 SUIT TAX. 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. 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 21m. 288.105 of the statutes is created to read:

288.105 DISPOSITION OF FORFEITURES. Revenues from forfeitures imposed by any court or any branch thereof for the violation of any municipal or county ordinance shall be paid to such municipality or county.

SECTION 22. 300.05 (8), (9) and (10) of the statutes are repealed.

SECTION 23. 300.05 (12) and (13) of the statutes are renumbered 300.05 (8) and (9), respectively.

SECTION 24. 300.06 (5) of the statutes is created to read:

300.06 (5) Garnishee actions and actions by warrant of attachment.

SECTION 25. 960.01 of the statutes is repealed and recreated to read:

960.01 JUSTICES' JURISDICTION. Except as otherwise provided in this chapter, justices of the peace shall have jurisdiction throughout their respective counties to hold court to try and determine all charges under ss. 940.20 and 947.01.

SECTION 26. A judge for the 11th branch and a judge for the 12th branch of the second judicial circuit shall be elected in the several election precincts of Milwaukee county on the first Tuesday of April 1961, in ac-

cordance with the laws relating to the election of circuit judges. The term of office of said judges chosen at such election shall commence on the first Monday of January 1962. While the judges so first elected are serving, the judge of branch No. 11 shall be deemed the senior judge of the criminal branches of the second judicial circuit. Thereafter the judge of said criminal branches having the longest continuous service shall be deemed the senior judge.

SECTION 26a. A judge for the second branch of the fourteenth judicial circuit shall be elected in the several election precincts of Brown, Door and Kewaunee counties on the first Tuesday of April 1961, in accordance with the laws relating to the election of circuit judges. The term of office of the judge chosen at such election shall commence on the first Monday of January 1962.

SECTION 27. The municipal courts of Douglas, Fond du Lac, Kenosha, Manitowoc, Outagamie, Ozaukee, Racine, Rock, Shawano and Sheboygan counties, of the city of Beloit in Rock county and of the city of Oshkosh and county of Winnebago, the criminal court branch of the municipal court for Brown county, the superior courts of Dane and Douglas counties, the small claims court for Dane county, the civil court, district court and children's court of Milwaukee county are constituted branches of the county court of their respective counties effective the first Monday in January 1962 according to the provisions of section 253.02 of the statutes as created by this act with the jurisdiction specified in sections 253.10 to 253.14 of the statutes as created by this act. All special or local acts relating to these courts are repealed, effective the first Monday in January 1962. All actions, proceedings and other matters pending in these courts on December 31, 1961, which are not within the jurisdiction of the county court under sections 253.10 to 253.14 of the statutes as created by this act are transferred to the circuit court.

SECTION 28. All other statutory courts except the county courts 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 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 29. 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 this act, are transferred to the circuit court.

SECTION 30. All actions, proceedings and other matters pending before justices of the peace on December 31, 1961, which are not within their jurisdiction under sections 300.05, 300.06 and 960.01 of the statutes, as amended by this act, are transferred to the county court.

SECTION 31. Except for elections for which prior dates are herein specified, this act shall take effect on the first Monday in January 1962.

Approved August 14, 1959.