

*lage, town, school district, or of any public board or body, shall contain a provision for the payment by the contractor of all claims for * * * such work and labor performed and materials furnished, and no such contract shall hereafter be made or let * * * unless the contractor shall give a good and sufficient bond, the penalty of which shall not be less than the contract price, * * * conditioned for the faithful performance of the contract, and the payment to each and every person or party entitled thereto of all the claims for work or labor performed, and * * * materials furnished for or in * * * or about * * * or under such contract, such bond in the case of the state to be approved by the governor, of a county by its district attorney, of a city or village by its attorney, if it has one, and if not, then by the mayor or president, respectively, thereof, of a town by its chairman, of a school district by the director or president of the school board, and in case of any other public board or body by the presiding officer thereof. No assignment, modification or change of the contract, or change in the work covered thereby, nor any extension of time for completion of the contract shall release the sureties on said bond.*

Any party in interest may, within one year after the completion and acceptance of said contract, maintain an action in his own name against such contractor and the sureties upon such bond required by this section for the recovery of any damages he may have sustained by reason of the failure, refusal or neglect of said contractor to comply with the *aforsaid* terms and conditions of said contract or any of the terms and conditions of the contract between said contractor and subcontractors. *If the amount realized on said bond be insufficient to satisfy all of the claims of the parties in interest in full, such amount shall be distributed among said parties pro rata.*

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

Approved June 11, 1917.

No. 541, A.]

[Published June 14, 1917.

CHAPTER 389

AN ACT to amend subsection (2) of section 3358, and section 3363 of the statutes, relating to the notice to quit and service of summons in actions of unlawful detainer.

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

SECTION 1. Subsection (2) of section 3358, and section 3363 of the statutes are amended to read: (Section 3358) (2) When

such person holds over without such permission after any default in the payment of rent pursuant to the agreement under which he holds and three days' notice in writing, requiring in the alternative the payment of the rent or the possession of the premises, has been served in behalf of the person entitled to such rent on the person in possession of the * * * premises in the manner provided in sections 2636 and 2637 for the service of a summons, and such notice may be served by the lessor or any person in his behalf. In case the tenant of the demised premises cannot be found, * * * nor any usual place of abode of said tenant and member of his family of suitable age and discretion upon whom to make such service, then such notice may be served on a person residing on the demised premises, if there be one, and if not then such notice may be served by affixing same in a conspicuous part of the premises, where it may be conveniently read for at least ten days before an action is brought for the removal of such tenant under this section.

Section 3363. (1) Such summons shall be served upon the person against whom the same is issued by delivering a copy thereof to such person at least three days before the return day thereof; but in case such person is either absent from or cannot be found in the county, the summons may be served on such person by leaving a copy thereof at his last and usual place of abode, at least six days before the return day thereof, with some member of the family, or some person residing * * * on the demised premises, of suitable age and discretion, to whom the contents thereof shall be explained by the officer. The officer shall make a special return of the time and manner of serving such summons.

(2) In case there is no person residing on the demised premises and the person against whom the summons is issued cannot be found in the county, nor his last and usual place of abode and some member of his family of suitable age and discretion upon whom to make such service, then the officer having the summons for service shall make return of such facts on said summons on or before the return day mentioned therein, and if the defendant does not appear before said justice within the hour after the summons is made returnable, then the justice shall enter an order in his docket requiring the plaintiff to publish in a newspaper to be designated by said justice, if there be one printed in the county, and if there be none, then to post up, at least ten days before the adjourned day, in three of the

most public places therein, a notice to the defendant that a complaint in writing has been filed with said justice for the removal of said defendant from the premises, describing them, and that a summons has been issued thereon as provided by section 3362 of the statutes, and that unless he appear before said justice at a time and place mentioned in said order and notice, not less than fourteen nor more than thirty days from the date of said order, judgment will be rendered against him as prayed for in the complaint in said action; and the justice shall thereupon continue the cause to the time and place mentioned in said order. Such notice shall be published at least once in each week for two successive weeks before the day to which the action has been adjourned, proof of such publication or posting to be filed with said justice at or before said adjourned day.

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

Approved June 11, 1917.

No. 672, A.]

[Published June 14, 1917.

CHAPTER 390

AN ACT to appropriate a sum of money therein named to L. P. Tradewell, of Antigo, Wisconsin, for purposes therein named.

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

SECTION 1. There is appropriated from the general fund to L. P. Tradewell, of Antigo, Wisconsin, the sum of twenty-five dollars, for rental paid on a purported lease of Crescent Island in Pelican lake, Oneida county, executed by the conservation commission to said L. P. Tradewell.

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

Approved June 11, 1917.

No. 321, S.]

[Published June 14, 1917.

CHAPTER 391

AN ACT to amend section 959—46k, and to create section 959—46v of the statutes, relating to the firemen's pension funds and the interest thereon.

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

SECTION 1. Section 959—46k of the statutes is amended to read: Section 959—46k. The interest received from any such