

[No. 184, A.]

[Published March 6, 1889.]

CHAPTER 29.

AN ACT to amend chapter 147, of the laws of 1887, entitled an act to incorporate the city of Mauston.

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

SECTION 1. Section 13, of chapter 147, of the laws of 1887, is hereby amended so as to read as follows: Section 13. Special elections shall be ordered by the common council whenever necessary to fill vacancies, or for any other purpose. Such election shall be held and conducted and notice thereof shall be given and returns thereof made in the same manner as is required at an annual election. The notice so given shall state the object of such election. Amendment to chapter 147, laws of 1887.

SECTION 2. Section 37, of chapter 147, of the laws of 1887, is hereby amended by adding at the end thereof another subdivision, to read as follows: 32. To order special elections for the purpose of filling vacancies, authorizing the issue of city bonds, or for any other purpose, and to direct the manner in which the vote shall be taken on any question submitted by it to the electors. Special elections.

SECTION 3. The common council may prescribe the form, denomination, rate of interest and time of maturity of any city bonds the issue of which is duly authorized; provided, that such bonds shall, in all respects, conform to the provisions of law in relation thereto. Election to fill vacancies.

SECTION 4. Section 94, of chapter 147, of the laws of 1887, is hereby amended by inserting the words, "any ordinance, by-law or regulation of," after the word, "of" where it occurs in the thirteenth line of said section, so that the section shall read as follows: Section 94. In city prosecutions the finding of the court 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 City bonds.

shall have been adjudged guilty, and for costs of suit; but if not guilty the costs shall be taxed against the city, 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 ordinance, by-law or regulation 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 defendant be imprisoned in the county jail of Juneau county, for such term as may be prescribed by this act or the ordinance violated, not exceeding three 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 aforesaid, enter judgment that said defendant be imprisoned as aforesaid and kept at hard labor for the benefit of the city of Mauston, in said jail, or upon the public streets or elsewhere within said city, under the supervision of the city marshal or such member of the police force as may be detailed by the mayor 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 shall be 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 shall be in the following form:

Form of
execution.

County of Juneau, }
City of Mauston, } ss.

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

Whereas, the said city of Mauston, 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 and — cents, costs of suit for the violation 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 the 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 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 of Juneau county, 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 the costs and fees, are sooner paid, or he be discharged by due course of law.

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

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 and sale and return of writs.

SECTION 5. Section 95, of chapter 147, of the laws of 1887, is hereby amended so as to read as follows: Section 95. Either party may appeal to the circuit court of Juneau county from a judgment rendered in an action to recover any fine, penalty or forfeiture, imposed by this act or by any ordinance, by-law or regulation of said city. The defendant may appeal in the same manner now provided by law for appeal from judgments of justices of the peace in criminal cases. The plaintiff may appeal by serving written notice of appeal, signed by the city attorney or mayor, upon the justice of the peace who rendered such judgment, within twenty-four hours after the rendition thereof. Upon appeal by the plaintiff from a judgment against it, the defendant shall not be kept in custody during the pendency of the appeal.

Relating to
appeals.

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

Approved February 28, 1889.