

[No. 243, A.]

[Published April 11, 1881.]

CHAPTER 292.

AN ACT making every general term in the eighth judicial circuit a special term for the whole circuit.

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

SECTION 1. Every general term of the eighth judicial circuit, shall be a special term for the whole circuit. At any special term of said court, herein provided for, any and all business may be done arising in any county of the circuit which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of quo warranto and mandamus, and excepting also the trial of issues of fact in actions made local by law and arising in some county other than the one in which such special term shall be held. Special terms.

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

Approved April 2, 1881.

[No. 227, A.]

[Published April 12, 1881.]

CHAPTER 293.

AN ACT to amend chapter one hundred and sixty-two of the general laws of 1877, entitled an act to incorporate the city of New London.

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

SECTION 1. Section one of sub-chapter three of chapter one hundred and sixty-two of the general laws for the year 1877, is hereby amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, treasurer, clerk, attorney, justice of the peace, and chief of police, to be elected by the city at large, and the following officers to be elected from each ward, viz: one alderman, one supervisor to represent the ward in the board of supervisors of the county, one justice of the peace and one constable; there shall be one street commissioner elected by the first, third and fourth wards, and one by the second and fifth wards; all other officers for the proper management of the affairs of said city, shall be appointed by the common council. Elective officers

SECTION 2. The mayor and aldermen of said city, shall not be entitled to receive from the treasury of said Mayor and aldermen to

receive no com- city, any compensation for services rendered as such
pensation. mayor or aldermen, or committee appointed by such
Liquor licenses. mayor or aldermen: provided, further, that the mayor
and aldermen may grant license for the sale of liquors;
the fee for license shall be seventy-five dollars, and no
more nor no less.

Special taxes. SECTION 3. Section four of subchapter ten of said
chapter one hundred and sixty-two, is hereby amended
so as to read as follows: Section 4. Special taxes
may be levied by the common council, at any regular
meeting, for the purpose of paying the principal on any
certificates of indebtedness heretofore issued by the
city of New London for the trust funds of this state,
or of any bonds or certificates of indebtedness here-
after issued by said city under authority of law: pro-
vided, however, no greater tax shall in any one year be
levied, greater than five per centum on the assessed
valuation of said city, for all purposes whatever; said
taxes when so levied shall be collectable at the same
time and in the same manner as other city taxes are
collected.

Application for warrant. SECTION 4. Section six of subchapter twelve of
said chapter one hundred and sixty-two, is hereby
amended so as to read as follows: Section 6. In all
cases when application is made for a warrant, the com-
plaint shall be on oath, and no other affidavit shall be
necessary, and such complaint may be substantially in
the following form: The city of New London against
Form of com- A. B.—ss. In justice's court. Before C. D., justice.
plaint. Counties of Waupaca and Outagamie—ss: E. F.,
being duly sworn, complains on oath to C. D., a justice
of the peace in and for the city of New London, in
said counties, that A. B., on the — day of —, A.
D. 18—, at said city, did violate section — of chap-
ter — of this act (or section — of an ordinance,
by-law, or regulation of said city, describing it by its
title or number), which said — is now in force, as
this complainant verily believes, and prays that the
said A. B. may be arrested and held to answer to said
city of New London therefor. Sworn and subscribed
to before me this — day of —, 18—. It shall
be sufficient to give the number of the section
and chapter of this act, or the section and number
of the ordinance, by-law or regulation violated, or the
particular part thereof, in the foregoing form of com-
plaint, and such complaint may be sworn to before
any officer authorized to administer oaths. Upon the
filing of such complaint with the justice of the peace,

he shall issue a warrant substantially in the following form: Counties of Waupaca and Outagamie, City of New London—ss: The state of Wisconsin to the sheriff or any constable of said counties, and to the chief of police of the city of New London, greeting: Whereas, — has this day complained to me in writing, on oath, that A. B., on the — day of —, 18—, at said city, did violate (here insert the charge in the complaint), which said — is now in full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him forthwith before me to answer to the city of New London, on the complaint aforesaid. Given under my hand, this — day of —, 18—. C. D., justice of the peace. Upon the return of the warrant, with the accused, the justice may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with security, to be approved by the court, for his or her appearance, in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the watch-house or lock-up of said city. The complaint, as aforesaid, shall be the only complaint required, and the answer or plea of “not guilty” shall put in issue all subject matter embraced in the action.

SECTION 5. Section seven of said subchapter twelve, is hereby amended so as to read as follows: Section 7. A printed copy of an ordinance, by-law or regulation, passed by the common council, and published in a newspaper, or pamphlet or book form, and purporting to be published by authority of the common council, or a copy of such ordinance certified by the clerk of said city, shall be prima facie evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any courts of this state, provided, that it shall not be necessary on the trial of any cause before the justice of the peace elected by said city at large, or before any justice duly designated to act in his stead, to offer any such copy in evidence, but such justice shall take judicial notice of the passage and publication of all such ordinances, by-laws and regulations.

SECTION 6. Section nine of said subchapter twelve is hereby amended so as to read as follows: Section 9. In city prosecutions the findings of the court or jury shall be either “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 costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the justice may at any time thereafter, within six years, issue execution as in cases of tort, when action was commenced by summons, and in case the action was commenced by warrant, the justice shall forthwith issue a commitment, and the said justice shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned either with or without labor, for non-payment of such judgment, which imprisonment or labor shall in no case exceed six months. The said justice shall also insert such time in the execution or commitment. Such execution may be in the following form: Counties of Waupaca and Outagamie, city of New London—ss: The state of Wisconsin to the sheriff or any constable of said counties, or to the chief of police of said city, and to the keeper of the watch-house or lock-up of said city, greeting: Whereas, the said city of New London, on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against — for the sum of — dollars, together with — dollars and — cents, costs of suit, for the violation of (here insert the charge made in the complaint of which the defendant was convicted): You are hereby commanded to levy by distress of the goods and chattels of the said —, excepting such as the law exempts, and make sale of the same according to law, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said —, and convey him to the keeper of the watch-house or lock-up of said city; and said keeper is hereby commanded to receive and keep in his custody in said watch-house or lock-up (or to keep him in custody at hard labor upon any of the streets or property of said city, as the case may be), the said —, for the term of —, unless the said judgment, together with all the costs and fees, are sooner paid, or the said — 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

Form of execution.

commitment shall be substantially the same as that of the execution, omitting all that relates to a levy and sale and return of the writ.

SECTION 7. Said subchapter twelve is hereby amended by adding thereto another section, to be known as section twenty-one, as follows: Section 21. The chief of police of said city shall, by virtue of his office, be keeper of the watch-house or lock-up, or place for the confinement of all offenders under the provisions of this charter, or of the ordinances, by-laws or regulations enacted by the common council of the city, and it shall be lawful for, and the said chief of police and his deputies are hereby authorized to use, all able-bodied male persons committed to said watch-house or lock-up for the non-payment of any fine with costs of prosecution, in performing labor upon the public streets and sidewalks, or other public works of the city, under the direction and in the custody of any street commissioner or commissioners of said city, who are hereby made special deputies for the purpose of having the care and control of such prisoner or prisoners during the time of his or their absence from the lock-up for the performance of such labor; and every such prisoner performing such labor, shall be allowed at the rate of one dollar per day for each day's work done by him, and upon working out the amount of his fine and costs, including his board at a reasonable rate, he shall be discharged.

Approved April 2, 1881.

[No. 189, A.]

[Published April 6, 1881.]

CHAPTER 294.

AN ACT to amend sections nine and ten of subchapter five of chapter one hundred and eighty-four of the laws of 1874, entitled an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1853, and the several acts amendatory thereof, approved March 10, 1874.

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

SECTION 1. Section nine of subchapter five of chapter one hundred and eighty-four of the laws of 1874, is hereby amended by inserting after the word "affidavit" in said section, as follows: "that he is the owner of real estate in the county of Milwaukee, free from incumbrance and subject to execution, of a cash value equal to the penalty of said bond," and also by

Authority of
chief of police.

Proposals, how
made and
secured.