

mencement of the action and before judgment file with the clerk of the court an undertaking, executed by at least two sureties, resident freeholders of the state, to the effect that they will on demand pay to the plaintiff the amount of the judgment, with all costs that may be recovered against such defendant in the action, not exceeding a sum specified, which sum shall not be less than double the amount of the indebtedness specified in the affidavit of garnishment or in such less sum as the court shall, upon application, direct. *If the plaintiff shall fail to take issue with the answer of the garnishee defendant within the time prescribed by law, then the undertaking provided for in this section shall be conditioned to pay to the plaintiff only the amount of the indebtedness admitted or value of the property held by said garnishee defendant.* The sureties shall justify their responsibility by affidavit annexed, stating a sum which each is worth in property within this state, over and above all his debts and liabilities and property exempt from execution, the aggregate of which sums shall be double the amount specified in the undertaking. The defendant shall serve a copy of such undertaking, with a notice where and when the same was filed, on the plaintiff. Within three days after the receipt thereof the plaintiff shall give notice to the defendant that he excepts to the sufficiency of the sureties, or he shall be deemed to have waived all objections to them. When the plaintiff excepts, the sureties shall justify in like manner as bail upon arrest, and the provisions of sections 2704, 2705 and 2706 shall be applicable thereto. Thereafter all the garnishees shall be discharged and the garnishment proceedings shall be deemed discontinued, and any money or property paid or delivered to any officer shall be surrendered to the person entitled thereto, and the costs shall be taxable as disbursements of the plaintiff in the action if he recovers.

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

Approved April 29, 1913.

No. 847, A.]

[Published April 30, 1913.

CHAPTER 141.

AN ACT to amend sections 1966—33a, 3783 and 3783a of the statutes, relating to security for costs.

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

SECTION 1. Sections 1966—33a, 3783 and 3783a of the statutes are amended to read: Section 1966—33a. Whenever a justice of the peace in a civil action shall require the plaintiff to

give security for costs or other purposes, such security may be given by filing an undertaking by any surety company authorized to do business in this state, executed either before or after commencement of the action, in which undertaking the surety company shall agree to become surety for costs, or for costs and damages, or otherwise, as required by law in the action. The undertaking may be substantially in the following form:

Whereas an action has been commenced (or is about to be commenced) in a justice court in the county of in which action is plaintiff and is defendant. Now, therefore, the company, a surety company duly authorized by law to do business in the state of Wisconsin, undertakes and agrees to become surety for costs (or for costs and damages), in said action *in a sum not to exceed one hundred dollars.* Dated, 19...
..... Company By

The undertaking, when filed, shall be accompanied with the certificate of the commissioner of insurance, or a copy thereof duly certified by him, mentioned in section 1966—34. *The cost of such bond, not to exceed five dollars, shall be taxed as a disbursement in the action.*

(See c. 691.)

Section 3783. The person becoming security as aforesaid shall sign the following memorandum on the docket: I, A. B., agree to become security for the costs in this action *in a sum not to exceed one hundred dollars.* And if judgment be rendered in such action against the plaintiff execution for costs may issue against the plaintiff and the surety; or, at the option of the party entitled to such costs, he may maintain an action upon such memorandum against the security for the recovery of the same.

Section 3783a. Whenever a justice of the peace in a civil action shall require the plaintiff to give security for costs or other purposes, such security may be given by filing an undertaking by any surety company authorized to do business in this state, executed either before or after commencement of the action, in which undertaking the surety company shall agree to become surety for costs, or for costs and damages, or otherwise, as required by law in the action. The undertaking may be substantially in the following form:

Whereas an action has been commenced (or is about to be commenced) in a justice court in the county of in which action is plaintiff and is defendant. Now, therefore, the company, a surety company duly authorized by law to do business in the state of Wisconsin, undertakes and agrees to become surety for costs (or

for costs and damages), in said action *in a sum not to exceed one hundred dollars* Dated, 19....
 Company By

The undertaking, when filed, shall be accompanied with the certificate of the commissioner of insurance, or a copy thereof duly certified by him, mentioned in section 1966—34 of the statutes * * * . *The cost of such bond, not to exceed five dollars, shall be taxed as a disbursement in the action.*

(See c. 691.)

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

Approved April 29, 1913.

No. 32, A.]

[Published May 2, 1913.

CHAPTER 142.

AN ACT to amend section 1339 of the statutes, relating to notice in case of injury because of defects in highways.

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

SECTION 1. Section 1339 of the statutes is amended to read:
 Section 1339. If any damage shall happen to any person, his team, carriage or other property by reason of the insufficiency or want of repairs of any bridge, sluiceway or road in any town, city or village, the person sustaining such damage shall have a right to sue for and recover the same against any such town, city or village, provided, however, that no action shall be maintained by a husband on account of injuries received by the wife, or by a parent on account of injuries received by a minor child; but if such damage shall happen by reason of the insufficiency or want of repairs of a bridge, sluiceway or road which any county shall have adopted as a county road and is by law bound to keep in repair, such county shall be liable therefor and the claim for damages shall be against the county. If such damages shall happen by reason of the insufficiency or want of repairs of a bridge erected or maintained at the expense of two or more towns the action shall be brought against all the towns liable for the repair of the same and upon recovery of judgment the damages and costs shall be paid by such towns in the proportion in which they are liable for such repairs; and the court may in its discretion direct the judgment to be collected from or issue execution against each town for its proportion only. No such action shall be maintained against any county, town, city or village unless within thirty days in the case of any county, * * * town or village, and fifteen days in the case of any city * * * , after the happening of the event causing such