

No. 173, S.]

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CHAPTER 230.

AN ACT to confer civil jurisdiction on the county court of Waushara county.

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

SECTION 1. The county court of Waushara 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.

SECTION 2. The proceedings and practices in the said county court under this act shall be governed as far as practicable by the laws relating to courts of justices of the peace. The summonses, warrants, writs, and other processes necessary to be issued under this act shall be in the form prescribed by law for justices of the peace, but shall be under the name of the county judge of Waushara 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 requirement as to keeping a docket and making entries therein shall apply to actions instituted and prosecuted under the provisions of this act, * * *. 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 this act shall not deprive the said county judge of any fee or compensation now given him by law.

SECTION 4. In all actions instituted before a justice of the peace of Waushara county, in which a change of venue is taken, under the provisions of sections 3616 or 3617 of the statutes, a copy of the docket and all papers in the case shall be transmitted to the county court of Waushara county, in all cases where said court is nearer than the nearest justice of the peace of said

county who is qualified by law to try the case between the parties in such action; and in all cases instituted before a justice of the peace in said county wherein the parties shall stipulate that the case shall be removed to the county court, a copy of the docket and all papers in the case shall be transmitted to said court, and it shall have jurisdiction to proceed to hear, try, and determine the same in the same manner as though the action had been commenced before it.

SECTION 5. 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, except that an attorney's fee shall be taxed as provided by law 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 the attorney's fees in case of judgment is for the plaintiff, and the value of the property as claimed shall govern the amount of the attorney's fee in cases 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 parties shall appear in the action by an attorney of a court of record.

SECTION 6. Any party may appeal from any judgment or order entered by the county court to the circuit court for Wau-shara 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 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 2, 1911.