

No. 156, S.]

[Published April 5, 1897.]

## CHAPTER 176.\*

AN ACT to regulate the manner of drawing petit jurors.

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

SECTION 1. Petit jurors for the circuit courts shall hereafter be drawn and obtained in the following manner: The judges of said courts, together with the judges of any other courts of exclusive civil jurisdiction, requiring a jury, shall on or before the first day of July, after the passage and publication of this act, designate and appoint three freeholders in each county of his circuit, of sound judgment and good repute, who shall be known as special commissioners, whose duties shall relate to the manner of drawing juries to serve in such courts.

Petit jurors,  
how drawn  
and obtained.

SECTION 2. Such commissioners shall furnish and provide, from time to time as may be necessary, the list of names to be drawn from the body of the county to serve as petit jurors, having regard in furnishing such names to the requirements and provisions of chapter 116, of the revised statutes, and the acts amendatory thereof.

Commissioners to furnish names.

SECTION 3. Such lists, in all counties having a population of less than twenty thousand, according to the last preceding national or state census, embracing at least two hundred and fifty names, and in all counties having a population of twenty thousand or more, according to said census, at least four hundred names shall be duly furnished by said commissioners to the clerk of said court, who shall write the names on separate slips of paper, each in the same manner as near as may be, and fold the

Number of names required on such list.

\* Amended by chapter 255, laws 1897.

same so that the name written thereon shall not be visible, and shall deposit said pieces of paper in a box in the presence of said commissioners, which box shall contain but one department, from which they shall be drawn as hereinafter provided.

Clerk to draw names fifteen days before sitting of court.

SECTION 4. At least fifteen days before the sitting of any court at which a jury is required to attend, the said clerk shall, in the presence of said commissioners, proceed to draw the names of thirty-six jurors from the said box, to serve as petit jurors at such court, whose names as they are drawn shall be entered upon a suitable record book, to be kept by said clerk. The list of the names so provided shall be kept by said clerk, and a separate list by at least one of said commissioners.

To be summoned and paid as now provided by law.

SECTION 5. Jurors shall be summoned in the same manner as jurors are now summoned, and paid, as now provided by law.

When neglect to draw or summon a jury — how to be supplied.

SECTION 6. Whenever at any time of any such court there shall be an entire absence of jurors of the regular panel, whether from an omission to draw and summon the same, or because of a challenge to the panel, or from any other cause, the court may direct the clerk, in the presence of the said commissioners, without delay, to draw from the names so furnished and provided, such number as may be required to serve as jurors during the term, and whenever there shall be a deficiency of jurors of the regular panel at any time during the term, for any cause whatever, the court may order a sufficient number drawn, under the provisions of this act, to fill the regular panel, or a less or larger number, as the public interest and the condition and character of the business shall require.

Talesman — how supplied.

SECTION 7. When by reason of challenge or otherwise a sufficient number of jurors duly drawn and summoned, as hereinbefore provided, cannot be obtained for the trial of any cause, the court may, in its discretion, cause duly qualified jurors to be returned from the

bystanders or from the county at large for the trial of such cause, and make the proper and necessary orders to carry out this provision, but the jurors so summoned shall be summoned and paid only for service in such cause.

SECTION 8. Any juror whose name has been drawn on any regular panel and who has not been excused from service by the court, shall be exempt from jury service for the period of one year next ensuing.

Juror drawn on regular panel shall be exempt for one year.

SECTION 9. Whenever the said list has been depleted by the drawing out of names as herein provided, or from any other cause, it shall be the duty of said commissioners to supply other names to make up for such depletions so as to have not less than one hundred and fifty nor more than five hundred names in the box, at the time any drawing of jurors takes place.

Supply of other names when lists are depleted.

SECTION 10. It shall be competent for the court whenever it shall seem proper and necessary so to do, having regard to the length of a term of court and an equitable distribution of the duties of jurors, to excuse any panel or number of jurors after a service of two weeks or more, and to order another panel or additional jurors to be drawn under the provisions of this act, to complete the business of the term.

Panel of jurors may be excused by court for two weeks.

SECTION 11. The term of the commissioners appointed under this act shall be three years but the court shall in the first instance, appoint a commissioner for one year, another for two years, and the third for three years, and thereafter shall appoint one commissioner each year, for the period of three years from the first day of July of such year, and in case a vacancy occurs in said board of commissioners, it shall be the duty of the court to fill such vacancy as speedily as practicable.

Term of commissioners to be one, two and three years.

SECTION 12. Two commissioners shall constitute a quorum for the transaction of business under this act, and any commissioner may at any time be removed by said judge or judges, without assigning any reason therefor.

What constitutes a quorum

Pay of commissioners to be \$5.00 per day in counties of 20,000 or over and \$3.00 per day in counties of less than 20,000 and ten cents per mile for travel.

**SECTION 13.** Such commissioners in all counties having a population of 20,000 or over according to the last preceding national or state census, shall receive a compensation of five dollars each per day for every day actually spent in official service, and in counties having a population of less than 20,000, three dollars per day for such time so actually spent, and ten cents per mile for each mile actually traveled in attending any and all meetings of the commissioners in the discharge of their official duties, payable out of the county treasury on the order or warrant of the clerk of the court, countersigned by the circuit judge.

Commissioners to be sworn.

**SECTION 14.** Such commissioners shall, before entering upon the duties of the trust imposed upon them, respectively take and subscribe before the clerk of the said court, an oath to support the constitution of the United States, and the constitution of this state, and faithfully to discharge the duties of such special commissioner to the best of his ability, and shall file the same duly certified by the said clerk, in the office of said clerk.

Penalty for soliciting the commissioners to have name put on list.

**SECTION 15.** It shall be unlawful for any person, either directly or indirectly, to solicit the said commissioners, or either of them to put his name on any jury list furnished under the provisions of this act, and any person violating this section shall be deemed guilty of a misdemeanor, and punishable by a fine of not less than one hundred dollars, or by imprisonment in the county jail not less than ten days, or by both such fine and imprisonment.

Provisions of revised statutes relating to jurors to apply.

**SECTION 16.** All the provisions of chapter 116, of the revised statutes, and the acts amendatory thereof, touching the duties of petit jurors, and the power of the court to impose fines for non-attendance pursuant to summons, or neglect or refusal to serve as a juror, and all other provisions not inconsistent with this act, are, and shall remain in full force in the same manner and to the same effect as if this act had not been passed.

SECTION 17. If there is now, or shall at any time be, in any such county, any other court of exclusive civil jurisdiction requiring a jury, the provisions of this act shall be equally applicable to such court, and the same commissioners shall act for such court as for the circuit court, and have full power and authority so to do, and their acts and doings under this law in such behalf shall have the same force and effect as if done in and for the circuit court.

To apply to all courts.

SECTION 18. The clerk of the said court is authorized to furnish at the expense of the county all books and stationery required in carrying out the provisions of this act.

Clerk of court to furnish all books and stationery necessary.

SECTION 19. All acts or parts of acts conflicting with any of the provisions of this act are hereby repealed.

Repealing clause.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1897.

No. 316, S.]

[Published April 3, 1897.

## CHAPTER 177.

AN ACT to legalize the acts of Charles F. Krebs, a police justice and justice of the peace within and for the city of Jefferson, Jefferson county.

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

SECTION 1. The official acts of Charles F. Krebs in all matters and proceedings in which the police court of the city of Jefferson, Jefferson county, has exclusive jurisdiction, wherein

Acts of Charles F. Krebs, legalized.