

to the sheriff or any constable of the proper county, and the justice issuing such process, before delivering the same to any person, shall enter therein the names of both plaintiff and defendant, the date of issue and the day and hour of the return thereof.

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

Approved April 8, 1887.

[No. 348, A.]

[Published April 26, 1887.]

CHAPTER 373.

AN ACT to extend the criminal jurisdiction of the county court of Winnebago county.

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

Extending criminal jurisdiction of county court of Winnebago county.

SECTION 1. Concurrent jurisdiction, power and authority with the circuit court of Winnebago county, Wisconsin, is hereby conferred and imposed upon the county court of Winnebago county, Wisconsin, of all criminal offenses committed in said county of Winnebago, or of which the circuit court of said county has jurisdiction, other than felonies, or criminal offenses which may be punished by imprisonment in the state prison, and of any person accused thereof, and to hear, try, determine, pronounce judgment and sentence and take and have all necessary proceedings concerning or relating thereto as provided by law. The necessary jurisdiction, power and authority in the premises is hereby conferred and imposed upon the said county court.

Justice of peace or examining magistrate may bail, etc., offender either to circuit or county court.

SECTION 2. In any criminal case or proceedings for any such criminal offense, any justice of the peace, officer or other examining magistrate having jurisdiction, may bail, recognize, bind over or commit for trial the accused, either to the circuit or the county court of said county of Winnebago. When so bailed, recognized or bound over, or committed for trial or lawful proceedings in or to

said circuit court, and when the accused is not out on bail, and before or after an information has been filed, the presiding judge of said circuit court, or such circuit court, of said county, may certify the accused, and all proceedings relating to any person accused of any such offense, to the county court of said county for trial, disposal of, determination and adjudication in the said county court, and thereupon the same and all the papers and files therein, shall be in the said county court, without any further order or certificate, and to be a case and proceeding in such county court, entitled as such; and the said county court shall have complete and full jurisdiction thereof, and of all necessary proceedings relating thereto, and to be had therein. If the accused is bailed after such certification the bond or recognizance shall be for his or her appearance at such county court. When under the provisions of this act a person is so bailed, bound over, recognized or committed for trial or proceeding to and in said county court, it may be at and for the next general or special term thereof. The information shall be filed in such county court. If any person accused of a criminal offense is so bailed, bound over, recognized or committed for trial to the county court for a criminal offense of which said court has not jurisdiction, or if the district attorney shall file an information for an offense of which said county court has not jurisdiction, then or in either case such proceedings shall not abate, and the said court shall not lose jurisdiction of such person and proceedings, but such county court, or the presiding judge thereof, shall certify the same to the said circuit court of said county, and which shall thereupon, become a case and proceeding in such circuit court, and which shall have full jurisdiction thereof.

SECTION 3. Trials of any person accused of any such criminal offenses, and all necessary proceedings therein or relating thereto, may be had in said county court, either at a general or special term thereof. A jury shall be selected and a venire issued therefor as now provided by law for the selection of a jury in civil actions in said county court, and from the jurors selected for said court to try civil actions. The parties to be entitled to the same number of challenges as pro-

Trials when
had, jury how
selected.

vided by law in criminal cases in the circuit court. If any of the jurors in any venire fail to appear or are excused, or if there shall be any legal objection to any thereof the court may direct the sheriff, his under sheriff or any of his deputies to summons from the county or the bystanders, a sufficient number to supply the deficiency.

**Jury trial may
be waived.**

SECTION 4. When triable by a jury, the accused may waive a trial by a jury, when permissible by law, and thereupon to be tried by the court; or the court, at its discretion, may order a trial by jury in case of any such waiver.

**Jurors, how
selected.**

SECTION 5. Nothing herein to be construed as to change the law for the selection of jurors for said county court, and the jurors so selected as now provided by law to be jurors of said county court at and for both the general and special terms thereof, and to continue to be jurors of said court until the next regular term thereof. Nothing herein to be construed as repealing or changing any of the provisions of chapter 58, of the general laws of Wisconsin for the year A. D. 1880.

**Change of
place of trial.**

SECTION 6. Whenever the place of trial in any such criminal offense shall be changed on account of the prejudice, or disqualification of the judge of said county court, or from any other lawful cause, it shall be changed to the circuit court of said Winnebago county, Wisconsin.

Repeal.

SECTION 7. All acts or parts of acts that conflict with any of the provisions of this act are hereby repealed or modified so far as they affect the provisions hereof and no farther, and otherwise to remain in full force and effect.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1887.