

CHAPTER 35.

[Published February 26, 1868.]

AN ACT to amend section five (5) of chapter 121 of the revised statutes, entitled "of the jurisdiction of justices in criminal cases, and of the proceedings therein."

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

Amended.

SECTION 1. Section five (5) of chapter 121 of the revised statutes is hereby amended so as to read as follows: "On the return of the warrant with the accused, the said justice shall proceed to hear, try and determine the cause within one day, unless continued for for cause: *provided*, that if the defendant shall, before he pleads to said complaint, make oath that, from prejudice or other cause, he believes the justice will not decide impartially in the matter, the said justice shall immediately transmit all the papers in the case to the nearest justice qualified by law to try a cause between the state and the defendant, who shall proceed to hear, try and determine the same, in the same manner as it would have been lawful for the justice before whom the warrant was returnable to have done; and in case the justice to whom the papers are transmitted is absent, or because of sickness, is unable to proceed with the case when the papers are so transmitted, then the papers shall be transmitted by the justice to whom the warrant was issued to the next nearest justice who is qualified by law and in readiness to try the cause, and such justice shall thereupon proceed to hear, try and determine the same.

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

Approved February 22, 1868.