

433 of the laws of 1919 are repealed and the municipal court of Iron county is hereby abolished. All actions pending in said municipal court of Iron county at the time this act takes effect shall be transferred into the county court of Iron county. All public records of every nature of said municipal court shall be transferred to the county judge of Iron county, and shall thereafter be considered and treated as the records of said county court in the same manner as if such records had originally been made in said county court and with the same authority in regard thereto as though said records were still in the official custody of the municipal judge had said municipal court been continued.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 19, 1925.

No. 62, A.]

[Published March 20, 1925.

CHAPTER 22.

AN ACT to confer civil and criminal jurisdiction on the county court of Iron county, Wisconsin.

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

SECTION 1. There is hereby conferred upon the county court of Iron county the powers and jurisdiction herein specified and provided.

SECTION 2. (1) The county court of Iron county shall have cognizance of and jurisdiction to hear, try and determine all actions and proceedings at law wherein the amount of debt, damages, demand, 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, exclusive of damages; actions founded on an account when the same shall be reduced to an amount not exceeding five hundred dollars by credits given; to hear, try and determine all actions arising under chapter 291 of the statutes, when the amount claimed shall not exceed five hundred dollars.

(2) The said court shall also have exclusive jurisdiction of all crimes and misdemeanors occurring in said county, to the same extent and as fully as justices of peace had prior to the repeal of chapter 22 of the laws of 1907, or may hereafter have, and all charges for offenses arising within said county and which are not punishable by commitment to state's prison, and shall have power to sentence and commit all persons convicted of any offense of which it has jurisdiction.

(3) The judge of said court shall have power and jurisdiction throughout said county to cause to come before him persons who are charged with committing any criminal offense, and to commit them to jail or bind them over to the circuit court as the case may require.

(4) Said judge shall further have all 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; and said judge shall be subject to the same prohibitions and penalties as justices of the peace in exercising the powers and jurisdiction herein conferred.

SECTION 3. No justice of the peace within said county shall have or exercise jurisdiction in any criminal case, except that justices of the peace may, in the manner prescribed by law, issue warrants returnable to the county court of said county.

SECTION 4. The proceedings and practice of said county court in exercising the powers and jurisdiction herein conferred shall, in all respects, be governed as far as practicable by the laws relating to courts of justices of the peace of this state, and transcripts of judgments of the county court may be filed and docketed with the clerk of the circuit court for said county, with the same effect as transcripts of judgments rendered by justices of the peace of said county, and appeals from said court in all cases, both civil and criminal, and other proceedings may be taken in the same manner and with like effect as are provided by law from justices' courts, in exercising the powers and jurisdictions herein conferred. Nothing herein contained shall be construed to give the said county court cognizance of any actions mentioned in subsections 1, 2 and 3 of section 3573 (300.05), of the statutes.

SECTION 5. A judgment by confession may be entered by the judge of said county court in any sum not exceeding one thou-

sand dollars without action, whether 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:

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

Second. 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 the amount confessed therefor is justly due or to become due.

Third. 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.

SECTION 6. In case of sickness, absence or temporary disability of such judge, he may, by an order in writing to be filed in said court, appoint a justice of the peace or circuit court commissioner in said county to discharge the duties of said judge hereby conferred during such sickness, absence or disability, who shall have the powers of such judge while administering such office; such justice of the peace or circuit court commissioner to be paid at the rate of five dollars per day by said county judge.

SECTION 7. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear by affidavit that the county judge is interested, pecuniarily, in the action, examination or other proceeding, or that said judge is a material witness, or is within the forbidden degree of consanguinity, or from prejudice will not decide impartially in the matter, the county judge shall notify a justice of the peace or circuit court commissioner of said county to hear said examination or other proceeding, as the case may be whereupon it shall be the duty of such justice of the peace or circuit court commissioner to forthwith appear at the court room of said county court and discharge the duties of said county judge on the hearing of said examination or other proceeding in the same manner and with like effect as if heard by the county judge of said court, and the record shall have like force and effect as if made by the county judge. For the purpose of this section, any party to any pro-

ceeding pending before said county court by reason of the powers and jurisdiction herein conferred, whether civil or criminal, and including the state in civil or criminal proceedings or actions, shall have the right to make and file such affidavit of prejudice, and when made and filed in behalf of the state such affidavit shall be made by the district attorney of said county or by such other person representing the state in such action or proceeding. The justice of the peace or circuit court commissioner so acting in said proceeding shall receive for his compensation two dollars and fifty cents for each half day he shall spend in such examination or other proceeding, which shall be in full payment for his services herein, and such compensation shall be paid out of the county treasury upon a written order of the county judge.

SECTION 8. Trial by jury may be had in such court in the same manner and process as in justices' courts.

SECTION 9. Sheriffs and constables of said county shall have the same power to execute process of this court as of justices' courts, and shall be entitled to receive the same fees and shall be subject to the same liabilities and penalties as in justices' courts.

SECTION 10. The judge of said court shall keep one docket for criminal trials and proceedings, and a separate docket for civil actions, and all docket entries and process shall be made and kept in the same manner, as far as is applicable to this court, as the same are required to be kept by justices of the peace under the laws of this state; provided, that in civil actions said county 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, who, upon issuing any such summons, writ or other process shall file within twenty-four hours thereafter the affidavit, if any, upon which such summons, writ or process was based, and a statement of the names of the parties to the action, the date of the summons, writ or process, the time when the same is returnable, and the nature of the demand or claim, upon which the judge of said court shall forthwith docket said case, which docket entries shall have the same force and effect as if made at the time of issuing the summons, writ or process.

SECTION 11. (1) The salary of the county judge of Iron county for performing the duties imposed by this chapter shall

be two thousand dollars per annum until otherwise fixed by the Board of Supervisors of Iron county, in addition to the salary now paid said judge and shall be paid in the same manner that the salary of other county officers of Iron county is paid, and shall be in full payment for all services rendered by said judge in performing the duties hereby imposed.

(2) He shall tax as costs the same fees and in the same manner as in justices' courts.

(3) He shall pay into the county treasury monthly, on the first Monday of each month, all fees received by him during the preceding month.

(4) He shall file on the first day of November of each year with the county clerk of said county a statement of all fees paid by him to the county treasurer which shall be verified by him under oath. He shall also file with said clerk a statement required from other magistrates by section 59.77 of the statutes.

SECTION 12. Appeals from said county court shall be taken to the circuit court of Iron county, and when not otherwise provided, the law relating to appeals from justices' court shall apply. The same affidavit and notice, in substance shall be made and given as upon appeals from justices' courts.

SECTION 13. The county judge may provide a seal for said court, and all papers, depositions, certificates, acknowledgments, examinations and other documents executed or signed by said judge, when sealed with the seal of the court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of a court of record.

SECTION 14. The dockets and records of said county court shall be public records open to the inspection of all persons at all reasonable hours.

SECTION 15. In all actions in the county court under this act, an attorney fee shall be allowed to the plaintiff if he recovers judgment as follows: If the judgment does not exceed the sum of fifty dollars, the sum of five dollars; if the judgment exceeds fifty dollars and does not exceed two hundred and fifty dollars, the sum equal to ten per centum of the judgment; if the judgment exceeds two hundred and fifty dollars, the attorney fee shall be twenty-five dollars.

SECTION 16. In case judgment shall be for the defendant he shall receive the same attorney fee, and the amount claimed by the plaintiff shall be the basis for computing the same.

SECTION 17. In actions of replevin the value of the property as proved shall govern the amount of attorney fees in case judgment is for the plaintiff, and the value of the property as claimed shall govern the amount of attorney fees in case judgment is for the defendant.

SECTION 18. In any case not herein provided for, a reasonable attorney fee shall be allowed in the discretion of the court, provided that no attorney fee shall exceed the sum of twenty-five dollars; and provided further that no attorney fee shall be allowed unless the prevailing party shall appear in the action by an attorney of a court of record.

SECTION 19. Whenever any civil action shall be removed from any justice of the peace in the county of Iron, upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if the said defendant, his agent or attorney, requests in writing to such justice that the action be removed to said county court, then the action and all papers therein shall be transmitted to the presiding judge thereof, who shall proceed with the action in the same manner as if originally instituted before him.

SECTION 20. The judge of said county court shall hold his office at the county seat of said county in a suitable room in the courthouse for such purpose, to be provided by the board of supervisors of Iron county at the expense of said county, together with all necessary stationery and other blanks required by said court in civil and criminal actions and examinations, and judge's dockets required by law. The office of county judge of said county shall be open every day between the hours of nine to twelve in the forenoon and the hours of one-thirty to five in the afternoon, excepting Sundays and legal holidays, and the judge shall be in attendance at said court room during said hours of each day in which his said office shall be open, excepting only when said judge shall be called away from his said office in the performance of his duties as such judge. During the months of July and August of each year the said judge may close the said office on each Saturday afternoon.

SECTION 21. The board of supervisors of said county shall employ a phonographic reporter, skilled in the art of shorthand reporting, to take testimony in any action, examination or other proceeding in the said county court, and the reporter's notes so taken may be filed in lieu of the minutes of testimony 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 or her notes, verified by his or her oath, 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 a part of the judge's fees in the case. In all preliminary examinations held before said judge it shall be the duty of said reporter to file a transcribed copy of his or her notes, verified by his or her oath, of the testimony taken in such examination, with the clerk of the circuit court for said county. It shall also be the duty of said reporter to docket all actions and proceedings and examinations tried or held before said judge. Said reporter shall receive such compensation for the performance of the duties hereby imposed as shall be fixed by the board of supervisors of Iron county, and for taking testimony in any proceeding in said court there shall be taxed as costs in the case for each day's actual attendance on said court in taking such testimony the sum of five dollars. Section 252.20 of the statutes shall apply to said reporter in said court.

SECTION 22. The county judge of Iron county, whenever it shall appear to him to be for the best interests of all parties to do so, may appoint a time and place in any part of Iron county in which to hold court, for the purpose of holding an examination or trial or other proceedings and shall be entitled to receive, as part of his compensation, his necessary and actual expenses in going to, returning from and attendance upon any criminal examination, trial or other process, to be paid out of the county treasury in the manner that other claims against said county are paid, and may tax the amount as a part of the costs in any civil action.

SECTION 23. No person shall be eligible to the office of county judge who shall not, at the time of his election or appointment thereto be an attorney of a court of record in said Iron county.

SECTION 24. The provisions of this act shall apply only to the powers and jurisdiction and duties hereby conferred upon said county court.

SECTION 25. This act shall take effect upon passage and publication.

Approved March 19, 1925.

No. 127, S.]

[Published March 26, 1925.

CHAPTER 23.

AN ACT to amend the introductory paragraph to subsection (1) of section 20.03 of the statutes, relating to the appropriation for the Wisconsin National Guard.

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

SECTION 1. The introductory paragraph to subsection (1) of section 20.03 of the statutes is amended to read: (20.03) (1) (Introductory paragraph) To the Wisconsin national guard, annually, beginning July 1, * * * 1925, two hundred * * * *forty-five* thousand dollars. Of this there is allotted:

SECTION 2. This act shall take effect July 1, 1925.

Approved March 25, 1925.

No. 13, A.]

[Published March 28, 1925.

CHAPTER 24.

AN ACT to repeal sections 20.595 and 108.19 of the statutes relating to the inspection of pulp wood.

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

SECTION 1. Sections 20.595 and 108.19 of the statutes are repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 27, 1925.