

of his family, may hunt or trap any rabbits or other wild animals or birds, not otherwise protected by law, on his land at any time.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 9, 1929.

No. 44, S.]

[Published April 13, 1929.

### CHAPTER 23.

AN ACT to amend section 3 of chapter 218 of the laws of 1923, subsection 9 of section 7 of chapter 218 of the laws of 1923, subsection 12 of section 7 of chapter 218 of the laws of 1923 as amended by section 1 of chapter 315 of the laws of 1925 and section 13 of chapter 218 of the laws of 1923, relating to the civil and criminal jurisdiction of the county court of Wood county, Wisconsin.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 3 of chapter 218 of the laws of 1923, subsection 9 of section 7 of chapter 218 of the laws of 1923, subsection 12 of section 7 of chapter 218 of the laws of 1923 as amended by section 1 of chapter 315 of the laws of 1925 and section 13 of chapter 218 of the laws of 1923 are amended to read: (Chapter 218, laws of 1923) Section 3. Appeals from judgments of justices of the peace in said county *in civil and criminal cases* may hereafter be taken either to the circuit court or county court of said county at the option of the appellant, and if taken to said county court such appeal shall be tried and determined therein in the same manner as is by law required in the circuit court of Wood county, in force at the time of said trial, and all laws providing for taking appeals in civil actions from justices of the peace or justices' courts of said county, shall hereafter be construed to apply equally to such appeals when taken to said county court.

(Chapter 218, laws of 1923) (Section 7) 9. In case of the disqualification of said judge to hear, try or determine any case, or in case of his disability, sickness or temporary absence, or in case of a change of venue from him in any case, he shall by an order in writing filed and recorded in said court, appoint some \* \* \* *justice of the peace* of the county not otherwise dis-

qualified, to discharge the duties of such judge relative to such action or proceeding, or during such disability, sickness or temporary absence. The \* \* \* *justice of the peace* so appointed shall in every case have all the powers of such judge over the actions and proceedings that may come before him. He shall receive for his services the sum of ten dollars per day to be paid out of the county treasury.

(Chapter 218, laws of 1923, as amended by section 1 of chapter 315 of the laws of 1925) (Section 7) 12. Whenever any \* \* \* criminal action \* \* \* exclusive of preliminary examinations in criminal cases and bastardy actions, shall be removed from any justice of the peace of said county of Wood upon the oath of the defendant, his agent or attorney according to the provisions of law for such removal, the said action \* \* \* shall be removed to said county court, and all papers therein shall be transmitted by mail or otherwise to the said county judge at the city of Wisconsin Rapids, in said county, who shall then proceed with such action \* \* \* in the same manner as if originally instituted before him; and when any \* \* \* criminal action is removed to said county court in the manner provided in this section, the justice of the peace before whom the same was originally brought, may, without the consent of either party, adjourn said action not exceeding three days for hearing before said county court and \* \* \* admit the defendant or defendants to bail to appear before said county court on such adjourned day and from time to time thereafter until discharged by law.

(Chapter 218, laws of 1923) Section 13. The provisions of law applicable to change of venue in the circuit courts of this state, shall be applicable to said county court, except that when the venue of any action shall be so changed, it shall be changed to the circuit court of Wood county; and such change of venue shall not prevent the granting by said circuit court of a further change of venue as provided in section \* \* \* 261.04 of the statutes; provided, however, that nothing herein contained shall be construed as abrogating the right to a change of venue provided by section \* \* \* 261.03 of the statutes, and when such change of venue shall be made, it shall be made by said county court direct to the proper county for the trial of the action and, provided further, that section \* \* \* 261.08 of the statutes so far as applicable shall apply to said county court, and that the judge thereof shall have the right to call upon

\* \* \* *justice of the peace*, circuit judge or any county judge of a county court having civil or criminal jurisdiction of like subject matter to attend, hold court and try such action, and while so doing he shall have the same powers as if elected judge of said county court. But the judge of said county court shall have and retain jurisdiction over all other actions and proceedings, and may exercise such jurisdiction and hold court and try such actions and proceedings at the same time the judge or \* \* \* *justice of the peace* called in is trying the actions so transferred to him. If any person charged upon indictment or information with a criminal offense shall have procured a change of venue to the circuit court of Wood county, said county court shall commit or hold the party to bail to appear at the next term of the circuit court, and the clerk of said county court shall transmit all papers and a copy of the records and proceedings in said case, properly certified to be such under the seal of said court, to the said circuit court, which shall then have full jurisdiction of the action; all recognizances previously given in such cases, and returned to said county court may be enforced in said circuit court as fully as if they had been originally returned thereto. In like manner all such cases which might originally have been brought in said county court or appealed thereto where a change of venue is allowed or directed by the circuit court on the grounds of prejudice of the judge thereof may be removed to said county court; provided, however, that nothing herein contained shall be construed as abrogating or abridging the power conferred upon the circuit court by section \* \* \* 261.08 of the statutes. In all such cases in either said circuit court or county court if the affidavit shall allege that the circuit and county judges are both prejudiced the case shall be removed to some adjoining circuit unless some other judge or \* \* \* *justice of the peace* shall be called to preside as above provided. A \* \* \* *justice of the peace* shall receive ten dollars per day to be paid out of the county treasury, when so acting.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 11, 1929.