

**AN ACT to Incorporate the City of Racine in the county of Racine.**

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

**Sec. 1.** The district of country included within the following limits and boundaries in township numbered three of range numbered twenty-three east in the county of Racine and state of Wisconsin to wit: fractional sections numbered nine and sixteen in said township and range, is hereby declared to be a city; and the inhabitants thereof are created a body corporate and politic by the name and style of "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 impeaded, 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

**Sec. 2.** The said city until the city council see fit to increase alter or change the same shall be divided into five wards in the manner following to wit: All that part of said district of country comprised in the limits described in the first section of this act which lies east and south of the centre of Root river and north of the centre of seventh street and east of the centre of Chippewa street shall be the first ward: all that part of said district which lies south of the centre of seventh street, and east of the centre of Barnstable street shall be the second ward; all the remainder of said district which lies south of the centre of Root river shall be the third ward; all that part of said district which lies north of the centre of Root river and north and east of the following bounds to wit: beginning at a point in the centre of Root river where it is intersected by the quarter section line running east and west on the south line of the north west quarter of said section numbered nine, thence west along said quarter section line to the south east corner of

block numbered twenty-five in Wright's addition, thence due north to the north line of said section numbered nine, shall be the fourth ward; all the remainder of said district which lies west and north of the centre of Root river shall be the fifth ward.

SEC. 3. The government of said city and the exercise of its corporate powers and management of its fiscal, prudential and municipal concerns shall be vested in a mayor and council which council shall consist of two aldermen chosen from each ward actually residing therein, and shall be denominated the "City Council"; and also such other officers as are hereinafter provided for.

SEC. 4. The elective officers of said city shall be the mayor and city council, one marshal, one treasurer, one city clerk, one chief engineer of the fire department, and one assessor for each ward; to be elected by the qualified voters thereof at the annual election of said city to be held in each ward on the second Monday of April in each year, and shall hold their respective offices for one year and until their successors are chosen and qualified.

SEC. 5. All qualified electors for members of the legislature of this state who have resided within the bounds of said city six months, and in the ward where he may offer his vote twenty days next preceding such election shall be deemed qualified voters of said city, and shall be entitled to vote in the ward in which they respectively reside for any officer in the city required by this act to be elected by the qualified voters of said city, and in all elections for city officers, after the organization of said city government under this act, the mayor shall issue his proclamation to the qualified voters 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 several officers to be chosen; and said proclamation shall be published in one or more newspapers printed or in general circulation in said city at least ten days previous to said election; and after the organization of the city government under this act it shall be the duty of the city council to provide the place or places of holding all elections in said city for city officers, the hours of the day the same shall continue open to appoint the judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same; and may make such other arrangements concerning said elections as may be lawful and convenient for the citizens of the sev-

eral wards; and the person or persons having the highest number of votes shall be declared to be duly elected: Whenever any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by any elector, the judges of election or some one of them before receiving the vote of any such person, shall require such person to take an oath that he possesses the qualifications prescribed in this section of this act and that he has not voted at such election: If the person offering to vote shall take such oath, his vote shall be received; and if any person shall take such oath knowing it to be false he shall be deemed guilty of wilful and corrupt perjury and on conviction thereof shall suffer such punishment as is now or shall hereafter be provided by law for persons guilty of perjury: If any person who is not a qualified voter shall vote at any election or if any person duly qualified shall vote in any other ward than the one in which he may reside, or shall vote more than once at any one election he shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty-five dollars to be recovered in the same manner as other penalties are recovered under this act, and if any judge of election shall knowingly and corruptly receive the vote of any person not duly qualified to vote, such judge shall be liable to indictment, and on conviction thereof shall forfeit and pay for the use of the city, a sum not exceeding five hundred dollars nor less than one hundred dollars.

SEC. 6. At the first election the electors in their respective wards shall vote for one mayor of the city, two aldermen of the ward wherein such elector may vote, one marshal, one treasurer, one clerk, one assessor for the ward wherein such elector may reside and one chief engineer of the fire department; and annually thereafter the electors at their respective ward elections shall vote for one mayor, two aldermen for the ward wherein such elector may vote, one marshal one treasurer and one clerk.

SEC. 7. The board of trustees of the village of Racine shall determine who shall have been properly elected at the first election; and the president of the board of trustees of said village shall administer the oath of office to the first mayor and such mayor shall administer the oath of office to the several aldermen who have been declared to be duly elected, and also to all other officers in said city: all subsequent elections shall be determined on by the mayor and city council; and the new mayor in every case may be sworn into office by his predecessor or clerk and he shall administer the oath

(of) office to all newly elected aldermen and officers: In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot in the presence and under the direction of the mayor and city council.

SEC. 8. 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 may deem expedient, he shall keep the seal of said city, sign all commissions licences and permits which may be granted by the city council he shall maintain peace and good order and see that the laws the state and ordinances of the city are observed and executed; he shall have power to administer oaths or affirmations and to take and certify acknowledgments of deeds and other instruments in writing: as a judicial officer he shall have concurrent original jurisdiction with justices of the peace of the county of Racine of all cases for the violation of any ordinance of said city; and when presiding at the meetings of the city council he shall have a casting vote when the votes of the members are equal.

SEC. 9. The members of the city council shall on the second Monday after each annual election assemble at their council chamber or some other suitable place in said city and elect from their own body a president to preside in their meetings in the absence of the mayor; and a majority of all the members shall be a quorum for the transaction of business, each member shall be entitled to one vote: The mayor shall preside in city council and shall have a casting vote and no other therein: In case of the vacancy of the office of mayor or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the president of the city council shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office or the vacancy be filled by a new election, and in case of absence or inability of both the mayor and president of the city council a president pro tem. shall be elected and for the time being shall discharge the duties of mayor.

SEC. 10. The city council shall have power to preserve order and propriety in its proceedings, and to punish in a summary manner by fine and imprisonment all disorderly or disrespectful conduct in its presence, and also to compel by pecuniary penalties the attendance of its members: the city council shall determine the rules of their proceedings and keep a journal thereof which shall be open to the inspection of every citizen at all reasonable times and hours and prescribe the time and fix the place of holding their meetings which shall at all times be open to the public; and

said city council may adopt any by-laws for their own government not inconsistent with the provisions of this act.

SEC. 11. The mayor or acting mayor each and every alderman marshal deputy marshal watchman, each and every justice of the peace and constable of the town of Racine shall be officers of the peace and may command the peace and suppress in a summary manner all rioting and disorderly behavior in a manner consistent with the ordinances of said city within the limits thereof, and for such purposes may command the assistance of all bystanders and if need be of all citizens and military companies; and if any person, bystander military officer or private of such company shall refuse to aid in maintaining the peace when so required every such person shall forfeit and pay such fine as may be prescribed by ordinance of the city council in such case provided: and in all cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

SEC. 12. The marshal shall possess all the powers, and enjoy all of the rights of a constable of the town of Racine and be subject to the same liabilities it shall be his duty to execute and return all writs and process to him directed by the mayor, and when necessary in criminal cases or for the violation of any ordinance of said city he may serve the same in any part of the state of Wisconsin: it shall be his duty to suppress all riots disturbances and breaches of the peace to apprehend all disorderly persons in said city and pursue and arrest any person fleeing from justice in any part of the state of Wisconsin to apprehend any person in the act of committing any offence against the laws of this state or ordinances of the city, and forthwith to bring such persons before competent authority for examination and for such services he shall receive like fees as is allowed to constables for like services, he shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city and he shall have power to appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of the duties: said marshal shall execute and file with the clerk a bond for the faithful performance of his duty to be approved by the city council.

SEC. 13. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance of

said city: all monies raised received recovered and collected by means of any tax license penalty fine forfeiture or otherwise under the authority of this act or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by a written order signed by the mayor or acting mayor by order of the city council and countersigned by the city clerk who shall keep a copy thereof: such order shall specify the amount of money 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 provided by the city council for that purpose which shall remain the property of said city wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums respectively arose which said books shall at all reasonable times be open to the inspection of the electors of said city: he shall as often as the city council require, render to said council a minute account of his receipts and payments, and at the expiration of his office he shall hand over to his successor all moneys books and vouchers in his possession belonging to said city, he shall before he enters upon the duties of his office execute to the city a bond for the faithful discharge of his duties to be approved by the city council, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

SEC. 14. The clerk shall attend the meetings of the city council, he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or direction of the city council and the city council shall fix and prescribe his compensation therefor.

SEC. 15. The city council shall have power to enact establish publish enforce, alter modify amend or repeal all such ordinances rules and bye 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 thereof as they may deem expedient declaring and imposing penalties and to enforce the same against any person who may violate any of the provisions of such ordinances rules or by-laws; and such ordinances rules or by-laws are hereby declared to be and to have the force of law: provided, that they be not repugnant to the constitution and laws of the United States or of this state and for those purposes shall have authority by ordinance or by-laws; 1st. To establish rates for and license and regulate taverns groceries and victualling houses, and all persons retailing or

dealing in spirituous vinous or fermented liquors, and to license and regulate the exhibitions of common showmen or shews of any kind or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances under the ordinances or at common law: 2nd. 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: 3 d. 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 purposes or gaming: 4th, To compel the owner or occupant of any grocery ce lar, tallow chand ers shop soap factory tannery stable barrn privy sewer or other unwho some or nauseous houses or places to cleanse remove or abate the same from time to time as often as it may be deemed necessary for the health comfort and convenience of the inhabitants of the city: 5th, To direct the location and management of all slaughter houses and markets, to establish rates for and license venders of gun powder, and regulate the storage and keeping and conveying of gunpowder or other combustible materials: 6th, To prevent the encumbering of the streets side walks lanes a leys or public grounds with carriages carts waggons sleighs sleds boxes lumber fire wood or other materials or substance whatever: 7th, To prevent horse racing immoderate driving or riding in the streets and to regulate the places of bathing and swimming in the waters within the limits of said city: 8th, To restrain the running at large of 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 to authorize their destruction in a summary manner when at large contrary to the ordinances 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: 11th, To make and establish public pounds pumps wells cisterns and reservoirs and to provide for the erection of waterworks 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 hackmen cabmen and draymen within the limits of the city: 12th, To establish and regulate boards of health; provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bill of mortality, and to exempt burying grounds and grounds set apart for the public use 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 manner and if the owner refuse or neglect to procure suitable ladders or fire buckets after reasonable notice, the city council may procure and deliver the same to him, and in default of payment therefor, may bring an action of debt 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 safe construction for the deposit of ashes to appoint fire wardens and prescribe their duties to regulate the manner of putting up stoves and stove pipe to compel the owners or occupants of houses or buildings to have scuttles on the roofs of said houses and 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 gun powder, and any building so destroyed shall be paid for by the corporation; and to establish such other measures of prudence for the prevention or extinguishment of fires as the said city council shall deem proper: 14th, To establish fire limits: 15th, To regulate the building of wharves and bridges and provide for the security and protection of the same: 16th, To prevent all persons riding or driving any horse ox mule or cattle other animal on the side walks in said city, or in any way doing any damage to such side walks: 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 fireworks, 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: 18th, To restrain drunkards immoderate drinking 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: 19th, To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies: 20th, To establish public markets and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations: 21st: To regulate the place and manner of weighing and selling hay, of measuring and selling of fuel and lime, and appoint suitable persons to superintend and conduct the same: 22d, To compel the owner or occupant of any building or ground to remove the snow dirt or rubbish from the side walk 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 in his default to authorize the removal or destruction thereof by some suitable officer at the expense of such owner or occupant: 23d, To protect trees and monuments in said city: 24th, To provide for the clearing out of Root river of drift wood and other obstructions and to prevent encroachments of any kind thereon within said city, to appoint a harbor master and prescribe his duties.

Sec. 16. In all cases in relation to which by the provisions of this act the city council have power to enact or pass ordinances or by-laws in relation to any subject they may prescribe any penalty for the violation of such ordinance or by-law not exceeding fifty dollars for any one offence in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non observance the offender may be imprisoned for such term as they may by such ordinance direct not exceeding forty days, for which purpose the said city shall have the use of the jail of Racine county for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal or any other officer shall be under the charge of the sheriff of said county.

Sec. 17. On all suits for the violation of any ordinance of the city the process may be by warrant; and it shall be sufficient without setting forth the special matter, to declare generally in debt with reference to the ordinance under which the action is brought: the defendant may plead the general issue and give the special matter in evidence; 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.

SEC. 18. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said city shall contain a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided by the ordinance under which the judgment shall have been rendered: all fines penalties and forfeiture when collected shall be paid into the city treasury for the use of the city.

SEC. 19. Any ordinance regulation rule or by-law imposing any penalty or forfeiture for the violation of its provisions shall be published one week in 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 the newspaper where such publication may have been made shall be the conclusive evidence of the publication and promulgation of such ordinance regulation rule or by-law in all courts and places.

SEC. 20. No person shall be an incompetent judge justice witness or juror by reason of his being an inhabitant of said city in any action or proceeding in which said city is a party or interested.

SEC. 21. When any action or suit shall be commenced against said city, the service thereof may be made by leaving a copy of the process attested by the proper officer with the mayor or clerk and it shall be the duty of the mayor or clerk on whom such process may have been served forthwith to inform the city council thereof or take such other proceeding as by ordinance of said council may have been in such case provided.

SEC. 22. No member of the city council shall be a party to or interested in any contract or job with the city and any contract in which any member of the city council may be so interested notwithstanding this prohibition shall be null and void and of no force against said city as a party thereto.

SEC. 23. The city council shall settle all claims and demands against the city, settle with the treasurer annually and make out and publish accounts of the receipts and expenditures of said city annually for the information of the citizens.

SEC. 24. The city council shall have power to appoint and at their pleasure to remove by a vote of a majority of the board present and acting the following officers and such others as may be deemed necessary to car-

ry out the powers conferred by this act on said municipal corporation viz: five fire wardens, and as many assistant wardens as the said city council may from time to time deem expedient; 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 sextons and keepers of the burial grounds, inspectors of streets, street commissioners an inspector of lumber and harbor masters 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.

SEC. 25. 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 absolving the said corporation, but such election may be held at any time thereafter by order of the city council of which time ten 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 ordinance 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.

SEC. 26. Whenever the office of any person elected under the provisions of this act by the qualified voters of the city or any ward thereof shall become vacant by reason of the death resignation removal refusal or neglect to qualify or for any cause whatever, the same may be filled by special election to be held at such time and place 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.

SEC. 27. All officers elected or appointed under the provisions of this act shall within four days after the said election or appointment and before entering upon the duties of their respective offices take an oath or affirmation faithfully and impartially to discharge the duties of their offices to which such persons may respectively be elected or appointed; and in all

cases not in this act provided for shall require such fees and compensation for their services and be liable to such fines penalties and forfeitures for negligence carelessness misconduct in office and positive violations of duty as the city council shall by ordinance order and determine: provided that the said city council shall not have power to vote any pay or compensation for the members thereof or for the mayor except as herein provided for.

SEC. 28. The city council shall have power to authorize the formation of fire engine hook and ladder and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time and prohibit their meetings 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 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 a member of a fire hook and ladder and hose company shall have served therein seven years he shall be entitled to a discharge signed by the mayor and shall thereafter be exempt as aforesaid.

SEC. 29. The said city council shall have power to pass ordinances imposing penalties against the owners and masters of vessels or the vessels themselves for any wilful and malicious injuries done by their vessels or vessel to any of the bridges or public docks and to enforce the same in an action of debt and by imprisonment as in the case of other ordinances, and for every such injury said vessel or craft shall be liable in an action by warrant in the name of the city for all such damage and injury to be enforced according to the provisions of "an act to provide for the collection of demands against boats and vessels" in the Revised Statutes.

SEC. 30. The mayor of said city is hereby declared to be ex-officio supervisor and as such is hereby empowered to meet with and act in the county board of supervisors in the same manner, and with the same rights and powers as is or may by law be prescribed and exercised by other members of said county board. In case of the absence or inability to act of the mayor then the city council shall select from their own number one member to meet with and act in the said county board.

SEC. 31. The said city council shall have power and authority to lay out new highways streets alleys and public walks, and to vacate such high-

ways streets alleys and public walks as in their opinion shall not be of public utility to regulate grade pave and improve streets avenues lanes and alleys and to extend open and widen the same and if any person shall claim damages by reason of the laying out of or vacating changing or altering thereof, and shall file his notice of such claim in writing with the clerk within ten days after the order for laying out vacating or altering shall have been made by the city council, the city council shall cause the damage if any over and above the benefit accruing thereby to such claimant to be assessed by a jury as herein provided.

Sec. 32. The said city council shall at the expiration of ten days after the making and entering of any order for the opening and laying out extending or vacating any highway street alley or public walk, cause to be summoned six good and lawful freeholders inhabitants of said city (and not directly interested) who being first duly sworn for that purpose shall take into consideration the necessity of the laying out opening and extending such street: the said jury shall also take into consideration as well the benefit as the injury which may accrue and estimate and assess the damage which would be sustained by reason of the laying out opening extending or widening of any street avenue alley or public walk as aforesaid, and shall moreover estimate the amount which other property shall be benefitted thereby, all of which shall be within six days returned to the city council under their hands and seals and the property so benefitted and assessed shall be liable for the payment of the same, and the same shall be a lien in such property and be collected in the same manner as annual taxes are collected and payable and the residue if any shall be paid out of the city treasury on account of the ward where such improvement shall be made.

Sec. 33. The city council shall have power to cause to be graded gravelled and paved the side walks on any street or part of a street within said city and to levy and collect a special tax on the lots and land bounding and abutting on such street or side walk or near thereto, in proportion to the fronts or size of such lots respectively for the purpose of defraying the cost of the same in addition to the ordinary tax authorized by this act to be levied and collected in the same manner as annual taxes are collected and it shall be the duty of the city council to provide by ordinance for the assessing correction and equalization of such special tax; and the property so assessed shall be liable for the payment of the same; and in case any tax mentioned in this and the preceding section shall be returned delinquent,

the proceedings for the sale of the lots or land so returned shall in all respects be the same as in cases of delinquency in the payment of the annual city taxes with the addition of like interest cost and penalty.

SEC. 34. The said city council shall have power to cause the streets highways lanes alleys, commons and market places of said city to be kept in repair and may cause the same to be graded and otherwise improved as the interest of the city may require, and shall have exclusive power of appointing street supervisors within the limits of said city, and prescribing their several duties, and the city council shall have power to cause the public streets lanes alleys highways and public grounds that now exist within the limits of 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 also any change or alterations in any of the streets lanes or alleys and such survey and record shall be thereafter conclusive evidence of the position and limits of such street lane alley or highway.

SEC. 35. There shall be two days work performed annually on highways streets and alleys by each male person who by the laws of the state is subject to perform highway work such person to perform such labor within the ward where he resides under the direction of such street commissioners or supervisors as the city council may appoint, but any such person may at his option pay at a rate of seventy-five cents per day for every day he may be so bound to labor and in default of the payment of such money or the performance of such labor the street commissioners or supervisors may sue for and collect such money by an action of debt in the name of the city of Racine with twenty-five percent damages on the same together with cost of suit before the mayor of the city or any justice of the peace and in all such cases the process shall be by warrant and no stay of execution upon any judgment rendered on such suit shall be taken or allowed.

SEC. 36. The said city council shall not borrow any money on the credit of the corporation nor shall the credit of the city be given or loaned to aid any individual corporation or association.

SEC. 37. For the discharge of any debt against said city or expenditure authorized by the city council under the provisions of this act or ordinances of said city or to defray the current expenses of said city, the city

council shall have power to levy and collect annually a tax on all such real and personal property or capital of any kind within said city subject to taxation by the laws for levying the taxes of this state for the time being.

Sec. 38. It shall be the duty of each assessor to make out in the month of May annually a list of all taxable property within the ward for which he was appointed with such a clear and definite description, that the property and owner thereof may be known as nearly as practicable and shall set opposite to each lot or part of a lot or piece of land or other article or commodity in such list contained, the actual cash value thereof, as nearly as the said assessor can determine, and if the name of the person owning the lot or liable for the tax is unknown, the fact shall be stated by writing "unknown owner" in place of the name, and said assessment roll shall be returned in the month of May to the clerk with an affidavit of the assessor that the assessment roll comprises all the real and personal property liable to taxation in the ward for which he was elected.

Sec. 39. It shall be the duty of the clerk annually upon the receipt of the assessment roll as aforesaid to lay the same before the city council for their consideration and the said city council shall be a board of equalization to consider the valuation of the property in the several lists of assessments and if deemed necessary make such amendments corrections and alterations as to them may seem proper and necessary to produce equality of assessment agreeable to the true value of property comparatively in the several wards: the said city council on or before the first Monday of July annually shall levy upon the whole amount of such assessment as corrected and equalized such a per centage as by a vote of a majority of all the members of the city council shall be deemed necessary for the several purposes hereinbefore mentioned; it shall be the duty of the clerk under the direction of the city council to make out in accordance with such determination a schedule of all the property in each ward separately as contained in said assessment roll annexing to each lot or other item of property in separate columns, the amount of tax which will be chargeable on the same which schedule shall be called the tax list and shall be recorded by said clerk for each ward separately in a book to be by him kept for that purpose and said tax list or the record thereof shall either of them be conclusive evidence of the amount of taxes assessed for the current year, in which the same shall be made out.

Sec. 40. It shall be the duty of the clerk to complete the tax lists of

each ward within such time as may be prescribed by the city council, and deliver the same to the treasurer of the city together with the warrant of said city council for collecting the same and make a record of such delivery in a book where such lists shall be recorded or in a book containing the proceedings of the city council which record shall be conclusive evidence of such delivery and the tax so assessed on real estate shall be a lien in preference to any other lien on estate so taxed until the same shall be paid or satisfied together with all costs and charges which may accrue thereon agreeably to law.

Sec. 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 some newspaper 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 other liabilities which shall accrue according to law by advertisement and sale and said notice shall be published six successive weeks in some newspaper in said city between the last day of September and the last day of December in the year of said notice.

Sec. 42. In case the tax on any real estate in said tax lists contained shall remain unpaid after the last day of the 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 agreeably 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 lands shall not within two years 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 per cent.



then it shall be the duty of the treasurer of the city, at 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 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 assessment 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: The treasurer is hereby authorized to give certificates of redemption and to execute the deeds in the manner herein specified for all lands sold for taxes levied by the trustees of the village of Racine as heretofore incorporated and such deeds or certificates shall have the same force and effect as deeds and certificates given for sale by such treasurer.

Sec. 43. If any person holding the certificate of purchase of any lot or piece of land in pursuance of this act shall pay any tax levied subsequent to the purchase of such lot or piece of land the owner or other claimant who may redeem such lot or piece of land, shall pay the amount of such tax with interest at the rate of twenty-five per centum per annum from the date of such payment for the benefit of such holder of the certificate.

Sec. 44. Taxes upon real estate shall be a lien upon the estate taxed and it shall be the duty of the treasurer upon receiving the tax lists and warrants immediately to proceed to the collection of the same.

Sec. 45. In case any person shall neglect to pay any tax assessed on his personal property a fee: 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 or of any goods

and chattels found in his possession within the city of Racine, no claim of property to be made thereto by any other person shall be available to prevent a sale.

Sec. 46. 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 previous by advertisement in some newspaper and to be posted up in three public places in the city of Racine, and the sale shall be by public auction.

Sec. 47. If the property distrained shall be sold for more than the amount of the tax and legal charge thereon, the surplus shall be returned to the person in whose possession said property was found when the distress was made or to the person for whose tax the same was distrained as the case may be.

Sec. 48. In case any person upon whom personal property shall be assessed shall have removed out of the city of Racine after such assessments and before such tax ought by this act to have been collected it shall be lawful for the treasurer to levy and collect such tax by distress on the goods and chattels of the person so assessed in any town within the county of Racine to which said goods shall have been removed or in which he may reside.

Sec. 49. Any person who shall resist any levy made by the treasurer for the payment of any taxes as aforesaid shall be dealt with in the same manner as is or may be provided by law for resisting process in the hands of the sheriff or constables.

Sec. 50. 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 twelve 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 and direct the clerk to add the expense so fixed and determined to the tax which may be levied on each of said lots for the year (or the year succeeding) in which such advertisement shall be made, and such additional tax shall be collected and paid into the treasury at the same time and in the same manner as the general tax on

said lots or lands for the same year are returned to be paid agreeably to the provisions of this act.

SEC. 51. It shall be lawful for the treasurer to demand and receive the following fees 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 described in such certificate to be paid by the person or persons redeeming the same: A percent. on all moneys he shall receive and pay to wit: one half of such commission for receiving and the other half for paying out: Provided, that said commissions shall not exceed four per centum in any year.

SEC. 52. On all questions before the city council on the passage of ordinances rules by-laws regulations of any kind touching the police health peace and good order of the city levying assessing or equalizing taxes appointment of officers and all questions of a general nature, a majority of the members present and acting at any board shall determine the question; and all ordinances rules by-laws and regulations passed under this act as aforesaid shall be signed by the mayor or presiding officer of the city council and clerk.

SEC. 53. The said city of Racine shall have power to hold real or personal estate and may sell and convey the same at pleasure and shall have the custody and control of all real and personal estate and other corporate property belonging to said city.

SEC. 54. The said city of Racine shall be and is hereby invested as the lawful owner and proprietor of all the real and personal estate and all the rights and privileges thereof belonging to the corporation of the village of Racine together with all the property funds and revenues and all moneys debts and demands due and owing to said village of Racine as a corporate body which by or under any former acts ordinances grants donations gifts or purchases have been acquired vested or in any manner belong to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits pending or judgments recovered by or in favor of or against said village of Racine or the trustees thereof, and all rights claims and demands in favor of or against the same may be continued prosecuted completed defended and collected in the same manner as though this act had not been passed.

SEC. 55. The president trustees and all other officers of the village of Racine now in office shall remain in their respective offices and perform the several duties thereof until the mayor and city council are elected under this act: The clerk and treasurer of the village of Racine shall transfer all the books papers and moneys which may be in their hands to the clerk and treasurer who may be elected agreeably to this act and all laws ordinances and resolutions passed and adopted by the trustees of the village of Racine shall remain in full force until altered or repealed by the city council established under this act.

SEC. 56. The President of the village of Racine shall designate some time in the month of October in the year of our Lord one thousand eight hundred and forty eight for holding the first election and shall appoint three suitable persons in each ward of said city to be judges of the first election under the provisions of this act, and also two suitable persons to be clerks thereof in each ward, and shall notify the several persons so appointed and shall publish a notice in one or more of the newspapers in said city at least ten days previous to the said election designating the several places for holding the same and to procure a suitable place in each ward for holding said election which said first election shall be opened between the hours of eight and ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon: said election shall be conducted agreeably to the provisions of this act, and it shall be the duty of the judges of said election in the several wards within three days thereafter to make and direct the returns thereof to the clerk of the village of Racine; and the said clerk shall lay the same before the trustees of said village at their meeting next ensuing such election and it shall be the duty of said trustees within three days (Sundays excepted) after such returns shall have been received to make an abstract thereof and immediately notify in writing the persons elected as aforesaid of their several elections under this act.

SEC. 57. This act may be altered amended or repealed by the legislature and the act entitled "An act to incorporate the village of Racine" approved February 13th 1841, and the several acts amendatory thereto, and all acts and parts of acts inconsistent with this act shall be and the same are hereby repealed such repeal to take effect at the time when this act becomes operative.

Sec. 58. This act shall be a public act and shall be construed favorably in all courts and places.

N. E. WHITESIDE,  
Speaker of the Assembly.  
JOHN E. HOLMES,

Lieutenant Governor and President of the Senate.

Approved August 8, 1848.

NELSON DEWEY.

50  
AN ACT to authorize school district number twelve in Marquette county to levy a tax.

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

SECTION. 1. School district number twelve in Marquette county is hereby authorized to levy and collect a tax not exceeding two hundred dollars on the taxable property of said district for the purpose of building a school house in the said district and the said tax shall be levied and collected as is now provided by law for the collection of taxes to build school houses in the several school districts under the county system of government in this state.

N. E. WHITESIDE,  
Speaker of the Assembly.  
JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

Approved August 8, 1848.

NELSON DEWEY.