

CHAPTER 307.

COSTS AND FEES.

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307.01 Fees of justices. Justices of the peace may be allowed to receive the following fees and may tax the same in all cases when applicable, and all fees of said justices in the progress of a cause shall be taxed in the judgment in favor of the party who recovers judgment:

- For a summons, warrant or subpoena, fifty cents.
- For a venire for a jury, fifty cents.
- For a warrant in a criminal case, fifty cents.
- For taking a recognizance of bail, fifty cents.
- For administering an oath to a witness, six cents; and for administering all other oaths and certifying the same when necessary, twelve cents.
- For a warrant of attachment, fifty cents.
- For entering a judgment, fifty cents.
- For every adjournment, twenty-five cents.
- For every bond, undertaking or security, directed by law to be taken and approved by the justice, twenty-five cents.
- For receiving and entering verdict of jury, fifty cents.
- For entering return to any process, twelve cents.
- For taking an examination, testimony or for any writing done in a cause, twelve cents per folio if transcribed at the request of either party, otherwise five cents whether done by a stenographer, shorthand reporter or otherwise.
- For taking deposition, twelve cents per folio; and for copy of proceedings or of any paper or examination in any case, when demanded, per folio, ten cents whether taken by a shorthand reporter or in shorthand by a stenographer or otherwise.
- For entering satisfaction of judgment, twelve cents.
- For entering amicable action without process, twelve cents.
- For a transcript of judgment, twenty-five cents.
- For opening a judgment for rehearing, twenty-five cents.
- For filing all papers, five cents each.
- For issuing notice to take depositions, twenty-five cents.
- For taking and approving undertaking and making return to an appeal, including travel, one dollar and fifty cents.
- For search warrant, fifty cents.
- For drawing an affidavit in attachment, replevin or garnishee, fifty cents; and for any other affidavit or other paper drawn by the justice, for which no other allowance is made by law, twelve cents per folio.
- For commitment to jail, fifty cents.
- For an order to bring up prisoner, twenty-five cents.
- For an order to discharge prisoner, issued to jailer, twenty-five cents.
- For discharging a prisoner after hearing, on motion to discharge, twelve cents.
- For an execution, twenty-five cents.
- For every other writ not herein enumerated, twenty-five cents.
- For taxing costs, twenty-five cents.
- For docketing, fifty cents.
- For marrying and making return thereof, one dollar and fifty cents, and such other sum as may be allowed by the party making the application.
- For holding an inquisition in certain cases of forcible entry and unlawful detainer, one dollar.
- For taking and certifying the acknowledgment of a deed, for each grantor named therein, twenty-five cents.
- For traveling to perform any service, when not otherwise provided for and such travel is necessary, going, per mile, ten cents. Provided, however, that no compensation shall be allowed for travel to file a certificate of conviction, but such certificate may be mailed to the

clerk of the circuit court by registered letter, in which case the actual registry fee and postage shall be recoverable.

For assisting clerk of circuit court in drawing jury, one dollar; for certificate of conviction, fifty cents; for returning papers after preliminary examination, one dollar and fifty cents. [1933 c. 460 s. 1; 1935 c. 326]

Note: County judge in Chippewa county under this section, obtained in justice court may retain fees allowed justice of peace branch of his court. 22 Atty. Gen. 693.

307.02 Costs, prevailing party to recover. The justice shall also tax as costs in favor of the party recovering judgment the following:

(1) Witness fees for travel and attendance, not exceeding, however, fifteen dollars in one case, unless the justice shall, by an order entered in his docket, direct that a larger sum be taxed therefor, in which case he shall state in such order the reasons for making the same, provided, that in no event shall any sum exceeding twenty-five dollars be taxed in one case, and fees of jurors at the rate of two dollars per day and five cents for each mile actually and necessarily traveled to attend such trial, both coming and going, for each juror in attendance, less the amount advanced by the opposite party when the jury shall have been demanded by him; such jurors' fees, when collected, shall be paid by the justice to the jurors entitled thereto.

(2) Fees for serving subpoenas and travel in serving the same; but no such witness' fees or for serving subpoenas on the same shall be taxed for travel or attendance on the return day except in cases where either party is entitled to proceed to trial on such return day, unless an adjournment be had for cause shown and except when an actual trial shall be had on such return day.

(3) All other lawful fees and charges of any constable or other officer for services rendered in the action pursuant to law.

(4) An attorney's fee as follows, except when the amount thereof is otherwise specially provided for by law: On all judgments for the sum of fifty dollars or less, a sum equal to ten per cent of the judgment; on all judgments over fifty dollars and less than one hundred dollars, five dollars; on all judgments for one hundred dollars or over, ten dollars; in actions of replevin the value of the property recovered shall govern the amount of attorney's fees to be recovered in such action; and when judgment is for the defendant the amount claimed in the plaintiff's complaint shall govern the amount of the attorney's fees to be recovered by the defendant; but no attorney's fee shall be taxed unless the party has appeared therein by an attorney of a court of record and the defendant has appeared and put in an answer or demurrer.

(5) In actions for work and labor an attorney's fee of not less than five dollars nor more than twenty dollars, in the discretion of the justice, on any amount recovered under one hundred dollars when the plaintiff appears by an attorney of record, whether or not the defendant has appeared, but no such fee shall be taxed if defendant prevails in the suit. [1931 c. 262 s. 1; 1933 c. 460 s. 1]

307.03 Taxation of. At the time of entering judgment the justice may proceed to tax costs in the cause and no notice of such taxing need be given to the party against whom judgment is rendered.

307.04 Fees, verification of; none for serving process, when. The justice shall allow no fees for the travel of a witness or interpreter unless the same be proved by the oath of some person having knowledge of the fact, nor for travel in serving a subpoena unless the same be charged by a constable or sheriff or be proved by the oath of a person who served the same; and no fees shall be allowed to a party for serving or travel in serving a subpoena in his own case.

307.05 Fees for witnesses, copies, etc. The attendance of not more than five witnesses to each particular fact shall be taxed by the justice; and if any witness shall attend upon two or more cases in the same day before the same justice's court his fees shall be equally apportioned among the parties who shall summon him. No fees for copies of documents or papers or for depositions shall be allowed unless such copies or depositions were used upon the trial.

307.06 Disbursements to be verified. No disbursements to officers or others shall be allowed unless the items are particularly specified and proved to the justice and the same were in his opinion necessary and reasonable in amount; and the justice may hear any evidence which may be offered to prove any charge is unreasonable or that the service has not been rendered.

307.07 Costs in garnishment. In actions against a garnishee the person summoned to answer shall be entitled to receive the same fees for travel and attendance as a witness, and he shall not be bound to appear or answer unless his fees for travel and one day's attendance shall be first paid, and such fees shall be taxed as costs in the action as witness' fees are taxed. When a corporation is garnished the fee for the attendance of some officer

to answer the same shall be paid to the person upon whom the garnishee summons is served.

307.08 Security for costs. Every justice of the peace shall, in all civil actions, except as is otherwise provided in these statutes, either before or after the process shall issue, require the plaintiff, if a nonresident of the county, to give security for costs and may, in his discretion, require a like security of all other plaintiffs; unless such security for costs is asked for or ordered on or before the return day, the giving of such security shall be deemed to be waived; and if the plaintiff refuse or neglect to give such security, when required, the action shall be dismissed; provided, that whenever the plaintiff in an action to recover for work or labor performed shall file an affidavit with the justice that he has a valid claim against the defendant for work or labor performed and is unable to comply with the order requiring him to give security for costs, the action shall not be dismissed because such security is not given.

307.09 Surety to sign memorandum. The person becoming security as aforesaid shall sign the following memorandum on the docket: I, A. B., agree to become security for the costs in this action in a sum not to exceed one hundred dollars. And if judgment be rendered in such action against the plaintiff execution for costs may issue against the plaintiff and the surety; or, at the option of the party entitled to such costs, he may maintain an action upon such memorandum against the security for the recovery of the same.

307.10 Surety company bond authorized. Whenever in any action or proceeding in the court of a justice of the peace any bond, undertaking or recognizance is permitted or required by law or by order of the court, the same may be executed by any surety company authorized to do business in this state, using the usual forms for that purpose; and whenever security is required to be entered in the docket as provided by section 305.11 or 307.09, any such company may furnish such security by filing an undertaking in substantially the following form:

Whereas an action has been commenced (or is about to be commenced) in a justice court in the county of in which action is plaintiff and is defendant. Now, therefore, the company, a surety company duly authorized by law to do business in the state of Wisconsin, undertakes and agrees to become surety for costs (or for costs and damages), in this action, in a sum not to exceed one hundred dollars (or, agrees to pay all costs and damages which shall be adjudged against in this action, as the case may require).

Dated, 19 Company By

The undertaking, when filed, shall be accompanied with the certificate of the commissioner of insurance, or a copy thereof duly certified by him, mentioned in sections 204.02 to 204.04 of the statutes. The cost of such bond, not to exceed five dollars, shall be taxed as a disbursement in the action.