

## CHAPTER 268.

[Published April 23, 1863.]

AN ACT to amend section 79 of chapter 19 of the revised statutes, entitled "of highways [and] bridges, and of ferries."

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

SECTION 1. Section seventy-nine of chapter nineteen of the revised statutes, is hereby amended, so as to read as follows, to wit: "Section 79. Upon the filing of such application and a bond executed to the supervisors of the town, with sufficient sureties, to be approved by the justice, conditioned to pay all costs arising from such appeal, provided the determination of the supervisors in laying out, altering or discontinuing, or refusing to lay out, alter or discontinue such highways, (as the case may be,) shall not be reversed, such justice shall issue a notice, specifying therein a time and place for the appointment of commissioners, which notice shall be served on one or more of the supervisors at least six days before such time; and at the time and place so appointed, the justice shall make a list of eighteen disinterested freeholders of the county. Each party may object to six on such list, and in case none of the supervisors shall be present, the justice shall strike off the names for the supervisors, and out of the number not struck off, the justice shall by lot select three for such commissioners: *provided*, that if at any time before the making of said list of freeholders, the said supervisors shall file with the said justice an affidavit, made by one or more of the said supervisors, stating that he or they have reason to believe and do believe that the justice to whom the application was made, from prejudice or any cause, will not act impartially in the appointment of commissioners, and shall pay to the justice twenty-five cents for a statement, in writing, of the proceedings had before him, and for transmitting the papers in the case, then such justice of the peace shall transmit all of the papers in the case to the nearest justice of the peace in the county; and the justice to whom such papers are transmitted, shall proceed to appoint the commissioners in the manner as it would have been lawful for the justice to whom such

Bond for appeal,  
notice to super-  
visor, &c.

Change of venue.

application was made, to have done. But this provision shall not extend to a second removal."

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

Approved April 2, 1863.

## CHAPTER 269.

[Published April 8, 1863.]

AN ACT to amend chapter 158 of the revised statutes, entitled  
"of the writ of habeas corpus."

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

Writs of habeas corpus to be returnable before judge of circuit or county court, &c.

SECTION 1. All writs of habeas corpus issued by any court commissioner, and all warrants issued by such officer, under chapter one hundred and fifty-eight, section thirty-six, of the revised statutes, shall be returnable before a judge of the circuit court, or a judge of a county court, or a judge of the supreme court; and the judge before whom it shall be so returnable, shall have jurisdiction of the same, and of all subsequent proceedings, as if it had been originally issued by him. The court commissioner shall, upon issuing such writ or warrant, immediately transmit to the judge before whom the same is returnable, the petition and any other papers upon which the writ or warrant is issued, and shall, thereafter, have no jurisdiction in the matter of such writ or warrant.

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

Approved April 2, 1863.