

for an insane widow or for a widow becoming, during the year allowed therefor by section 2172, insane or mentally incompetent to make the same, may be made by her guardian; and when a widow dies within said year, not having made her election, and leaving issue by such deceased husband, the election may be made by her executor or administrator. Elections by guardians, executors, and administrators may be made within two years after the filing of a petition for the appointment of an administrator of the estate or for the probate of the will of the husband, and, so far as may be, shall be made in the manner provided by section 2172.

2. The period of time from the commencement to the final determination of any action brought to contest the validity of any will, jointure, or pecuniary provision furnishing any such right of election, or to obtain a judicial interpretation of any such will, shall not constitute any part of the period within which such election may be made.

SECTION 3. This act takes effect when published.

Approved June 2, 1913.

No. 1083, A.]

[Published June 5, 1913.

## CHAPTER 395.

AN ACT to amend section 13 of chapter 234, laws of 1907, and section 16 of chapter 234, laws of 1907, as amended by chapter 123, laws of 1909, and to amend section 3 of chapter 291, laws of 1889, and section 4 of chapter 291, laws of 1889, as amended by chapter 76, laws of 1895, and to amend section 1 of chapter 123, laws of 1909, 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. Section 13 of chapter 234, laws of 1907, and section 16 of chapter 234, laws of 1907, as amended by chapter 123, laws of 1909, section 3 of chapter 291, laws of 1889, and section 4 of chapter 291, laws of 1889, as amended by chapter 76, laws of 1895, and section 1 of chapter 123, laws of 1909, are amended to read: (Ch. 234, laws of 1907.) Section 13. The provisions of law applicable to change of venue in the circuit courts of this state, shall be applicable to said county court, except that when the venue of any action shall be so changed, it shall be changed to the circuit court of Walworth county; and such change of venue shall not prevent the granting by said circuit court of a further change of venue as provided in section 2622 of the \* \* \* statutes; \* \* \* provided, however, that nothing

herein contained shall be construed as abrogating the right to a change of venue provided for by section 2621 of \* \* \* *the* statutes, and when such change of venue shall be made, it shall be made by said county court direct to the proper county for the trial of the action and provided further that section 2625 of \* \* \* *the* statutes so far as applicable shall apply to said county court, and that the judge thereof shall have the right to call upon the circuit judge or any county judge of a county having civil jurisdiction, to attend, hold court and try such action, and while so doing he shall have the same powers *as to said action* as if elected judge of said county court. *But the judge of said county court shall have and retain jurisdiction over all other actions and proceedings, and may exercise such jurisdiction and hold court and try such actions and proceedings at the same time the judge called in is trying the action so transferred to him.* If any person charged upon indictment or information with a criminal offense shall have procured a change of venue to the circuit court of Walworth county, said county court shall commit or hold the party to bail to appear at the next term of the circuit court, and the clerk of said county court shall transmit all papers and a copy of the records and proceedings in said case, properly certified to be such under the seal of said court, to the said circuit court, which shall then have full jurisdiction of this action; all recognizances previously given in such cases and returned to said county court may be enforced in said circuit court as fully as if they had been originally returned thereto. In like manner shall all such cases which might originally have been brought in said county court or appealed thereto where a change of venue is allowed or directed by the circuit court on the grounds of prejudice of the judge thereof be removed to said county court; provided, however, that nothing herein contained shall be construed as abrogating or abridging the power conferred upon the circuit court by section 2625 of \* \* \* *the* statutes. \* \* \* In all such cases in either said circuit or county courts if the affidavit shall allege that the circuit and county judges are both prejudiced the case shall be removed to some adjoining circuit unless some other judge shall be called to preside as above provided.

(Ch. 234, laws of 1907 as amended by Sec. 2, Ch. 123, laws of 1909) 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. *If the name of any person known to be disqualified or no longer liable to jury duty in said county be drawn, such name shall be cast out and the name of another juror drawn to take his place.*

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, *or whenever directed by the judge*, 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 case the whole panel is not summoned for the trial of any criminal action or for the trial of any action or proceeding in which a jury trial is demanded or ordered, the parties shall \* \* \* strike from the panel of jurors selected for such term the jury for such action. The district attorney or 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, \* \* \* the district attorney or the plaintiff first challenging. When either party shall decline to challenge in his turn such challenge shall be made by the clerk by lot. 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, \* \* \* *the court may cause persons qualified to serve as jurors to be returned from the bystanders or from the county at large for the trial thereof and make the proper and necessary orders therefor.*

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.

(Ch. 291, laws of 1889) Section 3. \* \* \* *Such register in probate shall perform such duties as the judge shall direct. He shall have power to administer oaths and to certify to copies of papers, records and judicial proceedings had in said court or before said judge. He shall, when requested, make without charge one certified copy of all wills proved, of all letters issued, of all licenses, judgments and decrees of the county court and of certificates issued by the county judge entitled to record in the office of any register of deeds in Wisconsin and of all reports of commissioners in partition proceedings and in proceedings to set off dower and homesteads, and shall, when requested, make without*

*charge such certificates and certified copies as may be required in collecting the amount due under any policy of life insurance; and shall deliver such copies and certificates, when requested, to the executor, administrator, trustee, guardian, widow, or other person principally interested. He may at any time receive and place on file petitions and applications in the probate jurisdiction of the county court, and may issue proper orders for hearing and for notice and for citations thereon in the same manner and with the same effect as if issued by the judge; and the order, notice and citation shall be signed "By the court, . . . . ., register in probate." But when the judge deems such notice insufficient, he may order such further notice as the case requires.*

(Ch. 291, laws of 1889 as amended by Ch. 76, laws of 1895.)

Section 4. *Such register in probate shall receive such salary as the county board of said county may from time to time provide.*

\* \* \*

(Ch. 123, laws of 1909.) 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, *who shall perform such duties as the judge shall direct*, 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; *but the county board of said county may provide a salary for such assistant register in probate.*

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

Approved June 2, 1913.

No. 1102, A.]

[Published June 5, 1913.

## CHAPTER 396.

AN ACT to create section 1492ab—1, and to amend section 4605 of the statutes, relating to the raising of healthy calves from tubercular cattle on quarantine farms; and providing penalties.

*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 1492ab—1. 1. Individual owners or companies may, upon application, be authorized by the state live stock sanitary board to establish quarantine farms for the purpose of