

[No. 572, A.]

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CHAPTER 268.

AN ACT in relation to the drawing, striking and impanneling of juries in certain cases.

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

Struck jury
may be had.

SECTION 1. In all civil actions in courts of record of this state having civil jurisdiction, where the amount in controversy equals or exceeds the sum of one thousand dollars, a struck jury for the trial of such action may be obtained by either party in the manner hereinafter provided.

Party to file
demand with
clerk, certified
copy to sheriff,
how served.

SECTION 2. Whenever a struck jury is deemed necessary by either party for the trial of the issue in any action or proceeding in the circuit court, such party may file with the clerk of the court a demand in writing for such jury, whereupon such clerk shall forthwith deliver a certified copy of such demand to the sheriff of the county, who shall give to both parties four days' notice of the striking of the same.

Sheriff to
select list.

SECTION 3. At the time designated, said sheriff shall attend at his said office and in the presence of the parties or their attorneys, or such of them attending for that purpose, shall select from the number of persons qualified to serve as jurors within the county, forty such persons as he shall think most indifferent between the parties and best qualified to try such issue; and then the party requiring such jury, his agent or attorney, shall first strike off one of the names, and the opposite party, his agent or attorney, another, and so on alternately, until each shall have struck out twelve. If either party shall not attend in person or by attorney, the sheriff shall strike for the party not attending. When each party has struck out twelve names as aforesaid, the sheriff shall make a fair copy of the names of the remaining sixteen persons, and certify the same under his hand to be the list of the jurors struck for the trial of such cause or proceeding, and shall deliver the same to the clerk of the court who shall thereupon issue and deliver to the

Parties to
strike from
list 12 names.

Sheriff to
certify list.

sheriff or his deputy a venire with the names in said list contained annexed thereto; and such sheriff, deputy or other officer shall summon the persons named, according to the command of such writ; and upon the trial of the cause, the jury so struck shall be called as they stand upon the panel, and the first twelve of them who shall appear and are not challenged for cause or set aside by the court, shall be the jury, and shall be sworn to try the issue joined in said cause or proceeding; provided, that if a sufficient number do not appear for the trial of said cause, the court shall cause talesmen to be called as in other cases.

Who to serve.

SECTION 4. If the said sheriff is interested in the cause or proceedings or related to either of the parties, or does not stand indifferent between them, the judge of the said court may name any disinterested person to strike the jury and to do and perform all things required to be done relating to the striking of the same, but in no case shall it be necessary to strike such jury more than six days previous to the term of the court at which the action or proceeding is to be tried, and three days' service of the venire shall be held sufficient.

When sheriff disqualified to strike jury.

SECTION 5. The party requiring such struck jury shall pay all the costs and fees for drawing, striking and summoning such jurors, and the legal fees for the mileage and attendance for each and every juror so attending, and shall not have an allowance therefor in the taxation of costs.

Who to pay costs.

SECTION 6. A jury struck for a trial at any issue at any particular term of the court, may be continued with the continuance of the cause and need not be summoned as jurors for the subsequent term, but shall remain and be the jurors for the trial of said particular cause at any subsequent term.

Jury may be continued with cause.

SECTION 7. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Repeal.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1889.