

SECTION 1. Section 186.04 of the statutes is amended to read: 186.04 The provisions of sections 215.31 to 215.35, inclusive, of the statutes shall apply to credit unions and their directors, committees and officers, and they shall be subject to the supervision of the commissioner of banking in the manner and to the extent set forth in said sections; provided, that every credit union shall be required to pay only the actual cost for supervision and examination * * * *not exceeding the fees prescribed in section 215.312.*

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

Approved June 22, 1931.

No. 662, A.]

[Published June 23, 1931.

CHAPTER 307.

AN ACT to repeal sections 18, 24 and 26; to amend sections 5, 10, 17, 23, 25, 32, 33 and 39; and to create sections 18, 24 and 26 of chapter 34, laws of 1929, relating to the county court of Rusk county.

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

SECTION 1. Sections 18, 24 and 26 of chapter 34, laws of 1929, are repealed.

SECTION 2. Sections 5, 10, 17, 23, 25, 32, 33 and 39 of chapter 34, laws of 1929, are amended to read: (Chapter 34, laws of 1929) Section 5. Appeals from judgments and orders of the lower branch of the county court in civil and criminal actions and proceedings shall be taken to either the upper branch of said county court or to the circuit court of Rusk county at the option of the party appealing, and all the laws relating to appeals from justice court shall apply thereto. *When the county judge acts as examining magistrate he may certify and bind over for trial to either the upper branch of the county court or to the circuit court, in his discretion. In all criminal cases within the jurisdiction of the lower branch of the said court to try and sentence, no preliminary examination need be held, in the discretion of the judge.*

Section 10. In the lower branch of said county court there shall be kept a docket for criminal trials and proceedings and also a docket for civil actions. All docket entries shall be made and kept

as far as practicable in the same manner as required in courts of justices of the peace. In all civil actions summons in blank may be signed by the judge and delivered to attorneys of record in the county, to be issued by them as occasion may require. The practice with reference to the return of summons and the docketing of cases in courts of justices of the peace shall be followed. *All judgments of the lower branch for more than ten dollars, exclusive of costs, shall be forthwith without transcript docketed by the clerk and recorded when necessary in the proper books of the upper branch in the same manner and with like effect as provided for in sections 270.74 and 270.75 of the statutes.*

Section 17. Every issue of law in any civil action or proceeding in said court, and every issue of fact in any action heretofore cognizable in a court of equity, shall be tried by the court, but the court may order such issue of fact tried by a jury; every civil action 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 * * * *six* persons unless a * * * *greater* number be * * * *demande*d by the parties, and if no jury be demanded by either party, shall be tried by the court. Every criminal action shall be tried in the same manner as in circuit court.

Section 23. The provisions of law applicable to change of venue in the circuit courts of this state shall be applicable to said county court. When the venue of any action shall be changed pursuant to section 261.04 of the statutes it shall be changed to the circuit court *or the county court having civil and criminal jurisdiction* of the proper county; when it shall be changed pursuant to section 261.08 or 356.03 it shall be changed to the circuit court of Rusk county or the judge of said county court may call upon the circuit judge of the circuit in which Rusk county is located or upon any county judge having civil and criminal jurisdiction to attend, hold court and try said action and while so doing he shall have the powers of said county judge.

Section 25. After issue is joined in any civil action or proceeding, any party may upon five days' notice to the other party or parties, apply to the said court or the judge thereof to set down such case on the calendar of the court for trial on a particular day and the court or judge shall, if it be reasonably possible, fix a definite time for such trial, which shall not be less than five

days from the time of hearing such application, unless for cause the judge shall otherwise order. * * * Provided, that the issues of fact joined upon any complaint, indictment or information may be tried by the court without a jury or by a jury of less than twelve men whenever the accused in writing or by statement in open court entered in the minutes consents thereto. In any civil action or proceeding, properly triable by a jury, in which a jury has not been demanded or has been expressly waived by the parties, the court may upon the request of the parties or upon his own motion, by order entered in the minutes of the case, call in two advisory triers, to be named in such order, who shall sit with the court upon the trial of the action or proceeding and confer and advise with the judge as to the determination of the issues of fact. Before entering upon their duties said advisory triers shall be sworn to well and truly perform their duties as such advisory triers, and they shall each be paid for their services by Rusk county, a sum not to exceed ten dollars per day upon the certificate of the county judge.

Section 32. * * * The county judge shall appoint some person to act as * * * clerk and official reporter of said court, as well as registrar in probate for said county. Said * * * clerk shall have the * * * care and custody of all books and papers belonging to said county court, and shall attend all sessions of said court and perform all the duties of clerk of the court so far as it shall be requisite and necessary to discharge the duties of clerk thereof. Such * * * clerk shall take and subscribe the oath of office provided in the constitution; shall be furnished by the county with all necessary books and stationery and shall report the proceedings of all trials had in said court and perform such other duties as said judge shall require. The salary of said * * * clerk for acting as clerk, reporter, and registrar in probate, shall be fixed by the county judge at a sum not to exceed one hundred dollars per month, payable monthly out of the treasury of Rusk county, and until otherwise ordered by the county board of said county. All fees and charges collected by said * * * clerk for filing papers, certifying and making transcripts of evidence shall be paid into the county treasury of Rusk county.

Section 33. * * * *Any judgment entered and docketed in the upper branch of the county court may be docketed and/or re-*

corded in the office of the circuit court in the same manner and in the same books in which judgments of the circuit court are docketed and recorded whenever any party in whose favor such judgment was entered, or his attorney, shall file with the clerk of the circuit court a transcript of such judgment or a certified copy thereof. In each civil action commenced in or appealed to the upper branch of said county court, there shall be paid a county tax of one dollar and an advance clerk's fee of two dollars, which county tax and clerk's fee shall be paid to the county treasurer of Rusk county, and by him put in the fund for payment of salaries of the judge and deputy clerk of said county court.

Section 39. The * * * clerk of said county court shall, in addition to all other requirements, file with the county clerk of Rusk county quarterly, a statement containing a full and complete list of all court costs and clerk fees collected by said judge or clerk in all civil and criminal actions commenced in either branch of said county court and the said judge shall, at the same time, pay into the treasury of Rusk county all fines, costs and clerk's fees so collected, such costs and clerk's fees to be kept by the treasurer of Rusk county in a separate fund for the payment of salaries of the judge and * * * clerk of said county court.

SECTION 3. Three new sections are added to chapter 34, laws of 1929, to read: (Chapter 34, laws of 1929) Section 18. All judgments, orders and decrees made, entered, docketed and/or recorded by the upper branch of said county court shall have the same force, effect and lien and be executed and carried into effect and enforced in the same manner as judgments, orders and decrees made and entered in the circuit court, and all remedies given and proceedings provided for the collection and enforcement of the judgments, orders and decrees of the circuit court shall apply to and be exercised by and pertain to said county court. Actions for the foreclosure of liens, wherein the claim for lien has been filed in the office of the clerk of the circuit court, may be brought, heard and determined in and by said county court in the same manner and with like effect as if brought in the circuit court.

Section 24. There shall be two jury lists containing the names of jurors who shall be available for service in said county court under the provisions of this act. One of such lists shall be known and designated as the "county-at-large jury list", and the other as the "Ladysmith jury list". The county-at-large jury list shall be

and consist of the list of names prepared and drawn for the circuit court from the body of Rusk county, by the circuit court commissioners thereof pursuant to subsection (1) of section 255.04 of the statutes. The Ladysmith jury list shall be constituted as follows: The jury commissioners appointed by the circuit court of Rusk county shall, immediately upon this act becoming effective, and thereafter from time to time as required by said county court, provide and furnish a list containing the names of one hundred and twenty-five jurors selected by them from citizens residing within the city of Ladysmith and adjoining towns. Except as aforesaid, all of the provisions of subsection (1) of section 255.04 relating to the preparations of jury lists for the circuit court, so far as applicable, shall apply to and govern the preparation of such list, but the slips containing the names of jurors so selected shall be deposited in a box designated the "Ladysmith jury list".

Section 26. (1) In all civil trials in said upper branch the jury shall consist of six, unless the party demanding a jury shall demand that it consist of twelve. The jury may be demanded by either party by service of written notice and demand on the attorney for the opposite party at least six days before the term at which the action is noticed for trial, which notice shall fix the time for drawing a jury not less than two nor more than four days before the term; and if no demand is served by either party within the time above specified, the jury shall be deemed to have been waived, but the court may on notice, allow a demand for a jury to be interposed at any time upon terms that may be just. If in his demand for a jury trial, the party demands that the jury consist of twelve, he shall be entitled thereto; but if no written demand for a jury of twelve is made, the right to such is deemed expressly waived. If objection is made at the time for drawing a jury that the issues are not triable by a jury, the court shall forthwith determine whether a jury shall be drawn.

(2) Whenever such a jury is to be drawn, the clerk or judge, in the presence of the parties or their attorneys, shall cause eighteen names to be drawn when a jury of six is required, and twenty-four if a jury of twelve is required, from the box containing the names of the "Ladysmith jury list" heretofore defined, and each party shall exercise six strikes in the manner provided by law for exercising peremptory strikes in circuit court. If any of the jurors so chosen shall not attend at the time so summoned

to appear, or in case there be legal objections made to those who shall appear and such jurors are disqualified, the judge may cause additional names to be drawn and jurors summoned to supply the deficiency, or the deficiency may be supplied in the manner provided by sections 255.06 or 360.15 of the statutes, as the court may direct.

(3) Whenever such party demanding a jury shall further demand in writing to a jury from the "county-at-large jury list", as heretofore described, the names of such jurors shall be drawn from the box containing same, but in that event any additional jurors required shall be drawn from the "Ladysmith jury list", or in the manner provided by sections 255.06 or 360.15 of the statutes, as the court shall direct. Unless such demand for a jury from the "county-at-large jury list" shall be so made, the right thereto shall be deemed expressly waived.

(4) In criminal cases triable in the upper branch the jury shall consist of twelve jurors drawn from the "county-at-large jury list", as herein described; provided, however, that the defendant may waive a jury trial, or may consent that the jury consist of a lesser number than twelve, and may further consent that the jury be drawn from the "Ladysmith jury list". All juries in criminal cases shall be selected in the manner and form herein provided for the selection of juries in civil cases.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 22, 1931.

No. 709, A.]

[Published June 23, 1931.

CHAPTER 308.

AN ACT to amend subsection (1) of section 203.045 of the statutes, relating to appraisals of fire insurance losses.

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

SECTION 1. Subsection (1) of section 203.045 of the statutes is amended to read: (203.045) (1) Whenever an appraisal is demanded and an appraiser appointed under the standard fire insurance policy of this state, the other party shall designate an appraiser within ten days after receipt of notice of such demand and appointment. *If no appraiser is appointed by such other party,*