

SECTION 2. This act shall take effect and be in force from and after its passage.
 Approved June 19, 1862.

CHAPTER 404.

[Published June 26, 1862.]

AN ACT to regulate the license and keeping of dogs, and to repeal chapter 175 of the general laws of 1860, entitled "an act to regulate the license and keeping of dogs."

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

SECTION 1. It shall be the duty of the assessor of each town, city or incorporated village, on or before the first Monday in July, or at the time he is required by law to make the assessment of such town, city or incorporated village, to annually make out and return into the office of the clerk of such town, city or village, a list of the names of each and every person owning or keeping any dog or dogs in the town, city or incorporated village of which he is assessor, together with the number and sex of such dogs owned or kept by such person, set opposite their respective names, which list shall be separate from his assessment roll, and shall be headed "list of persons owning or keeping dogs liable to be licensed;" and for such services properly rendered, he shall receive the sum of three cents for each person so returned by him on said list, to be paid out of the fund arising from the licensing of such dogs, when collected as hereinafter provided.

Assessor to make list of persons owning dogs.

Fee therefor.]

SECTION 2. It shall be the duty of the clerk of each town, city or incorporated village, to make out a fair copy of such list as returned by the assessor, and to place a sum equal to one dollar for every male dog, and two dollars for every female dog, in a separate column prepared for that purpose, opposite the respective names of the persons owning or keeping such dogs, and shall deliver the same to the treasurer of his town, city or incorporated village, on or before the second Monday of December, in each year.

Tax on male dog \$1, female \$2.

Treasurer to collect tax.

SECTION 3. It shall be the duty of the treasurer of each town, city or incorporated village, on the receipt of such list, and at the time he is authorized by law to collect the county tax, to personally demand of each person the sum set opposite such person's name in such list; and when such sum is received by the treasurer, he shall give his receipt for the same, signed officially, and stating that such money is received as license money for a dog or dogs, stating the number and sex owned or kept by such person and charged to such person on the license list.

Account to be kept—fee for collecting.

SECTION 4. The treasurer shall keep an accurate and separate account of all sums received and paid out under the various provisions of this act, which account shall always be open to the inspection of any voter of the place; and he shall retain for his services five per centum of the whole amount of such license money received by him.

Proceedings against owner, if tax be not paid.

SECTION 5. In case any person shall, for the space of twenty days after being demanded, refuse or neglect to pay the license imposed on him by reason of owning or keeping any dog or dogs, the treasurer of such town, city or village shall make and file with some justice of the peace of his county, an affidavit, stating that there is a license against such person; that he, the said treasurer, has demanded payment thereof, and is unable to collect the same. Such justice of the peace shall thereupon issue a summons directed to such person, commanding him to appear forthwith before him, the said justice, to answer under oath, and show cause why he does not pay said license. Such summons may be served by the town treasurer, or any constable in said county, by reading the same to such person or in his hearing. Upon its appearing by the affidavit of the officer or person serving such summons, that the same was duly served on the person to whom it was directed, and that he has failed or neglected to appear before said justice of the peace, for the space of twenty-four hours after the service of the summons, the said justice of the peace shall issue a warrant directed to the sheriff or any constable of the county, commanding them [him] to forthwith arrest and bring such person before him, the said justice.

Ibid.

SECTION 6. The justice before whom such person shall appear or is brought, shall cause him to be ex-

amined on oath, and any witness that may be produced by him or the treasurer, as to the fact whether the person so arrested owned or kept any dog or dogs liable to be licensed at the time the license list was made by the assessor, and as to the ability of the person so arrested to pay such license; and if he shall refuse to answer all questions put to him, touching his ability to pay such license, or if it shall appear to the satisfaction of the justice, from such examination, that he had a dog or dogs subject to license at the time the license list was made by the assessor, and that he has money or property, real or personal, of any description, which is not exempt from sale for taxes, sufficient to pay such license, or such portion thereof as such justice shall determine the person so arrested ought to pay, the justice shall make an order requiring him to pay such license forthwith, with costs; and if he shall neglect or refuse to pay such license and costs, as required by such order, no property belonging to him shall be exempt from seizure and sale for the payment of such license; and the justice shall thereupon issue his order to the treasurer, commanding him to levy the same by distress and sale of the goods and chattels of such persons, wherever the same may be found within his town, city or village, and if the property distrained shall be sold for more than the amount of the license and all costs, the surplus shall be returned to the owner of such property. But if it shall appear from such examination, that he has not sufficient money or property to pay such license, or that he did not own or keep any dog or dogs liable to be licensed at the time the license list was made by the assessor, he shall be forthwith discharged.

SECTION 7. Whenever it shall appear from examination, as provided in section five of this act, that such person has not sufficient money or property to pay such license, then it shall be the duty of the treasurer or any constable or police officer, and lawful for any person, to kill or cause such dogs to be destroyed; and any person who shall kill or destroy any such dog shall, upon proof thereof, receive fifty cents out of the license fund, for each dog destroyed by him.

When dogs may
be killed.

SECTION 8. If any license money shall remain unpaid on the first Monday of February, or at the end of sixty days from the time such treasurer received such

Statement of un-
paid license
money.

license list for collection, he shall make out and deliver to the clerk of such town, city or village, a statement in writing, containing the names of the persons and the amount of license remaining unpaid, and he shall make and subscribe an affidavit to such statement, before some justice of the peace or other person authorized to administer oaths, that the license mentioned in such statement remains unpaid, that he has complied with the requirements of the law, and that after diligent efforts he has been unable to collect the same.

Payment for sheep killed by dogs.

SECTION 9. The owner of any sheep or lambs suffering loss by reason of worrying, maiming or killing by dogs, may present within thirty days after such loss shall come to his knowledge, to the mayor or alderman [aldermen] of the city, the president or trustees of any incorporated village, or supervisors of the town, wherein the damage is done, proof thereof, verified by oath or affirmation; and thereupon the said officers shall draw an order in favor of the owner of said sheep or lambs, upon the treasurer of said town, city or incorporated village, for the amount of such loss. The treasurer shall register all such orders in full at the time of their presentation, and shall annually, on the first Tuesday in April, pay all such orders in full, if the gross amount received by said town, city or incorporated village, under the provisions of this act, up to such date, after deducting all sums previously paid out under such provisions, if [be] sufficient therefor; otherwise, the treasurer shall divide said amount, after deducting as aforesaid, *pro rata*, among said orders, and in full discharge thereof: *provided*, that all surplus license money, if any there should be, in the treasury of said town, city or incorporated village, after lying in said treasury six months, shall be paid into the fund for the support of schools in said town, city or village.

Surplus money to be paid into school fund.

Penalty.

SECTION 10. Any officer of any town, city or incorporated village, who shall refuse or neglect to perform the duties imposed upon him by this act, shall be punished by fine not exceeding twenty dollars for every twenty-four hours which he shall so neglect or refuse, which shall be paid into the treasury of such town, city or incorporated village.

Collection of fines and forfeitures.

SECTION 11. All fines and forfeitures imposed as a penalty for the violation of any of the provisions of this act, or neglect of any duty imposed by the same,

shall be presented by complaint before a justice of the peace of the proper jurisdiction, and no mere technical objection to the complaint shall be alleged to defeat a prosecution so commenced; and prosecutions for fines and forfeitures, under this act, shall be in the name of the state of Wisconsin.

SECTION 12. In all cases under the provisions of this act, when any person or corporation shall be entitled to recover damages, the same shall be recovered in a civil action, prosecuted according to the laws of this state; and in cases where the action shall be prosecuted by a city, the action shall be prosecuted by the mayor or chief officer of such city as plaintiff; and when the action shall be prosecuted by an incorporated village, the action shall be in the name of the principal officer of said village as plaintiff; and when the action shall be prosecuted by a town, then the chairman of the board of supervisors shall prosecute the same. How actions to be prosecuted.

SECTION 13. Chapter 175 of the general laws of 1860, entitled "an act to regulate the license and keeping of dogs," and all other acts inconsistent with the provisions of this act, are hereby repealed: *provided*, that nothing in this act shall be so construed as to repeal chapter 48 of the revised statutes, and said chapter 48 is hereby declared to be and to remain in full force. Repeal.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1862.

[See note to chapter 354, page 220.]

CHAPTER 203.

[Chapter 203 originally published April 7, 1862; as amended by chapter 354, published June 30, 1862.]

AN ACT to amend chapter 71 of the revised statutes, entitled "of the incorporation of banking associations."

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

SECTION 1. No bank or banking association shall demand or receive a greater or higher rate of interest up - Rate of interest receivable by banks.