

No. 831, A.]

[Published May 8, 1891.]

## CHAPTER 356.

AN ACT amending section 5 of chapter] 15, of chapter 154, of the laws of 1885, relating to the city of Chippewa Falls, Wisconsin.

(See Vol. 2.)

No. 204, A.]

[Published May 5, 1891.]

## CHAPTER 357.

AN ACT conferring additional jurisdiction on the county court of Portage county.

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

Jurisdiction.

SECTION 1. There is hereby conferred upon the county court of Portage county, jurisdiction as follows: The county court of the county of Portage, 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 com-

mit them to jail or bind them over to circuit court as the case may require. The judge of said court shall further have all the jurisdiction, authority, powers and rights given by law to justices of the peace, and shall be subject to the same prohibitions and penalties as justices of the peace. The said court shall also have exclusive jurisdiction of all offenses and actions arising under the charter of the city of Stevens Point, and the ordinances, rules and by-laws of said city. And all of the provisions of the charter of the city of Stevens Point relating to the practice and procedure in actions arising under the said charter, ordinances, rules and by-laws of said city, are hereby made applicable to the said county court and judge thereof in the trial of all said actions; and for these purposes, the city of Stevens Point and the county of Portage are hereby made and declared to be a municipality.

SECTION 2. A judgment by confession may be entered before the judge of the county court of the county of Portage, 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 become 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 same.

Judgments by confession.

SECTION 3. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of Portage, 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, that the action, examination or other proceeding be removed to the said county court, then the action,

Actions before justices of the peace may be removed to county court.

examination or other proceeding, and all papers therein shall be transmitted to the presiding judge thereof, who shall proceed with the action, examination or other proceeding in the same manner as if originally instituted before him.

Trial by jury.

SECTION 4. In all cases arising in said 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 Stevens Point, trial by jury may be had in the same manner and process as in justice court.

Sheriffs and constables.

SECTION 5. The sheriff and constables of Portage county shall have the same power to serve and execute processes of this court as of justices' courts; and shall be entitled to receive the same fees.

Forms.

SECTION 6. The summons in all civil actions may be in the following form:

Portage County, }  
City of Stevens Point. } 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 county court room, in the court house in the city of Stevens Point, on the .... day of ....., A. D. 18.., at .... o'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 Stevens Point, Wisconsin, this .... day of ....., A. D., 18...

.....  
County Judge.

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 and justice courts, but under the name of the county judge of said Portage 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 7.** In all civil actions under this act Attorney's fees. in the county court in the county of Portage, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney 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 centum 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 centum 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 all cases where the plaintiff shall claim in his complaint one hundred dollars or less, an assessment equal to ten per centum 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 centum 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 fee shall be allowed unless the party who recovers the judgment shall appear by an attorney of a court of record.

Stenographer,  
duties and fees  
of.

SECTION 8. It shall be lawful for said judge to call in a stenographer to take testimony in any trial, examination or proceeding before him under this act, which stenographer shall receive ten cents per folio for taking and transcribing said testimony. The fees above specified shall in all civil cases be taxed as costs against the losing party; in criminal cases they shall be returned to the county or to the city, as part of the costs in the case. A transcribed copy of the notes so taken shall be filed in lieu of the minutes required by law to be taken by justices of the peace in like proceedings.

Appeals.

SECTION 9. Appeals from said county court shall be made to the circuit court of Portage county, and the manner and form and time of taking such appeal shall be in the manner and form and time of taking such appeal from justice courts.

Stationery and  
blanks.

SECTION 10. All needful stationery and blanks required by said court in criminal actions and examinations, and the judge's docket, required by law to be kept in such actions, shall be furnished at the expense of Portage county. All needful stationery and blanks required by said court in actions arising under the charter, ordinances, and by laws of the city of Stevens Point, and the judge's docket required in such cases, shall be furnished at the expense of the city of Stevens Point.

Manuscripts of  
judgments.

SECTION 11. The provisions of section 2900, of the revised statutes, shall apply to the filing of all transcripts or judgments in this court with the clerk of the circuit court, so far as the same are applicable thereto.

SECTION 12. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 13. This act shall be in force and take effect from and after its passage and publication.

Approved April 22, 1891.