

No. 110, A.]

[Published April 22, 1895.]

## CHAPTER 249.

AN ACT conferring additional jurisdiction on the county court of Lincoln county, Wisconsin.

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

SECTION 1. The county court of Lincoln county, in addition to the powers and jurisdiction conferred by law on county courts, shall have cognizance of, and jurisdiction to hear, try and determine all actions and proceedings at law, except actions wherein the title to real property shall come in question, wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars; actions founded on an account when the same shall be reduced to an amount not exceeding five hundred dollars by credits given, or by the set-off or demand of the opposite party; actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars, and all charges for offenses arising within said county, and which are not punishable by commitment to state's prison, offenses against the city charter, ordinances, by-laws, rules and regulations of the city of Merrill, said county; and said court and the judge thereof, shall have power to pronounce judgment, sentence and commit all persons convicted of any crime or offense of which said court has jurisdiction; and in the exercise of the jurisdiction conferred on the county court by this act, said court shall have full power to grant adjournments and continuances, and take, and have, all necessary proceedings concerning or relating thereto as provided by law. Said court and the judge thereof, shall further

Jurisdiction of county court of Lincoln county extended.

have all the jurisdiction, authority, powers and rights given by law to justices of the peace, together with the power and right, in his discretion, to charge the jury upon written charges or otherwise; and the proceedings and practice in said court, under this act, except as herein otherwise provided, shall be governed as far as practicable by the laws relating to justices' courts of this state.

Judgment by confession—how it may be entered.

**SECTION 2.** A judgment by confession may be entered by the judge of said court in any sum not exceeding one thousand dollars, without action, either for money due or to become due, or to secure any person against contingent liability on behalf of the defendant, or both, if a statement be made in writing, signed by the defendant, and verified by his oath to the following effect:

Must state amount of judgment.

1. It must state the amount for which judgment may be entered, and authorize the entry of judgment therefor by the judge of said court.

If for money due or to become due, must state that fact.

2. If it be for money due, or to become due, it must state concisely the fact out of which the indebtedness arose, and must show that the amount confessed therefor is justly due or to become due.

If to secure plaintiff to say so.

3. If it be for the purpose of securing the plaintiff against a contingent liability it must state concisely the facts constituting the contingent liability, and must show that the sum confessed does not exceed the same.

May appoint the municipal judge in case of absence of county judge.

**SECTION 3.** In case of the absence, sickness or disability of the county judge, he may by a written order, to be copied in his docket, appoint the municipal judge of Lincoln county to discharge the duties of county judge during such absence, sickness or disability, and the municipal judge so appointed, shall have and exercise all the duties, powers and jurisdiction of the county judge, as conferred by this act, while administering said office, and shall receive the same compensation, to be paid in like manner.

Cannot remove actions to any justice court.

**SECTION 4.** No action or examination shall be removed from the county court of Lincoln

county to any justice court of Lincoln county; but removals may be had from the county court to the municipal court of Lincoln county, upon like proceedings had as are now required by law in removal of causes in justices' court, and upon payment to said county judge, in addition to the amount prescribed by law, his taxable fees to the time of removal; and if the defendant recover judgment in the action, he shall be allowed to tax the amount paid to the county judge, as disbursements.

SECTION 5. Whenever any action, examination or proceeding shall be removed from any justice of the peace in the county of Lincoln, upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if such defendant, his agent or attorney requests in writing to such justice that the action, examination or proceeding and all the papers therein be transmitted to the county court of Lincoln county, such justice of the peace shall forthwith transmit such action, examination or proceeding and all the papers therein, together with a copy of his docket, to the county court, and said court shall, upon receipt thereof, proceed with such action, examination or proceeding in the same manner as if originally instituted in the county court; provided, that no action, examination or proceeding shall be removed to the county court from any justice court in the city of Tomahawk, in said county, without the consent of the plaintiff.

Removal of cases from justice of the peace to the county court.

SECTION 6. Jury trials may be had in the same manner and process as in justices' courts; provided, that the fees of jurors in county court shall be one dollar per day and four cents per mile travel in coming to and returning from said trial.

Jury trials to be conducted the same as in justices' courts

SECTION 7. Sheriffs and constables of Lincoln county shall have the same power to serve and execute process as of justices' courts, and shall be entitled to the same fees, and shall be subject to the same liabilities and penalties as in justices' court.

Peace officers of the court.

SECTION 8. The county judge shall keep one docket for criminal trials, examinations and

Two separate dockets to be kept.

proceedings, one docket for civil actions and a separate docket for the trial of offenses against the city charter and ordinances of the city of Merrill, in said county. In all civil actions, and in all criminal trials, examinations and proceedings in said court under this act, the docket entries and process shall be made, kept and filed in the same manner, as far as applicable to the county court, as the same are required to be kept by justices of the peace under the laws of this state; in the trial of offenses against the city charter, ordinances, by-laws, rules and regulations of the city of Merrill, in said county, the forms to be used, and the docket entries, process and proceedings, as far as the same shall be applicable to the county court, shall be substantially the same as required by chapter 6 of the city charter, and by the ordinances of the city of Merrill; provided, that in all civil actions, said judge may sign in blank, summons and other process and deliver the same to attorneys of courts of record throughout the county to be issued by them as occasion may require, and upon the filing of said summons or other process at any time before the day on which the same is made returnable, said judge shall forthwith docket said case, which docket entries shall have the same force and effect as if made at the time of issuing such summons or other process; provided, further, that no summons or other process issued by an attorney at law under the provisions of this act shall be valid unless said attorney shall endorse thereon, his name, or the name of the firm of which he is a member; which endorsement shall be substantially in the following form: "Issued by A. B., Attorney at Law;" provided further, that all process, except subpoenas, shall be made returnable at nine o'clock a. m., of the return day; and when any action, examination or proceeding in the county court shall be adjourned or continued to a day certain, it shall be set for trial at nine o'clock a. m. of the day to which the same has been adjourned or continued, unless otherwise agreed to by the par-

Judge may sign  
summonses  
and other pro-  
cess in blank.

ties; and at the hour above specified, the parties shall proceed to the trial of the case without delay, unless the same shall be adjourned or continued by the court, for cause shown, and upon such terms as may be just and equitable.

SECTION 9. In all actions, examinations or proceedings in the county court, under this act, the county judge shall have and receive the same fees as are now allowed by law to justices of the peace for like services, and the sum of one dollar in addition thereto for every criminal action, examination or proceedings in the county court; provided, that in all matters, examinations or proceedings of which the county court and judge thereof had jurisdiction before the passage of this act, it shall be lawful for the county judge to charge and receive the same fees and per diem as heretofore allowed by law for like services, to be paid in like manner; provided further, that where a phonographic reporter shall be called to take testimony in any action, examination or proceeding in the county court, the county judge shall be allowed the sum of six dollars per day for each day's actual attendance, and three dollars for each half day's attendance on such action, examination or proceeding, which sum shall be taxed as costs in the case, and paid in like manner as provided by this act for the payment of the phonographic reporter.

Fees the same as in justices of the peace court.

Extra pay for phonographic reporter

SECTION 10. In all actions in the county court, under this act, an attorney's fee shall be allowed to the plaintiff, if he recover judgment, as follows: If the judgment does not exceed twenty-five dollars, the sum of two dollars and fifty cents; if the judgment exceeds twenty-five dollars and does not exceed one hundred dollars, a sum equal to ten per cent. of the judgment; if the judgment exceeds one hundred dollars and does not exceed two hundred dollars, ten dollars on the first hundred dollars and five per cent. on the balance of the judgment; if the judgment exceeds two hundred dollars, fifteen dollars on the first two hundred dollars and two and one-half per cent. on the

Attorney's fee to be allowed the plaintiff. The amount according to judgment.

balance of the judgment. In case judgment shall be for the defendant, he shall receive the same attorney's fee, and the amount claimed by the plaintiff shall be the basis for computing the same. In actions of replevin the value of the property as proved shall govern the amount of attorney's fee in case judgment is for the plaintiff; and the value of the property as claimed shall govern the amount of attorney's fee in case judgment is for the defendant. In any case not herein provided for, a reasonable attorney's fee may be allowed in the discretion of the court; provided, that no attorney's fee shall exceed the sum of twenty-five dollars; and provided further, that no attorney's fee shall be allowed unless the prevailing party shall appear in the action by an attorney of a court of record.

May appoint a  
phonographic  
reporter.

SECTION 11. The county judge may appoint a phonographic reporter, skilled in the art of shorthand reporting, for said court, and may remove him at pleasure and appoint another in his place. Every person so appointed shall be deemed an officer of said court, and shall, before entering upon the duties of his office, take and subscribe the constitutional oath and file the same, duly certified, with the clerk of the circuit court of Lincoln county. The reporter shall attend said county court whenever requested by the county judge, and perform such duties as the county judge may require. The reporter's notes shall be filed in lieu of the minutes required by law to be taken by justices of the peace in like proceedings; provided, that in case of appeal in civil actions, said reporter, when requested by the appellant, shall file a transcribed copy of his notes, which shall be returned as the testimony in the case; and the fees for transcribing said testimony, not exceeding five cents per folio, shall be taxed as part of the judge's fees in the case. Said reporter shall receive such compensation for taking testimony as shall be fixed by the county judge, not exceeding three dollars per day for each day's actual attendance, and two dollars

Compensation  
not to exceed  
three dollars  
per day.

for each half day's attendance on said court, which amount shall be taxed as costs in the case. In all cases wherein the county shall become liable for the costs, said fees shall be certified, audited and paid out of the county treasury monthly, upon filing with the county treasurer the certificate of the county judge, showing the title of the case, and the amount due said phonographic reporter for services therein. The sum per diem paid to the county judge and to the phonographic reporter, shall be in lieu of the fees allowed by law to justices of the peace for taking testimony in such case. Section 2439, of the revised statutes shall apply to said reporter and said court, and section 4141, of the revised statutes shall apply to transcribed copies of the testimony and proceedings taken by the reporter in the county court.

SECTION 12. Transcripts of judgments of the county court in civil actions, may be filed and docketed with the clerk of the circuit court of said county, with the same effect as may be transcripts of judgments rendered by justices of the peace in said county; and appeals from said court, in all cases arising under this act, may be taken in the same manner and with like effect as are provided by law in case of appeal from final judgments in justices' court.

SECTION 13. The county court shall be open for the transaction of business daily (Sundays and legal holidays excepted) at nine o'clock a. m., and said court shall be held in some suitable room in the city of Merrill, in said county, to be provided and furnished under the direction of the county judge at the expense of Lincoln county; provided, that said county judge may hold court in the court house in the city of Merrill, said county, whenever he may deem it necessary. All dockets, blanks and stationery used in the county court in the trial of civil and criminal cases shall be furnished at the expense of Lincoln county. All dockets, blanks and stationery used in the county court in the trial of offenses against the city charter and ordinances of the city of Merrill, shall be furnished at the expense of said city.

Transcripts of judgments may be filed with the clerk of the circuit court.

Court shall be open for business daily—exception.

Blanks and stationery shall be furnished by the county. City to furnish blanks, when.

Statutes to apply to this court.

SECTION 14. All the provisions of title 30, of the revised statutes, entitled, "Proceedings common to all courts," as far as applicable shall apply to all actions, examinations and proceedings in the county court.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1895.

No. 474, A.]

[Published April 27, 1895.

## CHAPTER 250.

AN ACT relating to the punishment of vagrancy, drunkenness, and similar offenses, and the fees of officers in prosecution therefor.

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

Vagrancy and intoxication in a public place punished by imprisonment.

SECTION 1. Whenever any person shall be convicted in any court of this state, of vagrancy, intoxication in a public place, indecent exposure of the person or disorderly conduct, and shall be sentenced to imprisonment in the county jail, or to any workhouse of or in any county, for such offense, the court shall also sentence such person to hard labor during the term of such imprisonment, and such labor may be compelled to be performed either within or without the jail in all respects as in case of a sentence upon conviction for being a tramp. The provisions of this section shall apply to convictions under city or village charters or ordinances, as well as to convictions under the general statutes of the state.

County board of supervisors to fix and regulate compensation of prosecuting officers.

SECTION 2. The county board of supervisors of any county may, from time to time, fix and regulate the fees or compensation of officers and magistrates for services performed in all prose-