

[No. 290, A.]

[Published March 31, 1887.]

CHAPTER 165.

AN ACT to amend the charter of the city of
Sturgeon Bay.

(See Vol. 2.)

[No. 58, A.]

[Published March 31, 1887.]

CHAPTER 166.

AN ACT to provide for fees of clerks of circuit
courts in certain cases.

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

SECTION 1. There shall be paid to the several Fees of clerks
of circuit
courts. clerks of the circuit courts at the time of the commencement of each action, proceedings on certiorari, mandamus, or on any other proceeding instituted in said circuit courts, or upon the filing of the original papers in any suit or proceeding in said courts upon appeals from inferior courts, arbitrators, commissioners and referees, or upon a change of venue from some other county, except in criminal cases, the sum of two dollars, in addition to the state tax now required to be paid, which sum shall apply on the clerk's fees in such case.

SECTION 2. Section 748, of chapter 37, revised statutes, 1878, is hereby amended so as to read as follows: Section 748. The said clerk shall file with the papers in each case an itemized bill of all fees charged by him therein at the time of taxation of costs or whenever they are paid him, and before he can lawfully demand or receive the same; and before entering judgment in any action, may require the prevailing party to pay all his fees in such action or proceeding, remaining unpaid, which have been incurred therein by either the Amending sec-
tion 748, R. S.

plaintiff or defendant, and every such clerk may require his fees to be paid in advance for any services except such as are to be performed in the progress of a trial in court.

Amending section 3754, R. S.

SECTION 3. Section 3754, of the revised statutes, is hereby amended so as to read as follows: Section 3754. The appellant or some person authorized by him, must within twenty days after judgment rendered, make and present to the justice before whom the action was tried, or his successor in office, or any other justice then lawfully having custody of the docket containing such judgment, a notice of appeal, together with an affidavit that the appeal is made in good faith and not for the purpose of delay; and the appellant must at the time of presenting such notice and affidavit to the justice, pay him his fees in the action, together with one dollar for his return and one dollar for state tax and two dollars for clerk's fees for the clerk of the court appealed to; but if the judgment be rendered on process not personally served, and the defendant did not appear, he shall have twenty days after personal service of written notice of the judgment, to present such notice of appeal and affidavit; but in no case shall an appeal be taken after the expiration of two years after the entry of the judgment.

Amending section 3763, R. S.

SECTION 4. Section 3763, of the revised statutes, is hereby amended so as to read as follows: Section 3763. After ten days, and within thirty days, after any appeal shall be perfected, the justice shall make a return to the appellate court of the testimony, proceedings and judgment and file the same therein, and pay to the clerk the state tax and the two dollars clerk's fees. If the return be defective, the appellate court may direct a further or amended return, as often as may be necessary, and may compel an original or further return by attachment. But no justice shall be bound to make a return, unless his fees, the state tax and the two dollars clerk's fees be paid as prescribed by section 3754, at the time of the service of the notice of appeal.

Amending section 4300, R. S.

SECTION 5. Section 4300, chapter 179, of the revised statutes, is hereby amended so as to read as follows: Section 4300. The petition, schedule, affidavit and all the testimony taken, orders, papers and other proceedings in the case shall be

filed in the office of the clerk of such circuit court, who shall thereupon enter in the judgment docket of said court against said insolvent as defendant a judgment in favor of each of his creditors as plaintiff for the several sums respectively appearing as shown to be due to them by such schedule and proceedings, which judgments shall be liens only upon the property conveyed by such assignment, and shall also enter a discharge thereof upon such docket by order of the court, which shall discharge such insolvent from personal liability only in respect to the debts for which such judgments were rendered. The state tax, upon filing all such papers, and entering all such judgments, shall be one dollar; and the clerk's fees for filing and entering all such papers and proceedings, for recording in connection therewith, for docketing and discharging all such judgments and for all other things necessarily done in such proceeding, shall be not less than eight dollars nor more than twenty dollars, to be fixed by the circuit judge.

SECTION 6. This act shall not apply to the county of Milwaukee or any other county where by law any special provision for the payment of fees or salary to the clerk of the circuit court thereof has heretofore been fixed. When not to apply.

SECTION 7. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1887.

[No. 472, A.]

[Published March 31, 1887.]

CHAPTER 167.

AN ACT to create a second municipal court for Barron county.

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

SECTION 1. There is hereby created and established, in and for the county of Barron, a munic-