

SEC. 2. This act shall take effect from and after its passage and publication.

Approved March 8, 1860.

CHAPTER 90.

[Published March 12, 1860.]

AN ACT to amend chapter 95, of the General Laws of 1859, entitled "An act conferring jurisdiction on the county court of Bad Ax county."

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

How causes shall be tried.

SECTION 1. Section ten, of chapter ninety-five, of the General Laws of 1859, is hereby repealed, and the following shall be inserted in said chapter in lieu thereof, as section ten: "If, in any cause pending in said court, an issue of law be made, it shall be tried by the court, if an issue of fact, it shall, on demand of either party, be tried by a jury, to consist of not more than twelve persons. If no jury be demanded by either party, the issue shall be tried by the court. If such demand for a jury be made, it must be made after issue joined in the cause, and must be accompanied by the payment into court of the sum of six dollars, as a fee for such jury, to be taxed against the party losing. On such demand the court shall direct an officer to write down the names

How jury to be drawn.

of thirty-six persons, who are qualified to serve as jurors in the circuit court, and not of kin to either party, or in any manner interested in the cause, such officer being first duly sworn by the court to select such names without partiality to either party. The list being made, the parties shall each, alternately, strike out a name, until the requisite number be left, and if either party refuse or neglect to strike out on his part, the clerk of said court shall strike out in his stead. If both parties shall neglect or refuse to strike out, the first twelve names on such list shall constitute such jury. A venire may then be issued by the court for the persons thus selected, and delivered to an officer, who shall forthwith proceed to summon the jury therein named. If any of the jurors therein named in such venire shall not be found, or shall fail to appear, according to the summons, or if there shall

be any legal objection to any that shall appear, the court shall direct the officer to summon a sufficient number of tailsmen [talesmen] to supply the deficiency."

SEC. 2. Section five, of said chapter ninety-five, is Amendment. hereby amended by adding thereto the following: "*Provided*, that nothing in this section contained shall authorize or empower the said court to summon a jury in any other manner than is provided for by section ten of this act, as amended.

SEC. 3. There shall be four terms of said county court Terms of court in each year; one of which shall be holden on the second Monday of April, one on the first Monday of July, one one on the third Monday of September, and one on the first Monday of January, in each year. The judge of said court shall have the same power to hold special terms and adjourned terms of said county court as is now, or may hereafter be, conferred upon the circuit court of this State.

SEC. 4. Sections ten, eleven, and twelve, of said chap- Repeal. ter ninety-five, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1860.

CHAPTER 91.

[Published March 9, 1860.]

AN ACT to provide for the payment of certain outstanding indebtedness against the swamp land fund.

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

SECTION 1. The State Treasurer is hereby authorized Duty of state and required to pay out of the swamp land fund income treasurer. all accounts that have been, or may be, legally audited, payable out of the swamp land fund, for advertising the sale of forfeited swamp and overflowed land, for the years A. D. 1859, and 1858, and for all charges and expenses arising out of said sales. *Provided*, that nothing here- Provide. in contained shall be so construed as to require or compel the State Treasurer to pay any such account which has been, either in part or in whole, illegally audited.