

shall possess all the powers of constables in towns in Waupaca and Outagamie counties, and may serve all lawful processes directed to him, or to the sheriff, or any constable of said counties and be subject to the same liabilities. He shall execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for violation of any ordinance of said city, or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city, or laws of this state, and within reasonable time, bring such persons before competent authority for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall also cause all laws and ordinances in force in said city in relation to animals running at large, to be observed and kept, and it is hereby made his duty to take up and impound such animals, and he shall be poundmaster or keeper.

Conflicting  
acts repealed.

SECTION 5. All acts or parts of acts conflicting with this act are hereby repealed, so far as they conflict with this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1891.

No. 657, A.]

[Published March 18, 1891.

## CHAPTER 46.

AN ACT to amend chapter 195 of the laws of Wisconsin of 1878, entitled, "An act to incorporate the city of Waupun."

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

Amends chap-  
ter 195, laws of  
1878.

SECTION 1. Chapter 195, of the laws of Wisconsin for the year 1878, is hereby amended as follows: Section 1. Section 1, of chapter 3, so that

said section when so amended, shall be as follows:  
**Section 1.** The elective officers of said city shall be a mayor, marshal, treasurer, city clerk, street commissioner and two justices of the peace for the city at large, and three aldermen, one assessor and one supervisor for each ward of said city.

Elective city officers.

**SECTION 2.** Section 1, of chapter 4, so that said section when so amended shall read as follows:

Amends sec. 4 of chapter 196, laws of 1878.

**Section 1.** On the first Tuesday of April next and annually thereafter, the qualified electors of each ward of said city shall meet at the place of holding the last general election in each ward, or at such place as the common council may direct, and then and there, by plurality of votes, in the manner provided by general law, elect by ballot the elective officers named in the preceding chapter, provided, that one of the aldermen when elected from each ward shall, when elected and during the term for which he shall hold office, reside west of the Milwaukee and St. Paul railroad, and that one of the aldermen when elected from each ward shall, when elected, and during the term for which he shall hold office, reside east of the Milwaukee and St. Paul railroad. At such election for the year 1891, there shall be elected one justice of the peace for the city at large, and one alderman in each ward for the term of two years, and one justice of the peace for the city at large, and one alderman in each ward for the term of one year, and annually thereafter one justice of the peace for the city at large and one alderman in each ward for the term of two years, and one alderman in each ward for the term of one year, and that no person shall be eligible to the office of mayor unless he shall be an elector and freeholder in said city, and that no person shall be eligible to the office of alderman or assessor, unless he shall be an elector and freeholder in the ward for which he shall be elected. All officers elected under this act shall be resident electors of their respective wards.

Annual municipal election.

**SECTION 3.** Section 10, of chapter 4, so that said section when so amended shall be as follows. **Section 10.** In case of vacancy in the office of justice of the peace, it shall be the duty of the mayor to call a special election to fill such vacancy. Such notice shall be given at least ten days previous to

Amends sec. 10 of chapter 196, laws of 1878.

Vacancies in office of justice of the peace how filled.

the time of holding such special election by publication in a newspaper printed in said city.

Amends sec. 6  
of chapter 195,  
laws of 1878.

Powers of com-  
mon council.

**SECTION 4.** Section 6, of chapter 5, so that, that part of said section preceding the several subdivisions thereof when so amended shall read as follows: **Section 6.** The common council shall have the control and management of the finances and of all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of fires, and for the benefit of trade, commerce and health, as it shall deem expedient, and to regulate and control the location of barns, stables, privies, receptacles for manure and other refuse, declaring and imposing penalties, and to enforce the same against any and all persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws.

Amends sec. 6  
of chapter 195,  
laws of 1878.

Licensing of  
dogs.

**SECTION 5.** Subdivision 9, of section 6 of chapter 5, so that said subdivision when so amended shall be as follows: To license the keeping of dogs and cause the same to be destroyed when found wandering at large contrary to the provisions of such license or of any ordinance of said city.

Amends sec. 6  
of chapter 195,  
laws of 1878.

Shooting of  
fire-arms and  
fire crackers.

**SECTION 6.** Subdivision 12 of section 6 of chapter 5, so that said subdivision when so amended shall be as follows: 12th. To prevent the shooting of fire-arms, air-guns or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof, and to regulate and control the location of barns, stables, privies, receptacles for manure and other refuse.

Amends sec. 18  
of chapter 195,  
laws of 1878.

**SECTION 7** And section 18 of chapter 5, so that said section when so amended shall read as follows: **Section 18.** The justices of the peace of

said city shall hold their office for the term of two years from and after the first Monday in May next succeeding their election, except when elected to fill a vacancy or elected at the spring election for the year 1891, in which case they shall hold for the unexpired portion of such term. They shall before entering upon the duties of their office, take and subscribe to two separate oaths of office, before some officer authorized to administer oaths, and shall also execute two official bonds each to have two or more sufficient sureties, to be approved by the mayor, which shall be in the form and manner required by statute; the approval of the sureties shall be endorsed upon such bonds, and the said justices shall cause one, together with their oath of office, to be filed in the office of the clerk of the circuit court of each of the counties of Dodge and Fond du Lac, and a copy of said bond, duly certified by either of said clerks, shall be *prima facie* evidence of the contents and execution thereof. Each of the justices of the peace elected under the provisions of this act shall have jurisdiction, both civil and criminal, co-extensive with the limits of both of the said counties of Dodge and Fond du Lac, and may issue processes, and may do all things in either of said counties that any justice of the peace of such county may lawfully do. Each of said justices of the peace shall keep and hold his office within the corporate limits of said city, irrespective of the ward in which he shall reside, provided, that in case of appeal or *certiorari* in civil cases, the papers shall in all cases be transmitted to the county court of the county in which such action was tried; and provided, further, that in case of appeal in criminal cases, or in examinations, and in which the justice has not final jurisdiction the papers shall be transmitted to the circuit court of the county in which the offense was alleged to have been committed; and all commitments in criminal cases shall be made to the common jail of such county, except as provided in this act; and provided further, in all cases, if a cause shall be removed from the justice before whom the same was commenced, for prejudice or other cause, the papers shall be transmitted to the other justice in said city, if he be competent to try the

Justices of the peace; their election, term of office, powers and jurisdiction.

cause, but if there be no such justice, or if they be absent or sick, in such case the papers shall in civil cases be transmitted to the nearest justice of the peace in the county in which the defendants or either of them was served with process, and in criminal cases the papers shall be transmitted to the nearest justice of the peace of the county in which the offense was charged to have been committed, and such nearest justice is hereby authorized to hear, try and determine the same in the manner provided by law. And the justice of the peace elected under the provisions of this act, shall perform the same duties, and shall receive the same fees, and be liable to the same penalties as other justices of the peace in this state. And, provided further, that in all cases when execution shall be issued by either such justice of the peace, in actions for tort, and the defendant shall be imprisoned thereon, he shall be committed to and imprisoned in the common jail of the county in which the cause of action shall have arisen.

Amends sec. 1  
of chapter 195,  
laws of 1878.

Sidewalks.

SECTION 8. Section 1, of chapter 8, so that said section when so amended will be as follows: Section 1. Whenever six or more resident freeholders of said city shall desire to have a sidewalk built along the line of any real estate, bordering on any street or part of street in said city, they shall make out and sign an application to the common council in writing, stating the points where they desire such sidewalk to commence and terminate, and request that such sidewalk be ordered laid, and a special tax levied upon the property bounded thereby sufficient to build the same.

Repeals con-  
flicting acts.

SECTION 9. All acts or parts of acts conflicting with this act are hereby repealed so far as they conflict with this act.

SECTION 10. This act shall be in force from and after its passage and publication.

Approved March 14, 1891.