

of two dollars to the dairy and food commissioner; *provided, where a butter and cheese factory are operated together in one plant only one license and fee shall be required.*

SECTION 2. This act shall take effect January first, 1918.

Approved April 13, 1917.

No. 52, S.]

[Published April 17, 1917.

CHAPTER 84

AN ACT to repeal sections 2851, 4689 and 4690 of the statutes, and to create three new sections of the statutes to be numbered 2851, 4689, and 4690, relating to empanelling juries in civil and criminal cases.

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

SECTION 1. Sections 2851, 4689, and 4690 of the statutes are hereby repealed.

SECTION 2. There are added to the statutes three new sections to be numbered and to read: Section 2851. A sufficient number of jurors shall be called in the action so that twelve shall remain after the exercise of all peremptory challenges to which the parties are entitled as hereinafter provided. Each party shall be entitled to three such challenges which shall be exercised alternately, the plaintiff beginning; and when any party shall decline to challenge in his turn, such challenge shall be made by the clerk by lot. The parties to the action shall be deemed two, all plaintiffs being one party and all defendants being the other party, except that in case where two or more defendants have adverse interests, the court, if satisfied that the due protection of their interests so requires, in its discretion, may allow to the defendant or defendants on each side of said adverse interests, not to exceed three such challenges.

Section 4689. In all criminal cases the state and the defense shall each be entitled to four peremptory challenges and no more, except as hereinafter otherwise provided. When the offense charged is punishable by imprisonment for life the state and the defense shall each be entitled to twelve peremptory challenges. When there are two or more defendants the court shall divide the challenges as equally as practicable between them, and if their defenses are adverse and the court is satisfied that the protection of their right so requires, the court in its discretion may allow the defendants additional challenges. When such additional challenges are allowed, the total number of all peremptory challenges allowed to the defense shall not exceed the following number:

(1) When the offense charged is punishable by imprisonment for life, sixteen challenges if there are two defendants only, and eighteen challenges if there are three or more defendants.

(2) When the offense charged is not punishable by imprisonment for life, six challenges if there are two defendants only, and nine challenges if there are three or more defendants.

Section 4690. When empanelling a jury the parties shall exercise or waive their peremptory challenges alternately as nearly as practicable, the state beginning. Twenty jurors shall be called and that number, exclusive of those challenged peremptorily and those excused for cause, shall be maintained in the box until all peremptory challenges, if any, in excess of eight have been exercised or waived: From the twenty remaining the parties shall exercise in their order the remaining eight challenges; and when there are but eight remaining challenges and any party shall decline to challenge in his turn, such challenge shall be made by the clerk by lot.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 13, 1917.

No. 106, S.]

[Published April 17, 1917.

CHAPTER 85

AN ACT to appropriate a sum of money therein named for the perpetual care of the graves of Louis P. Harvey and William R. Taylor, former governors of Wisconsin.

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

SECTION 1. There is appropriated to the city of Madison out of any money in the general fund not otherwise appropriated the sum of two hundred dollars as a trust fund, the income from which shall be used for the perpetual maintenance, repair, preservation, ornamentation and care of the graves of Louis P. Harvey and William R. Taylor, former governors of Wisconsin, in Forest Hill cemetery in said city.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 13, 1917.