

*scribe and require, and the register of deeds in any such county shall, in addition to \* \* \* such bond \* \* \*, execute to the county and deliver to it and file with the county clerk thereof a bond in \* \* \* such sum \* \* \* not less than ten thousand dollars as the county board of such county may prescribe and require, with two or more sufficient sureties, conditioned for the faithful accounting for and paying over to the county treasurer all money which may come into his hands as such officer, or into the hands of his deputy or assistants for him.*

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

Approved May 13, 1909.

No. 400, A.]

[Published May 13, 1909.]

## CHAPTER 123.

AN ACT to amend chapter 291, laws of 1889, and chapter 234, laws of 1907, relating to the county court of Walworth county.

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

SECTION 1. There is added to chapter 291, laws of 1889, a new section to read: Section 4m. The county judge of the county of Walworth may appoint and remove at pleasure an assistant register in probate, and in the absence of, or during the disability of the register in probate, the assistant register in probate shall have all the powers and perform all the duties of the register in probate, and during such time shall receive the compensation provided by law for such register in probate, to be deducted from his salary.

SECTION 2. Section 16 of chapter 234, laws of 1907, is amended to read: Section 16. 1. Jurors shall be chosen for each term of said court by the same persons and in the same manner as jurors in the circuit court and all provisions of law, rules and practice relating to the selection, qualifications, duties and compensation of jurors in the circuit court shall be applicable to said county court, except as otherwise provided herein.

2. No jurors shall be summoned to attend upon any term of said court unless it shall appear to the satisfaction of the judge that a jury panel is necessary.

3. At least six days before each term, unless otherwise ordered by the judge, the clerk shall, in the presence of the

judge, draw from the list of persons provided therefor, twenty-four jurors for such term and the list so selected shall forthwith be filed in the office of said clerk.

4. When any criminal action or proceeding is pending at any term of said court the clerk, if requested at least six days before such term by the district attorney, or by any defendant or by the attorney for any defendant in such action, shall issue a venire to the sheriff of said county to summon such jurors returnable at such time as the judge may direct.

5. In every criminal action when no such request is made and in every civil action involving the trial of an issue of facts, except as herein otherwise provided, in which a jury trial is demanded by either party or ordered by the judge the clerk shall draw from the panel of jurors selected for such term the jury for such action. The plaintiff or plaintiffs shall be entitled to six peremptory challenges and the defendant or defendants to a like number of challenges to be made alternately, from a full list, the plaintiff first challenging. When a jury shall have been selected as aforesaid, or otherwise agreed upon, a venire therefor returnable at such time as the judge may direct shall be issued by the clerk to the sheriff of said county.

6. If any of the jurors named in such venire shall not be found, or shall fail to appear, or if there shall be any legal objection to any that shall appear, or if any of them be excused by the court or parties, the court may direct the sheriff or his undersheriff, or any of his deputies, to summon a sufficient number of talesmen to supply the deficiency; provided, that not more than four such talesmen shall be selected from the residents of any one town, city or village, except by consent of parties. The officer summoning the same may insert the names of such talesmen on the venire.

7. If a jury shall be required to make an assessment of damages in any case, the same shall be drawn from the names in such box, or the court may direct the same to be had and taken by any jury summoned in any other case, or may direct the clerk to issue a venire to summon a special jury for that purpose, to be composed of persons qualified to serve as jurors in said court, and unless objections are made, such assessment of damages may be made by the court, or the judge thereof, without the intervention of a jury.

8. The court may set down any case on the calendar for trial on any particular day. When a civil case on the calendar is called, the court may then, or at any time thereafter, require the parties in such action to determine and elect whether

they wish a jury, and if both parties elect to try such case without a jury, or if both parties neglect or refuse to so determine or elect at said time, neither party shall be entitled to a trial by jury, but the court may, at its discretion, grant a trial by jury; and if a trial is demanded, the court may then or at any time afterwards direct that a jury be selected as aforesaid in such case, and issue a venire therefor, returnable at the time fixed for the trial of such action. If for any cause, in selecting a jury, the panel shall become exhausted, an additional list of twenty-four shall be drawn in the same manner as the original panel was drawn.

9. In all criminal actions jury may be waived by the accused by filing a written waiver or by his consent thereto in open court entered on the minutes.

10. Jurors shall be summoned as in the circuit court, and the county judge may direct at what time jurors shall be summoned to appear.

11. *The panel of jurors selected for any term of the county court of said county, under its civil and criminal jurisdiction, shall constitute the panel of jurors for the subsequent and all succeeding terms of court until discharged by the court; but the judge of said court, in his discretion, may order a new panel of jurors to be drawn for the subsequent, or any succeeding term.*

SECTION 3. Section 23 of chapter 234, laws of 1907, is amended to read: Section 23. 1. The judge of said county court may, from time to time, employ a phonographic reporter for said court, and may appoint and remove at pleasure an assistant phonographic reporter, who shall, in the absence of, or during the disability of the phonographic reporter, have all the powers and perform all the duties of the phonographic reporter.

2. *Each of said officers \* \* \* shall take and subscribe the oath of office prescribed in the constitutions, \* \* \* and shall be furnished with all necessary stationery, and \* \* \* attend, when required by said judge, and report the proceedings of trials \* \* \* at said court, and perform such duties as \* \* \* the judge may require.*

3. Said judge shall fix the compensation of such reporter not to exceed five dollars for each day, and two and one-half dollars for each one-half day's attendance, which shall be in full compensation for services and for making \* \* \* transcripts from shorthand notes, as may be required by said judge; but, in lieu of the salary herein provided, the county board of said county of Walworth may, in its discretion, from time to time, fix the salary of the phonographic reporter of said court, which

*salary shall be paid at the end of each month. During the time the assistant phonographic reporter shall perform the duties of the phonographic reporter, he shall receive the compensation provided by law for the phonographic reporter, the same to be deducted from the salary of the phonographic reporter.*

4. Said reporter and assistant reporter shall furnish parties to \* \* \* an action, or their attorneys, requiring them, \* \* \* transcripts of the testimony and proceedings had at a price not to exceed five cents per folio and two and one-half cents per folio for copies. *Until otherwise fixed by the county board, the per diem compensation of said reporter and assistant reporter shall be paid out of the treasury of the county of Walworth upon the order of the judge.*

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 13, 1909.

No. 383, S.]

[Published May 13, 1909.

## CHAPTER 124.

AN ACT to create section 1362a of the statutes, relating to a change of venue in case of an appeal from the decision of the supervisors of any town or towns laying out or refusing to lay out a town ditch.

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

SECTION 1. There is added to the statutes a new section to read: Section 1362a. In case any appeal, as provided in section 1362 of the statutes, shall be taken from the determination of the supervisors of any town or towns, to lay out, or to refuse to lay out, any ditch or drain, any supervisor of any town interested in such proceeding may make and file with the justice to whom such appeal shall have been taken, at or before the time mentioned in the notice of application for the appointment of commissioners to hear and determine such appeal, an affidavit that, from prejudice or other cause, he believes such justice of the peace will not decide impartially in the matter of selecting names from which said commissioners are to be chosen, and shall pay to the justice seventy-five cents for transmitting the papers in said matter, whereupon said justice shall immediately transmit all the papers in said matter to the next nearest justice of the peace in the same county, and proceedings upon such appeal shall thereupon be taken in the manner provided in section 1362.

Approved May 13, 1909.