

No. 855, A.]

[Published June 25, 1907.

CHAPTER 347.

AN ACT to create section 4560a—6, of the statutes, relating to the taking of rough fish with dip nets.

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

SECTION 1 There is added to the statutes a new section to read:

* * * * *

Approved June 24, 1907.

(In effect July 1, 1907.)

No. 68, A.]

[Published June 25, 1907.

CHAPTER 348.

AN ACT to amend section 3721a of the statutes relating to garnishments.

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

SECTION 1. Section 3721a is amended to read:
* * * * *

Approved June 22, 1907.

(In effect July 1, 1907.)

*gagor and upon any subsequent grantee or mortgagee whose conveyance shall be recorded at the time of the first publication of such notice at least six weeks before the date of sale if * * * they shall be found within the county. * * **

3. If the return of the sheriff, or *affidavit of the person making the service* shall show that * * * any such person can not be found, a copy of such notice shall be posted in a conspicuous place upon the mortgaged premises and also served upon the occupant thereof, if any.

(Ch. 178, 1907.)

Justice courts: summons in blank, filing. SECTION 3594. All process issued by a justice of the peace shall run in the name of the "State of Wisconsin," be dated on the day it is issued, be signed by the justice of the peace issuing the same, may be under seal or without seal and shall be directed to the sheriff or any constable of the proper county. Said process shall contain the names of the parties plaintiff and defendant, the name of the town, village or city and the county where the justice of the peace resides, and the day, hour, month and year of the return thereof. Justices of the peace may sign in blank any summons and deliver the same to any attorney duly authorized to practice law in Wisconsin, to be issued by such attorney as occasion may require, and upon the filing of such summons at any time before the same is returnable with the justice of the peace having so signed the same, such justice shall forthwith docket the case and his docket entries shall have the same legal force and effect as if made at the time of issuing such summons; provided, that no summons, so issued by any attorney, under the provisions of this section, shall be valid unless said attorney shall endorse thereon his name or the name of the firm of which he is a member, which endorsement shall be substantially in the following form: Issued by A. B., plaintiff's attorney. *Whenever any summons shall be signed in blank by the justice and be issued by the attorney to whom delivered, such summons shall be filed with said justice * * * at least seventy-two hours * * * before the time specified therein as the time of the return thereof, and upon failure to do so the action shall be dismissed.*

(Ch. 116, 1907.)

Surety to discharge garnishee; secondary liability. SECTION 3721a. 1. At any time after the service of a summons

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