

CHAPTER 98. and remain of the same force and effect as if this act had not been passed until altered, amended, repealed or suspended by the city council in pursuance of this act.

Public act. SECTION 34. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect from and after its passage and publication.

Approved March 22, 1861.

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[Published April 23, 1861.]

AN ACT to amend and consolidate an act entitled "an act to incorporate the city of Racine, in the county of Racine," approved August 8th, 1848, and the several acts amendatory thereof.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries. SECTION 1. The limits and boundaries of said city of Racine shall remain as they are now established by law.

Wards. SECTION 2. The number and boundaries of the several wards in said city shall remain as now established, until altered by the city council.

Style, and corporate powers. SECTION 3. The inhabitants within the aforesaid limits shall be and remain a body corporate and politic by the name and style of the "the city of Racine;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate; and shall have a common seal, and may change the same at pleasure; and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to a municipal corporation.

Government—how vested. SECTION 4. The government of said city, and the exercise of its corporate powers, and the management

of its fiscal, prudential and municipal concerns, shall be vested in one mayor and city council, to consist of two aldermen from each ward of said city, and actually residing in the ward for which they are elected; and not less than two-thirds of the aldermen of said city shall constitute a quorum to do business, and shall be denominated the city council; and in such other officers as are hereinafter provided for.

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SECTION 5. The elective officers of said city shall consist of one mayor, one city clerk, who shall also be *ex officio* comptroller, one treasurer, one marshal, three assessors, two justices of the peace, one of whom shall be elected in each year; also, in each ward two aldermen, two school commissioners and one supervisor, who shall be a member of the board of supervisors of Racine county, to be chosen by the qualified electors of each such ward, but the representation of said city in the county board of supervisors shall not exceed five members. The mayor, clerk, treasurer, marshal and supervisors shall hold their offices for one year, and until their successors are elected and qualified; the justices of the peace, aldermen and school commissioners shall hold their offices for two years, and the assessor for three years, except as hereinafter provided. The annual election for elective officers under this act, shall be held on the first Tuesday in April in each year, in the several wards of said city. At the election to be held under this act, on the first Tuesday in April, 1861, there shall be elected one mayor, one clerk, one treasurer, one marshal, one justice of the peace and three assessors; also, in each ward, one supervisor, who shall be a member of the board of supervisors of Racine county, two aldermen and two school commissioners, whose several terms of office shall commence immediately after they are elected and qualified, and thereupon the terms of office of all present incumbents of said offices, (except that of the justice of the peace elected at the last annual city election,) shall cease, and no proclamation or notice of such election shall be required. The assessors, aldermen and school commissioners elected at such election shall be classified by lot under the direction of the city council, so that one of said aldermen and one of said school commissioners for each ward shall hold his office for one year, and the other of said aldermen and school com-

Elective officers.

Terms of office.

Annual election
—when held, and
what officers
elected.Terms of office—
when to com-
mence.

Classification.

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Officers elected
at subsequent
elections.

missioners from such ward shall hold his office for two years, and one of said assessors shall hold his office for one year, one for two years, and the other for three years. And thereafter there shall be elected at each annual city election, in addition to the above mentioned officers whose term of office is one year, but one justice of the peace and one assessor, and in each ward one school commissioner and one alderman.

Proclamation of
annual elections
to be published.

SECTION 6. At least ten days before any election for city or ward officers, except the annual election for 1861, the mayor shall publish his proclamation in two or more papers of the city, to the qualified electors of said city, setting forth the time of such election, the place or places where the same is to be held in the several wards, and the officers to be chosen. The city council shall provide the places for holding all elections for city or ward officers in said city, and said council shall direct the time and manner of canvassing the votes given at any election for city and ward officers; and said city council shall cause an abstract of such votes to be made and recorded in the office of the city clerk, and may make any other arrangements concerning such elections, not inconsistent with the provisions of law. All such elections shall be conducted, and the votes given thereat shall be canvassed and returned to the city clerk of said city in the same manner that general elections are conducted, and the votes canvassed and returned pursuant to chapter 7 of the revised statutes, entitled "of general and special elections, of the manner of conducting the same, and of the canvass." No person shall be entitled to vote at any such election, unless he is at the time a resident of the ward in which he offers his vote, and unless he has all the qualifications of a voter required by said chapter 7 of the revised statutes; and the penalties prescribed in said chapter for [a] violation of [the] provisions thereof, shall apply to all elections held pursuant to this act. The person or persons having the highest number of votes for any office, shall be declared to be duly elected thereto, and in case two or more persons shall have an equal and the highest number of votes for the same office, the city council shall determine by lot which of said persons shall be entitled to said office.

How elections
conducted.

Qualification of
electors.

The votes.

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SECTION 7. The mayor shall be the chief executive officer and head of the police of the city. It shall be his duty to recommend in writing to the city council, such measures as he shall deem expedient. He shall sign all commissions, licenses and permits, which may be granted by the city council. He shall maintain peace and good order, and see that the laws of the state and ordinances of the city are observed and executed, and he shall have power to administer oaths or affirmations, and to take and certify acknowledgments of deeds and other instruments in writing.

Mayor to be chief executive officer—his duties.

SECTION 8. The city council shall, on the second Monday after each annual election, elect one of their number as president, to preside at their meetings in the absence of the mayor. When present, the mayor shall preside at the meetings of the city council, and shall only vote therein on [an] equal division of the members present. In case of a vacancy of [in] the office of mayor, or of his being unable, by reason of sickness, or of temporary or continued absence, to perform the duties of his office, the president of the city council shall exercise all the powers and perform all the duties of mayor until that officer shall resume his office, or the vacancy be filled by a new election. In case of the absence or inability of the mayor and president of the council, a president *pro tem.* shall be elected by the city council, and for the time being, shall discharge the duties of mayor.

Election of president.

President *pro tem.*

SECTION 9. The city council shall have power to preserve order and propriety in its proceedings, and to punish, in a summary manner, by fine or imprisonment, or both, all disorderly or disrespectful conduct in its presence, and to compel, by pecuniary penalties, the attendance of its members, to determine the rules of its proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen, at all reasonable times, and prescribe the time and place of holding their meetings, which shall be open at all times to the public. The city council may adopt by-laws for its own government, not inconsistent with the provisions of this act.

Powers of council.

SECTION 10. The mayor or acting mayor, each alderman, the marshal, deputy marshal, watchmen, [and] each justice of the peace, in said city, shall be conservators of the peace, and may command the peace, suppress

Peace officers—may command assistance, &c.

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in a summary manner all rioting and disorderly behavior within the limits of said city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies of said city; and if any person, bystander, military officer or private of such company, shall refuse to aid in maintaining the peace, when so required, any such person shall forfeit and pay such fine as the city council by ordinance may prescribe. When the civil power of said city may be required to suppress such rioters [riotous] or disorderly conduct, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings, and all other persons shall be bound to obey his lawful orders.

Clerk—his duty.

SECTION 11. It shall be the duty of the city clerk to attend the meetings of the city council. He shall be *ex officio* comptroller of the city, and shall perform all such duties as are devolved upon that officer by law. He shall so keep the books of said city that every subject of taxation shall be entered under the proper head, as "state," "county," "schools," "bridges," "harbor," and the like. He shall perform such other duties and exercise such powers as may be lawfully required of him by the ordinances and directions of the city council; and the council shall fix his salary, which shall not exceed five hundred dollars per annum. He shall be the custodian of the seal of said city.

Treasurer—his duty.

SECTION 12. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by law, or by the ordinances of said city. All money, of every description, raised by tax, license, penalty, fine, forfeiture or otherwise, for city purposes, shall be paid into the city treasury, and shall not be drawn thence except by a written order of the mayor, or acting mayor, by order of the city council, and countersigned by the city clerk, who shall keep an abstract account thereof. Such order shall specify the fund from whence the money is to be drawn, and the object of the appropriation. He shall keep a just and accurate account of moneys and other things coming into his hands as treasurer, in a book to be kept for that purpose, wherein he shall note the time when, the person from whom, and the amount of the several sums received, and the source from whence the sums respectively arose; which book shall at all reasonable

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times be open to the inspection of the public. He shall, when required by the city council, render to it a minute account of his receipts and payments, and shall, at the expiration of his office, hand over to his successor all moneys, books, vouchers and other property in his possession belonging to the city. He shall before entering upon the duties of his office, execute to the city a bond for the faithful discharge of his duties, in such sum and with such sureties as the city council shall direct. He shall keep the moneys require to be raised by the provisions of this act, separately, and shall not apply, on any occasion, one fund to pay the debts of another. He shall collect the state and county tax within said city in the manner now prescribed by law for the collection of taxes by town treasurers. His salary shall be fixed by the city council for collecting city taxes, and shall not exceed the sum of two hundred dollars per annum, and such perquisites as otherwise lawfully appertain to that office. He shall be allowed no fees for collecting city taxes, or paying out city funds.

Shall execute a bond.

His salary and fees.

SECTION 13. The president of the board of education shall be *ex officio* superintendent of schools for said city, and shall discharge all the duties imposed by law upon that officer. He shall receive for his services as such superintendent, a salary to be fixed by the city council, but such salary shall in no case exceed the sum of one hundred and fifty dollars per annum.

President of board of education, his duty, &c.

SECTION 14. All officers elected or appointed under the provisions of this act, shall within ten days after such election or appointment, take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Wisconsin, and to discharge faithfully and impartially the duties of the respective offices to which they are elected or appointed, which oath shall be deposited in the office of the city clerk.

Oath of office.

SECTION 15. The city council shall have power to enact, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of fires and for the benefit of trade and commerce, and for the health of the city, as they may deem expedient, declaring and imposing penalties and fines, and to enforce the same against any person who

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may violate such ordinances, rules or by-laws, and the same are hereby declared to be and have the force of law : *provided*, that they be not repugnant to the constitution and laws of the United States, or of the state of Wisconsin ; and for those purposes shall have authority by ordinance or by-laws :

Licenses.

1st. To establish rates for, and license and regulate auctioneers, taverns, groceries and victualing houses, and all persons relating [retailing] or dealing in spirituous, vinous or fermented liquors in said city, and the rate for vending such liquors shall in no case be less than twenty-five dollars per annum ; and also to license and regulate the exhibitions of showmen of any kind, or the exhibition of any natural or artificial curiosities, or of any caravan, circus or theatrical performance in said city. All money received for such licenses shall be paid into the city treasury, and shall belong to said city, and be applied to the support of the poor who are chargeable upon the city.

Gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city.

Riots, disorderly houses, &c.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, houses of ill-fame, billiard tables, nine or ten pin alleys or tables, shows and exhibitions, and to authorize the destruction of all instruments or devices used for the purpose of gambling.

Cleanse unclean places.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, slaughter house, barn, privy, sewer or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same from time to time, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city or vicinity.

Slaughter houses, &c.

5th. To direct the location and management of all slaughter houses and markets, to establish rates for and license venders of gunpowder, and regulate the storage and keeping and conveying of gunpowder and other combustible materials.

Encumbering streets, &c.

6th. To prevent the encumbering of the streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire-wood or other materials or substances whatever.

7th. To prevent horse racing, immoderate riding CHAPTER 96.
or driving in the streets, and to regulate the places Immoderate driving, bathing, &c.
of bathing and swimming in the waters within the limits of said city.

8th. To restrain the running at large of cattle, Cattle.
swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same.

9th. To prevent the running at large of dogs, and Dogs.
to authorize their destruction in a summary manner when at large contrary to the ordinances of the city or laws of this state, or to impose a tax on the same.

10th. To prevent any person from bringing, depositing or having within said city, any putrid carcass or any unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons. Putrid carcasses, &c.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of said city or any ward therein; to erect lamps, and regulate and license hacks, cabs, drays, carts and the charges of draymen, hackmen and cabmen within the limits of the city. Pounds, pumps, lamps, hacks, &c.

12th. To establish and regulate boards of health, Boards of health &c.
provide hospitals and cemetery grounds, regulate the burial of the dead and the returns of the bills of mortality; and all burial or cemetery grounds, and all grounds set apart for public use in said city are hereby declared to be exempt from taxation.

13th. To regulate the procuring of fire buckets and the purchase of fire engines; to prescribe and regulate the materials of which houses may be built within the fire limits, and the manner of erecting and securing chimneys, and to provide for removing chimneys which may be deemed dangerous, and to require and provide for the building of new chimneys when deemed necessary, at the expense of the owners or occupants of buildings when the same may be required; to require the owners of buildings to provide and keep suitable ladders and fire buckets, (which are hereby declared to be exempt from seizure or distress or sale in any man-

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ner,) and if the owner refuse or neglect to provide suitable ladders or fire buckets, after a reasonable notice, the city council may procure and deliver the same to him, and in default of payment thereof may bring an action against said owner, and be entitled to recover in such action the value of such ladders, fire buckets, or both, with costs of suit; to direct the construction of vaults for the safe deposit of ashes; to appoint fire wardens and prescribe their duties; to regulate the manner of putting up stoves and stove pipes; to compel the owners or occupants of houses or buildings to have scuttles on the roofs of said houses or buildings; and for the purpose of arresting the progress of any fire, the mayor and council, or any three members thereof; may direct any building or buildings to be torn down, removed or blown up with gunpowder; and to establish such other measures of prudence for the prevention or extinguishment of fires as said city council may deem proper.

Fire limits.

14th. To establish fire limits.

Wharves and bridges.

15th. To regulate the building of wharves and bridges, and provide for the protection and security of the same.

Driving on sidewalks.

16th. To prevent all persons riding or driving any horse, ox, mule or cattle, or other animal, on the side walks in said city, or in any way doing any damage to such sidewalks.

Firearms, fireworks, &c.

17th. To prevent the shooting of fire-arms or crackers, except by special permission of the city council, and to prevent the exhibition of any fire-works in every situation which may be considered by the city council dangerous to the city, or any property therein, or annoying to any citizen thereof.

Drunkennes, obscenity, &c.

18th. To restrain drunkards, immoderate drinking, indecent exposure of the person, or obscenity in the streets or public places, and provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Watchmen and firemen.

19th. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies.

Markets.

20th. To establish public markets, and make rules and regulations for the government of the same, and to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from inter-

rupting or interfering with the due observance of such rules and regulations. CHAPTER 98.

21st. To regulate the place and manner of selling and weighing hay, of measuring and selling of fuel and lime, and appoint suitable persons to superintend and conduct the same. Hay, fuel, &c.

22d. To compel the owner or occupant of any building or grounds to remove the snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and on default, to authorize the removal or destruction thereof by some suitable officer at the expense of such owner or occupant. Remove rubbish, &c.

23d. To protect trees and monuments in said city. Trees, &c.

24th. To make all necessary rules and regulations for the support of the poor, who are lawfully chargeable upon said city. Support of poor.

25th. To alter the boundaries of wards and to increase the number thereof. Wards.

SECTION 16. No member of the city council or school board, or other officer of said city, shall be a party to, or interested, directly or indirectly, in any contract or job with the city; and any contract in which any member of the city council, or other officer of the city, may be so interested, notwithstanding this prohibition, shall be null and void, and of no force against said city as a party thereto. And if any member of the city council, or other officer of the corporation, after his election or appointment, or while in office, shall become, or cause himself to become interested, directly or indirectly, in any contract or agreement, written or verbal, to which the corporation or any ward shall be a party in interest, or to which any officer or board under this act shall officially be a party, or in any question, subject or proceedings pending before the city council, or on which such officer may be called on to act officially, with interest to gain, directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office, and the same shall be declared vacant by the city council, and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison not more than one year, or by fine not more than five thousand dollars, nor less than five hundred, or both, in the discretion of the court. No member of council or school board to be interested in city contracts.

Penalty.

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Claims—annual receipts and expenditures.

SECTION 17. The city council shall settle all claims and demands against the city, settle with the treasurer annually, and make out and publish in two or more papers, accounts of the receipts and expenditures of said city, at the close of each fiscal year for such year, for the information of the citizens.

Officers council may appoint or remove.

SECTION 18. The city council shall have power to appoint, and at pleasure to remove, the following officers, viz: one harbor master, whose salary for discharging all of the duties of that office shall be fixed by the city council, but shall not exceed the sum of two hundred dollars per annum, and whose duties shall include the tending of bridges; one city attorney, whose salary shall not exceed one hundred dollars per annum; one fire warden for each ward; one superintendent of the poor for the city, whose salary for discharging all of the duties of that office shall not exceed one hundred and fifty dollars in any one year; one sealer of weights and measures; one or more surveyors, and so many measurers of fuel, grain, lime and other marketable articles, weighers of hay, pound masters, sex tons and keepers of the burial grounds, and inspectors of lumber, as the city council may, from time to time deem expedient, and prescribe their duties and compensation, and to impose and enforce in law such penalties as to the said city council may seem proper, for any malfeasance or improper conduct of any of said officers; and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by said city council. No such fire warden, sealer of weights and measures, measurer of fuel, grain, lime or other article, weigher of hay, surveyor, pound master, sexton or keeper of any burial ground, shall receive from the city any compensation for his services, unless such services were required by the city council for the use of the city, but he shall be paid therefor in all other cases by the person requiring such services, or by such other person as shall be liable therefor by law or under the ordinances of said city.

Failure to hold election not a loss of franchise.

SECTION 19. If any election provided for in this act shall, for any cause, not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or dissolving the said corporation, but such election may be held at any time thereafter by order of the city council, of which time ten

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days' public notice shall be given; and further, if any of the duties enjoined by this act, at a time herein specified, or specified by any ordinances of said city, are not then done, the city council may appoint another time upon which the said duties may be done: *provided*, that the officer so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties as he would be liable to if the said council had not the power to appoint another time.

SECTION 20. Whenever the office of mayor or alderman shall become vacant, by reason of the death, resignation, removal, refusal or neglect to qualify, or from any cause whatever, the same may be filled by special election, to be held at such time as may be designated by the mayor, or acting mayor, and city council; and the person or persons so elected, shall fill the vacancy during the remainder of the term for which his predecessor was elected.

Vacancies—how filled.

SECTION 21. In all cases not in this act provided for, officers appointed or elected shall be liable to such fines, penalties or forfeitures for negligence, carelessness, misconduct in office, and positive violations of duty, as the city council shall by ordinance order and determine.

Council may impose fines on officers.

SECTION 22. The city council shall have power to authorize the formation of fire engine, hook, ladder, hose and sack companies; provide for the due and proper regulation of the same, and to disband any such companies at any time, and prohibit their meeting as such, when disbanded, which companies shall be officered and governed by their own by-laws: *provided*, such by-laws be not inconsistent with the laws of this state, or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every active member of each company in said city, shall be exempt from serving on juries, and from poll work and military duty, except in case of war, invasion or insurrection; and whenever an active member of a fire, hook and ladder and hose company, shall have actually served therein seven years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid; but no members of such companies shall be entitled to the exemptions provided in this section, unless they shall have performed all of the duties as such members, as prescribed by the

Fire companies.

Exemption of members.

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Proceedings
against vessels,
&c.

ordinances of the city, and shall produce a certificate of the foreman of their company to that effect.

SECTION 23. The city council may institute and maintain actions in the name of the city, under chapter 151 of the general laws of 1859, entitled "an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 150 of the revised statutes," approved March 17th, 1859, against any ship, boat or vessel, for any and all causes of actions arising or accruing to said city under said law.

Laying out public grounds, streets, &c.—petition of freeholders.

SECTION 24. The city council shall have power to lay out, widen, enlarge and open public grounds, squares, streets and alleys, in the manner following: whenever ten or more free-holders, resident in any ward, shall petition the city council to lay out a street, alley, or public ground or square in such ward, and shall specify in said petition, with reasonable certainty, the metes and bounds of the lands necessary to be taken for the purposes mentioned in such petition, and the names and residences of the owners of such lands, as far as the same can be ascertained, and shall accompany said petition with a plat of said proposed street, alley, public grounds or square, the city council may, (if it appear to such council that the public good will be promoted by granting such petition,) by resolution direct the city attorney, or such other person as may be designated in said resolution, to apply to the judge of Racine county court, and in case the judge shall be interested in the land proposed to be taken for such improvements, or in case of his absence or disability to act, then to the judge of the circuit court or to a court commissioner for said county, for the appointment of a jury, to ascertain the necessity for such proposed improvement, and for taking therefor the lands described in such petition. Such resolution shall also direct the time and place where such application will be made, and shall be published in the official paper of said city for three weeks, at least once in each week, before such application shall be made.

Application for jury.

SECTION 25. Upon presentation of such application and proof of due publication of such resolution, at the time and place appointed therein for that purpose, the said judge or commissioner, as the case may be, shall appoint twelve reputable and disinterested freeholders,

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residents of said city, but not of the ward wherein the lands proposed to be taken by such improvements are situated, who shall be a jury to ascertain and establish the necessity of such improvement, and for taking therefor the lands specified in such petition. The said judge or commissioner shall thereupon issue his precept, directed to the marshal of said city, or his deputy, requiring him to summon said jurors to meet at a time and place to be specified in said precept, (to be not more than ten days from the date thereof,) to view the lands so proposed to be taken, and to decide upon the necessity of such proposed improvement, and for taking such lands therefor, and to make due return of their verdict to the city council within ten days from the time so appointed for such meeting. Said precept shall be served by the marshal or his deputy on each of said jurors, by reading the same to him at least two days before the time appointed for such meeting.

Meeting of jury.

SECTION 26. In case any of said jurors shall fail to attend at the time and place appointed in said precept, the judge or commissioner may, upon verbal application made by the marshal or his deputy, appoint other jurors, who are duly qualified as hereinbefore specified, in place of those so failing to attend, which appointment shall be annexed to, or inclosed [indorsed] upon such precept. When such jurors are all present, they shall be sworn by said judge or commissioner, or some other person authorized to administer oaths, faithfully and honestly to discharge the duties required of them by such precept; and the officer administering said oath shall certify the fact, which certificate shall be indorsed upon or annexed to such precept.

How vacancies may be filled.

SECTION 27. After the jury are sworn, they shall proceed to examine the lands proposed to be taken, and to inquire into the necessity for the proposed improvement, and for taking said lands therefor, and shall return their verdict in writing, signed by each juror, to the marshal or his deputy, who shall immediately deliver the same, together with said precept and all the papers relating to such proceeding, to the city clerk, to be filed in his office; and such proceedings shall be laid before the next meeting of the council by said clerk.

Jury to view lands and return a written verdict.

SECTION 28. If the verdict of the jury shall be that the proposed improvement is necessary, and that it is necessary to take therefor the lands specified in the

If deemed necessary, council may lay out, &c.

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petition, or any part thereof, then the city council may proceed to lay out, widen or enlarge such street, alley, public grounds or square, (as the case may be,) and open the same, and cause the damages and benefits to be assessed, collected and paid, in the manner prescribed by this act.

Per diem.

SECTION 29. The county judge or commissioner shall receive one dollar, the marshal or his deputy two dollars, for each case, and each juror one dollar per day, for all services rendered by them respectively, on each proceeding relating to laying out, widening or enlarging streets, alleys or public grounds or squares under this act.

Special commis-
sioners to assess
damages, &c.—
their duties.

SECTION 30. The assessment of all benefits and damages which may hereafter arise or accrue in laying out, opening or widening the streets in the city, shall be made by three special commissioners, who shall be appointed by the city council. Such commissioners shall be residents of the city, but not of the ward in which such damages and benefits are to be assessed. It shall be their duty to assess all such benefits and damages upon the particular lots which will be benefited or injured thereby, and make a report, in detail, of their proceedings, to the city council; which report, immediately upon the making thereof, shall be filed in the office of the city clerk, and the city council shall thereupon approve or reject the same; and if such report be rejected by the city council, they shall forthwith order a new assessment to be made by other commissioners, and when such new assessment shall be ordered, the commissioners shall proceed as in the first instance, and make their report to the city council; and when such report shall be approved by the city council, the assessment of benefits shall be a lien, from the time of approving such report, upon the several lots, parts of lots or parcels of lands, upon which they are assessed, and the collection thereof shall be enforced in the same manner as other taxes. The said commissioners, not less than ten days before they shall proceed to the discharge of their duties, as provided in this section, shall cause notice to be given to all persons interested, of the time when, and the place where, they will meet for the purpose of determining and awarding the amount of damages and benefits as aforesaid, by publishing such notice in a newspaper

Notice to persons
interested.

printed in said city: *provided, however*, any person whose property is taken, or against whom an assessment is made, may, within ten days from the approval of such report by the said city council, appeal from said assessment of damages or benefits to the circuit court for Racine county, by filing a notice of such appeal with the city clerk, where such appeal shall be tried by the court and jury as in ordinary cases. The city council shall have the same right of appeal.

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Appeal.

SECTION 31. The city council may cause any street in said city to be graded, paved, [or] McAdamized, and such sidewalks as they shall determine, to be constructed or repaired, in such manner as they shall determine; and shall direct the cost of such improvements abutting upon each lot, part of lot or parcel of land, to be ascertained, which cost shall be a charge and lien upon said lot, part of lot or parcel of land, and shall be collected as prescribed in the next section. The city council shall by ordinance, prescribe the manner of making such improvements and ascertaining the cost thereof, and the amount of such cost properly chargeable to each such lot, part of lot or parcel of land; but no such improvements shall be made, unless upon petition of the owners of a majority of the lineal frontage of the lots or their legal representatives, to be assessed, where such improvement is proposed to be made.

Street improvements—how costs taxable.

Petition.

SECTION 32. Whenever any improvement not chargeable to the city, shall have been completed, and the proportion of the costs thereof properly chargeable to each lot, part of lot or parcel of land, shall have been ascertained, the mayor and city clerk shall issue to the person or persons entitled thereto, a separate certificate for the amount assessed and chargeable to each particular lot, part of lot or parcel of land, which shall be a lien and charge thereon, and upon no other property, from the time it was issued, and shall be collected as a special tax upon such lots, and the collection thereof enforced in the same manner as other taxes. City scrip may be (be) issued for such expenditures, payable only from the fund arising from such special tax, which scrip shall only be received in payment of the special tax for which it was issued. If such taxes shall be collected by the city treasurer, the amount collected shall be paid over to the holder or holders of such certificates, and they shall be held by the city as a special fund; nor

How tax to be collected.

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shall the city be liable for, nor pay the same in any other manner than as herein specified.

Survey and plat-
ting of streets,
&c.

SECTION 33. The said city council may cause the public streets, lanes, alleys, highways and public grounds in said city, to be surveyed, described and permanently marked on a plat thereof, to be recorded by the clerk in a book to be kept by him for that purpose, in which book shall also be recorded a plat of any new street, lane or alley which may hereafter be established by the city council under the provisions of this act, and any change or alteration that may be made therein; and such survey and record shall be *prima facie* evidence of the position and limits of such street, lane, alley, public ground or highway.

Street commis-
sioners—com-
pensation, du-
ties, &c.

SECTION 34. The city council shall appoint one street commissioner for each ward of said city, whose compensation shall not exceed one dollar each per day, nor shall be allowed more than thirty days each to perform labor upon the streets, unless upon some extraordinary occasion of accidents or damage to the streets, in which case the said city council may order the same to be repaired, but the compensation shall not exceed the above rate. Each of said street commissioners shall give a bond to the city in the sum of five hundred dollars, with sureties to be approved by the city council, conditioned for the proper disbursement of all money which he may receive as such commissioner, and for the faithful performance of all his official duties; and he shall from time to time, when required by the city council, make return on oath to the city council of the amount of work done and of money received and expended by him as such commissioner, and the manner in which the same has been expended; and also of any other matter connected with his official duties which the city council may require.

Highway and
poll taxes—how
collected.

SECTION 35. The general laws of the state in relation to the assessment and collection of poll taxes for highway purposes in towns, shall extend to and be in force in said city of Racine. Each ward shall constitute a ward district, and the street commissioner shall possess all the powers, perform all the duties and be subject to all the liabilities of overseers of highways in towns, except as herein provided. The lists of persons liable to pay a poll tax in each ward, shall be delivered by the respective street commissioners to the

city clerk, within the time in which overseers of highways are required by law to deliver such lists to town clerks; and immediately thereafter the city clerk shall make [a] duplicate of each such list, adding thereto the amount of tax each such person is liable to pay, and shall annex thereto his warrant for the collection of such taxes, substantially in the form of warrants for the collection of highway taxes required by law to be issued by supervisors of towns to overseers of highways, and shall deliver such duplicate list and warrant to the street commissioner of the proper ward for collection. The clerk shall file the original lists received from the street commissioners in his office.

SECTION 36. The city council of said city, in addition to the powers and duties imposed upon them, shall levy an annual tax upon all the taxable property in said city, sufficient to pay the salaries of the officers of said city, as in this act provided, and to cover the appropriations hereinafter named:

Tax for salaries
of officers, &c.

1st. For school purposes, including repairs of school houses and all incidental school expenses, a sum not exceeding four thousand dollars in the year 1861, the sum of five thousand dollars in the year 1862, the sum of six thousand dollars in the year 1863, and annually thereafter a sum not exceeding six thousand dollars. The amount of moneys received from the state school fund, tuition, from tax certificates belonging to the city school fund, as well as all school moneys received from all other sources, shall be added to the amount of said annual school tax: *provided*, that the city council shall not in any one year expend a sum exceeding nine thousand dollars for school purposes.

For schools.

Limit.

2d. A sum not exceeding five hundred dollars to be appropriated to repairing the harbor piers, all of which sum so raised shall be expended on that portion of said piers lying east of the line of private property; but the city council may, in its discretion, use one-half of the sum so appropriated, in dredging the harbor east of such line.

For piers.

3d. A sum not exceeding three hundred dollars per annum, for the repairs of bridges in said city.

For bridges.

4th. A sum not exceeding five hundred dollars per annum, for the support of the fire department. Out of this sum, a salary of fifty dollars per annum may be

For fire department.

- CHAPTER 98.** allowed to [the] chief engineer, and twenty-five dollars each to [the] 1st and 2d assistant engineers. And,
- Contingent fund.** 5th. A sum not exceeding fifteen hundred dollars per annum, to be set apart as a contingent fund. No part of the contingent fund shall be used for dredging the harbor.
- Prohibition.** SECTION 37. The board of supervisors of Racine county shall not levy any tax for school purposes in said city.
- City only liable for amount of taxes authorized** SECTION 38. In no case shall the city be liable for any scrip [scrip] or other evidence of debt issued, or upon any appropriation made, or upon any agreement or contract entered into by any board or officer of said city, or by the city council, beyond the sums which the said city council is by this act authorized to levy upon the taxable property in said city.
- Assessors—their duties.** SECTION 39. The assessors shall assess all taxable property in said city, and shall make out the annual assessment roll for said city, in accordance with the general laws of this state relating to the assessment of property and the duties of assessors; and said assessment roll shall be equalized and notice thereof given by the said assessors at the time and in the manner required by law; and the notice of the meeting of the board of equalization shall, in addition to the posting thereof required by law, be published in two newspapers published in said city for one week previous to such meeting. Immediately after such assessment roll is equalized, the same shall be verified by the oath of each of said assessors, as required by law, and the said assessment roll, or a copy thereof, shall be deposited in the office of the city clerk.
- When council shall levy tax to meet appropriations.** SECTION 40. The city council shall, on or before the first Monday in August, levy upon the whole amount of the assessment thus corrected and equalized, a per cent. sufficient to raise the amount of the several appropriations authorized by this act; and it shall be the duty of the clerk, under the direction of the city council, in accordance with such determination, to make a schedule of all the property, as contained in said assessment roll, annexing to each lot, part of lot or other item of property, in separate columns, the amount of tax which shall be chargeable thereon, on account of each of the funds hereinafter mentioned; which schedule shall be called the tax list, and shall be

recorded by the city clerk in a book to be kept for that purpose; and said tax list, or an authenticated copy of the record thereof, shall be conclusive evidence of the amount of taxes assessed for the current year in which the same shall be made out; and the city clerk shall deliver said tax list to the city treasurer on or before the first day of September annually, and make a record of such delivery in a book where such list shall be recorded, from which day the taxes shall become a lien upon real estate in preference to any other lien, until the same shall be satisfied, with all costs and charges which may accrue thereon according to law.

CHAPTER 98.

Tax list to be conclusive evidence, &c.

When to be delivered to treasurer.

SECTION 41. Upon receipt of the tax lists as aforesaid, it shall be the duty of the treasurer of said city, who shall be the collector for all the wards, to give public notice in two newspapers printed in said city, that such tax lists have been committed to him for the purpose of collecting the taxes thereon, and that he will receive payment of taxes at his office in said city until the last day of December then next ensuing; and said notice shall also state the time and place when and where he will sell all lots and lands in said lists contained, upon which the taxes remain unpaid at such time, or so much thereof as will pay and satisfy all taxes which may be assessed thereon, together with all costs and liabilities which shall accrue according to law, by advertisement and sale; and such notice shall be published six successive weeks in two newspapers in said city, between the last day of September and the last day of December in the year of said notice.

Treasurer to publish notice, &c.

SECTION 42. In case the taxes on any real estate in said tax list contained, shall remain unpaid after the last day of December next ensuing the publication of said notice, the treasurer shall, on the second Monday of January next ensuing, commence the sale of said real estate, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon, agreeable to this act; and the treasurer shall give to the purchaser or purchasers of any such real estate, a certificate describing the particular lots or land by him or them purchased, stating the sum paid therefor and the time when the purchaser will be entitled to a deed for the same lots or lands; and if the person claiming the title to said lots or land shall not, within two years

When sale of lands for unpaid taxes to commence.

Treasurer's certificate.

CHAPTER 98.

Tax deed.

Proviso.

When lots may
be bid off for use
of the city.Collection of
taxes on person-
al property.

from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty-five per cent. per annum from the date of such certificate, then it shall be the duty of the treasurer of the city, for the time being, after the expiration of said two years, to execute to the purchaser, his heirs or assigns, on presentation of such certificate, a conveyance by deed of the lots or land so sold, which conveyance shall vest in the person to whom it shall be given an absolute estate in fee simple; and the said conveyance shall be *prima facie* evidence that the sale, and all the proceedings in levying the taxes, advertising the same and making such sale, were regular according to the provisions of this act; and every such conveyance shall be executed by the treasurer, under his hand and the seal of the city, and in the name and behalf of the city of Racine, and may be given in evidence and recorded, in the same manner and with like effect as a deed regularly acknowledged by the grantor may be given in evidence and recorded: *provided*, that in cases of assessments of taxes in gross upon any lot or piece of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part, either in payment or redemption, with the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest and charges shall be a lien only on the remainder of such lot or piece of land. In case there shall be no bid for any parcels of land equal to the amount of the delinquent taxes thereon and costs, it shall be the duty of the city clerk to bid off such real estate for the use of the city, and the tax certificate issued upon sale shall be transferable by the indorsement of said clerk, when directed by the city council.

SECTION 43. In case any person shall neglect to pay the taxes assessed to his personal property, after the publication of the notice herein mentioned, the treasurer shall proceed to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same. The treasurer shall give public notice of the time and place of the sale, with a description of the property to be sold, at least ten days previ-

ous, by advertisement in some newspaper, or to be posted up in three public places in the city of Racine, and the sale shall be by public auction. If the property distrained shall be sold for more than the amount of the tax and legal charges thereon, the surplus shall be returned to the owner of such property.

SECTION 44. Whenever taxes on personal property shall have been, or shall hereafter be included in any assessment roll in said city, and shall have remained, or shall hereafter remain unpaid, in whole or in part, until the first day of February next after the same shall have been levied, the city treasurer may, at any time within three years thereafter, issue a warrant under his hand, directed to the sheriff of Racine county, commanding him to levy the amount of such unpaid taxes, and interest and costs, together with his fees for collecting the same, of the goods and chattels, lands and tenements of the person to whom such taxes were assessed, and to pay the same to the city treasurer, and return such warrant within sixty days from the date thereof, or said treasurer may, at any time within said three years, sue for and recover such unpaid taxes in an action to be brought in the name of the city of Racine against such person, in any county where he may be found, and the assessment roll and city treasurer's warrant, and certificate of non-payment of said tax, or abstract therefrom, certified by the city treasurer under the seal of said city, shall be *prima facie* evidence of such tax being unpaid, and of the amount which should be recovered in such action.

SECTION 45. Six months previous to the time limited by this act for redeeming lots or lands sold for taxes, it shall be the duty of the treasurer of said city to publish at least six weeks successively in some newspaper or newspapers printed in said city, a list of all unredeemed lots or lands, describing each lot or piece of land, or any part thereof, as the same was assessed and sold, together with a notice to all interested therein, of the time when the same will become forfeited; and the city council shall fix and determine the amount which shall be paid for printing such advertisements, and for other expenses consequent thereon, which shall not exceed ten cents for each lot or parcel of land, and shall be paid by the person redeeming the same, or taking a conveyance thereof, as the case may be.

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Ibid—warrant may issue, &c., or suit brought in any other county.

Publication of list of unredeemed lands—fees, &c.

CHAPTER 98.

Fees of treasurer

SECTION 46. It shall be lawful for the treasurer of said city to demand and receive the following fees and perquisites, viz: for each certificate of sale to be given to a purchaser, at any tax sale of any lot or piece of land, or part thereof, ten cents; for each certificate of redemption of any lot or piece of land, or part thereof, for a single piece of land, ten cents, and five cents for every additional lot or piece of land described in such certificate, to be paid by the person redeeming the same.

Certain officers
to receive no fees
—fees of others.

SECTION 47. Neither the mayor, acting mayor, or any member of the city council or school board, except the president of the school board, shall receive any pay from the city for any services rendered officially during their [his] term of office; and no person shall be eligible to more than one office in any department of said city government, except city clerk and the president of the board of education, as herein provided. Each assessor shall receive fifty dollars per annum for his services. The clerk of the board of education shall receive fifty dollars per annum for his services.

Vacancies.

SECTION 48. In case of vacancy in any city office, except mayor or aldermen, the city council may fill such vacancy by appointment, and the appointee shall hold his office until the next annual election.

Notice *prima*
facie evidence,
&c.

SECTION 49. Any newspaper published in said city, purporting to contain the publication of any by-law or ordinance of said city, shall be *prima facie* evidence of such publication at the date of said paper.

Controller—his
duties.

SECTION 50. It shall be the duty of the city controller to make out and report to the city council, at its first regular meeting in the month of April in each year, a statement in detail of all expenses of the city, and the condition of the funds and revenue of the city for the preceding year. The fiscal year shall commence on the first day of April annually. He shall also prepare a list of all outstanding city bonds, and a statement of the purpose for which they were issued, when and where and to whom payable, and rate of interest they respectively bear. He shall make, or cause to be made, estimates of the expenses of any work to be done by the city, and shall examine all estimates of work made by the street commissioners of the several wards, and countersign all contracts entered into by the city, and unless they be so countersigned,

they shall have no validity; and no money shall be drawn from the city treasury for work done on any contract before it was countersigned by him. He shall in no case countersign contracts for the expenditure of money by the city until the means for paying the same shall have been provided for by the city council; and for a violation of his duty in this respect, he and his bail shall be liable for all damages resulting to the city or any individual. Duplicate receipts shall be given by the treasurer for all moneys received into the treasury, one of which shall be deposited with the controller, and the other countersigned by him. He shall keep a full account of all the separate funds of the city, and the several amounts received to the credit of the same respectively, and the amounts severally paid from the same. He shall countersign no draft upon the treasury, unless the particular fund upon which it is drawn shall then be good for that amount upon the books of the treasurer. Every draft upon the treasurer shall specify the particular fund upon which it is drawn. Before any bill or account shall be allowed by the city council, it shall be audited by the controller, who shall keep full accounts of the bill so audited, and an account of all receipts into the treasury and all disbursements therefrom, and of all contracts countersigned by him, and of claims for damages against the city. He shall keep a record of all his acts and doings, which record shall be open for inspection of all parties interested. He shall report to the city council at their first regular meeting in each month, the amount of all contracts which have been entered into chargeable to the general city fund, and perform such other duties as the city council by ordinance or resolution may direct.

SECTION 51. If, on or before the first day of December of any year, the amount expended, or to be expended, chargeable to any city fund, shall be equal to three-fourths of the tax authorized to be raised for such fund, the city controller shall at once report the same to the city council, and he shall not thereafter countersign any contracts chargeable to such fund until the amount of taxes actually collected be ascertained, and during the remainder of the fiscal year he shall not countersign any contract, the expense of which will exceed the revenues actually collected for the funds to which such expense is properly chargeable.

Further duties
of controller.

CHAPTER 28.Treasurer—his
duties.

SECTION 52. The city treasurer shall, on the Saturday preceding each regular meeting of the city council, report to the city controller the amount of money paid into the treasury since the making of his last report, the names of the persons from whom the same was received, the date of the receipt thereof, and the fund upon the account of which the same was paid. The city controller shall have a right at all times to examine all of the records, books, papers, vouchers and accounts of the city treasurer, and it shall be his duty from time to time to compare his report therewith. If the city treasurer shall, in the opinion of the city council, willfully neglect to make such report as is required by this section, or shall willfully make a false report, or shall refuse the city controller access, at reasonable times, to the records, books, papers, vouchers and accounts in his office, the city council may declare his office vacant, and appoint a city treasurer in his place, who shall hold his office for the remainder of the term of the treasurer so removed.

Funds.

SECTION 53. All moneys raised or received for school purposes, shall constitute a separate fund, denominated the "school fund." All moneys raised or received for the support of the poor, shall constitute a separate fund, to be denominated the "poor fund." All moneys raised or received for the repairs of bridges, docks and piers, and for dredging the harbor, or for any other improvement authorized by this act to be made at the expense of the city, shall each constitute a separate fund, and shall not be used for any other purposes. All moneys raised not herein appropriated to some other fund, shall constitute a separate fund, to be denominated the "contingent fund."

Ibid.

SECTION 54. All receipts into the treasury shall, as received, belong to the said several funds in proportion to the several amounts for each fund, and no moneys raised or received on account of any special fund shall be appropriated to any other purpose than that for which they were raised, and the controller shall keep separate accounts of the receipts and disbursements of each fund. When interest shall be paid upon the redemption of lands sold for taxes, such interest shall belong to the several funds on account of which such taxes were levied, in proportion to the amount of such taxes.

SECTION 55. Interest shall not be allowed upon any scrip issued by the city, and all warrants or scrip drawn in payment of any indebtedness shall correspond in amount with the amount allowed by the city council for which it was issued.

CHAPTER 98.

No interest on scrip.

SECTION 56. The city council are hereby authorized, by ordinance, to make, designate and establish dock lines on Root river, within the boundaries of said city, conforming as near as practicable to the original meander and survey thereof, wherever said river is not already docked, and to protect the banks of any and all creeks and streams of water emptying into said river, so as to prevent the washing away of said banks, and to prevent sand and other obstructions from washing into said river; and for the purpose of carrying into effect the foregoing provisions of this section, the city council shall have power to provide by ordinance for docking the banks of said river, and for filling the lots abutting thereon, and protecting the banks of all creeks, gutters and streams of water emptying into said river within the bounds of the city, and to require the several owners of lots, or any portion thereof, abutting on said river, or any creek or stream of water, to dock and fill the same in such manner and within such time as said council shall direct, and to make such other protection on any lot or lots within said boundaries, to prevent obstructions from working into said river, as to said city council may seem meet and proper; and if the owner or owners of such lot or lots shall refuse within the time specified by said council, to build such docks or other protections, or otherwise comply with the provisions of such ordinances, the city council are hereby authorized and empowered to let the docking and filling of such lots, or other specified protection for such lots, by contract to the lowest bidder for the same, and when it shall be completed according to such contract, and accepted by the council, the mayor and city clerk shall issue a certificate to such contractor, as provided in section 57 of this act, for the contract price of work, which certificate shall from that time be a lien upon said lot or lots, the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real estate are collected. But no part of the expense of any such work shall be paid by the city.

Council may dock Root river and clear said river and certain of its tributaries of obstructions.

CHAPTER 88.

Special tax.

SECTION 57. The city clerk shall, on the first day of December annually, add to the tax roll of the city, in a separate column, as a special assessment opposite to the lots to be charged therewith, all outstanding certificates issued by him and the mayor for special improvements as provided in this act, and the same shall be collected by the treasurer as other taxes upon real estate are collected.

Dock and harbor.

SECTION 58. It shall be the duty of the city council to provide for keeping the docks at the foot of streets in repair, and to remove such obstructions from the harbor opposite to such streets, to the extent of fifty feet from said docks, as interferes with the free navigation of the harbor; but the expense of removing such obstructions last above mentioned, shall not exceed fifty dollars per annum.

Appropriations—duplicate lists.

SECTION 59. Duplicate lists of all appropriations hereafter made by the city council, shall be delivered by the city clerk to the mayor, within two days after the allowance of the same, who shall approve or disapprove the same within three days after such delivery, and return one to the city clerk with his approval or disapproval indorsed thereon, and (to) file the other in his office. If he shall approve such appropriation, a warrant for the amount shall be drawn upon the treasurer in favor of the person entitled thereto; if he disapproves the same, no warrant shall be drawn therefor, unless the same shall be allowed by a vote of two-thirds of all the members composing the city council; and no ordinance or legislative resolution passed by the city council shall be of any validity unless approved by the mayor within three days after the passage thereof, unless in case of his disapproval, indorsed upon such ordinance or resolution, the city council shall again pass the same by two-thirds, as above provided, at the next regular meeting of the city council; and all appropriations of money made by the city council shall be on call of the yeas and nays by the clerk, which shall be entered upon the journal; and a majority of all the members of the city council shall be necessary to an appropriation of money.

Special police.

SECTION 60. In cases of emergency, the mayor may appoint a special police, and the city council shall provide by ordinance for such appointment, and the duties to be performed by such police in preserving the peace and good order of the city.

CHAPTER 98.

SECTION 61. It shall be the duty of the marshal and all deputy marshals of the city of Racine, and they are hereby authorized and required, to summarily arrest and take before any justice of the peace of said city, any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace by making any improper noise or disturbance, or indecent exposure of his person, or by firing guns, or fighting, or threatening to fight, or in any other manner shall be engaged in violating any ordinance of said city made for the preservation of the peace and good order thereof; and said justice shall have power to hear, try and determine all such offenses; and any person convicted of any offense specified in this act, where no other punishment is specified by law, or by any ordinance of said city, shall be punished by fine of not less than three dollars nor more than fifty dollars, or by imprisonment in the county jail or city lock-up not less than three days nor more than fifty days, in the discretion of the justice; and in all cases the justice shall impose the payment of the costs of prosecution upon the person so convicted, as a part of the punishment; and in default of payment of any such fine or costs, the justice shall commit the defendant to such county jail or lock-up for such number of days, not exceeding thirty nor less than five, as he may think proper. But in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon payment of the same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up.

Summary arrests by marshal.

Power of justice.

Fine.

Defendant may be committed.

SECTION 62. Any officer making any arrest under the provisions of this act, may, if necessary, commit the person arrested to such jail or lock-up without process, and such person shall be delivered up to such officer by the keeper of such jail or lock-up on demand and without process: *provided*, that if such officer does not demand the person so committed within twenty-four hours (Sunday excepted) after such committal, the officer having charge of such prison shall discharge the person so arrested from confinement.

Officers may arrest without process.

Proviso.

CHAPTER 98.

Fines to go to city.

SECTION 63. All fines collected in pursuance of this act, shall be paid into the city treasury by the person receiving the same, immediately after the receipt thereof.

SECTION 64. The following, or equivalent forms, may be used in proceedings under this act, or in proceedings for any violation of the charter or any ordinance of said city:

FORM OF COMPLAINT.

STATE OF WISCONSIN,
Racine county, city of Racine, } ss.

Form of complaint.

A. B. being duly sworn and examined, makes complaint and says, that in said city, on the — day of —, A. D. eighteen hundred and —, one C. D. was guilty of (here state the nature of the offense,) in violation of law, and prays that the said C. D. may be apprehended to answer therefor. A. B.

Subscribed to before me this — day of —, 186—.

justice of the peace.

Warrant may issue.

Upon such complaint being filed with the justice, he may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form: *provided, always*, that in any case where an offender may have been arrested without warrant, the said justice may proceed upon the complaint alone:

Form of warrant

FORM OF WARRANT.

STATE OF WISCONSIN,
Racine county, city of Racine, } ss.

To the marshal of the city of Racine, or his deputy:

Whereas, A. B. has this day complained to me in writing, on oath, that in the said city, on the — day of —, A. D. eighteen hundred and —, one C. D. was guilty of (here state the nature of the offense:) Now, therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the said C. D. and bring him before the undersigned, one of the justices of the peace of said county, to answer to the said complaint, and to be dealt with according to law:

Given under my hand this — day of —, A. D. eighteen hundred and —.

E. F.,
justice of the peace.

SECTION 65. All of the general provisions of law concerning the trial of criminal offenses, the fees of officers and proceedings, in which, upon trial, the justice finds he has not final jurisdiction of the case, shall govern trials under this act, unless otherwise provided in this act : *provided*, that in all convictions under this act, where a punishment for the offense is prescribed in the general statutes of this state, or in any ordinances of said city, the penalty as prescribed by such statutes or ordinances shall be imposed upon the person so convicted.

CHAPTER 98:
Application of laws.

SECTION 66. In all cases in which, by the provisions of this act, the city council have power to pass ordinances or by-laws, they may prescribe any penalty for the violation thereof, not exceeding fifty dollars for any one offense ; and may also provide that in default of payment of any judgment rendered for such violation or omission, the defendant may be imprisoned not exceeding forty days in the lock-up of said city.

Penalty for violation of ordinances, &c.

SECTION 67. All of the present officers of said city shall hold their offices until the first election shall be held under this act, and until their successors elected at such election shall be qualified. They shall perform all of their respective duties under the provisions of this act, until their successors are so elected and qualified ; and all of the existing ordinances of said city, not inconsistent with the provisions of this act, are hereby declared to be in full force until altered or repealed by the city council ; and a printed copy of an ordinance published in a newspaper or pamphlet, by authority of the city council, shall be *prima facie* evidence of the passage and publication of such ordinance.

Fees of present officers.

Ordinances in force.

SECTION 68. Executions issued upon judgment obtained for violation or non-observance of ordinances or by-laws of the city, may contain a clause directing the imprisonment of the defendant for such time as shall have been provided by the ordinance under which the judgment shall be rendered, in case of the non-payment thereof by the defendant ; and all fines, penalties and forfeitures, when collected, shall be paid into the city treasury for the use of the city.

Executions—what to contain.

SECTION 69. Ordinances, regulations, rules or by-laws imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in

Ordinances, &c., to be published.

- CHAPTER 102.** some newspaper printed in said city, before the same shall be in force; and proof of such publication, by the affidavit of the printer or foreman in the office of such paper, when the publication was made, shall be conclusive evidence of such publication and promulgation of such ordinance, regulation, rule or by-law.
- Proof of publication.**
- Poor fund.]** SECTION 70. All moneys received or collected in said city, under and by virtue of chapter one hundred and seventy-five of the general laws of 1860, entitled "an act to regulate and license the keeping of dogs," shall be paid into the city treasury, and belong to the "poor fund."
- Repeal.** SECTION 71. The act entitled "an act to incorporate the city of Racine, in the county of Racine," approved August 8, 1848, and all acts and parts of acts amendatory thereto, except so far as they relate to the limits and boundaries of said city, are hereby repealed. The ninth section of the act entitled "an act in relation to the public schools in the city of Racine," approved April 14, 1852, and the act amendatory of the said ninth section of the last named act, approved March 7, 1857, are hereby repealed; and all other acts and parts of acts contravening the provisions of this act, are hereby repealed.
- Take effect.** SECTION 72. This act shall take effect and be in force from and after its passage and publication.
Approved March 22, 1861.

CHAPTER 102.

[Published April 22, 1861.]

AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the city of Beloit," approved March 3d, 1857.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

- When annual election to be held.** SECTION 1. Section one of chapter two of the act to which this act is an amendment, is hereby so amended that the same shall read as follows: "The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in