

No. 6, A.]

[Published April 30, 1895.]

## CHAPTER 320.

AN ACT to amend chapter 326, of the general laws of 1889, entitled, "An act dividing cities into classes, and providing for their incorporation and government," as amended by chapter 312, of the general laws of 1893.

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

SECTION 1. Section 267, of chapter 326, laws of 1889, as amended by section 72, of chapter 312, laws of 1893, is hereby amended so as to read as follows: Section 267. Any city now organized under a special charter, may adopt the provisions of any special chapter, section or subdivision of any section of this act, and may exercise any power or franchise hereby conferred upon cities organized under this act, in addition to, or in lieu of the provisions of its special charter, and the powers and franchises therein specified by an ordinance adopted for that purpose, by a three-fourths vote of all the members of the common council elect, and when adopted as herein prescribed, such ordinance shall operate to that extent as an amendment of such special charter. Such ordinance may declare such city to be of a certain class, naming it, according to the provisions of section 1, of this act, such class to be determined by the last national or state census, and any city, now organized under a special charter may likewise, by such ordinance, adopt the provisions of this act, or any part thereof, relating to cities of such class, and may adopt any part of the section or sections of this act relating to the officers of such city, and may add thereto and include therein any officer provided by such special charter. Such ordinance may provide for and change the number and boundaries of the wards of such city according to the popu-

Amendment of the special charter of cities in regard to adopting new ordinances.

lation in the manner provided in section 14, of this act. No such ordinance shall be introduced, except at a regular meeting of the common council, and no action shall be taken thereon before the next regular meeting of the common council, and before action shall be taken thereon, it shall be published at least once in each week for three successive weeks in the official city paper, if there be one, and if there be none, in some newspaper to be designated by the common council, together with a notice of the time said ordinance will be considered. No city, however, shall be deemed to have surrendered its special charter and organized under this act, until it shall have adopted all its provisions in full, as hereinbefore provided.

Provisions that apply to certain cities with territory in one or more counties.

SECTION 2. Chapter 326, laws of 1889, is hereby amended by adding thereto the following: Section 268a. In all cities organized under this act or which shall adopt any part thereof, whose territory shall lie in more than one county, the following provisions shall apply, when adopted by the common council of any such city in the manner prescribed in and by section 267, of chapter 326, of the laws of 1889, as amended by section 72, of chapter 312, of the laws of 1893:

Duties and functions of the justice of the peace and police justice.

1. All justices of the peace and police justices shall before entering upon the duties of their offices, take and subscribe to as many oaths of office, and shall execute as many official bonds, as there are counties within said city, which bonds shall have two or more sufficient sureties, to be approved by the mayor, which shall be in the manner and form provided by statute, the approval of the sureties shall be endorsed upon such bonds, and the said justices of the peace and police justices shall cause one of such bonds, together with their oath of office, to be filed in the office of the clerk of the circuit court of each of said counties, and a copy of said bond, duly certified by either of said clerks, shall be prima facie evidence of the contents and execution thereof. Each of said justices of the peace

and police justices shall have jurisdiction both civil and criminal, co-extensive with the limits of each of the counties in which said city or any part of it is situated, and may issue process and may do all things in either of said counties that any justice of the peace of such county may lawfully do. Each of said justices of the peace and police justices shall keep and hold his office within the corporate limits of said city, irrespective of the ward in which he shall reside; provided, that in case of appeal or certiorari in civil cases, the papers shall in all cases be transmitted to the circuit court, unless there be a county court having civil jurisdiction and then to the county court of the county in which such action was tried; and, provided further, that in case of an appeal in criminal cases, or in examinations, and in which the justice has not final jurisdiction, shall be transmitted to the circuit court of the county in which the offense is charged to have been committed; and all commitments in criminal cases shall be made to the common jail of such county, except commitments for violations of a city ordinance; and, provided further, in all cases, if a cause shall be removed from the justice before whom the same was commenced, for prejudice or other cause, the papers shall be transmitted to the nearest justice in said city, if he be competent to try the cause, but if there shall be no such justice, or if they be absent or sick, in such case the papers shall in civil cases be transmitted to the nearest justice of the peace of the county in which the defendants or either of them was served with process, and in criminal cases the papers shall be transmitted to the nearest justice of the peace of the county in which the offense was charged to have been committed, and such nearest justice is hereby authorized to hear, try and determine the same in the manner provided by law. And the said justices of the peace and police justices shall perform the same duties and shall receive the same fees, and be liable to the same penalties as other justices of the peace in this state. And, provided

further, that in all cases when execution shall be issued by either of said justices of the peace or police justices, in actions for tort, and the defendant shall be imprisoned thereon, he shall be committed to and imprisoned in the common jail of the county in which the cause of action shall have arisen.

In regard to  
the adjourn-  
ment of a  
criminal case.

2. In all cases of the adjournment of any criminal case or examination or of a case brought for the violation or non-observance of an ordinance, in default of giving the recognizance provided by law, the accused may be put in charge of an officer or committed to the police station or lockup of said city, or to the common jail of the county in which the offense is charged to have been committed. All commitments or executions upon judgments for violations of ordinances shall be directed to the keeper of the common jail of the county in which the ward is situated where the action shall have been tried for which such execution or commitment is issued, and such keeper is hereby required to receive and keep in custody all such persons so committed until such person be discharged by due course of law or by payment of the penalty and costs, including all subsequent costs and expenses made thereon together with the board bill at such jail. And for all such purposes said city shall have the use of the county jails of the counties in which said city or any part of it is situated, for the imprisonment of all persons liable to be imprisoned; and all persons committed to either of said jails shall be under the charge of the sheriff of the county to which he may be sent.

Summoning a  
jury.

3. In all actions triable by jury, brought before either of said justices of the peace or police justices, when a jury shall have been duly demanded, the proper officer shall make a list of eighteen jurors, who shall be qualified to serve as jurors in courts of record in either of said counties in which said city or any part of it is situated, and the jury shall be struck and summoned as is provided by law; and, provided further, that talesmen, if any be needed, may be summoned from either of said counties.

4. The chief of police, policemen, city marshal and his deputies shall possess all the powers and enjoy all the rights of a constable in either of the counties in which said city or any part of it is situated, and shall be subject to the same liabilities; he shall have power to serve and return summons, attachments, replevins, executions, warrants, commitments and all other writs issued by any justice of the peace in either of said counties, and his return, properly certified thereon, shall be evidence of the service thereof. And any process issued by any justice of the peace of either of said counties, directed to the sheriff or any constable of such county, may be served by said chief of police, policemen, city marshal or his deputies; and any such process properly served and returned by him under such directions shall be valid.

Peace officers—  
service of  
process.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1895.

No. 642, A.]

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## CHAPTER 321.

AN ACT to authorize counties containing over one hundred thousand inhabitants to acquire by gift, purchase or condemnation toll roads situated therein, and to issue bonds for that purpose.

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

SECTION 1. The county board of supervisors of any county containing over one hundred thousand inhabitants, by an affirmative vote of a majority of its qualified members, at any regu-

How a toll road  
may be ob-  
tained for use  
as a common  
public high-  
way.