

No. 363, S.]

[Published May 12, 1903.]

CHAPTER 195.

AN ACT conferring additional jurisdiction on the county court of Adams county.

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

Jurisdiction. SECTION 1. There is hereby conferred upon the county court of Adams county, jurisdiction as follows:

The county court of the county of Adams shall have cognizance of and jurisdiction to hear, try and determine, all actions and proceedings at law wherein the amount of debt, damages, penalty or forfeiture shall not exceed the sum of five hundred dollars; 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 the state prison; and the judge of said county court shall have power to sentence and commit all persons convicted of any offense of which said court has jurisdiction.

Said court shall have power and jurisdiction throughout said county to cause to come before it persons who are charged with any criminal offense and commit them to jail or bind them over to circuit court as the case may require. The judge of said court shall further have all the jurisdiction, authority, powers and right given by law to justices of the peace and shall be subject to the same prohibitions and penalties as justices of the peace.

Judgment by confession, how taken. SECTION 2. A judgment by confession may be entered before the judge of the county court of the county of Adams in any sum not exceeding five hundred dollars, without action, either for money due or to come due or to secure any person against contingent liability on behalf of the defendant, or both, if a statement in writing be made, signed by the defendant and verified by his oath to the following effect:

First. It must state the amount for which judgment may be entered and authorize the entry of judgment therefor.

Second. If it be money due or to come due, it must state concisely the fact out of which it arose and must show that the sum confessed therefor is justly due or to come due.

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

Removal of actions from justice courts. SECTION 3. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of Adams upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney, shall request in writing to said justice that the action, examination or other proceeding be removed to the said county court, then the action, examination or other proceeding and all papers therein, shall be transmitted to the presiding judge thereof who shall proceed with the action, examination or other proceeding in the same manner as if originally instituted before him.

Trial by jury. SECTION 4. In all cases arising in said court under this act or in which the said court shall obtain jurisdiction as in this act specified, a trial by jury may be had in the same manner and process as in justice court.

Sheriff's, etc., powers and fees. SECTION 5. The sheriff and constables of Adams county shall have the same power to serve and execute processes of this court as of justices' court and shall be entitled to receive the same fees.

Summons, form of. SECTION 6. The summons in all civil actions may be in the following form:

Adams County, {
Town of Adams. } ss.

The state of Wisconsin to the sheriff or any constable of said county:

You are hereby commanded to summon A. B. if he shall be found within your county, to appear before the undersigned, the county judge of said county, at the county court room, in said court house in the town of Adams, county aforesaid, on the.....day of.....at..... noon, to

answer to C. D., plaintiff, to his damage, five hundred dollars, or under.

Hereof fail not at your peril.

Given under my hand at Friendship, Adams county, Wisconsin, this.....day of....., A. D. 19....

.....,
County Judge.

and all other writs, warrants and processes necessary to be issued in this act shall be in the form prescribed by law for justices of the peace and justices' courts, but under the name of the county judge of said Adams county; and all processes issued by said county judge under the provisions of this act shall be made returnable within the same time as like processes issued by justices of the peace under existing laws and shall be served within the same time and in the same manner as like processes of justices of the peace are required to be served under existing laws.

Attorneys' fees. SECTION 7. In all civil actions under this act in the county court in the county of Adams, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorneys' fees as follows: On all judgments taken in actions wherein the defendant does not appear or demur when the amount of the judgment exceeds one hundred dollars and is less than three hundred dollars, ten dollars. When the amount of the judgment is three hundred dollars and upwards, fifteen dollars. On all other judgments when the amount does not exceed one hundred dollars, an amount equal to ten per centum of the amount of the judgment. When the amount of the judgment exceeds the sum of one hundred dollars, ten dollars, on the first one hundred dollars, and five per centum on the amount of the judgment in excess of one hundred dollars, provided that in no case shall the amount of the attorney fee exceed the sum of twenty dollars. And in case judgment shall be for the defendant, he shall be entitled to recover attorney fees as follows: In cases where the plaintiff shall claim in his complaint one hundred dollars or less, an assessment equal to ten per centum of such claim. In all cases where the plaintiff shall claim in his complaint a sum of over one hundred dollars, ten dollars for the first one hundred dollars and five per centum on the amount claimed in excess of one hundred dollars, provided that in no case shall the amount of attorney fees exceed the sum of twenty dollars.

The provisions of this section shall apply to proceedings for the recovery of possession of personal property and the value of the property as found if judgment be for the plaintiff, and as claimed, if judgment be for the defendant, shall be the basis for the taxation of attorney fees and in all other civil actions not herein provided for, an attorney fee of ten dollars shall be allowed to the party in whose favor judgment is rendered, provided, however, that no attorney fee shall be allowed unless the party who recovers the judgment shall appear by an attorney of a court of record.

Stenographer; compensation; costs, how taxed. SECTION 8. It shall be lawful for said judge to call in a stenographer to take testimony in any trial, examination or proceeding before him under this act, which stenographer shall receive ten cents per folio for taking and transcribing said testimony. The fees above specified shall, in all civil cases, be taxed as costs against the losing party. In criminal cases they shall be returned to the county as part of the costs in the case. A transcribed copy of the notes so taken, shall be filed in lieu of the minutes required by law to be taken by justices of the peace in like proceedings.

Appeals, how taken. SECTION 9. Appeals from said county court shall be made to the circuit court of Adams county and the manner and form and time of taking such appeal shall be in the manner and form and time of taking such appeal from justice court.

Stationery and blanks. SECTION 10. All needful stationery and blanks required by said court in criminal actions and examinations and the judge's docket required by law to be kept in such actions, shall be furnished at the expense of Adams county.

Transcripts of judgment, how filed. SECTION 11. The provisions of section 2900 of the statutes of 1898, shall apply to the filing of all transcripts of judgments in this court with the clerk of the circuit court, so far as the same are applicable thereto.

Conflicting laws repealed. SECTION 12. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.

No. 311, S.]

[Published May 12, 1903.

CHAPTER 196.

AN ACT to amend section 4 of chapter 360 of the laws of 1901, entitled "An act to provide for registration of trade marks and other marks of ownership and to prevent the unlawful use of and disposal of articles marked therewith."

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

Penalty for unlawful use. SECTION 1. Section 4 of chapter 360 of the laws of Wisconsin for the year 1901, is hereby amended so as to read as follows: Section 4. Any person or persons or corporation or any officer or agent of any corporation acting for or in the name of such corporation who shall knowingly and wilfully with intent to unlawfully convert to his own use violate any of the provisions of this act, shall be punished by imprisonment in the county jail not more than six months, or by fine of not more than two hundred dollars, or by both such fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 11, 1903.