

No. 297, S.]

[Published June 3, 1953.

CHAPTER 195

AN ACT to amend chapter 135, laws of 1951, section 2, 1; section 5, and section 14, 2; to repeal and recreate section 14, 4 and section 15, 2 and 3; and to create section 15, 4, relating to the additional jurisdiction of the county court of Chippewa county and matters in connection with jurors and juries therein.

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

SECTION 1. Chapter 135, laws of 1951, section 2, 1, is amended to read:

(Chapter 135, laws of 1951) Section 2. 1. The said county court shall have and exercise jurisdiction concurrent with and equal to the jurisdiction of the circuit court of said county in all civil actions, suits and proceedings, either at law or in equity, of every kind and nature and in all special proceedings of every kind and nature, except in actions at law where the debt or balance due or damages claimed in the complaint exceeds the sum of * * * \$100,000.

SECTION 2. Chapter 135, laws of 1951, section 5, is amended to read:

(Chapter 135, laws of 1951) Section 5. Every issue of law in any civil action or proceeding in said court, and every issue of fact in any action heretofore cognizable only in a court of equity, shall be tried by the court, but the court may order such issue of fact to be tried by a jury; every issue of fact, in a civil case, properly triable by a jury, and not heretofore cognizable in a court of equity shall, on demand of either party, as hereinafter provided, be tried by a jury of not less than 12 persons, unless a less number be agreed upon by the parties, and if no jury be demanded by either party, shall be tried by the court. Every criminal action shall be tried * * * *before a jury* unless a jury is expressly waived * * *.

SECTION 3. Chapter 135, laws of 1951, section 14, 2, is amended to read:

(Chapter 135, laws of 1951) Section 14. 2. * * * The county judge may direct at what time jurors shall be summoned to appear; but 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.

SECTION 4. Chapter 135, laws of 1951, section 14, 4, is repealed and recreated to read:

(Chapter 135, laws of 1951) Section 14. 4. In the event, for any reason the jury panel for the current term shall not have been drawn as provided in paragraph 3 of this section, then the panel of jurors for the preceding term shall constitute the panel of jurors for the current term unless the judge shall order a new panel to be drawn forthwith.

SECTION 5. Chapter 135, laws of 1951, section 15, 2 and 3, are repealed and re-created to read:

(Chapter 135, laws of 1951) Section 15. 2. In case the whole panel of jurors is not summoned for the trial of any civil or criminal action or proceedings in which a jury trial is to be held, the clerk of court, in open court, shall draw by lot from the panel of 36, the names of 24 persons, who shall constitute the jury panel, for the action or proceeding then to be tried. The parties shall then each exercise 3 peremptory challenges by striking from such panel of 24 persons, the names of 3 persons each. The district attorney or plaintiff or plaintiffs shall be entitled to 3 peremptory challenges and the defendant or defendants to a like number of peremptory challenges to be made alternately; the district attorney or plaintiff or plaintiffs first challenging. When either party shall decline to challenge in his turn, such challenge shall be made by the clerk by lot. When proposed jurors shall have been selected as aforesaid, or otherwise agreed upon, a venire therefor returnable at such time and place as the judge may direct shall be issued by the clerk.

3. At the time and place set in the venire so issued, each party may examine the proposed jurors on the voir dire. The plaintiff or plaintiffs, and the defendant or defendants, shall each be entitled to not more than 3 peremptory challenges to be divided, if there be more than one party plaintiff or defendant as the plaintiffs or defendants shall respectively agree, or, in the event of failure to agree upon the number for each plaintiff or defendant, as ordered by the court. Challenges for cause may be made as in circuit court procedure. If, after all challenges shall have been made, there still remain more than 12 jurors in the panel, the clerk shall reduce the number to 12 jurors by lot. The court or the judge may, if he deem it advisable, summon additional proposed jurors on the venire; and, in the event of plural parties, plaintiff or defendant, may grant additional peremptory challenges.

SECTION 6. Chapter 135, laws of 1951, section 15, 4, is created to read:

(Chapter 135, laws of 1951) Section 15. 4. If, after the exercise of all challenges, the number of jurors be reduced below 12, the court may direct the sheriff to summon a sufficient number of talesmen to obtain a jury of 12 persons.

Approved May 29, 1953.
