

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.)

also, * * * the court shall be satisfied that the interests of the parties will be promoted by platting the premises or any part thereof, it shall, by the same order, direct such commissioners to make and acknowledge a plat of such premises or a part thereof, to be designated, laying out streets, roads and alleys therein as they may deem most beneficial to the owners; which plat, when made, approved by the court and recorded as other plats are required to be recorded by law, shall have the same effect and validity as if duly made by the parties to the action pursuant to chapter 101. When such plat is so made, approved and recorded partition or sale if ordered may be made in accordance therewith.

(Ch. 210, 1907.)

Partition actions: attorney's charges due from sale proceeds. SECTION 3126. Unless the court otherwise direct the costs of every party to the action, *with reasonable attorney's charges to be allowed by the court upon notice personally to the parties who are known to be residents of this state*, must be deducted from the proceeds of the sale and paid to his attorney; but the court may, in its discretion, direct the costs and expenses of any trial, reference or other proceeding in the action to be paid out of the share of any party in such proceeds or may render judgment against any party therefor.

(Ch. 326, 1907.)

Forfeiture cases: judgment transcriptions and docketing. SECTION 3302. 1. In all cases where judgment is recovered pursuant to this chapter it shall include *also* the costs of the action, and *except as to any corporation, association or society*, direct that if the same be not paid the defendant shall be committed to the county jail of the proper county, there to be imprisoned for a specified time, not exceeding six months, which period shall be fixed by the court in view of all the circumstances of the case, or until otherwise discharged pursuant to law. In such cases a commitment shall issue, as in ordinary criminal actions, and such defendant shall not be entitled to the liberties of the jail.

2. *In any such case where judgment has been rendered in justice court, a certified transcript of such judgment may be issued as provided in section 3669 and filed and docketed by the clerk of the circuit court as provided in section 2900.*

3. This section shall not prevent the issue of an execution

to collect any such judgment at any time within two years from its rendition.

(Ch. 180, 1907.)

Habeas corpus petition: one dollar fee for copy of warrant. SECTION [3410.] 4. If the confinement or restraint is by virtue of any warrant, order or process a copy thereof must be annexed, or it must be averred that, by reason of such prisoner being removed or concealed before the application a demand of such copy could not be made or that such demand was made and * * * *a fee of one dollar* therefor tendered to the officer or person having such prisoner in his custody, and that such copy was refused.

(Ch. 261, 1907.)

Prison or house of correction for refusal to pay costs. SECTION 3479. When any order of the court or a judge shall have been made requiring the payment of costs or any other sum of money and proof by affidavit shall be made of the personal demand of such sum of money and of a refusal to pay it the court or judge may issue a warrant to commit the person so disobeying to prison or a house of correction until such sum and costs and expenses of the proceedings shall be paid.

(Ch. 481, 1907.)

Realty of infant or incompetent: application for sale or encumbrance. SECTION 3504. The application for such disposition must be made to the circuit or county court of the county in which such real estate or some part thereof is situated or to the * * * *presiding judge of either court* by petition of the general guardian of the infant or of such incompetent person or by any relative or other person in behalf of either. Such petition must be verified and must set forth the facts which would authorize the selling, mortgaging or leasing of such real estate or some part thereof for one or more of the reasons set forth in the preceding section. If a sale is sought on behalf of one or more, but not all, of such infants in any case where an action for partition would lie, the whole tract may be sold and the proceeds applied as directed in section 3513; but the share of those who do not join in the application shall be paid to their guardians.

(Ch. 660, 1907.)