

No. 340, A.]

[Published August 20, 1947.

CHAPTER 539.

AN ACT to repeal and recreate 61.63 of the statutes, relating to imposition of fine or imprisonment, or both, by justice of the peace courts for violation of village ordinances.

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

SECTION 1. 61.63 of the statutes is repealed and recreated to read:

61.63 FORFEITURES AND PENALTIES. (1) COLLECTION OF.

(a) All fines, forfeitures and penalties imposed by any ordinance, resolution or by-law of the village board may be collected in an action in the name of the village before the justice of the peace, to be commenced by warrant and prosecuted in the same manner as actions of tort before justices of the peace; but the marshal or constable may arrest the offender in all cases without warrant when he knows of such violation. The affidavit for such warrant shall be the complaint, and be sufficient if it allege that the defendant is indebted to the plaintiff in the amount of such fine, penalty or forfeiture sued for, claiming the highest sum thereof according to the provisions of such ordinance, resolution or by-law, specifying the same by section, chapter, title or otherwise with sufficient plainness to identify the same, with a demand for judgment for the amount thereof.

(b) Actions to punish violation of an ordinance shall be in the name of the village. In case of conviction the court shall in addition to sentence of imprisonment, if any, enter judgment against the defendant for the costs of prosecution, and for the fine, penalty or forfeiture, if any, and that he be imprisoned in the county jail or house of correction not exceeding 6 months, unless the judgment is sooner paid.

(2) JUDGMENT, COMMITMENT. (a) Judgment shall be given, if for the plaintiff, for the amount of fine, penalty or forfeiture fixed by such ordinance, resolution or by-law or such part thereof, if a discretion be given, as the court shall deem proportionate to the offense, together with the costs of suit; and the court shall, in all cases, further adjudge and order that in default of payment thereof the defendant be committed to the common jail of such county for such time, not exceeding 90 days, as the court shall deem fit. If such payment be not

forthwith made the justice shall make out a commitment, stating the amount of judgment and costs and the time for which committed, in the usual form of commitments by justices of the peace. Every person so committed shall be received and committed to prison by the keeper of the county jail, and kept at the expense of such village until the expiration of the time; but he shall be released by order of the justice on payment to him of such fine and costs, or by due course of law; provided, that in counties maintaining a workhouse such defendant may be committed to the workhouse instead of to the county jail of said county, without expense to the village from which such defendant was committed.

(b) The court may, where the village ordinances so provide, punish a violation of a village ordinance by fine or imprisonment, or both, and may sentence any person convicted of violation of a village ordinance, to pay a fine and the costs of prosecution or be imprisoned in the county jail, and may order the prisoner, if able, to be kept at hard labor. Prisoners confined in the county jail or some other penal or county institution for violation of any village ordinance, shall be kept at the expense of said village and the village shall be liable therefor, except that in counties maintaining a workhouse, such prisoners may be imprisoned at the workhouse instead of at the county jail of said county, without expense to the village from which such prisoner was sentenced.

(3) APPEAL. (a) Appeals in actions to recover fines, forfeitures and penalties imposed by any ordinance, resolution or by-law of the village board may be taken to the circuit court in the same manner as from judgments in civil actions by justices of the peace, except that if taken by the defendant he shall, as a part thereof, execute a bond to the village with surety, to be approved by such justice, conditioned that if judgment be affirmed in whole or in part he will pay the same and all costs and damages awarded against him on such appeal; and in case such judgment shall be affirmed in whole or in part execution may issue against both defendant and his surety. Upon perfection of such appeal the defendant shall be discharged from custody. In all actions before any justice of the peace of villages lying in two or more counties appeals may be taken to the circuit court of the county wherein the offense was committed; and all commitments shall be made to the jail of such county.

(b) Appeals in actions to punish violation of a village ordinance may be taken in the manner of appeals from justice court in actions in which the state is plaintiff, except that if appeal from the trial court directly to the supreme court may be had, the defendant may appeal only to that court.

(4) FINES TO GO TO VILLAGE TREASURY. All fines, forfeitures and penalties recovered for the violation of any ordinance, rule, regulation, resolution or by-law of any such village and all moneys paid for licenses and permits shall be paid into the village treasury for the use of such village. The justice of the peace shall report and pay into the treasury, quarterly, all moneys collected by him belonging to such village, which report shall be verified by his affidavit and filed in the office of the treasurer; and he shall be entitled to duplicate receipts for such moneys, one of which he shall take and file with the village clerk.

Approved August 18, 1947.

No. 462, A.]

[Published August 20, 1947.

CHAPTER 540.

AN ACT to amend sections 48.18, 48.19, 48.20 (1), (2) and (3), 48.21 and 48.22 of the statutes, relating to the nurture of dependent and neglected children and the state public school.

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

SECTION 1. The state public school is renamed the Wisconsin child center. The revisor of statutes is directed to make the necessary changes in the language of the statutes to indicate this change of name.

SECTION 2. 48.18 of the statutes is amended to read:

48.18 For each child committed to either of said schools for boys or girls or to the * * * *Wisconsin child center after June, 1947, during its residence in such institution or a boarding home, whether under permanent or temporary commitment, the county of legal settlement shall be chargeable with the sum of \$5 per week. Such charges will be adjusted in accordance with the provisions of section 46.10. All children under commitment * * * after June, 1947, and remaining under commitment * * **