

No. 581, S.]

[Published July 13, 1921.

CHAPTER 511.

AN ACT to amend sections 1 and 19, and to create sections 33, 34, 35, 36 and 37 of chapter 574 of the laws of 1919, conferring civil and criminal jurisdiction on the county court of Columbia county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 1 and 19 of chapter 574 of the laws of 1919 are amended to read: (Chapter 574, Laws of 1919) Section 1. There is hereby conferred on the county court of Columbia county, jurisdiction in all civil actions and proceedings in law and in equity, concurrent with and equal to the jurisdiction of the circuit court * * * of said county, for all claims, demands and sums and to and concerning all property, not exceeding the sum or value of five thousand dollars * * * exclusive of interest, costs and disbursements; provided that said county court shall have jurisdiction in all actions in said county for the foreclosure of mortgages and mechanic liens, in which the amount claimed does not exceed the sum above mentioned, although the value of the property to be affected by the judgment exceeds said sum; and of all actions for divorce or for affirmance or annulment of marriage contracts, and all actions for removing clouds and quieting title to real estate and all actions for partition of real estate; and to the amount and within the limits aforesaid the said county court shall be a court of general jurisdiction, with the same power and jurisdiction in all civil actions and proceedings, including the power of review of records or certiorari, discharging mortgages of record, and such other special powers as are now or may hereafter be conferred by the statutes upon the circuit court, coming within the above limitations, as belong to and are exercised by the circuit court in and for said county.

(Chapter 574, Laws of 1919) Section 19. The court may set down any case, civil or criminal, on the calendar for trial on any particular day; and after issue joined in any civil action or proceeding or after information filed in any criminal action pending in said court, any party may, upon five days' notice to the other party or parties, and without any notice of trial having been previously served, apply to the said court or judge thereof to set down such case for trial on a particular day, and the court or judge shall, upon the hearing of such application, if it be reason-

ably possible, fix a definite time for such trial, which shall not be less than fourteen days nor more than thirty days from the time of the hearing of such application, unless for cause the court or judge shall otherwise order. When any action or proceeding is so set down for trial if it be one triable by jury the court shall require the parties in such action to determine and elect whether they wish a jury, and if both parties elect to try such case without a jury, or if both parties neglect or refuse to so determine or elect at said time, neither party shall be entitled to a trial by jury, but the court may, at its discretion grant a trial by jury; and if a trial by jury is demanded by any party to such action, the court may then or at any time afterwards direct that a jury be selected as aforesaid in such case, and issue a venire therefor, returnable at the time fixed for the trial of such action. If for any cause, in selecting a jury, the panel shall become exhausted the court may cause persons qualified to serve as jurors to be returned from the bystanders or from the county at large for the trial thereof and make the proper and necessary orders therefor. *Provided that in all civil cases involving one hundred dollars or less if a jury trial is demanded by either party or required by the court a jury of six persons shall be chosen in the same manner as jurors are selected in justice court.*

SECTION 2. Five new sections are added to chapter 574 of the laws of 1919, to read: Section 33. All fines and all costs collected by the clerk in every civil action and in all criminal prosecutions and proceedings under the general statutes of this state tried or determined by the county court, which, if tried or determined by a justice of the peace would be paid over to the county treasurer, shall be accounted for and paid over quarterly by the clerk of said county court unto the county treasurer of the county of Columbia.

Section 34. In every civil action involving less than one hundred dollars and in all criminal prosecutions and proceedings which under the general statutes are within the jurisdiction of a justice of the peace, costs and fees shall be taxed and allowed in the same amount as would be allowed in justice court, except clerk's fees shall be taxed at a sum not to exceed five dollars and the taking down of evidence shall not be charged for or taxed.

Section 35. The fees of the witnesses, jurors and officers shall be the same as would be allowed in justice court for similar services except when otherwise provided.

Section 36. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of Columbia 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.

Section 37. In all civil actions under this act in the county court in the county of Columbia, 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.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 7, 1921.