

No. 264, A.]

[Published June 5, 1907

CHAPTER 161.

AN ACT to amend section 2765, statutes of 1898, relating to garnishment proceedings.

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

SECTION 1. Section 2765 statutes of 1898, is amended to read:

* * * * *

Approved June 4, 1907.

(In effect July 1, 1907.)

No. 878, A.]

[Published June 5, 1907.

CHAPTER 162.

AN ACT to create section 4560a—7, statutes of 1898, relating to fishing through ice.

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

SECTION 1. There is added to the statutes of 1898, a new section to read:

SECTION 2. [Following Section 4560a—7.]

* * * * *

SECTION 3. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved June 4, 1907.

(In effect July 1, 1907.)

*forcement of such cause of action, as security for his fees in the conduct of such litigation; when such agreement shall be made and notice thereof given to the opposite party or his attorney no settlement or adjustment of such action shall be valid as against the lien so created, provided that such agreement for fees shall be fair and reasonable, and * * this section shall not be construed as changing the law in respect to champertous contracts.*

(Ch. 314, 1907.)

When action settled by parties, what proof to enforce lien. SECTION 2591m. *If any such cause of action shall have been settled by the parties thereto after judgment has been procured without notice to the attorney claiming such lien, such lien may be enforced and it shall only be required to prove the facts of the agreement by which such lien was given, notice to the opposite party or his attorney and the rendition of the judgment, and if any such settlement of the cause of action is had or effected before judgment therein, then it shall only be necessary to enforce said lien to prove the agreement creating the same, notice to the opposite party or his attorney and the amount for which said case was settled, which shall be the basis for said lien and it shall at no time be necessary to prove up the original cause of action in order to enforce said lien and suit.*

(Ch. 314, 1907.)

Interurban railroads, county for action against. [SECTION 2619.] Fourth. Of an action against any railroad corporation as defined by section 1861, or against any corporation owning or operating any interurban railroad, except appeals in condemnation proceedings, either in the county in which the cause of action arose or in that in which the plaintiff resides, if the road of such corporation extends into either such county; if such road does not extend into either such county the action may be commenced in any county into which the road of such corporation does extend.

(Ch. 282, 1907.)

Garnishee, defending principal action, a party defendant. SECTION 2765. 1. The defendant may, in all cases, by answer duly verified, to be served within twenty days from the service of the garnishee summons on him, defend the pro-

ceedings against any garnishee upon the ground that the indebtedness of the garnishee or any property held by him is exempt from execution against such defendant or for any other reason is not liable to garnishment; or upon any ground upon which a garnishee might defend the same; and may participate in the trial of any issue between the plaintiff and garnishee for the protection of his interests. And the garnishee may, at his option, defend the principal action for the defendant, if the latter does not, but shall be under no obligation so to do.

2. Whenever any garnishee shall elect to defend the principal action as provided for in this section, he shall thereby become a party defendant in said action and shall be so entered of record by the clerk of the court, and as such defendant, shall be liable only for the costs in said action as in case of defendants in other actions.

(Ch. 161, 1907.)

Submission to jury: omitted essential fact. SECTION 2858m. Whenever any special verdict shall be submitted to a jury and there is omitted therefrom some controverted matter of fact not brought to the attention of the trial court by request but essential to sustain the judgment, such matter of fact shall be deemed determined by the court in conformity with its judgment and the neglect or omission to request a finding by the jury on such matter shall be deemed a waiver of jury trial pro tanto and a consent that such omitted fact be determined by the court. The finding or determination of such omitted fact by the court may be reviewed on appeal without any exception thereto.

(Ch. 346, 1907.)

Bill of exceptions; contents. SECTION 2873m. The bill of exceptions shall include all the testimony set forth by question and answer as shown by the transcript of the reporter's notes, unless the parties to the action stipulate otherwise.

(Ch. 547, 1907.)

Referee: court to fix and allow fees. [SECTION 2930.]
 * * * The fees and expenses of * * * a referee shall be fixed *and allowed* by the court in which the action is pending upon the coming in of the report, and * * * paid by the county, * * * a court of which ordered the reference, in