

sion of electric power, manufacturing or any other lawful purposes.

Six years to construct. SECTION 2. Subdivision 1 of section 9, chapter 415, laws of 1905, is amended to read: 1. The dam herein authorized shall be constructed within * * * six years from the date of the passage of this act.

Approved June 24, 1907.

(In effect July 1, 1907.)

No. 584, S.]

[Published June 25, 1907.

CHAPTER 360.

AN ACT to amend section 2930 of the statutes, relating to the fees and expenses of a referee.

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

SECTION 1. Section 2930 is amended to read:
* * * * *

Approved June 24, 1907.

(In effect July 1, 1907.)

No. 577, S.]

[Published June 25, 1907.

CHAPTER 361.

AN ACT to amend sections 1, 2 and 5, and subdivision 1 of section 10 of chapter 400, laws of 1905, entitled, "An act to authorize Charles A. Gesell, his associates, successors, heirs and assigns to build and maintain a dam across the Flambeau river, Iron county."

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

State Land and Power Company made grantee. SECTION 1. Section 1, chapter 400, laws of 1905, is amended to

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

the manner as * * * *the expenses of the circuit court are paid.*

(Ch. 360, 1907.)

Repeal. SECTION 2931, of the statutes, is repealed.

(Ch. 325, 1907.)

Guardian: liability for costs limited; bond premium recoverable by. SECTION 2932. In * * * *any action * * * or proceeding* [prosecuted] *presented* or defended in *any court in Wisconsin* by an executor, administrator, *guardian ad litem*, trustee of an express trust, *general guardian*, or a person expressly authorized by statute, unless otherwise specially provided, costs shall be recovered as in an action by and against a person prosecuting or defending in his own right; but such costs shall be chargeable only upon or collected of the estate, fund or party represented, unless the court shall direct the same to be paid by the plaintiff or defendant personally, for mismanagement or bad faith in such action, *proceeding* or defense. In all actions or proceedings in which any receiver, assignee, guardian, *guardian ad litem*, executor, administrator, or other fiduciary may be entitled to recover costs he may recover in addition to other costs, such sum paid a company authorized by the laws of this state, so to do for becoming his surety upon any bond or other obligation given by him in his representative capacity, in such action or proceeding, pursuant to law or the order of any court or judge, as may be allowed by the court or judge, in which or before whom he accounts, not exceeding two per centum *per annum* on the amount secured by such obligation, or any less amount which he may have paid any such company for such purpose.

(Ch. 325, 1907.)

Security for costs: deposit in lieu of undertaking. SECTION 2946a. The plaintiff in lieu of such undertaking may deposit with the clerk of the court in which the action is pending (who shall give a receipt therefor) a sum of money equal to the amount for which such undertaking is required to be given, and give notice of such deposit.

(Ch. 48, 1907.)

Executions: redemption of premises by creditors; six per cent interest. SECTION 3007. Any creditor of the person