

of damages given shall forever preclude such owner and all persons claiming under him from all further claim for damages. If there be any owner, other than this state or the United States, of lands through which any highway shall be laid out, widened, or altered, who shall not agree with the supervisors as to the compensation he shall receive for the damages sustained by him by reason of the laying out, widening, or altering of such highway, and who shall not, previously to the making of the order laying out, widening, or altering such highway, deliver to said supervisors a written release of all claims for such damages, said supervisors shall, at the time of making such order, assess the damages which such owner will sustain by reason of the laying out, widening, or altering such highway through his lands, and make an award in writing, specifying therein the sum awarded by them to each of said owners for their respective damages; and if the owner of any parcel of land through which such highway shall be laid out, widened, or altered is unknown, the supervisors shall, in their award of damages, specify the amount of damages awarded by them to the unknown owner of such parcel of land, giving a brief description of such parcel of land in their award; said award shall be signed by said supervisors and be filed in the office of the town clerk with the order laying out, widening, or altering such highway. The damages sustained by the owner of any lands by reason of the discontinuance of any highway or of any part of a highway shall be ascertained and may be appealed from as provided in this \* \* \* chapter, \* \* \*.

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

Approved June 15, 1911:

No. 631, A.]

[Published June 17, 1911.

## CHAPTER 371.

AN ACT to confer civil and concurrent criminal jurisdiction on the county court of Rusk county.

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

SECTION 1. The county court of Rusk county, in addition to the power and jurisdiction conferred by law on county courts, shall have cognizance of and jurisdiction to hear, try and determine all actions and proceedings that justices of the peace have jurisdiction over and cognizance of under section 3572 of the statutes wherein the amount of debt, damages, demand, forfeiture

or value of property involved shall not exceed the sum of five hundred dollars. The said county court shall also have such concurrent criminal jurisdiction as is conferred by section 4739 of the statutes on justices of the peace.

**SECTION 2.** The proceedings and practices in the said county court under this act shall be governed, as far as practical, by the laws relating to courts of justices of the peace. The summons, warrants, writs and other processes necessary to be issued under this act shall be in the form prescribed by the law for justices of the peace, but shall be under the name of the county judge of Rusk county. 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; 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.

**SECTION 3.** The provisions of law applicable to justices of the peace respecting the requirements as to keeping a docket therein shall apply to actions instituted and prosecuted under the provisions of his act, but failure to docket any case or proceeding thus begun prior to the time when the same shall be tried or heard, or failure to enter in the docket the time and place to which any adjournment shall have been taken, shall not deprive the said county court of jurisdiction to try and determine the action or proceeding. Trial by jury may be had in the same manner as in courts of justices of the peace and the jury shall consist of six men. In all actions or proceedings in the county court under this act the county judge shall be allowed and shall collect from the proper parties the same fees as are now allowed by law to justices of the peace for like services. Provided, that the county board of said county may, at any annual meeting provide a salary for the county judge in addition to said fees, and may, by resolution, require the payment of all such fees into the county treasury, and provide a salary in lieu thereof.

**SECTION 4.** The county judge shall also tax as costs in favor of the party recovering judgment the items of costs properly taxable in courts of justices of the peace, on all judgments for two hundred dollars or less; for all judgments for more than two hundred dollars and less than three hundred dollars, an attorney's fee of fifteen dollars; for all judgments over three hundred dollars, an attorney's fee of twenty-five dollars. 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 fees in case judgment is for the plaintiff, and the value of the property as claimed shall govern the amount of the attorney's fees, in case judgment is for the defendant. In a 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 parties shall appear in the action by an attorney of a court of record.

**SECTION 5.** Any party may appeal from any judgment or order entered by the county court to the circuit court for Rusk county within the time limited and within the manner prescribed for taking appeals from justice courts, and the trial shall be had in the circuit court in the same manner as if the appeal had been taken from a court of a justice of the peace.

**SECTION 6.** This act shall take effect and be in force from and after its passage and publication, provided, however, that none of the additional powers herein granted to the said county court of Rusk county shall be exercised by said court and none of the provisions hereof shall be effective and operative, unless the county board of Rusk county shall before January first, 1912, by resolution adopted by a majority of the members thereof, so declare and direct.

**SECTION 7.** This act shall take effect and be in force from and after its passage and publication.

Approved June 15, 1911.

No. 743, A.]

[Published June 17, 1911.

## CHAPTER 372.

AN ACT to amend section 3771 of the statutes, relating to judgments against appellants and sureties.

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

**SECTION 1.** Section 3771 of the statutes is amended to read: Section 3771. In every case where the appellate court shall give judgment against a party appealing, who shall have given an undertaking to stay execution in the court below, such judgment shall be entered against the appellant and his sureties jointly; but it shall not be collected of the sureties by the officer to whom the execution is directed, if he can find sufficient property of the principal to satisfy the same, and the party issuing the execution shall indorse a direction thereon to that effect. *In any case where the party appealing shall have given an undertaking, with a surety or sureties, to stay execution in the*