

No. 119, S.]

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CHAPTER 618

AN ACT to amend 59.28 (intro. par.), (1), (5), (6), (11), (15), (16), (17), (24), (28), (30), (31), (32) and (37); and to create 59.28 (38) of the statutes, relating to sheriff's fees except in actions or proceedings before justices of the peace for which fees are specifically provided by law.

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

SECTION 1. 59.28 (intro. par.), (1), (5), (6), (11), (15), (16), (17), (24), (28), (30), (31), (32) and (37) of the statutes are amended to read:

59.28 (intro. par.) Every sheriff shall be entitled to receive the following fees *in advance* for his services *providing the county board approves advance payment*, except for services in actions or proceedings before justices of the peace, for which fees are specially provided by law:

(1) For serving a summons or any other process by which action shall be commenced in any court of record, or writ or order of injunction or other order, and making return thereon, for one defendant, * * * \$2; for each additional defendant, * * * \$1; for attempting to serve, one-half of the foregoing fees.

(5) Serving and returning a subpoena to testify, for * * * the first person served, * * * \$2; and \$1 for each additional person named.

(6) Serving an execution on a judgment * * *, demanding payment thereof or other writ not provided for, * * * \$2.

(11) Filing copy thereof with register of deeds, including fees of register of deeds, * * * \$2.

(15) Summoning a special jury, struck pursuant to an order of court, and returning the panel, * * * \$2.50.

(16) Summoning a jury, pursuant to any precept or summons of any officer in any special proceeding, \$1; and for attending such jury when required, * * * \$3 per day.

(17) Attending a view when ordered by the court, * * * \$3 per day, and 10 cents per mile traveling fee, going and returning.

(24) For serving any writ or other process with the aid of the county, \$2.50 and \$2.50 per hour for each deputy assigned to inventory the property when seizing property on attachment, replevin, execution, or evicting on a writ of restitution or writ of assistance plus all necessary expenses incurred thereby.

(28) Every commitment to prison, * * * \$2.

(30) Bringing up a prisoner upon habeas corpus to testify or answer in any court or before * * * *any* judge, * * * \$2.

(31) Attending before any officer with a prisoner for the purpose of having him surrendered in exoneration of his bail or attending to receive a prisoner so surrendered who was not committed at the time, and receiving such prisoner into custody, in either case * * * \$1.50.

(32) Attending any court with a prisoner * * * \$3 per day and * * * \$1.50 for each half day, besides actual and necessary expenses. Guarding any prisoner sentenced to imprisonment at hard labor in the county jail, when the prisoner performs such labor upon any highway or public improvement and there are no secure means for preventing his escape, \$1.50 for each day and 75 cents for each half day so employed.

(37) For bringing a person alleged to be mentally ill, infirm or deficient before the court and subpoenaing witnesses, the fees allowed him in other cases; for taking such patient to a hospital or removing one therefrom, * * * \$10 per day and his necessary expenses and the actual expenses for the support and transportation of the patient, and * * * \$6 per day and necessary expenses * * * *for each assistant* as may be ordered by the court.

SECTION 2. 59.28 (38) of the statutes is created to read:

59.28 (38) Any increase in fees under this section authorized by legislative act during the year 1957 shall be payable to the county treasury and shall not be reserved by any sheriff whose annual compensation is fixed by county board resolution or ordinance on the basis of straight salary, fees, or part salary and fees notwithstanding any other statutory provision to the contrary. This subsection shall remain in effect until December 31, 1959, after which time the provisions of s. 59.15 (1) (a) shall prevail.

Approved August 14, 1957.