

## CHAPTER 109.

[Published March 11, 1875.]

AN ACT to amend chapter two hundred and seventy-eight (278), laws of 1874, entitled "An act to incorporate the city of Shawano."

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

Amended.

SECTION 1. Section nine (9), of subdivision four (4), of chapter two hundred and seventy-eight (278), laws 1874, is hereby amended by striking out the word "no," where it occurs before the word "jury," and inserting in place thereof the word "a," and by striking out the word "court," where it first occurs in said section, and insert in place thereof the word "same," so that said section nine (9), when so amended shall read: Section 9. In city prosecutions a jury shall be allowed either party, and the findings of the same shall be guilty or not guilty. If guilty, the court shall render judgment thereon, against the defendant for the fine, penalty or forfeiture prescribed in this act or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for cost of suit; but if not guilty the cost of suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution, as in case of tort, in case the action was commenced by summons, as a commitment in case it was commenced by warrant, and shall, in either case, determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months; and also insert such time in the execution or commitment. Such execution shall be in the following form:

Upon rendition of judgment, justice shall issue execution.

Form of execution.

County of Shawano, City of Shawano:

The state of Wisconsin to the sheriff or any constable of said county, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Shawano, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for the said city, against ————, for the sum of ——— dollars and ——— cents, costs of suit, for the vio-

lation of (section —, of chapter —, of this act, or section —, of an ordinance or by-law or regulation of said [city,] describing it by its title), you are hereby commanded to levy distress of the goods and chattels of said —, —, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees, and twenty-five cents for this writ, and return the same to me in thirty days, and for want of such goods and chattels whereon to levy, take the body of the said —, —, and him convey and deliver to the keeper of the common jail in Shawano county; and the said keeper is hereby commanded to receive, keep in custody in said jail, the said —, for the term of —, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this — day of —, 18—.  
C. D., Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy, sale and return of writs. Form of commitment same as form of execution.

SECTION 2. Section ten (10), subdivision four, of chapter two hundred and seventy eight (278) aforesaid, is hereby amended, by striking out the word "fifty," where it first occurs in that section, and inserting in lieu thereof the word "five," so that section ten (10), when so amended, shall read: Section 10. In all cases where the fine is more than five dollars, the defendant may appeal from such judgment to the circuit court of the county of Shawano; *provided*, such defendant, within twenty-four hours, enter into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings, and copy of the entries on his docket in the action, together with the recognizance to be filed in the office of the clerk of said court, and the city may appeal from any such judgment, as in other cases before justices of the peace. Amended. Defendant may appeal.

SECTION 3. This act shall take effect from and after its passage.

Approved March 2, 1875.