

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

Approved June 8, 1933.

No. 295, A.]

[Published June 10, 1933.]

CHAPTER 226.

AN ACT to amend sections 4, 5 and 7 of chapter 127 of the laws of 1927, relating to criminal jurisdiction of justices of the peace of Marathon county.

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

SECTION 1. Sections 4, 5 and 7 of chapter 127 of the laws of 1927 are amended to read: (Chapter 127 laws of 1927) Section 4. Any party to an action in said county court desiring that the issues therein be tried by jury shall be entitled to a jury either of six or twelve upon demand in writing designating which, provided that in civil actions the party so demanding a jury shall first pay to the judge a jury fee of one dollar for each juror demanded. When a jury is demanded the court shall cause eighteen names to be drawn if a jury of six is demanded and twenty-four if a jury of twelve is demanded, from a box containing the names of * * * *fifty* jurors selected by the circuit court jury commissions from citizens residing within the city of Wausau, and each party shall exercise six strikes in the manner provided by law for obtaining juries in justices' courts. If any of such jurors so chosen shall not attend at the time so summoned to appear or in case there should be legal objections raised to any of those who shall appear the judge may cause additional names to be drawn and jurors summoned to supply the deficiency. If trial by jury, to consist of either six or twelve members, shall not be demanded, the right of such trial by jury shall thereby be deemed waived. Such jurors shall receive four dollars for each day's actual attendance upon said court, and said county judge, whenever such a juror shall be discharged or within ten days thereafter, shall cause a certificate to be made out to each juror attending the court, certifying the number of days' attendance, and the amount of compensation due him, and thereupon the county treasurer shall pay the amount thereof out of the county treasury.

SECTION 5. All jurisdiction, power and authority in criminal actions and proceedings now possessed by justices of the peace of

Marathon county is hereby withdrawn and withheld, *excepting that for common assault and battery or for the use of language intended or naturally tending to provoke an assault or breach of the peace the justice of the peace shall have concurrent jurisdiction with the county court, and excepting the power and authority to receive complaints and to issue warrants thereon, which shall all be made returnable to the said county court, and all complaints and other papers relating thereto shall be forthwith certified to said county court.*

SECTION 7. All appeals from judgments of said county court, excepting in actions for divorce and to annul any marriage, shall be made to the circuit court of Marathon county, Wisconsin, and all the laws relating to appeals from justice court shall apply thereto, *except that in civil actions the appeal shall be heard on the original papers and the return of the county judge, containing all the material evidence and his rulings in the action, and the appellant shall in addition to the appeal costs pay for the transcript of the evidence at the time the appeal is filed which costs shall be included in the taxable costs when the appellant prevails in the appeal. The judge of the circuit court may, in his discretion, elect to have a trial de novo.*

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

Approved June 8, 1933.

No. 318, A.]

[Published June 10, 1933.]

CHAPTER 227.

AN ACT to repeal section 331.36 of the statutes, relating to civil actions for arrest and prosecution.

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

SECTION 1. Section 331.36 of the statutes is repealed.

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

Approved June 8, 1933.