

No. 298, S.]

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CHAPTER 105

AN ACT to repeal and recreate 60.55; and to create 60.54 (6m) of the statutes, relating to establishing a new fee schedule for constables.

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

SECTION 1. 60.54 (6m) of the statutes is created to read:

60.54 (6m) To keep his office in the town, village or city for which he was elected or appointed. No constable who keeps his office outside the limits of such municipality shall receive fees for any service performed during the period such office is maintained.

SECTION 2. 60.55 of the statutes is repealed and recreated to read:

60.55 FEES. Constables may receive the following fees:

(1) For serving a summons or any other process by which action is commenced, or writ 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.

(2) For traveling in making service of any process or to post any notice, 10 cents per mile for each mile actually traveled going and returning. The constable shall serve all papers in any action or proceeding which may then be in his hands for service, which can be served at the same time and upon all persons upon whom service is required who can be served in the same trip. He shall be entitled to one mileage payment for the greatest distance actually traveled by him in making such service or posting.

(3) For making a copy of any bond or undertaking, summons, writ or other paper, 10 cents per folio.

(4) For serving and returning a subpoena on the first person named therein, \$2; and \$1 for each additional person named.

(5) For drawing an inventory or other paper, except return upon a summons, subpoena or venire, 25 cents per folio; except that if several writs of attachment against the same defendant are delivered to the constable for service and execution, such constable shall be entitled to 10 cents per folio for drawing an inventory on all writs subsequent to the first writ of attachment so executed by him, of any property included in the first inventory so drawn by him, and no more; and 5 cents per folio for all copies thereof.

(6) For service and execution of an attachment or other writ not provided for, \$2.

(7) For every commitment to prison, \$2.

(8) For drawing a jury list, \$1; for summoning a jury, \$1; and for attending such jury when required, \$3 per day.

(9) For attending at the command of a justice of the peace on the trial of a cause, \$3 per day and \$1.50 for each half day, with or without a prisoner.

(10) For collecting and paying over all sums upon execution, 5 per cent on the first \$300; 2½ per cent on the next \$300 or part thereof and 1½ per cent on any excess over \$600; but in no case shall the whole fee exceed \$30.

(11) For summoning appraisers and swearing them, \$1.

(12) For taking an appraisement, bond or undertaking in any case and approving same, 50 cents.

(13) All necessary disbursements and expenses actually made for board and conveyance of prisoners or incurred in impounding or taking possession of any goods or chattels and preserving the same, to be settled by the county board.

(14) When any person accused of any criminal offense escapes from custody or pursuit without fault or negligence of the constable, and the district attorney certifies such pursuit was necessary and proper, and the county board is satisfied by proof that such escape was not the result of the carelessness or negligence of the constable, such board may, in their discretion allow a fair compensation for the time and necessary expense incurred in such pursuit.

(15) Any increase in fees under this section authorized by the legislature during the year 1959 shall be paid forthwith upon receipt to the treasury of the town, city or village in which any constable authorized to receive such fee holds office. Such increase shall not be reserved by any constable or person acting therefor until July 1, 1960, unless specifically reserved to constables prior to that date by action or resolution of the governing body of such municipality.

Approved June 17, 1959.