

office address of such former owner, or that he is unable after due diligence, to ascertain it, publish such notice in a newspaper published in the county where the land described in the tax deed is located, once a week for six successive weeks and proof of such publication shall be filed in the office of such county clerk. If such notice be served and filed or such notice published and proof of publication filed thirty days or more before the expiration of three years from the date of recording the tax deed, the limitation provided by section 1188 shall apply. If such notice is not so served and filed, or published and proof filed, the limitation provided by said section 1188 shall be extended until the expiration of thirty days from and after the day such notice is served and filed or published and proof filed. In any action brought by the original owner to set aside such tax deed after the service or publication and filing of the notice aforesaid, the original owner, in case he prevails, shall as a condition of relief pay to the tax deed claimant the sum of five dollars for each description and the costs of serving or publishing the aforesaid notice, in addition to all other costs and charges now provided for by law. The provisions of law regulating costs and charges for the service of a summons in a court of record shall apply to and govern the amount that may be charged for the service or publication of such notice.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 13, 1919.

No. 231, A.]

[Published May 16, 1919.

CHAPTER 166.

AN ACT to amend subsection (1) of section 40.02 of the statutes, relating to filing of copies of orders made relating to alterations, or formation, or consolidation of school districts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (1) of section 40.02 of the statutes is amended to read: (40.02) (1) The town board, village board, or city council, as the conditions may demand, shall make a written order describing any territory detached from one district and attached to another. They shall also specify in such order the number of any district dissolved and the name of the town or towns of which composed it. If two or more districts are united wholly the number of each such district shall be specified and also the number of the enlarged district, with the names of the town or towns and the county or counties

interested. A copy of any order made relating to alteration, or formation, or consolidation of school districts shall be filed with the clerk of each town, village, or city interested *and with the county or district superintendent of schools*, within ten days from the day the order is made and no order of change of boundaries, or dissolution, or creation, or union of districts shall be made to take effect between December first and the first day of the following April, without the consent of the state superintendent.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 13, 1919.

No. 233, A.]

[Published May 16, 1919.

CHAPTER 167.

AN ACT to amend subdivision 1 of section 24 of chapter 549 of the laws of 1909 as amended by section 2 of chapter 320 of the laws of 1913 as amended by section 10 of chapter 594 of the laws of 1917, relating to costs in the civil court of Milwaukee county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision 1 of section 24 of chapter 549 of the laws of 1909 as amended by section 2 of chapter 320 of the laws of 1913 as amended by section 10 of chapter 594 of the laws of 1917 is amended to read: (Section 24) 1. The prevailing party in any action or proceeding in said civil court shall be entitled to cost, in the discretion of the judge before whom such action or proceeding was heard or tried. Such costs shall be taxed by the clerk or deputy clerk upon application of the party entitled thereto, provided that such costs shall be limited to the actual and necessary disbursements and amounts actually and necessarily paid out for *premium on bonds*, postage, telegraphing, telephoning, express, or for plats and photographs, not exceeding fifteen dollars for the last two items, made by such prevailing party in such action or proceedings, and an attorney's fee as follows: Five per cent of the amount recovered, unless a greater amount shall have been demanded in the pleadings of the adverse party, in which case the attorney's fee shall be five per cent of such greater amount; and if judgment is for the defendant dismissing the action, five per cent of the amount demanded in the complaint; *in a replevin action where a lien is established in favor of a third party, five per cent of the amount of said lien*; provided