

lows: Section 4738. When any person is convicted of any offense punishable only by imprisonment in the county jail, or by fine, or both, and it is alleged in the indictment, information or complaint, and proved or admitted on the trial that he had been before sentenced to imprisonment, either in any state prison, house of correction or county jail, by any court of this state or of any other state, or of the United States, and that such sentence remains of record, and unreversed, whether pardoned therefor or not, such person may be punished by imprisonment in the county jail, not less than the shortest time fixed for such offense, and not more than one year, or by imprisonment in the state prison, not more than three years nor less than one year.

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

Approved March 21, 1889.

[No. 382, A.]

[Published March 27, 1889.]

## CHAPTER 142.

AN ACT relating to proceedings in civil actions in courts of record and amendatory of subdivision 3, of section 2614, of the revised statutes of 1878.

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

SECTION 1. Subdivision 3, of section 2614, of the revised statutes of 1878, is hereby amended by inserting after the word, "court," where that word occurs in the third, fourth and tenth lines of said subdivision 3, the words, "or a judge thereof," so that when so amended, said subdivision 3, shall read as follows: If such infant is not a resident of this state and his residence be known, and that fact shall appear by affidavit to the satisfaction of the court, or a judge thereof, and it shall further appear, that such infant has no general or testamentary guardian in this state, the court, or a

Amending  
subd. 3, sec.  
2614, R. S.,  
service of  
notice for  
appointment of  
guardians of  
infants, court  
or judge may  
make order,  
etc.

judge thereof, may grant an order that notice of an application for the appointment of a guardian for the infant be served upon such infant, if over fourteen years of age, by mailing a copy of said notice and order to such infant, directed to him at his place of residence; if under fourteen years of age, by mailing a copy of said notice and order to the person with whom such infant resides. If the residence of the infant be unknown, the court, or a judge thereof, may grant an order that the service of said notice be made by publication thereof in a newspaper to be designated in such order, as most likely to give notice to such infant, and for such length of time as shall be deemed reasonable, not less than once a week, for four weeks successively.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.  
Approved March 21, 1839.

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[No. 364, A.]

[Published March 23, 1839.]

## CHAPTER 143.

AN ACT to amend section 4793, of chapter 195, revised statutes, entitled, "Of the arrest and examination of offenders, commitment for trial and taking bail."

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

Amending sec. 4793, R. S., who may admit person to bail charged with murder, etc.

SECTION 1. Section 4793, of the revised statutes is hereby amended so as to read as follows: Section 4793. No officer other than the justice of the supreme court or presiding judge of the circuit court, shall be authorized to admit to bail a person charged with crime of murder or with any offense punishable by imprisonment for life.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.  
Approved March 21, 1839.