

Damage to road how punished. or in any way spoil, injure, or destroy said railroad, or any part thereof, or any thing belonging or incident thereto, or any materials to be used in the construction thereof, or any building, fixtures or carriage, erected or constructed for the use or convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained thereby, to be recovered in an action of debt in any court having jurisdiction of the amount.

Capital stock. SEC. 7. The capital stock of said company shall be twenty-five thousand dollars, divided and disposed of in such manner as the stockholders in and by their by-laws may direct, and the president, treasurer and secretary shall be the directors of said company, whose property, personal and real, shall be taxed in like manner as individual property is taxed.

When road to be finished. SEC. 8. The said company shall have the said railroad finished in ten years from and after the taking effect of this act, which is declared to be from and after its passage.

J. McM. SHAFTER.

Speaker of the Assembly.

TIMOTHY BURNS,

Lt. Governor and President of the Senate.

Approved, March 23, 1852.

LEONARD J. FARWELL.

[*Published, March 26, 1852.*]

Chap 134 An Act to amend an act entitled "An act to incorporate the city of Racine in the county of Racine," and the acts amendatory to the same.

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

Tax limited. SECTION 1. The mayor and city council shall not levy a tax on said city, in any one year, for current city expenses to exceed five thousand dollars.

To levy tax to pay debts. SEC. 2. The mayor and city council shall levy a tax, in addition to the current city expenses, sufficient to pay the present indebtedness of said city, as the same shall become due and payable; and shall also levy a tax on the several wards of said city sufficient to pay the present indebtedness of said wards respectively.

Special tax to be voted upon. SEC. 3. There shall be no other tax levied upon said city, or the several wards thereof, for city or ward purposes, except the poll tax, unless specially authorized by a vote of the property tax payers as hereinafter provided.

SEC. 4. On the written petition of fifty freeholders of said city, asking for an appropriation, stating the amount

for any specified object, not coming within the current ordinary expenses of the city, it shall be the duty of the mayor and city council to call a special election of the property tax payers of said city to vote upon said appropriation, and if a majority of those voting upon said question, shall vote in favor of it, the city council shall make the appropriation and levy a tax sufficient to pay it, but said money shall be applied to no other purpose except that specified in the original petition of the freeholders; but no more than one such proposition shall be submitted at any one election, and any surplus remaining over and above completing said specified object, shall be carried to the credit of the fund for current city expenses, and shall lessen the amount to be raised for that purpose in the next ensuing year to an amount equal to said surplus.

Mayor to call special election.

SEC. 5. The city council shall cause, at least two weeks previous notice of such election to be given in the city paper, and said election shall be held and conducted by the mayor and city clerk as inspectors thereof, and but one poll shall be opened at any one election, and no two elections under these provisions shall be held within four weeks of each other; and all such elections shall be held within the limits of the first ward.

Notice.

SEC. 6. No debt or liability of any kind or description shall be incurred by said city, or any ward thereof, or any work undertaken on account of said city, without the same being first brought before the city council at a regular meeting, and an estimate of its costs made, a vote authorizing it passed, and an appropriation made to pay the expense; but the city council may place at the disposition of the mayor a certain amount, to be denominated the contingent fund, from which the mayor shall be authorized to pay such charges and expenses as cannot from their urgency be delayed to be submitted to and acted upon by the city council; but the mayor shall make a full report at every regular meeting of the city council of all payments made from the contingent fund.

How liability incurred.

SEC. 7. Whenever twenty freeholders of any ward of said city shall present a written petition to the city council asking for an appropriation for any specific object, stating the amount, the city council shall authorize an election to be held in said ward by the aldermen thereof, for the purpose of voting thereon, and if a majority voting thereon shall vote in favor of the proposed appropriation, the same shall be made, and a tax sufficient to pay the same levied upon said ward; but said money shall be applied to no other purpose than that specified in the original petition of

How appropriation to be made.

the freeholders. Any surplus remaining over and above completing the specified object may be appropriated by a vote of the council to improvements in said ward. All the foregoing provisions relating to city elections and the persons entitled to vote thereat, shall apply to ward elections under this act, except as otherwise in this section provided.

Alderman indi-
vidually liable.

SEC. 8. Every alderman voting to make any appropriation or to incur any liability in violation of the provisions of this act, or beyond the amounts herein authorized to be raised, (except the same shall have been occasioned by the incorrectness of the reports of the clerk hereinafter mentioned,) shall be jointly and severally liable in their individual capacity for every appropriation so made or liability incurred, and the city shall not be liable therefor.

May construct
docks, &c.

SEC. 9. The city council shall have power to authorize the construction of docks, wharves, sheet piling, embankments, or such other protection as the said city council may deem expedient to prevent the banks of Root River from washing, sliding, or falling into said river, and also to require the docks, embankments, and sheet piling to be kept in repair. The city council shall also have power to authorize the construction of suitable piers, break-waters, and such other protections as may be planned or devised for the purpose of securing the lake shore within the bounds of said city from the encroachments of the waters of Lake Michigan, and to levy a tax in the manner hereinafter specified, upon the lots and ward or wards benefitted or rendered more valuable thereby; but no such improvement shall be authorized by said city council, until a plan of the same shall have been submitted to them in writing, and a careful estimate of the cost thereof made; and the same when authorized, shall be let by contract to the lowest bidder or bidders, reasonable notice having first been given of the time and place of receiving said bids, which contract price shall be the maximum to be raised as hereinafter provided for.

Council to ap-
point jury.

SEC. 10. As soon as the contract price of any such improvement shall be ascertained, after the same shall be let as aforesaid, the council shall select a jury of six freeholders in like manner as they are now selected, to appraise the damage on opening streets, and in no way interested in said improvement or the lots and ward or wards benefitted thereby, whose duty it shall be faithfully and impartially to assess the cost of said improvement upon the lots and ward or wards benefitted either immediately or in prospect, assessing such proportion upon the ward or wards as shall

be just and equitable, and the remainder upon the lots benefitted thereby, having proper reference to the present protections and situations of said lots, and the amount of benefit each receives therefrom, and the said jury shall make return to the city council in like manner as is now provided for making returns for appraisal of opening of streets.

SEC. 11. Whenever said assessment shall be completed and filed with the city treasurer, the same shall become a Tax to be a lien on lots. lien upon said lots from the time of filing the same; and so much as shall be assessed upon the ward shall be added into the next annual tax list upon said ward, and so much as shall be assessed upon the lots, if not paid previous to the first day of September next after the same is filed, shall be added to the tax upon said lots, with five per cent. added thereto, and shall be collected in the same manner and at the same time as other taxes; but in case said assessment shall be filed six months prior to the said first day of September, and shall remain unpaid as aforesaid, ten per cent. shall be added thereto.

SEC. 12. Whenever a tax 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 Treasurer to issue warrant. 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, 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 abstracts 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.

SEC. 13. The city clerk shall keep the records and books Duties of clerk. of accounts of said city in such manner as the city council shall prescribe. He shall, at every regular meeting of said council, report to them the whole amount of appropriations made or liabilities incurred by said council for the

current expenses of the city; which report shall be recorded in a book to be provided for the purpose. And the said clerk shall be individually liable to the city and the several aldermen of said council, and to every other person, for any damage that they or either of them may sustain in consequence of said report being incorrect. The city council may by a vote of two-thirds of all the aldermen elected to said council, remove said clerk from office, for neglect or refusal on his part to obey the foregoing provisions, and appoint a suitable person to perform his duties.

J. McM. SHAFER,

Speaker of the Assembly.

TIMOTHY BURNS,

It. Governor and President of the Senate.

Approved, March 23, 1852.

LEONARD J. FARWELL.

[*Published April 3, 1852.*]

An Act to incorporate the Racine and Wilmot Plank Road Company.

Chap 135

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

Commissioners. SECTION 1. Isaac Taylor, John Dickson, Asahel W. Benham, Archibald McIntire, Charles Herrick, E. Blackman, Marshall M. Strong, Clark W. Spafford, Reuben M. Norton, Elisha Raymond, John W. Carey, Nicholas D. Fratt, and William K. May be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Racine and Wilmot Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving twenty days' notice of the times and places of taking subscriptions by publishing the same in one paper printed in the city of Racine, and one in the county of Kenosha.

Capital stock. SEC. 2. The capital stock of said company shall be forty-five thousand dollars, and shall be divided into shares of twenty dollars each; and as soon as five hundred shares of the capital stock shall be subscribed, and one dollar of each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby declared and created a body corporate and pol-