

and forty, and the number to serve as grand jurors, shall be seventy-five: *provided*, that if in any county in this state the supervisors shall not be able to select the number of names required by this section for grand and petit jurors, they shall select a less number, and the highest number possible.

SECTION 2. Hereafter the names of thirty-six persons shall be drawn, to serve as petit jurors, and the names of seventeen persons to serve as grand jurors: *provided*, that the county board of supervisors in any county, when in their judgment it shall be deemed for the interest of the county, shall have power, by resolution, to limit the number of petit jurors to be drawn in such county, to any number not less than sixteen.

SECTION 3. There shall not be more than seventeen nor less than fifteen persons sworn on any grand jury in this state, and twelve at least of such jurors shall concur before any bill of indictment shall be found, or presentment made by such grand jury.

SECTION 4. Section eight of chapter 118 of the revised statutes, prescribing the manner of drawing jurors, is hereby revived and declared to be in full force, except as modified by the provisions of this act; and chapter 209 of the laws of (A. D.) 1860, and chapter 195 of the laws of 1861, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 129.

[Published April 25, 1866.]

AN ACT in relation to costs in the supreme court.

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

SECTION 1. All costs that shall be awarded by the supreme court on overruling a motion for rehearing, shall be added to the costs taxed or taxable in the cause, and execution may issue for the sum total thereof; and

Costs in supreme court to be added to prior costs.

when a motion for a rehearing shall be sustained, the costs of the same shall abide the event of the cause, and be taxed against the losing party, as part of the costs in the cause.

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

Approved April 12, 1866.

CHAPTER 130.

[Published April 28, 1866.]

AN ACT to amend section 12 of chapter 141 of the revised statutes, concerning actions for the recovery of real property.

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

SECTION 1. Section twelve of chapter one hundred and forty-one of the revised statutes of this state, is hereby amended, so as to read as follows: "When the action is against several defendants, if it appear on the trial that any of them occupy distinct parcels in severalty or jointly, and that other defendants possess other parcels in severalty or jointly, the plaintiff shall elect, at the trial, against which he will proceed on such trial, which election shall be made before the evidence in the cause shall be deemed closed, and a separate trial or trials shall thereupon be awarded, as to the other defendant or defendants in such actions, who so hold any distinct parcel or parcels in severalty or jointly; and several judgments shall be rendered on the verdicts found in such actions, according to the rights and interests of the parties."

When plaintiff, if action be against several defendants, to elect against which he will proceed.

SECTION 2. All acts or parts of acts, the provisions of which conflict with this act, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1866.