

No. 613, A.]

[Published August 3, 1957.

**CHAPTER 458**

AN ACT to amend 291.06 of the statutes, relating to service of summons and complaint in unlawful detainer actions.

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

291.06 of the statutes is amended to read:

291.06 (1) The summons and complaint shall be served *at least 6 days before the return date* by the sheriff or any constable of the county \* \* \* *in which the property is located as provided in ss. 262.08 and 262.09* \* \* \* *but if service cannot be made under those sections, then on a competent person at least 14 years of age residing on the rented premises.*

(2) \* \* \* *If service cannot be made under sub. (1), 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 \* \* \* printed in the county \* \* \* and designated by the justice or if there \* \* \* is no newspaper printed in the county then \* \* \* in a newspaper of general circulation in the county, 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 s. 291.05, and that unless he \* \* \* appears before said justice at a time and place mentioned in said order and notice, not less than 14 nor more than 30 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 2 successive weeks before the day to which the action has been adjourned \* \* \*. *A copy of the notice shall be sent by mail to the defendant at his last known address, even if it is the premises, and a copy shall also be posted on the premises.* Proof of such publication \* \* \*, mailing and posting \* \* \* shall be filed with said justice \* \* \* on or before \* \* \* the day to which the action is adjourned.

Approved July 25, 1957.

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