

*such bidder shall fail to execute such contract and bond, or shall claim mistake or omission and refuse to execute the said contract and bond, the amount of the check shall be forfeited to the city in lieu of performance and as liquidated damages. Such board in letting any such contract and in doing such work shall proceed in manner and form * * * as is vested in the board of public works, or other public officer or officers, of any such city for the doing of any public work and the entering into contracts therefor; and in addition thereto, for that purpose shall possess the powers conferred by section 62.15 of the statutes and may demand that bidders qualify as to responsibility and ability. Such board shall also have authority to reserve the right to reject any and all such bids submitted. Such contracts shall run in the name of the said city, and shall be executed and signed by the president and secretary of the board of school directors, countersigned by the comptroller of said city, and shall be approved by the city attorney of the said city, as to form and execution.*

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

Approved July 20, 1933.

No. 796, A.]

[Published July 22, 1933.

CHAPTER 432.

AN ACT to amend subsections 2, 3 and 4 of section 9 of chapter 549, laws of 1909, as amended by chapter 318, laws of 1925, and subsection 1 and Form No. 1 of subsection 2 of section 15 of said chapter 549, as amended by chapter 300, laws of 1929, relating to the civil court for Milwaukee county; to repeal subdivisions 3 and 4 of paragraph (c) of subsection (3) of section 252.07, paragraph (d) of subsection (1) of section 48.01 and subsection (5) of section 57.02; to amend section 166.06 and to renumber subdivisions 5 and 6 of paragraph (c) of subsection (3) of section 252.07 of the statutes to be respectively subdivisions 4 and 5 of said paragraph, relating to the powers and duties of the circuit court of Milwaukee county, created by chapter, laws of 1933.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subsections 2, 3 and 4 of section 9 of chapter 549, laws of 1909, as amended by chapter 318, laws of 1925, and

subsection 1 and Form No. 1 of subsection 2 of section 15 of said chapter 549, as amended by chapter 300, laws of 1929, are amended to read: (Chapter 549, laws of 1909) (Section 9) 2. * * * *The judges of said court shall select a calendar judge. The calendar judge shall hold office for a term of six months, the terms to commence on the first Monday in June and the first Monday in December of each year. The first calendar judge selected under the provisions of this act shall hold office until the first Monday in June, 1933. It shall be the duty of said calendar judge to superintend the business of the said court, to preside at all meetings of the judges, * * * to assign the associate judges to duty in the branch courts from time to time as he may deem necessary for the prompt disposition of the business thereof and the promotion of justice. * * * It shall be the duty of each associate judge to attend and serve at any branch court to which he may be so assigned.*

3. The calendar judge shall also superintend the preparation by the clerk of said court of calendars of cases for trial in said court and shall also superintend the distribution and assignment by said clerk of such cases upon different calendars pursuant to law and the rules of said court. *The calendar judge shall also have the power to assign cases to associate judges in order to expedite the business of the court, and it shall be the duty of each of the associate judges to dispose of the cases so assigned.*

4. The calendar judge shall give his attention faithfully to the discharge of the duties especially pertaining to his office and to the performance of such additional * * * *work, including the trial of cases, as he may be able to perform. The calendar judge shall be responsible for the progress of all judicial business in the said court during the period he occupies the position of calendar judge.*

(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. Summonses and warrants shall be, except as otherwise provided, in said chapter 549 of the laws of 1909, as amended, and in this act, or the rules of court hereinafter

authorized, 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 or a deputy clerk of said court; provided, that the judges of said court may by rules duly adopted order that summonses in actions for money recovery, including garnishment summonses, be made returnable and the defendant or defendants directed to appear before the clerk, in his office, to answer the complaint, at any time prior to and including the return day, which shall be not less than six nor more than fifteen days from the date of issue, substantially in accord with form No. 2 of subsection 2 of this section 15, and in the meantime suspend the issuance in such actions of the summonses shown in form No. 1 of said subsection 2, and provided, further 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. 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. *The summons of said court shall be made returnable at nine o'clock in the forenoon or two o'clock in the afternoon.*

2. (Form No. 1) Any summons issued to an attorney in such manner, excepting a garnishee summons and summons issued in actions provided for by chapter 291 of the statutes, relating to forcible entry and unlawful detainer, may be served and proof of such service may be made in the same manner as the service of a summons and proof thereof in actions in the circuit court of this state, and when not served by the sheriff, disbursements actually made or incurred for such service shall be taxable as costs in the action, not exceeding, however, the amount allowed to the sheriff for similar service. All summonses of said civil court shall be signed by the clerk or a judge thereof, directed to the defendant or defendants and shall be substantially in one of the following forms :

FORM NO. 1

STATE OF WISCONSIN,
Civil Court of Milwaukee County.

.....
Plaintiff. Case No.
vs.
.....
Defendant.

The State of Wisconsin, to the said defendant (s) (and each of them) :

You are hereby summoned to appear on the day of, 19...., at nine o'clock in the forenoon, before the Civil Court of Milwaukee County, to answer to the complaint of the plaintiff (s), above named; and in case of your failure so to do, judgment will be rendered against you according to the demand of such complaint, (of which a copy is herewith served upon you).

(Court Seal)

The blanks in said summons shall be appropriately filled in with the hour at which the summons is returnable, that is, nine o'clock in the forenoon or two o'clock in the afternoon.

SECTION 2. Subdivisions 3 and 4 of paragraph (c) of subsection (3) of section 252.07, paragraph (d) of subsection (1) of section 48.01 and subsection (5) of section 57.02 of the statutes (all created by Bill No. 594, A. which became chapter, laws of 1933) are repealed.

SECTION 3. Subdivisions 5 and 6 of paragraph (c) of subsection (3) of section 252.07 of the statutes (created by chapter, laws of 1933) are renumbered to be respectively subdivisions 4 and 5 of said paragraph.

SECTION 4. Section 166.06 of the statutes (as amended by chapter, laws of 1933) is amended to read: 166.06 Any judge of a court of record, in vacation as well as in open court, and all court commissioners, except in counties containing cities having a population of one hundred fifty thousand or more, shall have concurrent jurisdiction with justices of the peace in all complaints and proceedings arising under this chapter. * * *

SECTION 5. This act shall take effect upon passage and publication.

Approved July 20, 1933.