

same is hereby amended by striking out the sentence "They shall receive for their services two dollars per day, and their actual expenses," and insert in lieu thereof the following: "They shall receive for their services three dollars and fifty cents per day and their actual expenses."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 287, A.]

[Published April 27, 1903.

## CHAPTER 117.

AN ACT amending chapter 33 of the laws of 1893, as amended and re-enacted by chapter 301, of the laws of 1893, relating to the superior court of Douglas county.

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

**Jurymen, how summoned.** SECTION 1. Chapter 33 of the laws of 1893, as amended and re-enacted by chapter 301 of the laws of 1893, is hereby amended by adding at the end of section 8, of said chapter 33, the following: "the original venire of jurymen for each term shall be summoned by a notice prepared by the clerk of the Superior court, addressed to each of the jurymen drawn for service as aforesaid at his postoffice address, and deposited at the postoffice in Superior, postage prepaid. The clerk shall thereafter make and file a statement of such mailing, which shall be prima facie evidence of the receipt of such notice by each jurymen to whom it is addressed.

**How waived by defendant.** SECTION 2. Chapter 33 of the laws of 1893 is hereby further amended by adding after section 8 of said chapter the following, to be known as "Section 8a." "In all criminal actions the defendant may by filing with the clerk of said court, his consent in writing waive his right to a trial by a jury of twelve, or any part thereof, in which case the defendant shall be tried by the court, or by such number of jurymen as may be agreed upon between the state

and the defendant. In case of trial by the court the determination of the court shall have the same effect as the verdict of a jury."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 24, 1903.

No. 394, A.]

[Published April 27, 1903.

## CHAPTER 118.

AN ACT relating to proceedings in justices' courts, and amendatory of certain sections of the statutes of 1898, and adding a new section thereto.

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

**Of nonsuit.** SECTION 1. Section 3659 of the statutes of 1898 is hereby amended by adding after the word "action" in the first subdivision of said section, the words, "at any time before the argument to the jury has been concluded or waived," and by adding after the fourth subdivision of said section, the words "but a compulsory nonsuit shall not be ordered by the justice after evidence has been submitted to the jury," so that said section 3659, as so amended, shall read as follows: Section 3659. Judgment of nonsuit shall be rendered against the plaintiff prosecuting an action before a justice of the peace in the following cases:

1. If he discontinue or withdraw his action at any time before the argument to the jury has been concluded or waived.
2. If he fail to appear on the return of any process, within one hour after the same is returnable.
3. If, after an adjournment, he fail to appear within one hour after the time to which the adjournment shall have been made.
4. If he become nonsuited on the trial; but a compulsory nonsuit shall not be ordered by the justice after evidence has been submitted to the jury.