

[No. 54, A.]

[Published April 27, 1889.]

CHAPTER 493.

AN ACT to regulate the manner of drawing petit jurors in certain counties.

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

Petit jurors in counties of 150,000 or more. Commissioners to be appointed.

SECTION 1. In all counties containing a population of over one hundred and fifty thousand people, petit jurors for the circuit court shall hereafter be drawn and obtained in the following manner. The judge of said court, together with the judge of any other court of exclusive civil jurisdiction requiring a jury in said county, if any, shall, on or before the first day of July after the passage and publication of this act, designate and appoint three freeholders of the county, 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 court.

List to be furnished.

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.

Number of names to be embraced in.

SECTION 3. Such lists, embracing at least four hundred names, shall be duly furnished by said commissioners to the clerk of the 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 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 jurors from list.

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 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.

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

How summoned.

SECTION 6. Whenever at any term 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 interests and the condition and character of the business shall require.

In absence of regular panel court may direct clerk to draw additional.

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.

When bystanders may be called.

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 to be exempt.

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 three hundred, nor more than

Commissioners, when to supply other names.

five hundred names in the box at the time any drawing of jurors takes place.

When jurors
may be ex-
cused.

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.

Term of com-
missioners.

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.

Quorum.

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.

Compensation.

SECTION 13. Such commissioners shall receive a compensation of five dollars each per day for every day actually spent in official service, payable out of the county treasury on the order or warrant of the clerk of the court, countersigned by the circuit judge.

To take oath of
office.

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 com-
missioners to
put names on
lists.

SECTION 15. It shall be unlawful for any person 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.

SECTION 16. All the provisions of section 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.

Provisions of section 116, R. S., to apply.

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 courts of exclusive jurisdiction.

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.

Approved April 17, 1889.

[No. 405, S.]

[Published April 18, 1889.]

CHAPTER 494.

AN ACT to amend chapter 248, of the laws of 1889, entitled, "An act to prevent espionage at public elections, to secure more fully the independence of voters, to enforce the secrecy of the ballot, and to provide for printing and distributing ballots at public expense."

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

SECTION 1. Section 22, of chapter 248, of the laws of 1889, is hereby amended by adding at the