

unlawful operation, and the amount thereof may be recovered in any action brought by the unit of government which maintains such highway, street, alley, bridge or culvert.

11. It shall be the duty of the inspectors provided for in section 1636—48a to ascertain violations of the provisions of sections 1636—57a to 1636—57n, inclusive, of the statutes, and also of the provisions of section 1636—49a of the statutes. Said inspectors may arrest, with or without a warrant, any person detected in the actual violation of, or whom such inspector has reasonable cause to believe is guilty of a violation of, any of the provisions of said sections, and to take such person before any court and make proper complaint.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 451, S.]

[Published July 16, 1921.

CHAPTER 538.

AN ACT to establish a small claims branch of the civil court of Milwaukee county and to amend subdivision 1 of section 15 of chapter 549 of the laws of 1909, as amended by chapter 425 of the laws of 1911, as amended by chapter 320 of the laws of 1913.

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

SECTION 1. The judges of the civil court of Milwaukee county are authorized to designate one or more branches of said court as a small claims branch and to prescribe rules for the commencement and prosecution of actions therein.

SECTION 2. There shall be assigned to said small claims branch all cases commenced in said civil court for money recovery not exceeding fifty dollars, and replevin actions wherein the value alleged in the affidavit shall not exceed fifty dollars, and all other actions in which the parties shall agree that they be assigned to said branch. The judge presiding may on his own motion, and shall upon demand for jury trial, or upon written demand for such transfer by any party, order any case in said small claims branch transferred to the general calendar of the civil court to be tried as other actions are tried. When a case shall be so transferred the clerk shall collect the same fees as in other cases in said court ex-

cept that if the transfer be made on written demand of a party, such party shall pay the fees and no costs shall be awarded to the party demanding such transfer.

SECTION 3. The only fee in said small claims branch shall be fifty cents for the summons or warrant, which shall belong to the county of Milwaukee. The summons shall be made returnable to the small claims branch in six to fifteen days but may, in the discretion of the clerk or a judge, be made returnable in a less time, in which event the summons shall be served on the defendant in person not less than forty-eight hours before its return. It may also be made returnable at such hour of the day as may be determined by rule of said court. The clerk or a judge of said court may cause said summons to be served by registered mail directed to the defendant at his last known address, or by reading the same to him over the telephone, or by the sheriff of Milwaukee county, without charge. It may also be issued to an attorney in blank, as provided in section 15 of chapter 549 of the laws of 1909, as amended by chapter 320 of the laws of 1913, and section 6 of this act, and when so issued shall be subject to the restrictions therein provided and served as therein prescribed. Warrants of replevin and attachment assignable to said small claims branch shall be issued, served and made returnable within the same time and in the same manner as in other similar actions in the civil court, and proceedings thereafter shall be the same except as modified in section 4 of this act and the rules adopted pursuant thereto, provided that the clerk or a judge may order a warrant served and executed by the sheriff without charge except for his disbursements.

SECTION 4. The court shall hear and determine all cases in the small claims branch as in other cases in said court, but the judges of the civil court may adopt rules applicable to the small claims branch providing for a simple, informal, and inexpensive procedure for the determination according to the rules of substantive law of the cases pending therein. If the defendant shall have been served with the summons as other summonses of said court are required to be served, or if he shall have appeared in the action, or have been served personally with a written notice of application for judgment at least six days before the hearing of such application, the court may proceed to render judgment and may order in such judgment that the prevailing party recover costs: but such costs shall include only the fee for issuance of summons

or warrant, such witness, interpreter, and garnishee fees as the court may allow, and no attorney fee unless specially ordered. All judgments in any case pending in said small claims branch shall be entered and docketed and have the same force and effect and be subject to the same remedies for their collection and enforcement as other judgments of said court. Provided that the court may order a stay of execution upon any judgment in the small claims branch and direct its payment in installments to the clerk of said court at such times as the order may direct; but upon default in the payment of any such installments the court may at once terminate such stay.

SECTION 5. Subdivision 1 of section 15 of chapter 549 of the laws of 1909, as amended by section 7 of chapter 425 of the laws of 1911, as amended by chapter 320 of the laws of 1913, is amended to read: (Chapter 549, laws 1909) (Section 15) 1. The summons, warrant or other process of said civil court shall be made returnable before said court by its proper title, and *when issued in an action wherein the amount of the claim or in replevin the value of the property shall not exceed fifty dollars, it shall be made returnable before the small claims branch of said civil court. All summonses, except garnishee summonses, and summonses in actions of forcible entry and unlawful detainer, shall have a copy of the complaint attached thereto at the time of service, or a brief statement setting forth the nature and amount of the claim. It shall be, except as otherwise * * * provided, in said chapter 549 of the laws of 1909, as amended, and in this act, substantially in the form and returnable within the time prescribed for the process of courts of justices of the peace, and shall be signed by a judge or by the clerk of said court; provided, that a garnishee summons, except in aid of execution, may be issued either at the time of the issuing of the summons or warrant of attachment or at any time thereafter before final judgment has been entered, but not garnishment summons, except in aid of execution, or warrant of attachment shall be issued in an action for the recovery of fifty dollars (\$50.00) or less, unless a written order declaring the necessity of and authorizing such issue, signed by a judge of said civil court, shall be filed with the affidavit for garnishment or attachment.* The summons of said court may be signed, sealed, and delivered by the clerk to attorneys authorized to practice law in Wisconsin, and may be issued by them in the manner provided by

and subject to the restrictions of chapter 20 of the laws of Wisconsin of 1903, as amended, except as to time of filing.

SECTION 6. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 454, S.]

[Published July 16, 1921.]

CHAPTER 539.

AN ACT to detach certain territory from the town of Scott in Lincoln county, and to create the town of Harding.

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

SECTION 1. All of townships thirty-two and thirty-three north of range five east, government lot two in section thirty, and those portions of sections thirty-one and thirty-two in township thirty-two north of range six east lying south of the Wisconsin river are hereby detached from the town of Scott in Lincoln county and the same are hereby created into a separate town, the name of which shall be Harding.

SECTION 2. The said town of Harding shall, from the time of the passage of this act, have and possess all the rights, powers and privileges and be chargeable with the liabilities of other towns in this state as by law provided.

SECTION 3. A meeting of the electors of said town of Harding shall be held on the eighth day after publication of this act at the office of the Union Land Company located on the northwest quarter of the southeast quarter of section twenty in township thirty-three north of range five east. The electors shall have the power at said town meeting to elect town officers to serve until the election of their successors at the next regular town meeting, to raise money for town purposes and do all things which electors of towns are authorized by law to do at town meetings. The polls of said first town meeting shall be opened at nine o'clock in the forenoon and closed at five-thirty o'clock in the evening, and such town meeting shall be conducted in all respects, in accordance with the provisions of section 60.11 of the Wisconsin statutes. Notice of said town meeting shall be given by posting a copy of this act in six public places, in said town of Harding, immediately after its publication.

SECTION 4. The assets and liabilities of said town of Scott shall be apportioned to said town of Harding pro rata in proportion as