

## CHAPTER 51.

[Published February 13, 1864.]

AN ACT to amend an act, entitled "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 :*

SECTION 1. Section fourteen of chapter ninety-eight of [the] private and local [general] laws of 1861, is herewith amended, by inserting after the word, "Wisconsin," in the fifth line of said section, the words, "to strictly obey, adhere to and carry out the provisions of this act." Sec. 14 amended.

SECTION 2. Section thirty-four of said chapter is hereby amended, by inserting after the word, "dollar," in the third line of said section, the words, "and fifty cents;" also, by striking out the word, "thirty," where it occurs in the fourth line of said section, and inserting in lieu thereof the word, "twenty;" also, by striking out the word, "five," in the eleventh line of said section, and inserting in place thereof the word, "one." Sec. 34 amended.

SECTION 3. Section thirty-five of said chapter is hereby amended, by adding to said section after the word, "office," in the last line thereof, the following: "Every male inhabitant in each ward of said city, being a resident thereof at the time of making such list by the street commissioner, over the age of twenty-one years and under the age of fifty years, excepting persons of color, paupers, idiots and lunatics, shall be assessed in the manner above prescribed, to pay a poll tax of one dollar to the street commissioner of said ward; said tax to be paid in cash or be commuted for in labor, as provided by sections thirty-four, thirty-five, thirty-six and thirty-seven of chapter nineteen of the revised statutes of 1858. Said street commissioner upon receiving the list with the warrant thereto annexed as above provided, shall give notice to each person named in said list in accordance with the provisions of section thirty-three of said chapter nineteen of the revised statutes, and shall proceed to collect the tax assessed to each person named in said list, as provided in Duty of street commissioner.

sail chapter nineteen ; and said street commissioners, in the collection of such tax, are to have and exercise all the powers for the collection of highway taxes, and to make distress and sale of property for such tax, conferred upon overseers of highways by said chapter nineteen of said revised statutes ; and in case of levy and sale of goods and chattels by them or either of them for the payment of any such tax, they shall be entitled to collect and receive for the same, such fees as constables are authorized to receive for levying upon and selling goods under execution. Each street commissioner shall expend the money or labor hereinbefore mentioned, upon the streets in his ward in such manner as will in his judgment most improve and benefit said streets ; one-half before the first day of July, in each year, and the residue before the first day of October."

• Sec. 36 amended.

SECTION 4. Section thirty-six of said chapter ninety-eight is hereby amended, by striking out the word, "five," in the first line of the second subdivision of said section, and inserting in lieu thereof the word, "fifteen ;" also, by striking out the word, "and," at the end of the fourth subdivision of said section, and by adding to said section, after subdivision fifth thereof, a further subdivision, as follows : "6th. A sum not exceeding five hundred dollars per annum, for the support of the poor of said city."

Poor tax.

Personal liability of officers.

SECTION 5. Section thirty eight of said chapter is hereby amended, by adding thereto after the word, "city," in the last line thereof, the following : "Every alderman voting to make any appropriation or to incur any liability, or to enter into any agreement or contract in violation of the provisions of this act, or beyond the amounts herein authorized to be raised, and any city clerk and comptroller auditing any such unauthorized appropriation, or issuing any scrip thereon or therefor, or on account of any such liability, or countersigning any such agreement or contract, shall be jointly and severally liable in their individual capacity for the appropriation so made or scrip issued, or liability incurred, or contract executed, in an action to be prosecuted against them or either of them by or in the name of any tax payer of said city ; the costs and expenses of such prosecution to be borne and paid by the city, and one-half the damages recovered in any such action to

be paid to the party prosecuting the same, and one-half thereof to be paid into the city treasury."

SECTION 6. Section forty-seven of said chapter is hereby amended, by inserting the words, "marshal, deputy marshal," after the words, "acting mayor," in the first line of said section. Sec. 47 amended.

SECTION 7. Section sixty-one of said chapter is hereby amended, so as to read as follows: "Section 61. Before entering upon the duties of his office, the marshal shall execute to the city a bond, in the sum of two thousand dollars, with two or more sureties, to be approved by the city council, conditioned for the faithful performance of the duties of his office. Said marshal shall have the same power to serve and execute all process, civil and criminal, as is or shall be given by the general laws of the state to constables, and shall have and receive the same fees which constables are or shall be authorized to collect and receive for like services; and 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 provision of this act, or any ordinance made or to be made in pursuance thereof, or any ordinance existing at the time of the passage of said act, and therein declared to be in full force until altered or repealed; 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, or in any ordinance in force in said city, 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, and costs of prosecution, 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; but in case any person shall be committed for non-payment of any such fine and costs, he shall be discharged upon payment of the Marshal to give bond. Powers and duties of marshals and justices.

same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up."

When marshal shall not be entitled to fees.

SECTION 8. Section 62 of said chapter 98 is hereby amended, by adding thereto the following: "In case any person or persons so arrested shall be discharged before being taken before such justice, the marshal or deputy making such arrest shall not be entitled to or have or receive from the city any fees on account thereof."

Sec. 65 amended.

SECTION 9. Section 65 of said chapter is hereby amended, by striking out the words, "in the general statutes of this state," in the 8th line of said section, and inserting in lieu the words, "in this act;" also, by striking out the words, "such statutes or," in the ninth and tenth lines of said section, and inserting in lieu thereof the words, "this act or such."

Penalties for violation of ordinances.

SECTION 10. Section 66 of said chapter is hereby amended, so as to read as follows: "In all cases in which by the provisions of this act, the city council have power to pass ordinances, they may prescribe any fine, penalty or punishment for the violation thereof, not exceeding fifty dollars for any one offense, together with the costs of prosecution, or imprisonment in the county jail or city lock-up, not exceeding fifty days; and may also provide that in default of payment of such fine and costs, the defendant may be committed to such county jail or lock-up."

Sec. 68 amended.

SECTION 11. Section 68 of said chapter is hereby amended, by inserting the words, "for a penalty," after the word, "obtained," in the 2d line of said section.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved February 16, 1864.