

No. 96, S.]

[Published May 9, 1961.

## CHAPTER 47

AN ACT to amend 304.26 (2) of the statutes, relating to the time of trial of garnishee actions in courts of justices of the peace.

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

304.26 (2) of the statutes is amended to read:

304.26 (2) At any time after service of the garnishee summons upon the garnishee defendant, the defendant in the principal action may file with the justice a request in writing for an immediate trial of the garnishee action. Thereupon the justice shall issue an order at once, requiring the plaintiff and garnishee defendant to appear before him at a stated time, not to exceed 3 days from the date of the order, for trial of the garnishee action *and principal action*. Said order shall be served upon the parties as a garnishee summons is served, at least 48 hours before such trial. Upon return of said process showing that the order has been duly served, the justice may proceed to try the *garnishee action and principal action* with the same effect as though it were the return day of the principal action, but may, where justice requires it, continue the matter to such time as may be necessary but not beyond the time of return in the principal action. Any further adjournment shall be only for cause or by agreement of the parties.

Approved May 4, 1961.

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