

seventy-eight of the revised statutes, entitled "of the change of venue in criminal cases," is hereby amended by adding thereto the following: "But the judge of the court, in case no final trial is had during the term next after such change of venue, may order the prisoner to be kept in the common jail of any county where it may be most safe and convenient, and may make all necessary orders for the prisoner's safe custody, bail and appearance for trial."

Defendant may be kept in county jail.

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

Approved April 5, 1862.

CHAPTER 222.

[Published April 8, 1862.]

AN ACT in relation to change of venue in criminal cases.

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

SECTION 1. Whenever the change of the place of trial shall be awarded on application of one or more, but not all, of several defendants in an indictment upon which a separate trial may properly be had, it shall not be necessary to transmit the original indictment on [or] other papers in the case to the court to which the venue shall be so changed; but the clerk shall transmit a certified transcript of the docket entries in the case, and certified copies of the indictment, and such other papers as the court shall direct in lieu of the originals; and the court to which the venue shall be changed, shall proceed to hear, try and determine the case, in the same manner and with the same effect as if the original indictment and papers had been transmitted.

Transcript of indictment, &c.

SECTION 2. Such change of venue shall not effect the proceedings as to the defendants not joining in the application therefor, but the court shall proceed to the trial of such defendants upon the indictment, in like manner as if no change of venue had been awarded to their codefendants.

Change not to effect codefendants

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1862.

CHAPTER 223.

[Published April 9, 1862.]

AN ACT to provide for the payment of court expenses, where a change of venue is had.

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

Expenses to be paid by county in which the action was brought.

SECTION 1. In all cases where a change of venue, in any civil or criminal action, shall be allowed by any circuit court or judge, pursuant to law, and the place of trial of such action shall be changed, (except in cases where such change is made, because the action was not brought in the proper county,) the county in which such action was commenced, shall pay to the county in which the same shall be tried, the following expenses, arising out of said change of venue, to wit: 1st. The per diem fees allowed by law to the clerk in term; 2d. The per diem fees allowed by law to the sheriff, under sheriff and deputies actually in attendance upon said court; 3d. The per diem fees allowed by law to the petit jurors actually in attendance upon said court; 4th. The legal fees of all witnesses actually subpoenaed or in attendance upon said court or sworn upon the trial of any criminal action; the fees of such officers and jurors to be estimated for each day and part of a day, not less than half of a day, occupied in trying or disposing of any action.

Clerk to make out and forward bill of expenses.

SECTION 2. It shall be the duty of the clerk, at or before the close of any term at which any such trial shall be had, to make out a correct statement or bill of all the expenses which shall have accrued during any such trial, in the manner stated in the last preceding section, and procure the same to be taxed and allowed by the circuit judge; and such clerk shall, without delay, send such taxed bill to the clerk of the board of supervisors of the county in which such action was