

persons, styled commissioners of public works. The members of said board shall be elected by the people; no two members of said board shall be residents of the same ward. All the members of said board shall be citizens and residents within said city and freeholders within the city limits. The term of office of the commissioners shall be two years, and shall commence on the third Tuesday of April. As often as a vacancy shall occur in said board, whether by death, resignation or otherwise, a person shall be elected in the manner heretofore provided, to succeed the person whose office shall so become vacant, for the remainder of his term. The commissioners shall elect annually from their own number, a president, and also from their own number, a secretary, who is hereby authorized to administer all oaths required by this act. The city engineer and the commissioners of said board may be removed for incompetency by the mayor, with the approval of two-thirds of all the members elect of the common council."

SECTION 26. This act shall take effect and be in force from and after its passage.

Approved April 17, 1889.

[No. 945, A.]

[Published April 26, 1889.]

CHAPTER 527.

AN ACT to amend chapter 132, laws of 1882, being the city charter of the city of Portage, Wisconsin.

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

SECTION 1. Section 128, of chapter 132, laws of 1882, is hereby amended so as to read as follows: Section 128. The city of Portage in its corporate name may sue for and recover any and all fines, penalties and forfeiture, under this act, or under the ordinances, by-laws or police or health regu-

Amending ch.
132, laws of
1882.

Form of com-
plaint.

lations made in pursuance thereof, or now in force, or not inconsistent with this act, and such action shall be commenced by complaint, substantially in the following form:

State of Wisconsin, }
 Columbia county, } ss.
 City of Portage. }

— —, being duly sworn, complains on oath that he, the complainant, knows (or has good reason to believe, as the case may be) that — — did on the — day of —, 18—, within the limits of the city of Portage, in said county, violate an ordinance (or by-law or resolution as the case may be) of said city, to wit: (here insert the number of the section and chapter or the title and date of the ordinance, by-law or resolution violated), which said ordinance (by-law or resolution) has been duly passed, signed and published in and for said city of Portage, and which said section was then in force, as the complainant verily believes; and prays that the said — — may be arrested and held to answer to the said city of Portage therefor.

Subscribed and sworn to before me, — —, this — day —, 18—.

It shall be sufficient to give in the complaint the number of the section or sections and chapter or the title of the ordinance, by law or resolution violated; and such complaint must be sworn to, and subscribed by the complainant. The warrant issued on such complaint may be substantially in the following form:

Form of war-
 rant.

Columbia County, }
 City of Portage, } ss.

The state of Wisconsin, to the sheriff, or any constable of said county, or the city marshal of said city of Portage:

Whereas, — — has, on the — day of —, 18—, complained to me, a justice of the peace in and for said city of Portage and county of Columbia, in writing, on oath, that (set forth the substance of the complaint); therefore, you are hereby commanded to arrest the body of the said — —, and him forthwith bring before me at my office in said city, to answer to the said city of Portage on the complaint aforesaid.

Given under my hand, at the city of Portage, this — day of —, 18—.

— —, Justice of the Peace.

SECTION 2. Chapter 132, laws of 1882, is hereby further amended by adding after section 128, three new sections, to be known as follows: Sections 128a, 128b and 128c, to read as follows, viz.: Section 128a. Upon the return of the warrant with the accused, the justice may proceed summarily with the case, unless it be continued by consent or for cause or by order of the court. If the case be adjourned the defendant, if required by the court to do so, shall recognize with sufficient sureties for his appearance, in such sum as the court shall direct, or in default thereof he may be put in charge of the officer who made the arrest, or be committed to the common jail of Columbia county, or to such other place of confinement as shall be provided by the common council of said city. Section 128b. The complaint made as aforesaid shall stand in lieu of a declaration, and the plea of not guilty shall put at issue all the subject matter of the complaint. A printed copy of an ordinance, by-law or resolution passed by the common council and published in a newspaper or in pamphlet or book form, shall be prima facie evidence of its due passage, signature and publication, and may be received in evidence. Witnesses and jurors shall attend before the court in all the aforesaid cases without the payment of fees in advance or tender thereof upon the process of the court duly served, and in default thereof their attendance may be enforced by attachment. Section 128c. In all the aforesaid cases the defendants may appeal and may have a trial by jury and the same proceedings shall be had as in proceedings in criminal cases in justice's court, when not inconsistent with this act or the ordinances, by-laws or resolutions of said city of Portage, and subject to such provisions as may be made by said city of Portage, by ordinances, by laws or resolutions.

Adding three
new sections.

Printed copy of
ordinance to be
received as
evidence.

Appeal.

SECTION 3. Section 129, of chapter 132, laws of 1882, is hereby amended so as to read as follows, viz.: Section 129. In all the aforesaid cases 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 contained in the ordinance, by-law or resolution for the violation of which the person or persons shall have been found

Findings of
jury.

guilty and for the costs of suit; upon conviction and non payment of such judgment, the court shall forthwith issue execution, unless the same be stayed or appealed according to the laws of this state, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned which in no case shall exceed six months in the discretion of the justice rendering judgment and also insert such time in the commitment or execution, said execution may be substantially in the following form:

Form of execution.

Columbia county, }
 City of Portage. } ss.

The state of Wisconsin, to the sheriff or any constable of the county of Columbia, the city marshal of the city of Portage and the keeper of the common jail of said county.

Whereas, the city of Portage on the — day of —, 18—, recovered a judgment before the undersigned, a justice of the peace in and for said city and county against — for the sum of — dollars, together with — dollars, costs of suit for the violation of (here insert the number of the section and chapter or the title of the ordinance, by-law or resolution set forth in the complaint); these are therefore to command you to levy distress on the goods and chattels of the said — (excepting so much as the law exempts), and make sale thereof according to law in such cases made and provided, to the amount of said sums, together with your fees and twenty-five cents for this writ, and the same return to me within thirty days, and for want of such goods and chattels whereon to levy, to take the body of the said — —, and him convey and deliver to the keeper of the common jail of Columbia county, and the said keeper is hereby commanded to receive and keep in custody in said jail the said — — for the term of —, unless said judgment, together with all the costs, are sooner paid, or be discharged by due course of law.

Given under my hand, at the city of Portage, this — day of —, 18—.

— —, Justice of the Peace.

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

SECTION 4. This act shall be in force from and after its passage and publication.

Approved April 19, 1889.

[No. 8, A.]

[Published April 24, 1889.]

CHAPTER 528.

AN ACT to amend chapter 12, of the city charter of the city of Milwaukee, entitled, "public schools," approved March 3, 1875, and the several acts amendatory thereof.

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

SECTION 1. Section 6, of chapter 12, of the laws of the city charter of the city of Milwaukee, entitled, "public schools," is hereby amended so as to read as follows: The school board shall biennially elect by ballot on the first Tuesday in March a person of suitable learning and experience in the art of instruction and practical familiarity with the most approved methods of organizing and conducting a system of public schools, for superintendent of schools, and he shall hold his office for two years or until his successor is elected unless sooner removed. The superintendent of schools shall under direction of the school board, have a general supervision of the public schools of the city and the manner of conducting and grading them, of the teachers, and in connection with a committee of the board of the purchase of school apparatus. He shall, in connection with a committee of the board and subject to confirmation by the board, examine, employ, certificate, classify and transfer teachers, and he shall dismiss them for incompetency or inattention to duty, and he shall do and perform all such other duties as may be required by the board. He shall receive a salary not exceeding four thousand dollars per annum, to be fixed by the school board. The superintendent of schools shall appoint, subject to confirmation

Amendment to sec. 6, ch. 12, city charter of Milwaukee.

Superintendent of schools