

be noticed for trial and placed on the calendar of the court for each term thereof in the same manner as civil actions and proceedings are noticed for trial and placed on the calendar for the circuit court. Upon the opening of the term of court, each case shall be set for trial on a day certain and if the case be one triable by a jury, the court shall require the parties to determine and elect whether they wish a trial by jury, and if a jury is elected, of what number; and if a trial by jury is demanded by either party to the action and the said parties do not agree on a jury of less number, the court may at that time or at any time afterward direct that a jury be selected, as herein provided in such case, and issue a venire therefor returnable at the time fixed for the trial of the action; provided, that the issues of fact joined upon any complaint, indictment or information may be tried by the court without a jury or by a jury of less than 12 men whenever the accused in writing or by statement in open court entered in the minutes consents thereto. * * *

Approved April 21, 1945.

No. 182, S.]

[Published April 24, 1945.

CHAPTER 70.

AN ACT to create 220.25 (3a); to renumber 220.25 (5) (e) to be 220.25 (6); and to amend 220.25 (6) (as renumbered) of the statutes, relating to the escheat of bank deposits.

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

SECTION 1. 220.25 (3a) of the statutes is created to read:

220.25 (3a) (a) The cashier or managing officer of every banking institution which has made a report as required by subsection (3) (b) shall, between March 1 and April 1 of each year, turn over to the state treasurer all funds or other property so reported; but if the person making the report or the owner of the property shall certify to the state treasurer by sworn statement that any or all of the statutory conditions necessary to create a presumption that the owner has died intestate without heirs, or has abandoned the property, do not exist, or shall certify the existence of any fact or circumstance which has a substantial tendency to rebut such presumption, then the cashier or managing

officer of the banking institution in possession of such property shall not be required to turn the property over to the state treasurer except on order of a court. If a person commences an action claiming any property which has been reported under the provisions of this section, the cashier or managing officer of the banking institution holding such property shall be under no duty while any such action is pending to turn the property over to the state treasurer, but shall notify the state treasurer of the pendency of such action.

(b) The banking institution holding the property or any claimant thereof shall always have the right to a judicial determination of its or his rights under this section and nothing herein shall be construed otherwise; and the state may institute an action as provided in subsection (4) to recover such property as to which it is presumed that the owner has died intestate without heirs or to have been abandoned whether such property has been reported or not.

(c) Any person or banking institution who transfers property to the state treasurer in accordance with this section shall be relieved of any liability to the owner arising from that transfer. The state shall reimburse any person or banking institution who cannot be relieved of such liability by this section for all liability to the owner of the property or damage incurred by reason of compliance with this section.

(d) Any person claiming an interest in any fund or property paid or surrendered to the state treasurer in accordance with this subsection, which property was not adjudged, under the procedure set out in subsection (4), to have been actually abandoned or owned by a decedent who died intestate without heirs, may file his claim to it at any time after it has been paid to the state treasurer. In such case the claimant shall, within 15 days after filing any claim permitted under this subsection, publish notice of the claim in a newspaper of general circulation in the county in which the property was held before being transferred to the state. If there is no such newspaper, the claimant shall post the notice at the courthouse door and in 3 other conspicuous places in that county and shall file proof of publication or of posting notice with the state treasurer. No such claim shall be allowed by the state treasurer until 15 days after proof of the notice is received at his office.

SECTION 2. 220.25 (5) (e) of the statutes is renumbered 220.25 (6) and is amended to read:

220.25 (6) Any *person or banking institution* which shall violate any of the provisions of this section shall forfeit to the state the sum of \$100 for every day that such violation continues.

Approved April 21, 1945.

No. 107, A.]

[Published April 24, 1945.]

CHAPTER 71.

AN ACT to amend 20.60 (6) (b) of the statutes, relating to the appropriation for the state fair.

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

20.60 (6) (b) of the statutes is amended to read:

20.60 (6) (b) All receipts received for or on account of the operation of the state fair, the concessions or the rent or lease of the state fair park, or buildings thereon, except as provided by paragraph. (g) * * *, shall be deposited immediately in the general fund and reappropriated therefrom to the state department of agriculture for operation and maintenance of the state fair, the state fair park and exhibits and fairs thereon, and for permanent property and improvements at the state fair park, * * * *provided that in the purchase of land the department shall comply with section 20.84.*

Approved April 21, 1945.

No. 179, A.]

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CHAPTER 72.

AN ACT to create 41.13 (5) of the statutes, relating to the destruction of obsolete records by the state board of vocational and adult education.

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

41.13 (5) of the statutes is created to read:

41.13 (5) Whenever necessary to gain needed vault space, the board may turn over to the director of purchases for destruction, obsolete records in its possession, as follows: