

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

that in no case shall said attorney's fee be less than five dollars, nor more than twenty-five dollars, unless said judge shall fix some other amount for such attorney fee, not exceeding twenty-five dollars; and provided that said judge may disallow any attorney fee to be included in the costs. Provided, also, that in replevin, attachment and garnishment proceedings, said percentage shall be computed upon the value of the property or indebtedness involved. When a judgment for damages for less than one hundred dollars is entered upon confession or upon a note or bond and warrant of attorney, no more than five dollars shall be recovered for costs including disbursements. Costs may be allowed upon a motion in the discretion of the court or a judge, not exceeding ten dollars, and may be absolute or directed to abide the event of the action.

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

Approved May 13, 1919.

No. 246, A.]

[Published May 16, 1919.

## CHAPTER 168.

AN ACT to create section 670a of the statutes, to authorize county boards of counties therein prescribed to appoint and fix the compensation and duties of a county auditor.

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

SECTION 1. A new section is added to the statutes to read: Section 670a. The county board of any county having more than thirty thousand but less than three hundred thousand population, according to the last preceding United States or state census, may appoint and by resolution fix the compensation of a county auditor. A person so appointed shall perform the duties and have all the powers conferred upon the county clerk as auditor by subsection (3a). of section 709, and shall perform such additional duties and shall have such additional powers as are imposed and conferred upon him from time to time by resolution adopted by the board.

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

Approved May 13, 1919.