

*ing a description of the land so deeded and a reference to the volume and page where such deed is recorded, which notice shall be served in the same manner as a summons in a court of record and proof of which service shall be filed in the office of the county clerk of the county in which the lands are situated. If such notice be served and filed thirty days or more before the expiration of three years from the date of recording the tax deed, the limitation provided by section 1188 shall apply. If such notice is not so served and filed, the limitation provided by said section 1188 shall be extended until the expiration of thirty days from and after the day such notice is served and filed. In any action brought by the original owner to set aside such tax deed after the service and filing of the notice aforesaid, the original owner, in case he prevails, shall as a condition of relief pay to the tax deed claimant the sum of five dollars for each description and the costs of serving the aforesaid notice, in addition to all other costs and charges now provided for by law. The provisions of law regulating costs and charges for the service of a summons in a court of record shall apply to and govern the amount that may be charged for the service of such notice.*

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

Approved June 6, 1913.

No. 379, S.]

[Published June 9, 1913.

## CHAPTER 441.

AN ACT to repeal sections 2526, 2527, 2528, 2531, 2532, 2533, 2534, 2535m and sections 2544a to 2544h, inclusive; to consolidate, revise and amend sections 2524 and 2530, 2533f and 4502; to consolidate and renumber sections 2540, 2541, 2542, 2543 and 2544 to be section 2848m; to amend sections 2546f, 2533a, subsection 1 of section 2533b, sections 2546a, 4701 and 4878; to create section 4502m; to renumber and amend section 2558 to be section 4502m; to renumber section 2559 to be section 4502o, of the statutes, relating to jurors in courts of record.

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

SECTION 1. Sections 2526, 2527, 2528, 2531, 2532, 2533, 2534, 2535m and sections 2544a to 2544h, both inclusive, of the statutes are repealed.

SECTION 2. Sections 2524 and 2530 of the statutes are consolidated, revised and amended to read: Section 2524. All citizens of the United States who are qualified electors of this state

who are possessed of their natural faculties, who are not infirm or decrepit, who are esteemed in their communities as men of good character, approved integrity and sound judgment, and who are able to read and write the English language understandingly, shall be liable to be drawn as jurors, except as otherwise provided in the statutes.

SECTION 3. Section 2533a of the statutes is amended to read: Section 2533a. Petit jurors for all circuit courts, the municipal courts of Milwaukee and Racine counties, the superior court of Douglas county, and for all other courts of exclusive civil jurisdiction, except county courts, shall be drawn and obtained as prescribed in this and the four next following sections by three commissioners appointed in each county by the circuit judge, except that in counties where there is more than one court within this section such commissioners shall be appointed by the joint action of all the judges of such courts. The persons so appointed shall be freeholders of the county and possess all the qualifications required by \* \* \* *section 2524*, and shall be known as jury commissioners. Their duties shall be as hereinafter prescribed. Their terms shall be three years; but the judge or judges shall, in the first instance, appoint one commissioner for one year, one for two, and one for three years; and thereafter shall appoint one for each year for three years from the first day of July. Vacancies shall be filled for the unexpired term; and any commissioner may be removed by the judge or a majority of the judges appointing him, at will. Each commissioner shall, before entering upon his duties, take and subscribe, before the clerk of the circuit court of his county, an oath to support the constitution of the United States and the constitution of this state, and faithfully to discharge the duties of jury commissioner to the best of his ability. Such oath shall be certified by said clerk and filed in his office. Two commissioners shall constitute a quorum, and each of them shall, in all counties having a population of twenty thousand or over, according to the last federal or state census, receive \* \* \* *three* dollars for each day actually spent in official service, and in counties having a less population three dollars per day for time so actually spent and ten cents for each mile actually travelled in attending any and all meetings of the commissioners in the discharge of their duties; such compensation and mileage shall be paid by the county treasurer on the order of the clerk of said court, countersigned by the circuit judge. Said clerk shall furnish, at the expense of the county, all books, postage stamps and stationery required by the commissioners. Commissioners already appointed by the circuit judge in counties having more

than one court and jurors selected by them shall continue to be commissioners and jurors respectively for all such courts until others are appointed or selected.

SECTION 4. Subsection 1 of section 2533b of the statutes is amended to read: (Section 2533b.) 1. Such commissioners shall provide from time to time, as may be necessary, one list of names to be drawn from the body of the county to serve as jurors in each of the courts specified in the preceding section; and in making such lists, shall put thereon only the names of such persons as they believe to be possessed of the qualifications prescribed in \* \* \* *section 2524*. The number of names to be placed on such list shall be determined by the judges of said several courts from time to time by order filed in the office of the clerk of the circuit court. Such lists shall be furnished by said commissioners to the clerks of the respective courts, who shall write the names thereon on separate slips of paper, each in the same manner as near as may be, and fold each slip so that the name shall not be visible, and deposit said slips in a box, containing but one compartment, in the presence of said commissioners, from which they shall be drawn in the following manner, viz:

SECTION 5. Sections 2533f and 4502 of the statutes are consolidated, revised and amended to read: Section 4502. Any person who shall ask or solicit any jury commissioner appointed pursuant to section 2533a of the statutes, or the sheriff or other officer to select him or any other person, or place his name or the name of any other person on any list as a grand or petit juror in any court, and any such jury commissioner or sheriff or other officer who shall select such person or place his name upon any such list upon such solicitation shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding one hundred dollars.

SECTION 6. Section 2540, 2541, 2542, 2543 and 2544 of the statutes are consolidated and renumbered to be section 2848m and revised and amended to read: Section 2848m. 1. At every term of the circuit court the clerk shall place in a box having one compartment only the names of all petit jurors in attendance who have been drawn and summoned according to law for service at such term, each name being written upon a separate ballot. The ballots shall be of the same size, as nearly as may be, of the same kind and color of paper, and be so folded that the name on each shall not be visible.

2. When a jury issue is to be tried the clerk, under the direction of the court, shall openly draw out of said box, one at a time, as many ballots as may be necessary to secure a jury. Before drawing each ballot he shall close and shake the box so

as to thoroughly mix the ballots and then draw out one without seeing the name written thereon, through an aperture in the box large enough only to conveniently admit his hand.

3. The jury may consist of any number of persons less than twelve that the parties may agree upon. If there be no such agreement it shall consist of twelve persons so drawn who are not lawfully challenged, who are approved as indifferent between the parties and who are not discharged or excused.

4. During a jury trial the ballots containing the names of the jurors must be kept in another box apart from the other ballots until the jury is discharged, and then they must be again folded as above directed and returned to the box from which one by one they were drawn, and the same course must be taken as often as a jury is required.

5. The ballot containing the name of a juror who is set aside or excused for any cause must be again folded in the same manner as before and returned to the box containing the undrawn ballots as soon as the jury is sworn.

6. If an issue is brought to trial by jury while a jury is impaneled in another cause and not then discharged the court may order a jury for the trial of that issue to be drawn out of the box containing the ballots then undrawn; but in any other case the ballots containing the names of the petit jurors, returned at and attending the term, must be placed together in the same box before a jury is drawn therefrom.

SECTION 7. Section 2546a of the statutes is amended to read: Section 2546a. On or before the last Monday of November in each year said commissioners shall select, from the electors of the county who possess the necessary legal qualifications for jury duty as prescribed in \* \* \* *section 2524* of the statutes, the names of not less than seventy-five nor more than one hundred and fifty persons to serve as grand jurors in the county for the ensuing year, and make a list of the same. Immediately after such grand jury list has been completed said commissioners shall enter the names of the persons composing it upon a suitable record book kept for the purpose and shall certify over their respective signatures that such list is correctly entered and recorded therein and shall thereupon deposit such record book with the clerk of the court of such county who shall securely keep the same so that the grand jury list entered and recorded therein as aforesaid shall not become known. If for any cause such list shall not be made as aforesaid before the last Monday in November in each year said commissioners may make out the same at any time thereafter.

SECTION 8. Section 4701 of the statutes is amended to read:

Section 4701. The impaneling and qualifications of the jury, the challenge of jurors for cause, the duty of the court in charging the jury and of giving them further instruction and discharging them when unable to agree shall be the same in criminal cases as provided by law in civil cases, *except that section 2851 of the statutes shall not apply to criminal cases.*

SECTION 9. Section 4878 of the statutes is amended to read: Section 4878. In each and every county whose inhabitants exceed in number one hundred and fifty thousand all the duties mentioned in the foregoing sections of this chapter shall be performed by the coroner thereof, who is hereby invested with the exclusive jurisdiction and power to take inquests therein, except that he may be assisted in so doing by the deputy coroner thereof, and in case of the inability of the coroner to attend to such duties his deputy may perform them. \* \* \*

SECTION 10. Section 2546f of the statutes is amended to read: Section 2546f. Every grand jury shall have the power in addition to the appointment of one of their own number to be their clerk, as now provided by law, when ordered by the judge ordering such grand jury, to employ a competent stenographic reporter to attend all their sessions and to take down in shorthand a complete report of all proceedings had before them, and such stenographic notes shall, as soon as convenient, be transcribed into longhand by such reporter and deposited with the attorney-general or with the district attorney of the county or both as the grand jury may direct. Before assuming the duties herein prescribed such reporter shall make and file an oath faithfully to report and transcribe all the proceedings before such grand jury and to keep inviolate the secrecy required by law to be kept relative to such proceedings. \* \* \* He shall be paid out of the county treasury of the county in which the service is rendered such sum as shall be audited and allowed by the court ordering said grand jury, not to exceed ten dollars per day for each day actually engaged before the grand jury as such stenographic reporter, and for transcribing his notes the fees now prescribed by law for similar services in courts of record. Such stenographic reporter may at his own expense employ the assistance of a competent typewriter operator in transcribing his notes of the testimony and proceedings of said grand jury, but before entering upon his duties hereunder such typewriter operator shall be required to make and file an oath similar to that required of such reporter \* \* \*. The accounts of such stenographic reporter shall be approved by the presiding judge of the court ordering said grand jury.

SECTION 11. A new section is added to the statutes to read

Section 4502m. Every stenographic reporter and every typewriter operator who takes and violates the oath required of him by section 2546f shall, upon conviction thereof, be punished by imprisonment in the state prison not less than one nor more than five years.

SECTION 12. Section 2558 of the statutes is renumbered and amended to read: Section 4502n. When, by neglect of any of the duties required in \* \* \* chapter 116 to be performed by any of the officers or persons \* \* \* therein mentioned, the jurors to be returned shall not be duly drawn and summoned to attend the court, every person guilty of such neglect shall pay a fine not exceeding twenty dollars, to be imposed by the same court, into the treasury of the county in which the offense is committed.

SECTION 13. Section 2559 of the statutes is retained without verbal change but is renumbered to be section 4502o.

SECTION 14. This act takes effect when published.

Approved June 6, 1913.

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No. 433, S.]

[Published June 9, 1913.

## CHAPTER 442.

AN ACT to create subsection 3 of section 1966—34 of the statutes, relating to evidencing the authority of surety companies.

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

SECTION 1. There is added to section 1966—34 of the statutes, a new subsection to read: (Section 1966—34) 3. Upon application of any insurance company authorized to transact the business of fidelity insurance, requesting that a certified copy of its certificate of authority be furnished to any designated public officer in this state, with whom any bond, undertaking, or instrument executed by such company shall be filed, and the payment by such company of the fee required by law, the commissioner of insurance shall issue and forward such certified copy by mail direct to such officer, who shall file the same in his office. Such certified copy shall be authority for the approval of any such bond, undertaking, or instrument, and be evidence of the authority of the company to transact the kinds of business for the time specified therein, or until prior revocations of certificate of authority as provided by law, in which case the commissioner of insurance shall immediately give notice thereof to