

members or its authorized agent, shall at any time have access to all assessment and tax rolls herein referred to for the purpose of assisting the local clerk and in order that the results of the reassessment may be carried into effect.

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

Approved June 5, 1911.

No. 522, A.]

[Published June 6, 1911.

## CHAPTER 264.

AN ACT to confer additional jurisdiction on the county court of Jackson county.

*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 Jackson county, in addition to its present jurisdiction, jurisdiction as follows: The county court of the county of Jackson shall have cognizance of and jurisdiction to hear, try and determine, all actions and proceedings at law wherein the amount of debt, damages, 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, and all charges for offenses arising within said county, and which are not punishable by commitment to the state prison; and the judge of said county court shall have power to sentence and commit all persons convicted of any offense of which said court has jurisdiction. Said court shall have power and jurisdiction throughout said county to cause to come before it persons who are charged with any criminal offense, and commit them to jail or bind them over to the circuit court as the case may require. The judge of said court shall further have all the jurisdiction, authority, powers and right given by law to justices of the peace and shall be subject to the same prohibition and penalties as justices of the peace. The judge of said court shall have the same fees as justices of the peace; provided, however, that the county board of Jackson county, may, at the time prescribed by law for fixing the amount of salaries for county officers, fix a salary for said county judge in lieu of all fees received by him, and direct that all fees received by him in any action in the said county court shall be paid into the county treasury of said county; and provided, further, if said county board shall so elect, it may, at the time and in the manner aforesaid, fix the salary of said county judge and deter-

mine what, if any, fees received by him shall be retained by him as compensation in addition to his salary as so fixed by the county board.

SECTION 2. A judgment by confession may be entered before the judge of the county court of the county of Jackson in any sum not exceeding five hundred dollars, without action, either for money due or to come due or to secure any person against contingent liability on behalf of the defendant, or both, if a statement in writing be made, 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. Second. If it be money due or to come due, it must state concisely the fact out of which it arose and must show that the sum confessed therefor is justly due or to come due. Third. If it be for the purpose of securing the plaintiff against a contingent liability it must state concisely the fact constituting the liability, and must show that the sum confessed does not exceed the sum.

SECTION 3. Whenever any action or other proceeding shall be removed from any justice of the peace of said county of Jackson upon the oath of the defendant, his agent or attorney, according to the provision of law for such removal, if said defendant, his agent or attorney, shall request in writing to said justice that the said action or other proceeding be removed to the said county court, then the action or other proceeding and all papers therein, shall be transmitted to the presiding judge thereof who shall proceed with the action or other proceeding in the same manner as if originally instituted before him.

SECTION 4. The general provisions of law relative to civil and criminal actions by justices of the peace, shall apply to the said court as far as applicable, and all appeals, civil and criminal, from said court, may be taken in the same manner, and with like effect as is provided by law for appeals from judgments of justices of the peace.

SECTION 5. In all cases arising in said court under this act or in which said court shall obtain jurisdiction as in this act specified, a trial by jury may be had in the same manner and process as in justice court.

SECTION 6. The sheriff and constables of Jackson county shall have the same power to serve and execute processes of this court as of justice's court and shall be entitled to receive the same fees.

SECTION 7. The summons in all actions may be in the following form:

Jackson County,        )  
                                  )ss.

City of Black River Falls )

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 county' court room, in said court house in the city of Black River Falls, county aforesaid. on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ 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 Black River Falls, Jackson county, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_.

\_\_\_\_\_  
County Judge.

and all other writs, warrants and processes necessary to be issued in this act shall be in the form prescribed by law for justices of the peace and justices' courts, but under the name of the county judge of said Jackson county; and all processes issued by said county judge 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.

SECTION 8. In case of the absence or temporary disability of the county judge, he may, by an order in writing to be filed in said court, designate and appoint a circuit court commissioner of said county to discharge his duties under any of the additional powers herein granted and imposed on said court, provided, however, that nothing herein shall operate to prevent the calling in of the county judge of some other county to preside upon the trial of any action or proceeding in said court.

SECTION 9. Except as provided in section 8, no action, examination or other proceeding shall be removed from said court, except as hereinafter provided; if prior to joining issue in any case and prior to any examination or other proceeding, it shall appear by affidavit that the county judge is a material witness or is in any way related to either of the parties, or from prejudice the county judge will not decide impartially in the matter, the said judge shall notify the county judge of any other county or some court commissioner in said county not disqualified to hear said examination, trial or other proceeding, whereupon the said county judge or court commissioner may hold court and

discharge the duties of the judge of said court on the trial of said case or the hearing of said examination or other proceeding, as the case may be, with like effect as the said county judge would if not disqualified to act. The magistrate so acting in any criminal proceeding shall receive as full compensation therefor the sum of three dollars for each day, one dollar and a half for each half day, he shall actually or necessarily spend in said examination or other proceeding and shall be paid out of the county treasury upon presentation of a bill therefor to the county board and allowance thereof, and in case of civil actions he shall be entitled to the fees provided for in the preceding section; provided, that the county board of said county may provide a per diem or other compensation in lieu of said fees, and direct that all such fees shall be paid into the county treasury.

SECTION 10. In all civil actions under this act in the county court in the county of Jackson, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney's 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 cent 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 cent 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 cent 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 cent 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. The provisions of this section shall apply to proceedings for the recovery of possession of personal property and the value of the property as found, if judgment be for the plaintiff, and as claimed, if judgment be for the defendant, shall be the basis for the taxation of attorney fees and in all other civil actions not herein provided for, an attorney fee of ten dollars shall be allowed to

the party in whose favor judgment is rendered, provided, however, that no attorney fees shall be allowed unless the party who recovers the judgment shall appear by an attorney of a court of record.

SECTION 11. The county judge may, in his discretion on the written request of either party to a civil action, or on like request by the district attorney in a criminal case or examination, call in a stenographic reporter, skilled in the art of shorthand, to take the testimony in such action or proceeding and may file the said reporter's notes in lieu of the testimony required by law to be taken by justices of the peace in like proceedings. In case of appeal in any civil action or proceeding, when so requested by the appellant, said reporter shall transcribe said testimony in longhand and the fees for such transcribing, not to exceed five cents per folio, shall be taxed as a part of the judge's fees in the case. Said reporter shall receive such compensation for taking testimony as shall be allowed by the said county judge, not to exceed two dollars for each day, and one dollar for each half day actually engaged in taking testimony to and until the first regular meeting of the county board of supervisors of Jackson county. Thereafter the reporter shall have and receive such compensation as shall then be fixed by the said county board, and it shall be the duty of the said board to fix the compensation of the said stenographic reporter at said time. In said civil actions and proceedings, the compensation shall be fixed as a part of the costs in lieu of the fees now allowed to justices of the peace for taking testimony, and in criminal proceedings the same shall be paid out of the county treasury upon a certificate of the county judge. Section 2439 of the statutes shall apply to said reporter of such court.

SECTION 12. No justice of the peace in said county shall exercise any jurisdiction in criminal cases, and all such jurisdiction is vested in said county court; provided, however, that there is expressly reserved herein the right and power of justices of the peace to issue criminal warrants upon complaint made in legal form, for offenses constituting and amounting to felony, and all such criminal warrants issued by any such justice of the peace shall be made returnable to said county court, and the said county court shall then proceed with such action, examination or other proceeding in the same manner as if originally instituted before him.

SECTION 13. Appeals from said county court shall be made to the circuit court of Jackson county and the manner and form

of taking an appeal shall be in the manner and form and time of taking such appeal from justice court.

SECTION 14. The provisions of section 2900 of the statutes shall apply to the filing of all transcripts of judgments in this court with the clerk of the circuit court, so far as the same are applicable thereto.

SECTION 15. 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 Jackson county shall be exercised by said court and none of the provisions hereof shall be effective and operative, unless the county board of Jackson county shall, before January first, 1912, by resolution adopted by a majority of the members thereof, so declare and direct.

Approved June 5, 1911.

No. 577, A.]

[Published June 6, 1911.

## CHAPTER 265.

AN ACT to add three new subsections to section 1955y—1 of the statutes, relating to assessment insurance companies other than fraternal or mutual benefit societies.

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

SECTION 1. There is added to section 1955y—1 of the statutes three new subsections to read: 2. a. Provided, that where the stipulated premium or periodical call upon the members of any domestic or foreign company shall exceed the net one-year term premium according to the mortality table used in computing or establishing said premiums or periodical calls, or the American Experience Mortality Table, if none has been used, and interest at a rate not exceeding four per cent per annum, the members shall be credited with the premiums paid, together with interest thereon, at such rate, as nearly as may be practicable, as the company may have earned from year to year, less the policy-holder's share of losses and expenses.

b. Said losses shall be actuarially computed in accordance with the mortality table used in computing the premium rates as aforesaid, with due allowance for any savings on account of favorable mortality experience.

c. The values or equities so determined shall be carried to the credit of the individual members, and in case of lapse of any policy hereafter issued in this state, the amount shall be applied as a net single premium to purchase extended insurance for a