agers of the Industrial School for Boys, shall consist of five members each, who shall be appointed by the governor for terms of three years each, except that his first appointments under the authority of this section shall be so arranged that in each board two members shall be appointed for one year, two for two years and one for three years. So much of previous acts relating to the aforesaid institutions as authorizes their present trustees or managers to hold their offices, is hereby so far repealed that said trustees and managers shall go out of office so soon as their successors are appointed and qualified; and the persons appointed under authority of this section are hereby declared to be the legal successors to their respective offices, and entitled to receive from their predecessors all funds, books and papers belonging to the aforesaid institutions respectively.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved March 23, 1871.

CHAPTER 137.

[*Published March* 31, 1871.]

AN ACT to provide for the trial of offenses upon information, and to make the general laws of the state applicable thereto.

REFERENCES TO AMENDMENTS. References.

Sections 7, 8, 9, 10, 11, of chapter 118, revised statutes.

All of chapter 177, revised statutes.

Sections 1, 2, 3, chapter 178, revised statutes.

Sections 1, 3, 7, 9, 10, 11, 13, chapter 179, revised statutes.

Section 6, chapter 180, revised statutes.

Section 2, chapter 181, revised statutes.

Sections 1, 3, 4, 5, 6, chapter 163, revised statutes.

Section 7, chapter 164, revised statutes.

Sections 5, 7, chapter 170, revised statutes.

Sections 2, 3, 5, 7, 10, 12, chapter 172, revised statutes.
Sections 15 and 21, chapter 176, revised statutes.
Sections 1, 2, chapter 222, general laws, 1862.

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

Shall have jurisdiction upon information.

SECTION 1. The several courts of this state shall possess and may exercise the same power and jurisdiction to hear, try and determine prosecutions upon information for crimes, misdemeanors and offenses, to issue writs and process and do all other acts therein as they possess and may exercise in cases of like prosecution upon indictment.

Information to be filed.

SECTION 2. All informations shall be filed during term in the court having jurisdiction of the offenses specified therein, except as hereinafter provided, by the district attorney of the proper county as informant, and he shall subscribe his name thereto.

How offense stated.

SECTION 3. The offense charged in any information shall be stated in plain, concise language, without prolixity or unnecessary repetition. Different offenses and different degrees of the same offenses, may be joined in one information, in all cases where the same might be joined by different counts in one indictment; and in all cases a defendant or defendants shall have the same rights as to all proceedings therein, as he or they would have if prosecuted for the same offense upon indictment.

All provisions of law apply to information.

SECTION 4. All provisions of law applying to prosecutions upon indictments, to writs and process therein, and the issuing and service thereof, to motions, pleadings, trials and punishments, or the passing or execution of any sentence, and to all other proceedings in cases of indictment, whether in the court of original or appellate jurisdiction, shall, to the same extent and in the same manner as near as may be, apply to informations and all prosecutions and proceedings thereon.

May be committed or held bail.

SECTION 5. Any person who may, according to law, be committed to jail, or become recognized or held to bail, with sureties for his appearance in court to answer to any indictment, may, in like manner, be so committed to jail or become recognized and held to

bail for his appearance to answer to any information or indictment, as the case may be.

Duty of district attorney.

SECTION 6. It shall be the duty of the district attorney of the proper county to inquire into and make full examination of all the facts and circumstances connected with any case of preliminary examination, as provided by law, touching the commission of any offense whereon the offender shall be committed to jail, or become recognized or held to bail; and if the district attorney shall determine in any such case that an information ought not to be filed, he shall make, subscribe and file with the clerk of the court a statement in writing, containing his reasons, in fact and in law, for not filing an information in such case; such statement shall be filed at and during the term of the court at which the offender shall be held for appearance: *provided*, that in such case the court may examine such statement, together with the evidence filed in the case; and if, upon such examination, the court shall not be satisfied with such statement, the district attorney shall be directed by the court to file the proper information and bring the case to trial.

Examination must precede information.

SECTION 7. No information shall be filed against any person for any offense until such person shall have had a preliminary examination, as provided by law, before a justice of the peace or other examining magistrate or officer, unless such person shall waive his right to such examination: *provided*, that informations may be filed without such examination against fugitives from justice, within the meaning of the constitution and laws of the United States.

Court to inquire if information was filed in good faith.

SECTION 8. Whenever any information shall be filed by any district attorney, under the provisions of this act, without a preliminary examination, and the defendant in such information shall be acquitted or discharged without trial thereof, it shall be the duty of the court in which the defendant shall be so acquitted or otherwise discharged, to determine whether such information was filed upon probable cause and in good faith, and when found to be so filed, to file a duplicate of such determination that such information was filed for probable cause and in good faith. And when such court shall not file such duplicate, the defendant in such information may maintain an action against such district attorney for malicious prosecution.

Second arrest and examination may be had.

SECTION 9. In case any preliminary examination has been had, as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the district attorney shall afterwards discover admissable evidence sufficient, in his judgment, to convict the person discharged, he may notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon a second arrest and examination shall be had.

OF THE FORM OF INFORMATIONS.

Form of information.

SECTION 10. The information may be in the following form:

STATE OF WISCONSIN, —— county.

In ——— Court.

The State of Wisconsin,
against
(Name of Accused.)

I, —— ———, district attorney for said county, hereby inform the court, that, on the —— day of ——, in the year ——, at said county, A. B. (name or alias of accused) did (state the offense), against the peace and dignity of the state of Wisconsin.

Dated, ———, ——.

———,
District Attorney.

Sufficiency of information.

SECTION 11. The information shall be sufficient if it can be understood therefrom—

First. That it is presented by the person authorized by law to prosecute the offense.

Second. That the defendant is named therein, or described as a person whose name is unknown to the informant.

Third. That the offense was committed within the jurisdiction of the court, or is triable therein.

Fourth. That the offense charged is set forth with such degree of certainty that the court may pronounce judgment upon a conviction according to the right of the case.

OF THE STATEMENT OF OFFENSES.

Of statement of offenses.

SECTION 12. In indictments or information for murder or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which the death of the deceased was caused, but it shall be sufficient in any indictment or information for murder, to charge that the accused did wilfully, feloniously, and of his malice aforethought, kill and murder the deceased; and in any indictment or information for manslaughter, it shall be sufficient to charge that the accused did feloniously kill and slay the deceased.

Of informations for perjury.

SECTION 13. In indictments or informations for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offense charged, and in what court or before whom, the oath or affirmation was taken, averring such court, person or body to have competent authority to administer the same, together with the proper averments to falsify the matter wherein the perjury is assigned, without setting forth the indictment, information, complaint, affidavit, declaration or part of any records or proceedings, other than as aforesaid, and without setting forth the commission or authority of the court, person or body before whom the perjury was committed. In indictments or informations for subornation of perjury, or for endeavoring to incite or procure any person to commit the crime of perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the indictment, information, complaint, affidavit, declaration or part of any record or proceedings, and without setting forth the commission or authority of the court, person or body before whom the perjury was committed, agreed, promised or incited to be committed.

For forgery, etc.

SECTION 14. In any indictment or information for falsely making, uttering, forging, printing, photographing, disposing of or putting off any instrument, it shall be sufficient to set forth the purport thereof.

For counterfeiting.

SECTION 15. In any indictment or information for engraving, making or mending, or beginning so to do, any instrument, matter or thing, or for providing, using or having the unlawful custody or possession of any instrument or other material, matter or thing, it shall be sufficient to describe such instrument, material, mat-

ter or thing by any name or designation by which the same may be usually known.

How instrument may be described.

SECTION 16. In all other cases, whenever it shall be necessary to make any averment in any indictment or information, as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof.

Offenses in relation to election—what shall be alleged

SECTION 17. When an offense shall be committed in relation to any election, an indictment or information for such offense shall be deemed sufficient if it allege that such election was authorized by law, without stating the names of the inspectors or officers holding such elections, or the offices to be filled thereat, or the names of the persons voted for.

Averments as to money, bills, notes, etc.

SECTION 18. In every indictment or information in which it shall be necessary to make any averment as to any money, or bank bill, or note, United States treasury notes, postal or fractional currency or other bills, bonds or notes, issued by lawful authority and intended to pass and circulate as money, or any United States bonds, it shall be sufficient to describe such money or bills, notes, currency or bonds, simply as money, without specifying any particular coin, note, bill or bond, and such allegation shall be sustained by proof of any amount of coin, or of any such note, bill, currency or bond, although the particular species of coin of which such amount was composed, or the particular nature of such note, bill, currency or bond shall not be proven.

For larceny.

SECTION 19. An indictment or information for larceny may contain also a count for obtaining the same property by false tokens or pretenses, or a count for embezzlement thereof, and for receiving or concealing the same property, knowing it to have been stolen, and the jury may convict of either offense, and may find all or any of the persons indicted or informed against guilty of either of the offenses charged in the indictment or information.

Of offenses created by any statute.

SECTION 20. When the offense charged has been created by any statute, or the punishment of such offense has been declared by any statute, the indictment or information shall after verdict, be held sufficient to warrant the punishment prescribed by the stat-

ute, if it describe the offense in the words of the statute, or in words of substantially the same meaning; and words used in the statutes to define a public offense need not be strictly pursued in charging an offense under such statutes, but other words conveying the same meaning may be used.

Facts conferring jurisdiction need not be stated.

SECTION 21. In pleading a judgment or other determination of, or proceedings before any court or officer, the facts conferring jurisdiction need not be stated; but it shall be sufficient to state that the judgment or determination was duly rendered or made, or the proceedings duly had before such court or officer, but the facts conferring jurisdiction must be established on the trial.

Of private statute.

SECTION 22. In pleading a private statute or a right derived therefrom, it shall be sufficient to refer to the statute by its title and the date of its approval.

In case of loss of information or indictment.

SECTION 23. In case of the loss or destruction of an information, the district attorney may file in court another information, and the prosecution shall proceed and trial be had without delay from that cause. In case of the loss or destruction of an indictment, the court, upon suggestion of the fact, may order another to be found, or an information to be filed, as it deems proper.

In case of wrong charge, defendant and witnesses may be recognized.

SECTION 24. When it appears, at any time before verdict or judgment, that a mistake has been made in charging the proper offense, the defendant shall not be discharged if there appears to be good cause to detain him in custody, but the court may recognize him to answer to the offense, and, if necessary, recognize the witnesses to appear and testify.

Larceny of animals.

SECTION 25. In an indictment or information for the larceny of any animal, or for any other public offense committed in reference to any animal, it shall be sufficient to describe the animal by such name as, in the common understanding, embraces it, without designating its sex.

Offenses in relation to property.

SECTION 26. In an indictment or information for an offense committed in relation to property, it shall be sufficient to state the name of any one, or the names of several joint owners.

OF AMENDMENTS.

Amendment of indictment or information.

SECTION 27. Any court of record in which the trial of an indictment or information is had, may forthwith

allow amendment in case of variance between the statement in the indictment or information, and the proof in the following cases: In the name or description of any person place or premises, or of any thing, writing or record, or the ownership of any property described in the indictment or information, and in all cases where the variance between the indictment or information and the proof are not material to the merits of the case.

Court may direct amendment.

SECTION 28. Upon allowing such amendment, the court may direct such amendment of other parts of the indictment as may thereby be rendered necessary, and may in its discretion proceed in or postpone the trial.

How plea of misnomer to be treated.

SECTION 29. Whenever the plea of misnomer is pleaded to an indictment or information, the court may forthwith cause the indictment or information to be amended in that respect, and call upon the parties to plead thereto as though no such plea had been pleaded.

Not to be quashed for error.

SECTION 30. No indictment, information, process, return or other proceeding in a criminal case in the courts or course of justice shall be abated, quashed or reversed for any error or mistake where the person and the case may be rightly understood by the court, and the court may, on motion, order an amendment curing such defect.

OF GRAND JURIES.

Of grand juries.

SECTION 31. Grand juries shall not hereafter be drawn, summoned or required to attend at the sittings of any court within this state, as provided by law, unless the judge thereof shall so direct by writing under his hand, and filed with the clerk of said court. Such order shall specify the time at which such grand jury shall appear before the court, and the number of days notice or summons which shall be given them.

OF PLEAS OF GUILTY.

Of pleas of guilty.

SECTION 32. Whenever any person committed for trial and in actual confinement for an offense for which the highest penalty provided by law shall not exceed five years imprisonment, shall request of the district attorney and county judge of the county in which the offense was committed to be arraigned upon such charge before the county court, before the sitting of the court having jurisdiction to try the same, it shall be the duty

of the district attorney, upon the receipt of such request, to file an information against the prisoner upon such charge, within five days thereafter, in the office of the clerk of the court having trial jurisdiction and deliver a copy thereof to the prisoner. Such request shall be in writing, subscribed by the prisoner in the presence of the sheriff, under-sheriff or jailor, who shall sign the same as attesting witness, and shall forthwith be delivered to the clerk of the proper court. Immediately upon receiving and filing the same, the clerk shall make two certified copies thereof, one of which the sheriff shall forthwith serve upon the district attorney and the other upon the county judge.

County judge to order arraignment.

SECTION 33. The county judge upon receiving such request shall at once issue an order fixing a time for such arraignment, and stating the place where the same will be had, which time shall be not less than six days after the receipt by him of such request. The sheriff shall serve a copy of such order upon the district attorney, the prisoner's counsel if he have any, and if the prisoner is a minor, on the nearest relative of the prisoner, if any there be known to the sheriff residing in the county, at least three days before the time fixed for such arraignment.

Proceedings for arraignment.

SECTION 34. At the time fixed for such arraignment, the sheriff or jailor shall produce the prisoner before the county judge at the usual court room of the county court. It shall be the duty of the sheriff, district attorney and clerk of the court, having trial jurisdiction, to attend upon such arraignment. The clerk shall act as clerk of the county court in the proceeding, and shall exhibit the information and the evidence taken before the examining magistrate, if such examination has been had, to the county judge, who shall examine the same. If preliminary examination has been waived by the prisoner, the county judge shall inquire into the nature of the case, and may examine witnesses if necessary, to enable him to judge of the proper amount of punishment to be inflicted. The county judge shall cause due proof to be filed with the clerk, of the proper service of such request and his order as herein required. The prisoner shall then, in open court, be arraigned. The county judge or district attorney shall fully explain to him the exact nature of the

offense charged in the information, and the penalty provided therefor by law.

If prisoner plead not guilty, shall be remanded for trial; if guilty, county judge to pass sentence.

SECTION 35. If upon such explanation the prisoner refuses to plead, or plead not guilty, such refusal or plea shall be entered on the minutes and the prisoner remanded to jail to await his trial. If he plead guilty to the information, the county judge shall receive the plea, shall pass sentence and render judgment thereon, in the same manner and with like effect as if such plea had been made in the court having trial jurisdiction, and shall inflict such punishment, either by fine or imprisonment, or both, as the nature of the case may require; but such punishment shall in no case be less nor greater than the penalty fixed by law for the offense charged. Such request, information, plea, sentence, judgment, and the minutes of all the proceedings shall be entered and recorded in a book to be kept for that purpose in the county court, in the same manner and substantially the same form as if the arraignment had been had in the court having trial jurisdiction, and the clerk shall also keep a similar record thereof, in the same form, in his office, in a book to be kept for that purpose.

Sentence to be certified.

SECTION 36. Such sentence shall be certified by the clerk from his record thereof, delivered and executed in the same manner as if passed by the court having trial jurisdiction.

Person committed for trial, may plead guilty.

SECTION 37. When any person shall be committed for trial, and in actual confinement, or in jail by virtue of any indictment or information pending against him, the court having trial jurisdiction may, at any law or special term thereof, upon the application of the prisoner in writing, stating that he desires to plead guilty to the charge made against him by the complaint, indictment or information, direct an information to be filed, if indictment or information has not been filed, and upon the filing thereof and of such application may receive and record a plea of guilty, and award sentence thereon.

Amendments to statutes.

AMENDMENTS TO STATUTES.

Sec. 7, chap. 118 amended.

SECTION 38. Section seven of chapter one hundred and eighteen of the revised statutes is hereby amended so as to read as follows: "Section 7. On receiving such lists, the clerk of the circuit court shall write the

names of the persons contained in the petit jury list on separate pieces of paper, each in the same manner as near as may be, so that the name written thereon shall not be visible, and shall deposit such pieces of paper in a box, from which they shall be drawn as hereinafter provided. And when ordered by the judge, as provided by law, to draw a grand jury, he shall in like manner write the names of the persons contained on the grand jury list on separate pieces, and deposit such pieces in a box, to be drawn as hereinafter provided."

Sec. 8 amended.

SECTION 39. Section eight of said chapter one hundred and eighteen is hereby amended so as to read as follows: "Section 8. At least fifteen days before the sitting of any court, the clerk of the court, in the presence of the sheriff or under sheriff and a justice of the peace, shall proceed to draw the names of thirty-six persons from the box containing the names of petit jurors, to serve as petit jurors at such court. And when ordered by the court to draw a grand jury, he shall in like manner and before like witnesses, proceed to draw the names of seventeen persons from the box containing the names of the grand jurors, to serve as grand jurors of said court."

Sec. 9 amended.

SECTION 40. Section nine of said chapter one hundred and eighteen is hereby so amended as to read as follows: "Section 9. The clerk of the circuit court shall, twelve days at least before the first day of the court, issue and deliver to the sheriff or under sheriff of said county a venire for the petit jury, under the seal of the court, commanding him to summon the persons so drawn as jurors to appear before the said court, at or before the hour of eleven o'clock A. M., on the first day of the term thereof, to serve as petit jurors. And when ordered to draw a grand jury, as provided by law, he shall in like manner issue and deliver a venire, commanding the sheriff or under sheriff to summon the persons so drawn as grand jurors to appear before the said court at the time specified in the order of the judge."

Sec. 10 amended.

SECTION 41. Section ten of said chapter one hundred and eighteen is hereby so amended as to read as follows: "Section 10. At least twelve days' notice of such drawing of the petit jury shall be given by such clerk, by publishing the same in a newspaper of the county, if there be any, and if not by affixing

such notice on the outer door of the house where the court for which such jury is drawn is about to be held."

Sec. 11 amended.

SECTION 42. Section eleven of said chapter one hundred and eighteen is hereby so amended as to read as follows: "Section 11. The sheriff or under sheriff shall summon the persons named in such venires to attend such court as grand or petit jurors, as the case may be, by giving personal notice to each person, or by leaving a written notice at his place of residence, with some person of proper age. He shall return such venires to the court at the opening thereof, specifying those who were summoned, and the manner in which such person was notified. Petit jurors shall be summoned at least four days before the sitting of the court; grand jurors shall have such notice as the judge in his order calling such jury shall require to be given."

Chapter 177 amended.

SECTION 43. Chapter one hundred and seventy-seven of the revised statutes is hereby so amended as to read as follows:

"CHAPTER 177.

"OF INDICTMENTS, AND PROCEEDINGS BEFORE TRIAL.

Discharge of prisoner.

"Section 1. Any person held in prison on any charge of having committed a crime shall be discharged, if he be not indicted or an information filed against him before the end of the second term of the court at which he is held to answer, unless it shall appear to the satisfaction of the court that the witnesses on the part of the state have been enticed or kept away, or are detained and prevented from attending the court by sickness or some inevitable accident.

Limitation of time for finding indictment.

"Section 2. An indictment or information for crime punishable by imprisonment for life, may be found or filed at any period. All indictments or informations for other crimes shall be found and filed within six years after the commission of the offense, where the offenders shall be known; but any period during which the party charged was not actually and publicly a resident within this state, or in which the party committing the offense was unknown as an offender to the sheriff or prosecuting attorney of the county where the offense was committed, shall not be reckoned as part of the six years.

"Section 3. If the grand jury shall find and return to the court an indictment, or the proper officer shall file an information against any person who is not already in custody, process shall forthwith be issued to arrest the person charged with the offense. If person accused is not in custody, process shall be issued.

"Section 4. As soon as may be after the finding of an indictment or the filing of an information for a crime punishable by imprisonment for life, the party charged shall be served with a copy thereof, by the sheriff or his deputy, at least twenty-four hours before trial. Copy of indictment to be served.

"Section 5. All persons indicted or against whom an information is filed shall be tried before the circuit court, unless they request to be arraigned in the county court, and plead guilty therein as hereinbefore provided, and any prisoner indicted or against whom an information is filed for a crime punishable by imprisonment in the state prison for life, shall, on demand upon the clerk, by himself or his counsel, have a list of the jurors returned, delivered to him at least twenty-four hours before trial, and shall also have process to summon such witnesses as are necessary to his defense, at the expense of the state. To be tried before circuit court.

"Section 6. Every person indicted or against whom an information is filed for an offense for which he may be imprisoned in the state prison, shall, if he be under recognizance or in custody to answer for such offense, be entitled to a copy of the indictment or information, and of all indorsements thereon, without paying any fees therefor. Accused entitled to copy of indictment.

"Section 7. The district attorney and all other prosecuting officers may in all cases issue subpœnas for witnesses to appear and testify in behalf of the state, and the subpœnas, under the hand of such officer, shall have the same form, and be obeyed in the same manner, and under the same penalties in case of default, as if issued by the clerk. District attorney may issue subpœnas.

"Section 8. It shall not be necessary to pay or tender any fees to any witness who is subpœnaed in any criminal prosecution, but every such witness shall be bound to attend, and be punishable for non-attendance, in the same manner as if the fees allowed by law had been paid to him. Tender of witness' fees not necessary.

"Section 9. Whenever an indictment is found or information filed against any person for any misdemean- Stay of proceedings, if injured party ac-

Knowledge satisfaction.

or, for which the party injured may have a remedy by civil action, except where the offense was committed by or upon any sheriff or other officer of justice, or riotously, or with intent to commit a felony, if the party injured shall appear in court where such indictment or information is pending and acknowledge satisfaction for the injury sustained, the court may, on payment of the costs accrued, order all further proceedings to be stayed, and discharge the defendant from the indictment or information, which shall forever bar all remedy for such injury by civil action.

Mode of trial not to be questioned.

"Section 10. When any person is arraigned upon an indictment or information, it shall not be necessary in any case, to ask him how he will be tried.

If accused refuse to plead, court may enter plea.

"Section 11. If on the arraignment of any person who is indicted, or against whom any information is filed, he shall refuse to plead or answer, or shall not confess the indictment or information to be true, the court shall order a plea of not guilty to be entered, and thereupon the proceedings shall be the same as if he had pleaded not guilty to the indictment or information, as the case may be.

Person held in prison may demand trial at next term.

"Section 12. Every person held in prison upon an indictment or information, shall, if he require it, be tried as soon as the next term of the court after the expiration of six months from the time when he was imprisoned, or shall be bailed upon his own recognizance, unless it shall appear to the satisfaction of the court that the witnesses on behalf of the state have been enticed or kept away, or are detained and prevented from attending the court by sickness or some inevitable accident.

Plea in abatement may be refused.

"Section 13. When a plea in abatement, or other dilatory plea to an indictment or information shall be offered, the court may refuse to receive it until the truth thereof shall be proved by affidavit or other evidence.

Chap. 178, R. S., amended.

SECTION 44. Section one of chapter one hundred and seventy-eight of the revised statutes is hereby amended by adding after the word, "indictment," in the sixth line thereof, the words, "or information." Section two of said chapter is hereby amended by adding thereto after the word, "found," in the first line thereof, the words, "or information filed." Section three of said chapter is hereby amended by adding

thereto, after the word, "found," where it occurs in the third and fifth lines, the words, "or information filed."

SECTION 45. Section one of chapter two hundred and twenty-two of the general laws of 1862 is hereby amended by adding thereto, after the word, "indictment," where it occurs in the third, fifth, ninth and fourteenth lines thereof, the words, "or information." Section two of said chapter is hereby amended by adding thereto, after the word, "indictment," in the fourth line thereof, the words, "or information." Chap. 222, laws of 1862, amended.

SECTION 46. Section one of chapter one hundred and seventy-nine of the revised statutes is hereby amended by adding thereto, after the word, "indictment," in the first line thereof, the words, "or information." Section three of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first line thereof, the words, "or against whom an information is filed." Section seven of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first and second lines thereof, the words, "or against whom an information is filed." Section nine of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first line thereof, the words "or informed against;" and by adding after the word, "indictment," in the third and seventh lines, the words, "or information." Section ten of said chapter is hereby amended by adding thereto, after the word, "indictment," in the first line, the words, "or information." Section eleven of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first line thereof, the words, "or informed against." Section thirteen of said chapter is hereby amended by adding thereto, after the word, "indictment," in the first line, the words, "or information." Chap. 179, R. S., amended.

SECTION 47. Section six of chapter one hundred and eighty of the revised statutes is hereby amended by adding thereto, after the word, "indictment," in the second line, the words, "or information." Chap. 180 amended.

SECTION 48. Section two of chapter one hundred and eighty-one of the revised statutes is hereby amended by adding thereto, after the word, "indictment," in the second line, the words, "or information." Chap. 181 amended.

Chap. 163 amended.

SECTION 49. Section one of chapter one hundred and sixty-three of the revised statutes is hereby amended so as to read as follows: "Section 1. No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury, or upon an information duly filed against him in the manner provided by law, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or militia, when in actual service, in time of war or public danger."

Ibid.

SECTION 50. Section three of said chapter one hundred and sixty-three is hereby amended by adding thereto after the word, "indicted," in the first line, the words, "or informed against." Section four of said chapter is hereby amended by adding after the word, "indictment," where it occurs, in the second and sixth lines thereof, the words, "or information." Section five of said chapter is hereby amended by adding after the word, "indicted," in the first line thereof, the word, "or informed against," and by adding after the word, "indictment," where it occurs in the third, fourth and fifth lines thereof, the words, "or information." Section six of said chapter is hereby amended by adding thereto after the word, "person," at the end of said section, the words, "or jurisdiction to award sentence upon a plea of guilty."

Chap. 164 amended.

SECTION 51. Section seven of chapter one hundred and sixty-four of the revised statutes is hereby amended, by adding thereto, after the word, "indicted," where it occurs in the second line, the words, "or informed against."

Chap. 170 amended.

SECTION 52. Section five of chapter one hundred and seventy of the revised statutes is hereby amended by adding thereto, after the word, "found," in the tenth line, the words, "or information filed." Section seven of said chapter is hereby amended by adding thereto, after the word, "indicted," in the first line, the words, "or informed against," and after the word "indictment," in the third line, the words, "or information."

Chap. 172 amended.

SECTION 53. Section two of chapter one hundred and seventy-two of the revised statutes is hereby amended by adding after the word, "indicted," in the third and fifth lines, the words, "or informed against." Section three of said chapter, is also amended by adding thereto after the word, "indicted," in the second

and fourth lines, the words, "or informed against." Section five of said chapter is hereby amended by adding thereto, after the word, "indicted," in the third line, the words, "or informed against." Section seven of said chapter is amended by adding thereto, after the word, indictment," in the third line, the words, "or information." Section ten of said chapter is hereby amended by adding thereto, after the word, "indictment," in the fifth, ninth and tenth lines the words, "or information." Section twelve of said chapter is amended by adding after the word, "indictment," in the fourth line the words, "or information."

Chap. 176 amended.

SECTION 54. Section fifteen of chapter one hundred and seventy-six of the revised statutes is hereby so amended as to read as follows: "Section 15. All the testimony of the witnesses examined shall be reduced to writing by the magistrate or under his direction, and shall be signed by the witnesses."

Ibid.

SECTION 55. Section twenty-six of said chapter one hundred and seventy-six is hereby amended so as to read as follows: "Section 26. All examinations, evidence and recognizances taken by any magistrate in pursuance of the provisions of this chapter, shall be certified and returned by him to the clerk of the court before which the party charged is bound to appear, within ten days after the close of such examination; and if such magistrate shall neglect or refuse to return the same, he may be compelled forthwith to do so by rule of the circuit or county court, and in case of disobedience may be proceeded against by attachment, as for contempt, and for such neglect shall also be liable to a penalty of twenty dollars, to be collected in an action against him as other fines are collected."

Not to affect jurisdiction of municipal court of Milwaukee.

SECTION 56. Nothing in this act contained shall be so construed or have the effect to direct [divest] or deprive the municipal court (which was established by the provisions of chapter 199 of the laws of Wisconsin, published in the volume of laws styled private and local laws of 1859 on pages 386 to 394 inclusive, entitled "an act to establish a municipal court in the city and county of Milwaukee," approved March 18, 1859,) of any of the jurisdiction, power or authority now by law vested in said municipal court; and all the provisions of this act are hereby declared to apply to said municipal court.

SECTION 57. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 58. This act shall take effect and be in force from and after the first day of July, A. D. 1871.

Approved March 23, 1871.

CHAPTER 138.

[*Published April* 1, 1871.]

AN ACT to amend section three of chapter 102 of the general laws of 1868, entitled "an act to encourage the planting and growth of trees, and for the protection thereof."

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

Amended.

SECTION 1. Section three (3) of chapter 102 of the general laws of 1868 is hereby amended so as to read as follows: Tree belts to be entitled to the benefits of this act, for each five acres of land, must be at least thirty feet wide; for each ten acres of land, at least sixty feet wide; and for forty square acres, at least one hundred feet wide, and must be on two sides of each square tract of land, and all tree belts owned by the same land owner must be planted to not exceed one-fourth of a mile apart, or on the west and south sides of every forty square acres of land; and the tree belts may be divided and planted or reserved on any other lines within each forty square acres, by the permission of the assessor.

Width of tree-belts prescribed.

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

Approved March 24, 1871.