

hereby amended by adding at the end of said section the following: "But said circuit judge shall, at any time, on due proof that such incapacity no longer exists, make an order transmitting said case and all papers therein to the county judge of the proper county, and said county judge shall thereafter have full jurisdiction of, and perform all the duties relating to said case," so that said section, when amended, shall read as follows: "Section 16. When a judge of the county court, his wife or child, shall be an heir or legatee, or when such judge shall be an executor or administrator of a deceased person, he shall be deemed incapacitated for executing the duties of his office in relation to that estate, and the judge of the circuit court for the same county shall perform such duties. But said circuit judge shall, at any time, on due proof that such incapacity no longer exists, make an order transmitting said case, and all papers therein, to the county judge of the proper county, and said county judge shall thereafter have full jurisdiction of, and perform all the duties relating to said case.

When county judge interested in estate, judge of circuit court to act.

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

Approved March 7, 1877.

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[Published March 22, 1877.]

## CHAPTER 198.

AN ACT relating to attorneys' fees in justices courts, and amendatory of section 1, of chapter 96, of the laws of 1876.

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

SECTION 1. In all actions in courts held by justices of the peace, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney fees as follows: On all judgments less than fifty dollars, an amount equal to ten per cent. of such judgment; on all judgments over fifty dollars and under one hundred dollars, five dollars as attorney fees; and on all judgments over one hundred dollars, ten dollars as attorney fees. And in case the judgment shall be for the defendant, the defendant shall be entitled to recover attorneys' fees as follows: In all cases where the plaintiff shall claim in his complaint, fifty dollars or less, an assessment

Rate of attorney's fees in justice court.

To what proceedings act to apply.

equal to ten per cent. of such claim; in all cases where the plaintiff shall claim in his complaint a sum over fifty dollars and under one hundred dollars, the sum of five dollars, and in all cases when the plaintiff shall claim in his complaint one hundred dollars and over, the sum of ten dollars. The provisions of this act shall apply to proceedings for the recovery of possession of personal property, and the value of the property found and claimed shall be the basis for the taxation of attorneys' fees under this act; *provided, however*, that no attorney fees shall be allowed the plaintiff in any such action, unless he shall appear therein by attorney, and the defendant have appeared therein and answered or demurred to the complaint, and no attorney fees shall be allowed the defendant in any such action, unless he shall have appeared therein by an attorney.

Repealed.

SECTION 2. Chapter 96, of the laws of 1876, and all other acts or parts of acts in conflict with this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1877.

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[Published March 17, 1877.]

## CHAPTER 199.

AN ACT to repeal chapter 27 of the general laws of 1875, entitled "An act to amend chapter 423, private and local laws of 1871, entitled 'An act to authorize the county clerk of Door county to make and keep an abstract of tax sales, deeds and redemptions in said county,'" and to revive said chapter 423.

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

Repealed.

SECTION 1. Chapter 27, of the general laws of 1875, is hereby repealed. Chapter 423 of the private and local laws of 1871, is hereby revived.

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

Approved March 7, 1877.