

any railroad operated, or to be operated by horse power, shall not appear, or hereafter constructed, or to be constructed or operated, in any of the cities of this State.

SEC. 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1860.

CHAPTER 175.

[Published March 26, 1860.]

AN ACT to regulate and license the keeping of dogs.

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

SECTION 1. Every owner or keeper of a dog shall, on or before the first Tuesday of April, in each year, it to be registered, numbered, described, and licensed, for one year from that date, in the clerk's office of the city, incorporated village, or town, where he resides, and shall pay for such license one dollar for every male dog, six months old and upwards, and three dollars for every female dog six months [old] and upwards. The license shall be issued, and the money received by said clerk, who shall pay the same into the treasury of said city, incorporated village, or town, to be used and appropriated, with the other funds therein; and the clerk shall receive for each license, so issued, and collar stamped, the sum of ten cents, out of said funds. The treasurer shall keep and [an] accurate and separate account of all sums received and paid out under the various provisions of this act, which account shall always be open to the inspection of any voter of the place.

SEC. 2. The owner of every dog, so licensed, shall keep a collar around its neck, distinctly marked with the name of the owner, registered, numbered, and the year for which such dog is licensed, which date shall be stamped on said collar by the officer issuing said license, and for the purpose of enabling such officer to so stamp the collar, with the year for which he shall issue a license as aforesaid, it shall be the duty of the proper authorities of cities, incorporated villages, and towns, to furnish such officer with a proper stamp for such purpose.

Dogs may be killed.

SEC. 3. Any person may, and every police officer, constable or marshal, shall kill, or cause to be destroyed, all dogs going at large, and not licensed and collared, according to the provisions of this act; officers shall receive from the city or town treasurer, twenty-five cents for each dog so destroyed and buried [buried] by them.

Collars shall not be removed.

SEC. 4. Whoever shall remove the collar from the neck of a dog, so licensed and collared, without the knowledge and consent of the owner, or steal a dog so licensed and collared, or shall alter the stamp on such collar, shall be punished by fine not exceeding fifty dollars.

Remedies for killing sheep.

SEC. 5. The owner of any sheep or lambs, suffering loss by reason of worrying, maiming, or killing thereof by dogs, may present, within thirty days after such loss shall come to his knowledge, to the mayor or aldermen of the city, the president or trustees of any incorporated village, or supervisors of the town, wherein the damage is done, proof thereof, and thereupon the said officers shall draw an order, in favor of the owner of said sheep or lambs, upon the treasurer of said city, incorporated village, or town, for the amount of such loss. The treasurer shall register all such orders in full, at the time of their presentation, and shall annually, on the first Tuesday in April, pay all such orders in full, if the gross amount received by said city, incorporated village, or town, under the provisions of this act, up to such date, after deducting all sums previously paid out under such provisions, if sufficient therefor; otherwise the treasurer shall divide said amount, after deducting as aforesaid, pro rata, among said orders, and in full discharge thereof.

Damages may be recovered.

SEC. 6. Upon drawing an order, as is provided in the foregoing section, the city, incorporated village, or town, may recover against the keeper or owner of any dog or dogs concerned in doing the damage, the full amount of the damage done.

Forfeitures.

SEC. 7. Whoever keeps a dog, not registered, numbered, described and licensed, according to the provisions of this act, shall forfeit the sum of five dollars to the use of the town, city or village, wherein the dog is kept.

When license may be issued

SEC. 8. Owners of dogs may, at any time, have them licensed, until the first Tuesday in April succeeding, upon payment to the clerk of the sums provided in the first section of this act, but such payment and license shall not exempt them from the penalties of the preceding [preceding] section, on any complaint already made.

SEC. 9. No new license, for the then current year, shall be required upon the removal of any licensed dog into any other town, or city, or incorporated village, unless the same be required by some by-law or ordinance, passed under the provisions of the twelfth section of this act. Dogs may be removed.

SEC. 10. The mayor and aldermen of any city, president and trustees of any incorporated village, and the supervisors of each town, shall require all dogs not licensed and collared, according to the provisions of this act, to be destroyed by poison, or otherwise, as they may ordain, and shall enforce all the penalties herein provided. Duties of officers.

SEC. 11. Any officer of any city, town, or incorporated village, who shall refuse or neglect to perform the duties imposed upon him by this act, shall be punished by fine not exceeding twenty dollars for every twenty-four hours which he shall so neglect or refuse, which shall be paid into the treasury of such town, city, or incorporated village. Penalties for neglect.

SEC. 12. The city council of any city, the trustees of any incorporated village, and the supervisors of any town, may make such additional by-laws and regulations concerning the licensing and restraining of dogs, as they may deem expedient, and may affix any additional penalties, [penalties] not exceeding ten dollars for any breach thereof. Said by-laws and regulations shall relate only to such dogs as are owned, or kept in such city, incorporated village, or town, not conflicting with the provisions of this act, and the annual fee required for a license shall not exceed one dollar, in addition to the sum required by the first section of this act. Additional regulations may be made.

SEC. 13. All fines and forfeitures, imposed as a penalty for the violation of any of the provisions of this act, or neglect of any duty imposed by the same, shall be presented, by complaint, before a justice of the peace, of the proper jurisdiction, and no mere technical objection to the complaint shall be alledged to defeat a prosecution so commenced, and prosecutions for fines and forfeitures, under this act, shall be in the name of the State of Wisconsin. How fines and forfeitures to be collected.

SEC. 14. In all cases, under the provisions of this act, when any person or corporation shall be entitled to recover damages, the same shall be recovered in a civil action, prosecuted according to the laws of this State, and in cases where the action shall be prosecuted by a How actions to be prosecuted.

city, the action shall be prosecuted by the mayor or chief officer of such city, as plaintiff, and when the action shall be prosecuted by an incorporated village, the action shall be in the name of the principal officer of such village, as plaintiff, and when the action shall be prosecuted by a town, then the chairman of the board of supervisors shall be the plaintiff.

Repeal.
Proviso.

SEC. 15. All acts inconsistent with the provisions of this act, are hereby repealed: *Provided*, that nothing in this act shall be so construed as to repeal chapter 48, of the Revised Statutes, and said chapter 48 is hereby declared to be and to remain in full force.

SEC. 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1860.

CHAPTER 176.

[*Published April 11, 1860.*]

AN ACT to incorporate the village of Mauston.

(*See Supplement to Local Laws.*)

CHAPTER 177.

[*Published April 9, 1860.*]

AN ACT to repeal chapter forty-seven, of the Private and Local Laws of 1867, entitled "An act to authorize the common council of the city of Oshkosh, Wisconsin, to aid in the construction of gas works in said city."

(*See Supplement to Local Laws.*)