

No. 181, S.]

[Published June 7, 1907.]

CHAPTER 180.

AN ACT to amend section 3302 of the statutes relating to the collection of judgments in forfeiture cases.

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

SECTION 1. Section 3302 of the statutes is amended to read:

* * * * *
Approved June 6, 1907.

(In effect July 1, 1907.)

No. 182, S.]

[Published June 7, 1907.]

CHAPTER 181.

AN ACT to amend section 3007, and subdivision 1 of section 3010 of the statutes, relating to executions.

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

SECTION 1. Section 3007 of the statutes is amended to read:

* * * * *
SECTION 2. Subdivision one of section 3010 of the statutes of 1898, is amended to read as follows:

* * * * *
Approved June 6, 1907.

(In effect July 1, 1907.)

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 SECTION 2931, of the statutes, is repealed.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

against whom such execution issued having, in his own name, or as assignee, representative, trustee or otherwise a judgment rendered or a mortgage duly recorded, at any time before the expiration of fifteen months from the time of such sale and which shall be a lien and charge upon the premises sold, by paying the sum of money which was paid on the sale of such premises, together with interest thereon at the rate of * * * six per cent. a year from the time of such sale, shall thereby acquire all the rights of the original purchaser, subject to be defeated in the manner hereinafter mentioned.

(Ch. 181, 1907.)

Purchase from redeeming creditor by another creditor; interest reduced. [SECTION 3010.] 1. By reimbursing to such first creditor, his personal representatives or assigns the sum which may have been paid by him to acquire such title, together with interest thereon at the rate of * * * six per cent. a year from the time of such payment to the time of such reimbursement.

(Ch. 181, 1907.)

(SECTION 3030a changed to Section 3930a by Sec. 2, Ch. 660, 1907.)

Practicability of realty partition; judge free to refer, or not refer. SECTION 3110. Such order for partition *may, in the discretion of the court,* * * * contain a clause referring it to a proper person to inquire into the situation of the premises and to report whether the premises or any part of them are so circumstanced that a partition thereof among the parties interested cannot be made without great prejudice to the owners, and also to inquire and report whether the interest of the parties will be promoted by platting the property sought to be partitioned or any part thereof.

(Ch. 210, 1907.)

Practicability of partition; report thereon not essential. SECTION 3111. * * * *Whenever* the court shall be satisfied that the partition of the premises can be made without great prejudice to the owners it shall, by order, appoint three disinterested freeholders commissioners to make the partition so adjudged and according to the rights and interests of the parties as so ascertained; and in such order the part or shares, if any, which shall remain undivided for the owners whose interests have not been ascertained shall be designated; and if,