

No. 176, A.]

[Published April 7, 1899.]

CHAPTER 119:

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

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

SECTION 1. The county court of St. Croix 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 Hudson, said county and said county 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

Enlarged jurisdiction of the county court defined.

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

Extent of judgment by confession. How entered.

SECTION 2. A judgment by confession may be entered by the judge of said county 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:

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

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

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.

Vacancy on bench, caused by absence or disability, how filled.

SECTION 3. In case of the absence, sickness or disability of the county judge and in case any action brought in the county court under the provisions of this act, is sought to be removed therefrom, upon the oath of the defendant, his agent or attorney as provided by law in courts of justices of the peace, said county judge may by a written order, entered in his docket, appoint

any justice of the peace of St. Croix county to discharge the duties of county judge for a period of time to be specified in such order or for the hearing of any action sought to be removed, and the justice of the peace so appointed, shall have and exercise all the duties, powers and jurisdiction of the county judge, as conferred by this act, in all actions, matters and proceedings which may come before said court while he is administering said office; except that when such justice of the peace is called in to hear, try and determine any action or proceeding sought to be removed from said county court or judge, on the oath of the defendant, he shall have power to act in no other matter, action or proceeding than that in which he is so called. Said justice of the peace shall receive five dollars per day for each day in which he is necessarily occupied in the actual trial or hearing of any action, matter or proceeding which he is authorized to hear, payable to him by the county on his verified statement, countersigned and certified by the county judge and audited and allowed by the county board.

SECTION 4. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of St. Croix 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 such justice of the peace, 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 forthwith transmitted by mail, to the county judge at the city of Hudson and the action, examination or other proceeding shall be for trial at the next regular term of said county court, under the provisions of this act, not less than seven days from the date of said removal, at the place of holding regular terms of said county court, nearest the justice of the peace from whom said action, examination or other proceeding is removed.

Procedure
when an action
is removed
from justice to
county court.

Trial by jury, how may be had.

SECTION 5. In all cases arising in said county court, under this act or in which the said court shall obtain jurisdiction, as in this act specified, excepting only in actions and proceedings arising under the charter, ordinances and by-laws of the city of Hudson, trial by jury may be had in the same manner and process as in courts of justices of the peace.

Form of summons.

SECTION 6. The summons in all civil actions, under this act, may be in the following form:

State of Wisconsin, In County Court for St. Croix County—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 office of....., in the city (village or town) of....., on theday of, A. D. 1....., ato'clock in the.....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 Hudson, Wisconsin, this.....day of....., A. D., 1....., Issued by

County Judge.

Processes, how returnable.

And all other writs, warrants and processes necessary to be issued, under this act, shall be in the form prescribed by law for justices of the peace or for courts of justices of the peace, but under the name of the county judge of said St. Croix county. And all processes issued 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; provided that the maximum time within which all processes, under the provisions of this act, may be made returnable, shall be thirty-six days.

SECTION 7. In all civil actions and in all

criminal trials, examinations and proceedings in said county court, under this act, the docket entries and process shall be made, kept and filed substantially in the same manner, as near as may be, 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 Hudson, in said county, under this act, the forms to be used and the docket entries, processes and proceedings shall be substantially the same, as near as may be, as required by the city charter and ordinances of the city of Hudson; provided that in all civil actions, under this act, said judge may sign in blank, summonses and other processes 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 on or 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 or by said county judge, 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 or unless said judge, when said summons or other process is issued by him, shall indorse thereon his name, which indorsement shall be substantially in the following form: "Issued by A. B., attorney at law," or "Issued by C. D., County Judge;" and when any action, examination or proceeding in the county court under the provisions of this act, shall be adjourned or continued to a day certain, it shall be for trial at nine o'clock in the forenoon of the day to which the same has been adjourned or continued, unless otherwise ordered by the court or agreed to by the parties; and at the hour above specified, the parties shall proceed to the trial of the case without delay, un-

Docket entries in all actions, how kept and filed; when judge may sign summonses in blank, endorsements to be made thereon.

less the same shall be adjourned by consent of parties or continued by the court, for cause shown, and upon such terms as may be just and equitable.

Salary of county judge.

SECTION 8. For his services, under the provisions of this act, the county judge of said county shall receive a salary of five hundred dollars, until otherwise provided by the county board, which board is hereby authorized to increase or decrease the amount of the same, which salary shall be paid at the same time and in the same manner as other salaried county officers are paid. In all actions, examinations or proceedings in the county court, under this act, the county judge shall collect from the proper parties, the same fees as are now allowed by law to justices of the peace for like services and pay the same over to the county treasurer, taking duplicate receipts therefor, one of which receipts he shall file with the county clerk; said fees so paid over to the county treasurer, shall go to make up the salary of the county judge under the provisions of this act; provided that in all matters, examinations and proceedings of which the county court and the judge thereof had jurisdiction before the passage of this act, it shall be lawful for the county judge to charge and receive for said services, the same fees and per diem as heretofore allowed by law for like services, to be paid as heretofore.

Attorney's fees allowed to plaintiff, how determined.

SECTION 9. 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 balance of the judgment. In case judgment shall be for the defendant, he shall receive the same attorney's fees, 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.

SECTION 10. The county judge may appoint a phonographic reporter, skilled in the art of shorthand reporting, for said court under this act, 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 St. Croix county. The reporter shall attend said county court whenever requested by the county judge and perform such duties as the county judge may require under this act. 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 costs in the case. Said reporter shall receive such compensation for taking testimony under this act as shall be fixed by the county judge, not exceeding

County judge
may appoint
phonographic
reporter, salary
and duties
of.

three dollars per day for each day's actual attendance and two dollars 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 paid to the phonographic reporter under this act, shall be in lieu of the fees allowed by law to justices of the peace for taking testimony in such cases. 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 under this act in the county court.

Transcripts of judgments may be filed with circuit court.

SECTION 11. Transcripts of judgments of the county court, under this act, in civil actions, may be filed and docketed with the clerk of the circuit court of said county, in the same manner and with the same effect, as 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 is provided by law in case of appeal from final judgments in courts of justices of the peace.

Term of court, when and where held.

SECTION 12. The county court under the provisions of this act, shall be open for the transaction of business daily (Sundays and legal holidays excepted) at nine o'clock in the forenoon and said court shall be held in the office of the county judge in the court house in the city of Hudson in said county or in any other convenient place in said county. Regular terms of said county court, under the provisions of this act, shall be held once each month at the places and times following, to-wit: at the city of Hudson, on the first Thursday of each month; at the city of New Richmond, on the second Thursday of each month; at the city of Glenwood, on the

third Thursday of each month and at the village of Baldwin, on the fourth Thursday of each month. And said county court shall at the request of either party, adjourn any trial hearing or proceeding, from one term of said county court to the next, after issue joined, to allow parties to prepare for trial or for other cause shown in its discretion. 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 St. Croix 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 Hudson, shall be furnished at the expense of said city.

SECTION 13. 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 under this act.

SECTION 14. This act shall take effect and be in force, from and after the thirtieth day of June, 1899.

Approved April 1, 1899.

No. 205, S.]

[Published April 8, 1899.

CHAPTER 120.

AN ACT fixing certain qualifications for teachers in certain cases.

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

SECTION 1. After the first day of July, 1900, graduates of colleges and universities, in order that their diplomas may become an authorization to teach in the public schools of this state, as now

College graduates to file evidence of study.