

Provided, that no such contract shall be entered into by the commission until a county or counties have agreed to use and pay for the full amount of materials proposed to be contracted for. The commission is further authorized and directed to assign to the counties wherein said construction and maintenance work is located any and all of its contractual rights and obligations under any such contract, at the prices and terms named therein.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 350, S.]

[Published July 1, 1921.

CHAPTER 450.

AN ACT conferring additional jurisdiction on the county court of Marquette 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 Marquette county, jurisdiction as follows:

1. The county court of the county of Marquette 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 one thousand 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 one thousand 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.

2. 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 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 prohibitions and penalties as justices of the peace. All fees paid to or received by said judge shall be paid into the county

treasury at the end of each month to become a part of the funds of the county.

SECTION 2. A judgment by confession may be entered before the judge of the county court of the county of Marquette in any sum not exceeding one thousand 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, examination or other proceeding shall be removed from any justice of the peace of said county of Marquette 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 said justice 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 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.

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, a trial by jury may be had in the same manner and process as in justice court.

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

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

Marquette County, {
Town of } 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 said courthouse in the town of Marquette, county aforesaid, on the day of at noon, to answer to C. D., plaintiff, to his damage, one thousand dollars, or under.

Hereof fail not at your peril.

Given under my hand at, Marquette county, Wisconsin, this day of, A. D., 19.....

.....
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 Marquette 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. 1. In all civil actions under this act in the county court in the county of Marquette, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorneys' 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 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.

2. 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.

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 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.

SECTION 9. Appeals from said county court shall be made to the circuit court of Marquette 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 court.

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 Marquette county.

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

SECTION 12. The county judge of said Marquette county, Wisconsin, shall receive an annual salary of fifteen hundred dollars, for performing the duties of his office, including the duties required by this act, to be paid out of the county treasury in equal monthly installments at the end of each month.

SECTION 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 14. This act shall take effect upon passage and publication.

Became law by expiration of time without governor's approval.

No. 235, S.]

[Published July 2, 1921.

CHAPTER 451.

AN ACT to amend subsection (4) of section 2394—7, subsection (8) of section 2394—9, section 2394—11, section 2394—12, section 2394—16, section 2394—18m, subsection (2) of section 2394—24, section 2394—26, and section 2394—27, to create subsection (4) of section 2394—24 and to repeal subsection (2) of section 2394—19 and re-number subsections (3) and (4) to be subsections (2) and (3), respectively, of section 2394—19, of the statutes, relating to workmen's compensation.

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

SECTION 1. Subsection (4) of section 2394—7, subsection (8) of section 2394—9, section 2394—11, section 2394—12, section 2394—16, section 2394—18m, subsection (2) of section 2394—24, section 2394—26, and section 2394—27 of the statutes are amended to read: (Section 2394—7) (4) Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, all helpers and assistants of employes, whether paid by the employers or employe, if employed with the knowledge, actual or constructive, of the employer, and also including minors of permit age or over (who, for the purposes of section 2394—8, shall be considered the same and shall have the same power of contracting as adult employes), but not including any person whose employment is not in the usual course of the trade, business, profession, or occupation of his employers, *unless such employer has, by an affirmative election, in the manner provided in subsection (1) of*