

No. 1012, A.]

[Published July 16, 1907.]

**CHAPTER 624.**

AN ACT to amend section 600 and 604q of the statutes, relating to provisions for collecting the costs of support and maintenance of insane persons.

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

SECTION 1. Section 600 of the statutes is amended to read:

\* \* \* \* \*

SECTION 2. Section 604q of the statutes is amended to read:

\* \* \* \* \*

Approved July 13, 1907.

(In effect from and after date of publication.)

No. 417, S.]

[Published July 16, 1907.]

**CHAPTER 625.**

AN ACT to amend sections 677 and 680, to repeal section 681 of the statutes and to create a new section to be known as section 681, relating to the time of payment by the county of fees of witnesses, jurors and interpreters in criminal cases in justice court and in criminal examinations.

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

SECTION 1. Section 677 of the statutes is amended to read:

\* \* \* \* \*

SECTION 2. Section 680 of the statutes is amended to read:

\* \* \* \* \*

SECTION 3. (Repeals section 681.)

SECTION 4. There is added to the statutes a new section to read: (Section 681.)

SECTION 5 This act shall take effect and be in force from and after its passage and publication.

Approved July 13, 1907.

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No. 514, S.]

[Published July 16, 1907.

## CHAPTER 626.

AN ACT to authorize the John Arpin Lumber Company, its successors and assigns, to build and maintain a dam across Chippewa river, Sawyer county, Wisconsin.

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

**Location of dam; purposes; height; passage for logs, etc.; land flowage and condemnation.** SECTION 1. The John Arpin Lumber Company, its successors and assigns, are authorized to build and maintain a dam across Chippewa river in Sawyer county, Wisconsin, at such place as they may select on section ten, township thirty-seven north of range seven west, for the purpose of utilizing the water power created thereby, and for the purpose of improving the navigation of said river; provided that said dam shall not exceed eighteen feet in height above low water mark, and shall be so constructed and maintained as not to obstruct the running of lumber, timber or logs down said river and over said dam. And for the purpose aforesaid the said John Arpin Lumber Company, its successors and assigns, are authorized to overflow and set the water back upon and hold it upon all such lands as shall be necessary for the keeping up and maintaining such dam, and to acquire title to such lands for such purposes by purchase, lease or condemnation; and in case said John Arpin Lumber Company, its successors and assigns, are unable to agree with the owners of such lands so necessary for such purposes, as to purchase, lease or use thereof and the right of flowage, or as to compensation to be made for taking or flooding any

**Defective town boundaries; legalization.** SECTION 671m. Whenever any county board in this state, on petition of a majority of the freeholders and applicants for homesteads under the laws of the United States occupying the same, residing in a part of a town shall heretofore have attempted to detach such part of a town therefrom and create out of said part a new town, or to attach such part of a town to another town by the passage of an ordinance or resolution, such ordinance or resolution shall be taken and held to have been lawfully enacted and passed, and no defect, omission, irregularity or informality in the proceedings by which such ordinance or resolution was enacted or passed whether formal or jurisdictional, shall affect or invalidate such ordinance or resolution, and the boundaries of such towns so created or altered are hereby declared to have been legally established.

(Ch. 163, 1907. Numbered "Sec. 671m" by Sec. 9, Ch. 676, 1907.)

**Fees for reporting births and deaths; filing of claims.**

SECTION 677. 1. Every person, except jurors, witnesses, interpreters and physicians or other persons entitled to receive from the county fees for reporting to the register of deeds births or deaths which have occurred under their care, having any such claim against any county shall make a statement thereof in writing, setting forth the nature of his claim and the facts upon which it is founded, and if the claim be an account the items thereof separately, the nature of each and the time expended in the performance of any service charged for, when no specific fees are allowed therefor by law, and, if the claim be for mileage, the statement shall specify dates and places so as to show between what points and when the travel charged for was had and also the purpose for which such travel was had. Such statement shall be verified by the affidavit of the claimant, his agent or attorney, and filed with the county clerk; and no such claim against any county shall be acted upon or considered by any county board unless such statement shall have been so made and filed.

**Court officers claims to be certified by district attorneys and magistrates.** 2. No claim for official services. \* \* \* in any criminal action or proceeding *before a justice of the peace or other magistrate* shall be allowed by any county board until the same has been examined and a written report made thereon by the district attorney of the proper county as required by section 680; nor shall the claim of any sheriff, under-

sheriff, deputy-sheriff, constable or other such officer for the services or expenses of an assistant in making an arrest or commitment be allowed unless the magistrate \* \* \* *before whom the prisoner is brought* certifies that there was a necessity for such assistance because of the dangerous character of the defendant or because two or more persons were arrested at the same time.

(Ch. 625, 1907.)

**Magistrates to certify court officers fees; procedure and form.** SECTION 680. 1. Whenever any county shall be liable for the fees of officers, \* \* \* in any action or proceeding before a justice of the peace, court commissioner or county judge, such fees shall be certified to and allowed by the county board in the manner following, and in no other way: At least ten days before the annual meeting of such board every such officer shall make and file with the county clerk a certified statement of all actions or proceedings had or tried before him in which the state was a party, and wherein the county has become liable for the fees of officers, \* \* \* or magistrates \* \* \* , within the year next preceding the date of such statement, showing the title and nature of the action or examination, date of trial, the names of all officers, \* \* \* who actually attended court and gave in a statement of their attendance and travel; and also such on the part of the defendant as were allowed against the county, and the amount to which they are severally entitled. Such statement shall be substantially in the following form, v:z:

State of Wisconsin )  
 against                )  
 ..... )

In justice court. Before ....., justice of the peace.  
 Complaint for ..... Heard the .... day of .....19....  
 To the county board of .....county:

I hereby certify that in the foregoing entitled action the following named persons rendered services therein, and attended before me in the capacity stated, and that they are severally entitled to the amounts specified below for said services, attendance and travel, and that said services were actually and necessarily rendered, and said action was prosecuted in good faith:

A.B., \* \* \* (constable or sheriff), actually and necessarily traveled in serving the.. herein,..... miles, and attended

court..... days, and is entitled to ....dollars for other just and lawful services in the cause, and in all is entitled to \$.....

Dated this ..... day of ....., 19....

**Fees to be audited by district attorney and county board; statute of limitations.** 2. The county clerk shall deliver such statement to the district attorney, who shall examine the same and make a report in writing thereon to the county board, specifying the items in each for which the county is or is not liable, and the extent of its liability if it is liable for a part only of any such item. Such statement and report shall be laid before the county board by the county clerk, and in so far as the items charged therein are approved by the district attorney such statement shall be prima facie evidence of the claims of the persons named therein; and the board shall examine the same and allow such as are legal, and direct that orders be drawn for the amount allowed to each person named therein. If any person in whose favor any such order is drawn shall not call for the same within two years from the time his claim is allowed his right to any compensation for his services shall be deemed waived and the county board shall cancel such order  
(Ch. 625. 1907.)

**Repeal.** SECTION 681 of the statutes is repealed.  
(Sec. 3, Ch. 625, 1907.)

**Fees of jurors, witnesses, interpreters: procedure of allowance and payment.** SECTION 681. 1. Whenever any county shall be liable for fees of jurors, witnesses on the part of the state or on the part of the defendant, or of interpreters in any action or proceeding before a justice of the peace, court commissioner, county judge or other magistrate, such magistrate before whom such juror, witness or interpreter attended, shall furnish to such person a certificate setting forth the name of such person, the time served, the number of miles traveled by him and the amount of compensation to which he is entitled, together with the title of the action in which such person so served, the capacity in which he served and the date of service. Such certificate shall be dated and signed by such magistrate and examined and certified to by the district attorney of the county in which such person or persons so served. The person receiving such certificate shall in the presence of the magistrate issuing the same endorse thereon a certificate that he is the

person mentioned therein by the magistrate, that the time of service, the number of miles traveled and the capacity in which he served are true and correct as therein stated, and that he has not at any time received any compensation therefor. Upon presentation of such certificate of such magistrate, together with the certificate of such district attorney and of the person holding the same endorsed thereon as hereinbefore specified, the county treasurer shall pay to the holder of such certificate the amount therein set forth, out of the funds of the county, and such certificate with the endorsement thereon shall be filed in the office of the county treasurer.

**False certificate; penalty.** 2. Any magistrate, juror, witness or interpreter who shall make or sign any such certificate which is untrue in respect to anything material, which he knows to be false, or which he has not good reason to believe is true shall be punished as provided in section 4554 of the statutes.

(Sec. 4, Ch. 625, 1907.)

**County depositories: number; bond minimum; committee approval.** SECTION 693. 1. The county board of every county may, upon compliance with the conditions hereinafter expressed, designate \* \* \* *one or more banks, banking institutions or trust \* \* \* companies* organized and doing business under the laws of this state or the United States, a county depository or depositories. *And in counties having a population of two hundred thousand or over, the county board shall designate two or more depositories.*

2. Every such bank, institution or company shall, before it shall be entitled to receive any moneys, of any county, file with the county clerk, on or before the first day of December, a good and sufficient bond *conditioned to be in force and effect the succeeding first day of January in \* \* \* such sum as the county board may direct, subject to the exception hereinafter mentioned*, conditioned for the payment, upon demand, to such treasurer, or his order, of all moneys deposited by him with it, and interest thereon at the rate agreed upon as hereinafter provided.

3. *Such bond shall not be in a sum less than the maximum amount to be placed in such depository, and may be either a personal or surety company bond. In event said bond is a surety company bond the amount thereof shall not exceed two*