

No. 22, A.]

[Published June 22, 1907.

CHAPTER 312.

AN ACT to amend subdivision 1, section 3775, of the statutes, relating to costs in justice court.

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

SECTION 1. Subdivision 1 of section 3775, of the statutes, is amended to read:

* * * * *

Approved June 21, 1907.

(In effect July 1, 1907.)

No. 205, A.]

[Published June 22, 1907.

CHAPTER 313.

AN ACT to amend section 1329a, statutes of 1898, relating to the placing of telegraph, telephone or electric wire poles in public highways.

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

SECTION 1. Section 1329a, statutes of 1898, is amended to read:

* * * * *

Approved June 21, 1907.

(In effect July 1, 1907.)

in garnishment, either before or after judgment in the main action, the principal defendant may, if he desire, * * * offer in writing to permit the plaintiff to take judgment against him, and any surety or sureties who shall agree thereto in writing and who shall justify in twice the amount of the plaintiff's claim and who shall be approved by the justice, immediately upon the entry of judgment for the plaintiff in the main action for the amount of any final judgment obtained by the plaintiff against the defendant in said action in said court or in any court to which the same may be removed on appeal, and also the accrued costs of said garnishee action up to the time of * * * making such offer of judgment and said garnishee may be then discharged from all further liability as garnishee therein.

2. Whenever judgment shall be rendered against the defendant mentioned in the preceding subsection, such judgment shall be entered against the defendant and his surety or sureties jointly; but it shall not be collected of the sureties by the officer to whom the execution is directed if he can find sufficient property of the principal to satisfy the same, and the party issuing the execution shall endorse a direction thereon to that effect.

(Ch. 348, 1907.)

Appeals from justice courts: affirmation, if both parties neglect hearing. SECTION 3766. If neither party shall bring the appeal to a hearing in the appellate court before the end of the second term after filing the return of the justice therein such court shall * * * unless such cause be continued by special order, for good cause shown, affirm the judgment of the justice with costs.

(Ch. 160, 1907.)

Justice court costs: \$1 per day for jurors. [Section 3775]. 1. Witness fees for travel and attendance, not exceeding, however, fifteen dollars in one case, unless the justice shall, by an order entered in his docket, direct that a larger sum be taxed therefor, in which case he shall state in such order the reasons for making the same, provided, that in no event shall any sum exceeding twenty-five dollars be taxed in one case, and fees of jurors at the rate of * * * one dollar per day and six cents for each mile actually and necessarily traveled to attend such trial, both coming and going, for each juror in attendance, less the amount advanced by the opposite party when the jury shall have been demanded by him; such

jurors' fees, when collected, shall be paid by the justice to the jurors entitled thereto.

(Ch. 312, 1907.)

Attorney's fees: actions for labor. [SECTION 3775.] 5. In actions for work and labor, an attorney's fee of five dollars on any amount recovered under fifty dollars when the plaintiff appears by an attorney of record, whether or not the defendant has appeared, but no such fee shall be taxed if defendant prevails in the suit.

(Ch. 337, 1907.)

County courts: executor's bond. SECTION 3795. If the executor shall be sole or residuary legatee instead of the bond prescribed in the preceding section he may give a bond in such sum and with such sureties as the court may direct, with a condition only to pay all the debts and legacies of the testator. * * * An executor named in any will may be exempt from giving bond, when the testator has so ordered or requested in his will, unless the county court shall order otherwise; and such court may require a bond, with sureties, of any such executor at any time pending the settlement of the estate.

(Ch. 660, 1907.)

Executors, etc.: grounds for removal. SECTION 3803. If an executor, administrator, guardian or trustee shall reside out of this state, or shall neglect to render his account within the time provided by law or the order of the court, or shall neglect to settle the estate according to law, or to perform any judgment or order of the court, or shall abscond, or become insane or otherwise incapable or unsuitable to discharge the trust, the county court may * * * remove such executor, administrator, guardian or trustee and appoint a successor therefor.

(Ch. 289, 1907.)

Executors, etc.: removal; complaint requisite. SECTION 3803a. Before any executor, administrator, guardian or trustee shall be removed under the provisions of the last preceding section, *a complaint stating the grounds for removal, duly verified by the person making the same, shall be first filed in such county court and such* * * * county court shall cite such executor, administrator, guardian or trustee to appear before it at some designated general or special term and show cause,