

“commissioner” and for “commissioner of agriculture” where those terms occur in other places in said subsection.

Approved May 28, 1943.

No. 75, S.]

[Published June 3, 1943.

### CHAPTER 230.

AN ACT to amend 32.07 (1) of the statutes, relating to drawing juries in condemnation cases.

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

32.07 (1) of the statutes is amended to read:

32.07 (1) If the application be by a municipal corporation, the filing of the petition under section 32.04 shall be deemed the commencement of an action for the determination of the necessity of the taking. Within 20 days after the service of notice, as provided in section 32.05, any person owning or interested in any property proposed to be condemned, may serve and file an answer. After the expiration of the time for answering the action may be brought on for hearing on a 3 days' notice to all parties who have answered and shall have precedence over all other matters not on trial. The court shall thereupon impanel a jury \* \* \* and the question of the necessity of the taking shall thereupon be tried as a question of fact. *Jurors and trial juries shall be drawn as follows: (a) in circuit courts in the manner provided by sections 255.03 to 255.09; (b) in county courts as to which section 324.17 is applicable, in the manner provided by subsection (5) of that section; and (c) in other county courts in the manner provided by section 255.10.* If no answer to the petition is interposed the trial by jury shall proceed ex parte. Costs in such proceedings shall be paid by the municipality. The court may, in its discretion, submit to a single jury the determination of such necessity as to one or more than one or all of the parcels of land sought to be taken for the same purpose, or for one or more streets or alleys. If the jury find that the taking of such lands is not necessary the owner thereof shall recover from the municipality his necessary disbursements and taxable costs not to exceed \$25.

Approved June 1, 1943.