

[No. 317, A.]

[Published April 16, 1885.]

CHAPTER 359.

AN ACT to amend chapter 260, of the laws of 1877, entitled, "an act to revise, consolidate and amend the charter of the city of Stevens Point," approved May 17, 1858, and the several acts amendatory thereof.

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

Section 3, of
chapter 10,
amended.

SECTION 1. Section 3, of chapter 10, of said act is hereby amended by striking out all that part of said section relating to juries, so that said section when so amended shall read as follows: Section 3. A printed copy of an ordinance, by-law or resolution passed by the common council and published in a newspaper or in a pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and may be received in evidence in all cases cognizable before the justice of the peace. No jury shall be allowed either party.

Section 5, of
chapter 10,
amended.

SECTION 2. Section 5, chapter 10, is hereby amended so that said section, when so amended, shall read as follows: Section 5. In city prosecutions the finding of the court 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; provided, if the court, upon the trial of the case, shall be satisfied that the complaint was willful and malicious, or without probable cause, the justice shall certify to that effect in his docket, and thereupon shall render judgment against the person making such complaint for all costs that may have accrued in the action. And in all cases of conviction in actions brought or prosecuted to recover a penalty, fine or forfeiture under any of the provisions of this act, or for the violation of any of the ordi-

nances of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution; and if the defendant shall neglect or refuse to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the city jail of the city of Stevens Point, for such term as may be prescribed by this act or the ordinance violated, not exceeding six months, and shall forthwith commit the defendant for the term fixed by said judgment; or the court may in its discretion, in case of the non-payment of such fine and costs as aforesaid enter judgment that said defendant be imprisoned as aforesaid and kept at hard labor for the benefit of the city of Stevens Point, in the jail or yard of said jail or upon the public streets, or elsewhere within said city, under the supervision of the chief of police, or such member of the police force as may be detailed by the chief of police for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid; and all persons so committed and kept at hard labor shall be allowed one dollar per day for each day's labor rendered exclusive of board, and the amount so earned shall be applied in liquidation of the judgment until the same shall be fully paid by such labor, at which time the judgment shall be satisfied and the defendant discharged from custody. Such execution may be in the following form:

County of Portage, }
 City of Stevens Point, } ss.

The state of Wisconsin, to the chief of police or any police officers of the city of Stevens Point, and to the keeper of the common jail of said city, greeting: Form of execution.

Whereas, the said city of Stevens Point, on the — day of —, 18—, recovered a judgment before the undersigned, — — in and for said city, against — — for the sum of — dollars and — cents fine, and for — dollars and — cents, costs of suit, for the violation of the — section of an ordinance of said city entitled:

“An ordinance to — — — — —.”

You are hereby commanded to levy distress of the goods and chattels of the said — —, excepting such as the law exempts, and make sale

thereof 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 said ——— and him convey and deliver to the keeper of the common jail in said city. And the said keeper is hereby commanded to receive and keep in custody, in said jail, ——— the said ——— for the term of ——— unless the said judgment, together with all costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand this ——— day of ——— 18—.

Form of commitment.

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

SECTION 3. Section 6, of chapter 10, is hereby amended so that said section when so amended shall read as follows: Section 6. In all cases where judgment is rendered against a defendant, for recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereinafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Portage; provided, such defendant shall within twenty-four hours enter into a recognizance with one or more sufficient sureties to be approved by such justice conditioned to appear before the said circuit court and abide the judgment of the court therein, and further that the said defendant will pay any and all judgment and cost that may be rendered by the appellate court against said defendant therein, and that defendant to be entitled to said appeal shall at the time of taking the same pay to the said justice his costs and the state tax. 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 copies of the entries on his docket in the action, together with the recognizance to be filed in the office of the clerk of the circuit court of said county.

SECTION 4. Section 3, of chapter 5, of said act.

is hereby amended by adding a new section thereto as follows, to wit: Subdivision 32d. To tax license and regulate auctioneers, distillers, brewers and pawn-brokers, and all keepers or proprietors of intelligence offices, junk shops and places for the sale and purchase of second-hand goods, wares and merchandise, and roller skating and ice skating rinks; and to tax, license, regulate and restrain hawkers, peddlers and keepers or proprietors of gift book-stores, gift concerts and other gift enterprises; and to fix and regulate the amount of license under this subdivision, and to prescribe the time for which such license shall be granted, and to provide and enforce penalties or carrying on of either said trades, kinds of business or employments; and to regulate the manner in which they should be carried on or used; provided, that the provisions of this act shall not apply to dealers or venders in malt, spirituous, ardent or intoxicating liquors.

Section 8, of
chapter 2,
amended.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 8, 1885.

[No. 606, A]

[Published April 11, 1885.]

CHAPTER 360.

AN ACT to amend chapter 271, of the laws of Wisconsin for the year 1882, entitled, "An act to incorporate the city of Neillsville."

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

SECTION 1. Section 1, of chapter 2, of chapter 271, of the laws of 1882, is hereby amended, so as to read as follows: Section 1. All of section fourteen, all of section number fifteen, lying and being east of the center of Black river, all of section number ten, lying and being east of the center of Black river, and all of the south half of section number eleven, lying and being east of the center of Black river, all in township number twenty-four, range number two

Section 1,
chapter 2,
amended.