

shall be received by the city treasurer in full discharge of such tax.

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.

CHAPTER 313.

[Published March 24, 1876.]

AN ACT to revise, consolidate and amend the charter of the city of Racine, approved August 8, 1848, and the several acts amendatory thereof.

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

TITLE I.

BOUNDARIES.

SECTION 1. All the district of country in the county of Racine contained within the limits and boundaries hereinafter described, shall be a city by the name of Racine; and the people now inhabiting, and those who shall hereafter inhabit the district of country so described, shall be a municipal corporation, by the name of the "City of Racine," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SECTION 2. The territory included within the following boundaries and limits shall constitute the "city of Racine," to-wit: Beginning at a point three miles due east from the northeast corner of the fractional southeast quarter of section four, in township number three north, of range number twenty-three east, in the county of Racine, run thence west along the quarter lines of sections four and five to the northwest corner of the east half of the southeast quarter

of section five, thence due south along the eighth section lines of sections five, eight, seventeen and twenty to the southwest corner of the east half of the northeast quarter of section number twenty, in said township number three and range twenty-three, and thence along the quarter section lines of sections twenty and twenty-one to Lake Michigan, thence easterly to a point three miles due east and thence northerly to the place of beginning.

Ward bounda-
ries.

SECTION 3. The said city shall be divided into wards, and the number and boundaries shall be as follows, until altered by the common council: The first ward shall embrace all the territory south and east of the center line of Root river and north of the center of Seventh street and east of the center of Chippewa street. The second ward shall embrace the territory bounded as follows: Commence at the intersection of the continuation of the center line of Seventh street, run thence west along the center of Seventh street to its intersection with College avenue, thence south along the center line of College avenue to the south line of section sixteen, thence west along said south line to the northwest corner of the east half of the northwest quarter of section twenty-one, thence south to the city limits, and thence east to the east boundary line of city, and thence north to the place of beginning. The third ward shall embrace all that territory situated within the following boundaries: Commencing at the intersection of the center line of College avenue with the south line of section sixteen, run thence west on the south line of said section to its intersection with the center line of Center street, thence north along the center of Center street to the center of Root river, run thence easterly along the center of said river to the intersection with the center line of Chippewa street, run thence southerly along the center of Chippewa street to the center of Seventh street, run thence east along the center of Seventh street to the intersection with the center line of College avenue, and thence south along the center of College avenue to the place of beginning. The fourth ward shall embrace all that part of the territory of said city lying north of the center line of Root river and north and east of the following described boundary lines, viz: Commence at the center of section nine and run due east to the center line of the river, and then returning on said line to the center of section nine, run west along the south line of lot one in the

northeast quarter of said section to the center of Douglas avenue, thence north along the center of Douglas avenue to its intersection with the center line of Prospect street, thence west along the center line of Prospect street to the center of Marquette street, thence north along the center line of Marquette street to the center line of Douglas avenue, and thence northwesterly along the center line of Douglas avenue to the north boundary line of the city. The fifth ward shall embrace all the territory north and west of the center line of Root river not embraced in the fourth ward. The sixth ward shall embrace all that part of the territory of the city south of the center line of Root river not embraced by the first, second and third wards.

TITLE II.

OFFICERS AND ELECTIONS.

SECTION 1. The elective officers of said city shall be: A mayor, two aldermen from each ward, constituting a common council, a city treasurer, a city clerk, who shall be ex-officio controller, three assessors, two justices of the peace, a marshal, and two school commissioners from each ward constituting the board of education; and the appointive officers shall be: Three health commissioners, constituting a board of health, a city attorney, a chief of police, a fire marshal, a superintendent of the poor, a harbor master, who shall be bridge tender until otherwise ordered by the common council, a city surveyor, and as many bridge tenders, firemen, constables, policemen, and such other officers and agents as may be provided for by this act or as the common council may determine to be necessary.

SECTION 2. The annual municipal election in said city shall be held on the first Tuesday in April of each year, at such place or places in each ward as the common council shall designate, at which time there shall be elected by the qualified voters of said city, in the manner herein provided, all officers required to be elected at a general municipal election. The polls of such election shall be opened and closed at the same hours which are and may be prescribed by law for the opening and closing of the polls at general elections in the State of Wisconsin. Ten days' previous, public notice of the time and places of hold-

ing such elections, and of the officers to be elected, shall be given by the mayor by proclamation, published in two or more newspapers published in the city.

Officers to be elected at first election, and terms of same.

SECTION 3. The mayor, city treasurer, city clerk, city marshal, one alderman from each ward, one assessor, one justice of the peace, and one school commissioner from each ward, shall be elected by the qualified electors on the first Tuesday of April, 1876, being the first municipal election under this act, and annually thereafter. The officers so elected shall enter upon the duties of their respective offices on the third Tuesday of April, in the year of their election, and shall hold their respective offices for the term of one year, and until their successors are elected and qualified, and assessors, who shall hold their offices for the term of three years, and until their successors are elected and qualified.

Representation of wards in council.

SECTION 4. Each of the several wards in said city, created by this act, shall be represented in the common council by two aldermen, who shall be residents of such ward, and who shall, except as herein otherwise provided, hold their offices for two years from and after the third Tuesday in April, in the year of their election. The first common council under this

Organization of first council.

act shall be organized and enter upon its duties on the third Tuesday in April, 1876, and shall be composed as follows: The alderman from each ward in the present city council, whose term of office will expire in 1877, shall serve as one of the aldermen from such ward under this act until the end of his said term. At said first municipal election under this act, the qualified voters in each ward shall elect one alderman for the term of two years from the third Tuesday of April, 1876, and thereafter one alderman from each ward shall be annually elected for the term of two years.

When office of alderman to be deemed vacant

SECTION 5. If any alderman shall remove from the ward represented by him, or shall engage or continue in any service, business or employment causing a continuous absence from the city of more than three months, his office shall thereby become vacant, and whenever any vacancy shall in any manner occur in the office of alderman, the common council shall, within ten days after the said vacancy shall happen, order a new election of which due notice shall be given as herein provided, but not unless more than four

months of the term of the aldermen shall then remain unexpired.

SECTION 6. A justice of the peace shall be elected annually by the qualified electors of said city, for the term of two years. The justices of the peace now in office shall continue in office until the expiration of their term.

Election of justices.

SECTION 7. All officers of said city not declared elective by this act, and all other officers necessary for the proper management of the city affairs, shall be elected by the common council, subject to confirmation by the city council. All appointments by the mayor shall be made in writing and filed in the office of the city clerk.

What officers to be elected by council.

SECTION 8. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All persons entitled to vote for county and state officers, and who shall have resided next preceding the election five days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this act and qualified to hold any office hereby created.

How elections to be conducted.

SECTION 9. The aldermen shall be inspectors of election for the ward in which they may respectively reside. The aldermen shall, prior to each election, appoint two clerks of election, and also additional inspectors of election for each ward, to make the whole number of inspectors three in each ward including such alderman there resident. Each inspector and clerk of election shall be an elector and resident of such ward, and in case of a failure to appoint, or in case of a failure of any such inspector or clerk to appear at the opening of the polls at any election, the electors there present may proceed to fill the vacancy as provided by the laws of this state regarding elections; but no member of the common council or other person being a candidate for any office at any election shall be inspector at such election. Said inspectors and clerks shall, before entering upon their duties, respectively take the usual oath of office.

Inspectors and clerks of election.

SECTION 10. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if any vote shall be challenged by an elector, the inspectors before receiving the vote of such person shall require him to take the following oath, which either of said inspectors is hereby authorized to administer: "You do solemnly swear (or affirm, as the case may be) that you are

Oath of elector

Penalty for taking oath falsely.

twenty-one years of age; that you are a citizen of the United States (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided within this ward during the last five days and that you now reside therein, and that you have been a resident of this state during the last preceding year, that you have not voted at this election, and that you have made no bet or wager and have not become directly or indirectly interested in any bet or wager depending upon the result of this election." And if the person so offering to vote shall take such oath, his vote shall be received. If such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment or information, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if a person qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to a criminal prosecution by indictment or information, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars (\$100) nor less than twenty-five dollars (\$25). It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their vote; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns for an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of voters, each and every such inspector and clerk shall be liable to be prosecuted thereof by indictment or information, and on conviction thereof, shall forfeit a sum not exceeding five hundred dollars (\$500.00) for each offense. All such indictments and informations shall be tried in the county of Racine.

Canvass of votes and making of returns.

SECTION 11. When the election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall publicly declare the result, and make returns thereof, stating therein the number of votes cast for each person for each and every office, and shall deliver or cause to be delivered, such returns to the city clerk within twenty-four hours of the closing

of the polls, and with the defective ballots cast, if any, at such election, enclosed in a sealed envelope. Within one week after any election, the common council shall meet and canvass such returns and declare the result as it appears from the same, and the clerk shall forthwith give notice of his election to each officer elected.

SECTION 12. In case of a tie vote or a failure in making an election of any officer, or in case of the dismissal of any officer, or when any officer elected or appointed for the city shall remove his residence without the limits of the city, or when any officer elected or appointed in and for any ward or division of the city shall remove his residence without the limits of such ward or division, or when any such officer shall refuse or neglect for twenty days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant, and whenever a vacancy shall occur in such manner or in any other manner in any office to be filled by an election by the people, the common council shall order a special election upon a public notice of ten days, to be given in like manner as notice is given of the general municipal elections, for the election of a person to fill such vacancy, except as provided in sections five (5) and sixteen (16) of title II. And whenever the vacancy shall occur in any office to be filled by a vote of the common council, the same proceedings shall be had for an election to fill such vacancy as are required for the election of any officer by the common council. When a vacancy shall occur in any appointive office to be filled by nomination of the mayor and confirmation by the common council, then such vacancy shall be filled in the manner prescribed in section seven (7), and title II, of this act.

SECTION 13. Special elections by the people to fill vacancies, or for any other purpose, shall be held and conducted by the inspectors and clerks of elections of the several wards, in the same manner, and the returns thereof shall be made in the same form and manner as of general annual municipal elections, and within such time as prescribed for the annual municipal elections.

SECTION 14. Every person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the per-

son whose office he may be elected or appointed to fill.

Terms of present officers,

SECTION 15. All the elective city or ward officers now in office shall hold their respective offices until the expiration of the term for which they were respectively elected, and until their successors shall be elected and qualified under this act.

How vacancy in office of mayor or to be filled.

SECTION 16. When any vacancy shall happen by death, resignation or removal, or otherwise, in the office of mayor, such vacancy shall be filled by a new election, and the common council shall order a new election within ten days after the happening of such vacancy; *provided*, that more than four months of the term shall then remain unexpired.

TITLE III.

Officers to take oath and give bonds.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer administering the same, with the city clerk; and the treasurer, clerk, and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city a bond, with two or more sureties, the aggregate amount of whose property within this state, over and above all their respective debts, exemptions and liabilities, as shown by their several and respective affidavits, attached to or enclosed in such bond; and said bonds shall respectively contain such penal sums and such conditions as the common council may deem proper, and shall be subject to the approval of said council. And the common council may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. All official bonds executed to the city of Racine, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of the city treasurer and of the city clerk, and of all officers who may be charged with the collection or safe keeping, or the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time, shall be duly witnessed and acknowledged and recorded in the office of the register of deeds of the county of Racine. A

Bonds to be witnessed and recorded.

transcript from the records of such bonds in the office of the register of deeds or city clerk, duly certified by such register or clerk, shall be evidence of the due execution and contents of the bonds so recorded in case of the loss of the originals. The bond of the city clerk shall be filed with the city treasurer.

SECTION 2. The mayor shall take care that the laws ^{Duties of mayor.} of the state, and the ordinances of the city are duly ^{or.} observed and enforced, and that all officers of the city discharge their respective duties. He shall, from time to time, give the common council such information, and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the common council, and shall only vote therein on an equal division of the members present. The mayor shall be the chief executive officer of the city, and the head of the fire department and of the police, and in case of a riot or other disturbance, he may appoint as many special or temporary policemen as he may deem necessary.

SECTION 3. The common council shall at the first ^{Duties of president of council.} meeting for organization each year, after the annual city election, choose by ballot from their number a president, who shall preside over their meetings for the ensuing year, in case of the absence of the mayor. In case of a vacancy in the office of mayor by reason of absence or sickness, the president of the common council shall have and exercise all the powers and discharge all the duties of mayor, until the mayor shall resume his office, or the vacancy shall be filled by a new election.

SECTION 4. The city clerk shall keep the corporate ^{Duties of city clerk.} seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council, and to keep a full record of their proceedings. He shall draw and sign all orders on the treasury (except as otherwise provided in this act) in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof, in books provided for that purpose. Copies of any and all books, papers, instruments or documents duly filed and kept in his office, and of the indorsements thereon and transcripts from the records of the proceedings of the common council certified by him under the corporate seal of the city, shall be evidence in all courts and places of the contents thereof and of such endorsements, in like manner and of the same

force and effect as if the originals were produced. He shall also have power to administer oaths and affirmations authorized to be taken by and under the laws of this state, and shall perform such other duties as may be required of him by the common council, or by the provisions of this act, and shall receive no extra compensation therefor.

Duties of city
comptroller.

SECTION 5. It shall be the duty of the city comptroller to make out and report to the common council at its first regular meeting in the month of March, in each year, a statement in detail of all the 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 March annually. He shall also prepare a list of all outstanding city bonds and a statement of the purposes for which they were issued, when and where; and to whom payable and the 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 by the common 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 comptroller 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 on 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 comptroller, who shall keep full accounts of the bills so audited and an account of all receipts into the treasury and all disbursements

therefrom and all the 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 to all parties interested. He shall report to the common 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 common council by ordinance or resolution may direct.

SECTION 6. If on or before the first day of December of any year, the amount expended or to be expended, chargeable to any city or ward fund, shall be equal to three-fourths of the tax authorized to be raised for such fund, the city comptroller shall at once report the same to the common 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.

Limits of drafts on the different funds.

DUTIES OF TREASURER.

SECTION 7. 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 common council, 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 books shall at all reasonable times be open to the inspection of the public. He shall, when required by the common council, render to it a minute account of his receipts and payments, and shall at the expiration of his

Duties of city treasurer.

office, hand over to his successor all moneys, books, vouchers, or other property in his possession as such treasurer or 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 common council shall direct. He shall collect and return the state and county taxes in said city, in the manner prescribed by law for the collection of taxes by town treasurers, except as hereinafter provided. His salary shall be fixed by the common council for collecting and disbursing city taxes or city funds, and shall not exceed the sum of three hundred dollars (\$300.00) per annum, and such perquisites as may otherwise lawfully appertain to that office. He shall be allowed no fees for collecting city taxes and city funds or for paying out and disbursing the same.

Fees of city treasurer.

SECTION 8. 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 any purchaser at a tax sale of any lot or piece of land, or part thereof, ten (10) cents for each certificate of redemption of any lot or piece of land, or part thereof, for a single piece of land, ten (10) cents, and five (5) cents for every additional lot or piece of land described in such certificate to be paid by the person redeeming the same.

Treasurer to make report to city comptroller.

SECTION 9. The city treasurer shall, on the Saturday preceding the first regular meeting of the common council in each month, report to the city comptroller the amount of money paid into the city treasury since the making of his last report. The city comptroller shall have the 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 common 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 comptroller access, at seasonable times, to the records, books, papers, vouchers and accounts in his office, the common 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.

When office may be deemed vacant.

Treasurer shall file statement of monthly receipts and disbursements.

SECTION 10. On or before the first Monday in March in each year, the treasurer shall file in the office of the city comptroller a statement showing the monthly

receipts and disbursements of the preceding year on account of the general city and ward funds, such statement to embrace the gross amount of receipts and disbursements set forth in the monthly reports provided for in the next preceding section.

DUTIES OF ASSESSORS.

SECTION 11. The assessors shall assess all the taxable property in said city, and shall make out the annual assessment roll for said city, in accordance with the general laws of the state relating to the assessment of property and the duties of assessors, and said assessment roll shall be equalized and notice given thereof by the 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 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.

Duties of assessors.

DUTIES OF CITY ATTORNEY.

SECTION 12. The city attorney shall be elected by the common council; conduct all the law business of the corporation and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the common council. He shall when required furnish written opinions upon subjects submitted to him by the mayor or the common council or any of its committees or any other department of municipal government. He shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, and which shall, at all times, be open to the inspection of the mayor, comptroller or any committee of the common council. It shall also be the duty of the city attorney to draft all ordinances, bonds, contracts, leases, conveyances and other such instruments of writing as may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in reference to the levying and collection of taxes and assessment, and to perform such other duties as may be

Duties of city attorney.

May appoint
assistant.

prescribed by the charter and ordinances of the city. He shall have power to appoint an assistant, who shall be authorized to do all acts required by law of the city attorney; *provided*, that the city attorney shall be responsible to the city for all the acts of such assistant, and that the city shall not be liable for the compensation of such assistant nor have any power to pay the same.

TITLE IV.

THE COMMON COUNCIL—ITS GENERAL POWERS.

In whom gov-
ernment to be
vested.

SECTION 1. The municipal government of the city shall be vested in the mayor and common council; and the style of all ordinances shall be "The mayor and common council do ordain," etc.

Meetings of
common coun-
cil and method
of transacting
business.

SECTION 2. The common council shall hold stated meetings, at such time and place as they shall appoint; and the mayor or the president of the board of common council may call special meetings thereof by notice of at least twenty-four (24) hours, to each of the members, to be served personally or left at their usual place of abode, and in case of the absence from the city of the mayor and the president of the council any five members may call a meeting of the common council. The common council shall determine the rules for their own government and proceedings, provided such rules are consistent with the provisions of this act. Two-thirds of the members elected shall be required to constitute a quorum for the transaction of business, but a smaller number may adjourn; their session shall be open and public; their proceedings shall be recorded, and all their papers and records and all election returns shall be deposited with the city clerk, and the same may be examined at any time in the presence of the clerk; and each member of the common council shall have one vote and no more on any one question. The ayes and noes may be required by any member, and on all questions, ordinances or resolutions for assessing and levying taxes, or for the appropriation or disbursement of money or creating any liability or charge against said city or any fund thereof, the vote shall be taken by ayes and noes, and every vote by ayes and noes shall be entered at length upon the journal. The common council shall be the judge of the election and qualification of its own members, and may punish its members or other persons present by fine for disorderly behavior; may compel the

attendance of its members upon its sessions, and employ the police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board. At all elections or confirmations by the common council, the vote shall be given *viva voce*, or by ballot, and shall be duly recorded by the clerk in the journal, and the concurrence of a majority of all the members elect shall be necessary to an election or confirmation.

SECTION 3. The common council shall have the management and control of the finances and of all the property of the city, except as in this act otherwise provided, and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for the government and good order of the city, for the benefit of the trade, commerce and health thereof, for the suppression of vice, for the prevention of crime, for the protection of persons and property, and for carrying into effect the powers vested in said common council, as they shall deem expedient; and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; *provided*, that they be not repugnant to the constitution of the United States or of this state, and for these purposes the common council shall have authority, anything in any general law of this state to the contrary notwithstanding, by ordinances, resolutions, by-laws, rules or regulations: 1. To regulate taverns, victualing-houses, saloons, gardens and all other places within said city, where wines and other liquors are sold to be drunk on the premises; and to license, regulate and restrain tavern keepers, keepers of ordinaries, saloons, victualing-houses or other houses or places, or the selling or giving away spirituous, vinous or fermented liquors, and to prescribe the time for which such licenses should be granted, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; *provided*, that the amount charged for such license shall in no case be less than twenty-five (25) nor more than

General powers of council.

To regulate public places.

one hundred and fifty dollars (\$150.00) per annum.

2. To license, tax, regulate, suppress, or prohibit public billiard halls, nine or ten pin alleys, bowling saloons and ball alleys. 3. To license, take, regulate, suppress, or prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements. 4. To restrain or prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, and other games of chance, for the purpose of gaming in said city, and to restrain and prohibit the keeping open of groceries, shops, stores, saloons, and other places of amusement or business on Sunday in said city, and to prohibit the performance of secular business on that day. 5. To prevent any riot, noise, disturbance or disorderly assemblages, to suppress and restrain disorderly houses and houses of ill-fame, and to authorize the destruction of all instruments and devices used for the purpose of gaming. 6. To compel the owner or occupant of any grocery, cellar, tallow-chandlers' shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be deemed necessary for the health and comfort and convenience of the inhabitants of said city. 7. To direct the location and management of and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of and regulate, license, restrain, abate or prohibit, within the city and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on. 8. To establish and regulate public markets, determine their location, 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. 9. To regulate butchers and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, fruit, eggs and other provisions in the city, and to cause the seizure

To prevent gambling and disorder.

To abate nuisances.

To regulate markets.

and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions. 10. To direct or prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within the city. 11. To regulate and restrain the keeping and conveying of gunpowder and other combustible and dangerous materials; and the use of candles and lights in barns, stables and out-houses.

12. To prevent shooting of fire arms and fire crackers, and to prevent the exhibition or use of any fire-works, at any time or in any situation which may be considered by the council dangerous to the city or to any property therein, or annoying to any citizen thereof.

To prevent shooting of fire arms, encumbering of streets, horse racing, etc.

13. To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, wagons, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, posts, signs, awnings, or any substance or material, or in any manner whatsoever. 14. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley, or public grounds. 15. To regulate and determine the times and places of bathing and swimming in the rivers, harbors or other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct. 16.

To restrain and punish vagrants mendicants, street beggars and prostitutes, and to restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

To restrain vagrants, impound cattle, license or destroy dogs, etc.

17. To restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinances in relation thereto.

18. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances. 19. To provide for licensing

To license
hackmen, etc.

To make regu-
lations for
health of in-
habitants.

the keeping of dogs in the said city at a sum or rate of not less than one dollar (\$1), nor more than five dollars (\$5) a year for each dog, and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of licensed dogs, and for the killing and destruction, in a summary manner, of all dogs not licensed whenever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in the said city, and to punish persons keeping unlicensed dogs. 20. To license, regulate and suppress hackmen, draymen, cartmen, porters, omnibus drivers, cabmen, carmen, and all others, whether in the permanent employment of any corporation or otherwise, who may pursue like occupations, with or without vehicles; also to license bill-posters and prescribe their compensations. 21. To prevent and regulate the rolling of hoops, flying of kites, playing of ball or other amusements or practices having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses. 22. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city; and also to make regulations to prevent the introduction of contagious diseases into the city or their spread therein; and to make quarantine laws and regulations and enforce the same within the city, and not to exceed four miles beyond the city bounds. 23. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient and to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease. 24. To provide for and hold cemetery grounds for the burial of the dead, and to improve, protect and regulate the same, to provide by ordinance or resolution for the punishment by fine and imprisonment of any person or persons of injuring in any manner the fences, ornaments, trees, shrubbery, plants, grave-stones, monuments, railings, buildings, or other fixtures or improvements on the same, or by violating any ordinances or regulation of the common council enacted for the protection of such cemeteries against trespassers. And for that purpose all cemetery grounds owned by the city shall constitute and be held to be a part of the territory of said city, and to be within

the jurisdiction of the same. To regulate the burial of the dead and registration of births and deaths, to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises; also to provide for, hold and regulate grounds for the interment of dead animals. 25. To abate and remove all nuisances under

To define and abate nuisances.

the ordinances or at common law, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets or any other part of said city, or within its jurisdiction by indictment or otherwise.

26. To prevent any person from bringing, depositing or having within the limits of said city, any putrid carcass or other unwholesome substance, and to require the removal or destruction of the same by any person who shall have upon or near his premises, any such substances, or any putrid or unsound beef, pork, fish, hides or skin of any kind, and on his default, to authorize the removal or destruction thereof by some officer or officers of the city, at the expense of such person or persons. 27. To erect or establish one or more pest houses, hospital and dispensaries, and control and regulate the same. 28. To prevent the ring-

To preserve order and compel cleanliness.

ing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others, for the purpose of business, amusement or otherwise. 29. To control, regulate or prohibit the use of steam whistles within the limits of the city. 30. To control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein. 31. To compel owners or occupants of buildings or grounds, to remove and keep snow, ice, dirt, or rubbish from the sidewalk, street or alley, opposite thereto; and to compel such owners or occupants, to remove from the lots owned or occupied by them, all such substances as the board of health shall direct, and on their default, to authorize the destruction or removal thereof by some officer of the city at the expense of such owners or occupants.

32. To control, regulate, repair, mend and clean the streets and alleys, bridges, side and crosswalks, and open, widen, straighten and vacate streets and alleys,

To clean and regulate streets

and establish and alter the grade thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from encroachment or injury, and to regulate the manner of using the streets and pavements of said city, and to protect the same from injury by vehicles used thereon. 33. To prevent all persons from riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks. 34. To make, establish and regulate public pounds, pumps, wells, cisterns and reservoirs. 35. To erect lamps and regulate the lighting thereof, and to provide for lighting the streets and public buildings, with gas or otherwise. 36. To require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weights, to cause his weights and measures to be sealed by the city sealer, and to be subject to his inspection, and to provide for the punishment of persons using false weights and measures. The standards of such weights and measures shall be conformable to those established by law in this state. 37. To regulate the weighing and sale of hay, and the places and manner thereof; to regulate the cutting and sale of ice, and to restrain the sale of such as is impure; also to regulate the sale and measuring of wood, and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same, and define their duties. 38. To regulate the times, places and manner of holding public auctions and vendues. 39. To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers, and all keepers and proprietors of junk-shops, and places for the sale and purchase of second-hand goods, wares and merchandise, to tax, license, regulate and restrain hawkers and peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners, including runners or solicitors for mercantile houses from other cities and towns for the sale of goods, wares and merchandise by sample order, or otherwise, and keepers and proprietors of gift book-stores, gift concerts and other gift enterprises, and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such license shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments without license and

To regulate
sales of vari-
ous articles.

to regulate the manner in which they shall be carried on, provided that no such license shall be granted for a less term than three months nor for a longer term than one year, and that the amount for any such license shall not be less than at the rate of ten dollars (\$10) per year nor greater than at the rate of one hundred dollars (\$100.00) per year for the carrying on of either of said trades, kinds of business or employment. 40. To regulate or prohibit the keeping of any lumber yard and the placing, piling, or selling of lumber, timber, wood, or other combustible material within the fire limits of said city. 41. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and headings, and all building materials, and to appoint one or more inspectors. 42. To regulate the places and manner of selling fish. 43. To provide for the inspection and regulation of stationary steam engines and boilers. 44. To appoint inspectors and weighers, and regulate their duties and prescribe their fees. 45. To establish and regulate public pounds. 46. To regulate the speed of locomotive engines within the city, and to direct and control the location of R. R. tracks, &c. 47. To appoint watchmen and policemen, and regulate the police and prescribe their duties. 48. To compel the owners and occupants of all houses, stores and other buildings within the city of Racine to number the same in such manner as the common council may from time to time prescribe. 49. To declare the weed commonly called the Canada thistle and other noxious plants and weeds, on lots, parts of lots, railroad tracks, and streets and lands in said city, a public nuisance, and to proceed to abate the same, as the said city is authorized by law to abate other nuisances. 50. To impose fines for all violations within the limits of the said city or the general laws of the state, when in their judgment it is necessary for the peace and good order or for the health of the said city. 51. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds. 52. Exclusively to erect and construct or permit or cause, or procure to be created and constructed, float, pivot or draw bridges over the navigable waters in said city, and keep the same in repair, said bridges to have draws of suitable width. 53. To preserve the harbor, to prevent any use of the same or any act in relation thereto, inconsistent with or detrimental to the public health, or calculated to render the waters

To make and enforce various police regulations.

To have general jurisdiction over river and harbor and vessels in same

of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or substances or filth, logs or floating matter, to prevent and remove all obstructions therein and punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, passing the bridges and of coming to and departing from the wharves and streets of the city by steamboats and other crafts and vessels, and the disposition of the sails, yards, anchors and appurtenances thereof, while entering, leaving or abiding in the harbor; and to regulate and prescribe by such ordinances or through their harbor master or other authorized officer such location of every boat, steamboat or other craft or vessel afloat, and such changes of station in and use of the harbor, as may be necessary to promote order therein, and the safety and equal convenience. as near as may be, of all such boats, vessels, crafts and floats; and to impose penalties, not exceeding one hundred dollars (\$100) for any offense against any such ordinance; to charge and enforce such penalties, together with such expenses as may be incurred by the city in enforcing this section upon the steamboat, or other vessels, craft or float.

54. To prescribe, regulate and control the time or times, manner and speed of all boats, crafts and vessels passing the bridges across Root river in said city.

55. To regulate the construction of piers and wharves extending into Lake Michigan within the limits of said city; and to prescribe and control the prices to be charged for dockage and storage within the city.

56. To establish rates and collect wharfage for the landing of lumber, wood, coal, merchandise or other property at the end of streets abutting on the river, and to let and lease the privilege thereof; *provided*, no permanent obstruction shall be created on such street, and free access shall be left open to the lots adjoining on either side of such street.

57. To authorize the taking up, and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care, and growing up in mendicancy, ignorance idleness and vice.

58. To authorize the arrest, fine and imprisonment as vagrants of all persons who, not having visible means to maintain themselves, are without employment, idly loiter-

To provide for destitute children and to arrest vagrants and gamblers.

ing or rambling about, or staying in drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house of fortune-telling, place of cock-fighting, or other device; and all persons who go about for the purpose of gaming or watch-stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held either on week day or sabbath, or places where religious worship is held.

59. To regulate or prohibit the carrying or wearing by any person under his clothes or concealed about his person of any pistol, or revolver, or sling-shot, or cross-knuckles, or knuckles of lead, brass, or other metal, or bowie-knife, dirk-knife, or dirk, or dagger, or any other dangerous or deadly weapon, and to provide for the confiscation or sale of such weapons. 60.

To prevent carrying of weapons.

To control and regulate the construction of buildings, chimneys and smoke-stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe buildings, smoke-stack, wall or chimney in said city, and to declare them to be nuisances, and to provide for their summary abatement. 61. To declare that it shall be unlawful for any hall, theater, opera house, church, school-house or building of any kind whatsoever, to be used for the assemblage of people unless the same is provided with ample means for the safe and speedy egress of the persons assembled, in case of alarm. 62. To require the chief of police to detail a sufficient number of men from the police force of the city to take charge of the public grounds of said city and to properly enforce the pound ordinances thereof; to provide for the election of one or more pound-keepers, and for the payment of such pound-keepers, either by salary or fees, or partly by both, and make all necessary rules and regulations for the enforcement of any pound ordinance of said city. 63. To alter the boundaries, and to increase the number thereof.

To control erection of buildings.

SECTION 4. All laws, ordinances, rules, regulations, and by-laws shall be passed by an affirmative vote of a majority of the aldermen elect and shall be signed by the mayor, and shall be published in the official

How ordinances etc., to be passed and made effective.

paper of said city before the same shall be in force, and within fifteen days after such publication they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, rules, regulations, or by-laws shall be recorded the publication thereof, respectively within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in the common council, which vote shall be taken by the ayes and noes and entered among the proceedings of the council; and when the grade of any street shall have been established by ordinance, and such street shall have been actually made to conform to such established grade under the direction of the proper authorities of said city, such grade shall not thereafter be changed without a vote of two-thirds of all the members elect of the common council, including the votes of all the members elect representing the ward or wards in which the change is proposed to be made, in favor thereof; the vote in every such case shall be taken by ayes and noes, and shall be entered upon the journal of the common council.

How ordinances for creation of debt or payment of money to be passed.

SECTION 5. All ordinances, petitions, and communications to the common council, and all accounts and resolutions appropriating money or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day on the report of the committee to which the same were referred. Action upon any report of a committee made to the council shall be deferred to the next regular meeting of the same by request of one-fifth of the aldermen present.

Vote not to be rescinded at special meetings.

SECTION 6. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken; and no business shall be transacted

at any special meeting except that named in the notice calling such meeting.

SECTION 7. Every act, ordinance, by-law, regulation, resolution or appropriation, which shall have been duly passed by the common council, before it shall take effect, and within five days after its passage, shall be duly certified by the city clerk, and presented to the mayor for his approbation. If he approve, he shall sign it; if not, he shall return it, within five days, with his objections stated in writing to the city clerk, and the clerk shall submit such objections to the common council at their next regular meeting thereafter, who shall enter said objections upon the records of their proceedings, and shall proceed to reconsider the matter, and if, after such reconsideration, two-thirds of all the members elected, should vote to pass such act, ordinance, by-law, regulation, resolution or appropriation, it shall take effect and be in force as an act or law of the corporation, otherwise it shall be null and void. All such votes, after receiving the objections of the mayor, shall be taken by yeas and nays, and entered upon the journal of proceedings of the common council. If the mayor shall not return any act, ordinance, by-law, regulation, resolution or appropriation so presented to him within five days after such presentation thereof, it shall take effect in the same manner as if he had signed it; and in case said ordinance shall not receive the signature of the mayor, the certificate of the city clerk shall be attached thereto, showing the manner in which the ordinance was passed and acquired its validity.

When ordinances, etc., disapproved by mayor.

SECTION 8. The powers conferred upon the said common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind, wherein more than ten pounds of gupowder are deposited, stored or kept at one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

What to be deemed nuisances.

SECTION 9. The council shall examine, audit and adjust the accounts of the clerk, treasurer, and all other officers or agents of the city, at such times as they may deem proper, and also at the end of each

Council to audit accounts of and settle with city officers.

year, and before the term for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, or any authorized committee thereof, it shall be the duty of the common council to declare the office of such person vacant. The common council shall order suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and they shall make a full record of all such settlements and adjustments.

TITLE V.

Right of council to lay out and widen streets, etc., upon petition of freeholders.

SECTION 1. The common council shall have the right to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Any ten or more freeholders residing in any ward may, by petition and plat accompanying the same, represent to the common council that it is necessary to take certain land within the ward where such petitioners reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, setting forth in such petition and plat the courses and distances, and metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, and praying that such lands may be taken for such purposes as authorized by law. Every person signing such petition shall write, after signature thereto, a brief description of his real estate, which makes him such freeholder, or some part thereof, and of the place of his residence in said city; and shall make and annex thereto his affidavit that he is a resident and freeholder in said ward; and such signer, making such affidavit, shall thereupon be taken to be such resident and freeholder; and such petition shall be as valid and have the same effect as if such signer were such resident and freeholder, although it should afterward appear that in fact he was not such resident or free-

holder. Persons in actual possession for its purchase from the owner thereof shall be deemed to be freeholders within the meaning and for the purposes of this act.

SECTION 2. Said common council shall cause such petition to be filed and recorded by the city clerk, and shall, by resolution, designate a time when and place where said petition shall be heard, of which hearing notice shall be given by the city clerk by the publication in the official paper of the city, at least ten days prior to the time so fixed for hearing such petition. Every such notice shall specify, as near as possible, the boundaries of the land required for the purposes of the petition, shall designate the tracts of land through which the street or other proposed improvement will extend, and the names and residences of the owners of such tracts respectively, so far as the same are known or ascertainable with reasonable certainty, and shall also contain a statement of the time and place of hearing as fixed by the common council, and shall also contain a statement, in substance, that all parties interested may appear at such hearing and show cause why the prayer of the petitioners should not be granted, or make objections in relation thereto. Such notice shall be served upon each owner of any part of the lands immediately affected by the proceedings, (at least five days before such hearing). If such person is found, or resides within the limits of said city, such service shall be personal, or by leaving a copy at the usual abode of the person to be served, at the time and place so fixed. The common council shall proceed to hear said petition, and all persons interested who shall have appeared and desire to contest the same. If it shall appear to the common council that the public good will be promoted by wanting [granting] such petition, they shall then and there, by resolution, direct the city attorney (or other person designated therein), to apply to the judge of the Racine county court (or in case the judge shall be interested in the land proposed to be taken, or absent or sick, or otherwise disqualified, then to a court commissioner residing in the city, who shall be named in said resolution), for the appointment of a jury to ascertain and decide upon the necessity for such proposed improvement and for taking therefor the lands described in such petition. Such application shall be made by the person so directed, on the

Petition to be filed and notice of hearing given.

How notice to be served.

When petition granted application for jury to be made.

Monday next succeeding the day of such hearing, or, if such day shall be a public holiday, then on the Tuesday following at ten o'clock a. m., as near as may be, at the office of such judge.

Appointment
of jury to view
premises.

SECTION 3. Upon presentation of such application and proof by affidavit of the due publication and of proper evidence of due service of said notice, the said judge or commissioners, as the case may be, shall appoint twelve reputable and disinterested freeholders, residents of said city, but not of the ward wherein the lands proposed to be taken by such improvement 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; *provided*, that any and all persons whose lands it is proposed to take for such improvement, shall have the right to be present at the appointment of such jurors, and to challenge for cause any jurors so appointed. The said judge or court commissioner, as the case may be, shall thereupon hear and decide all such challenges and reject any and all persons so challenged, who shall be found to be interested, prejudiced or otherwise disqualified, but such objections and decisions need not be reduced to writing. Such judge or commissioner shall then appoint a sufficient number of other persons to fill the place of the persons so challenged and rejected, who shall likewise be subject to challenge, which process shall be repeated until twelve qualified jurors are appointed. Thereupon the said judge or commissioner shall issue his precept directed to the marshal of said city, requiring him to summon said jurors before such judge or commissioner forthwith, to be sworn and to view the lands so proposed to be taken, to decide upon the necessity of the proposed improvement, and of taking such lands therefor and to make due return of their verdict, as soon as the same shall be found, to the common council. Such precept shall be served by the marshal or his deputy, or in case of his absence, sickness or disability, by the sheriff of Racine county. In case any of said jurors shall fail to attend, the judge or commissioner shall in like manner appoint other jurors subject to the qualifications before specified, in place of those failing to attend, which appointment shall be annexed to or indorsed upon such precept. When such jurors are all present, they shall be sworn by the judge or commissioner faithfully and honestly to discharge their duties required by such precept, and the officer

Jurors to be
sworn.

administering such oath, shall certify that the jurors are severally freeholders of the city not residing in the ward in which the lands proposed to be taken are situate, which certificate shall be indorsed upon or annexed to such precept. And it shall be the duty of every person appointed as such juror to act, unless excused for reasonable cause by the judge appointing him; and every person so appointed and duly summoned or notified to act as required by law, who shall, without being so excused, neglect or refuse to perform his duty as such juror, shall be liable to a penalty of fifty dollars (\$50), to be recovered in an action brought in the name and behalf of the city of Racine, before the circuit court of Racine county, or a justice of the peace therein, and it shall be the duty of the officers summoning such jurors, to notify the city attorney of any violation of this section; and it shall be the duty of the city attorney to prosecute any person so offending; *provided*, that no person shall be compelled to serve upon such jury more than once during the same year.

SECTION 4. The proceedings before the county judge or the commissioners being commenced, the same shall continue without adjournment (except from day to day as necessity shall require) until a jury is appointed and qualified.

Proceedings to continue without adjournment.

SECTION 5. After the jury are sworn, they shall proceed forthwith to examine the lands proposed to be taken, and to inquire into the necessity of the proposed improvement and for taking such lands therefor, or any one of their number, may apply to the judge appointing said jury to summon such witness as they or he may desire, to appear before said jury and testify as to the facts in the case; and said jury shall also hear such testimony as may be offered by any party interested, and either of the jurors shall be authorized to administer the necessary oaths to witnesses; but it shall not be necessary for such jury to reduce the testimony taken before them to writing, or to report the same.

Jury to examine lands to be taken and to hear testimony

SECTION 6. If the verdict of the jury shall be to the effect that the proposed improvement is necessary, and that to take therefor the lands specified in the petition, the common council shall at such meeting proceed by resolution to lay out, widen or enlarge such street, alley, public ground or square, or make such purposed improvement, or any part thereof, as he case may be, which resolution shall describe

Duty of council in case jury decide that improvement is unnecessary.

the same with reasonable certainty, and shall direct the city surveyor to make a survey of the same, and to establish the metes and bounds thereof, and the damages and benefits shall be assessed, collected and paid in the manner hereinafter prescribed.

Fees of officers and jurors.

SECTION 7. The county judge or court commissioner, the marshal or other officer acting in his place, shall receive three dollars (\$3) each for all services for each and every case; and each juror and special commissioner two dollars (\$2) per day for all services rendered by them respectively, in each proceeding under this title.

Appointment of special commissioners to assess benefits and damages.

SECTION 8. The assessment of all benefits and damages which may thereafter arise or accrue in laying out, opening, widening or altering any street, alley, public ground or square in the city, shall be made by three special commissioners, who shall be appointed and proceed with their duties as follows: The city attorney or other person designated by the council, shall apply to the judge of the Racine county court, or in case the judge shall be interested in the land proposed to be taken, absent, or for any other cause unable to attend, to a court commissioner residing in the city, for the appointment of three special commissioners for that purpose. Upon such application, the judge or commissioner, as the case may be, shall appoint three freeholders, residents of the city, but not the ward in which the lands to be taken are situated. The persons so appointed shall be subject to like challenge and objection as in the case of jurors hereinbefore set forth, and such right of challenge shall be exercised, and the place of any such commissioner challenged and rejected, shall be filled in like manner as provided in the case of jurors, and the proceedings shall conform in all respects, as near as may be, to the provisions for the appointment and qualification of a jury as enacted in this title. Such application for commissioners shall be made by the city attorney or person appointed to act in his stead, on the Monday next succeeding the passage of the resolution to lay out, widen or enlarge such street, alley, ground or square, or make such proposed improvement (or if such day shall be a legal holiday, then upon the day next following), at the office of said judge or court commissioner, at ten o'clock in the forenoon, as near as may be. Such commissioners being appointed and sworn, it shall be their duty forthwith to assess all such benefits and damages up-

on the particular lots or parcels which will be benefited or injured thereby, and shall forthwith make a report of their proceedings in detail to the common council which they shall cause to be immediately filed in the office of the city clerk, who shall lay the same before the next regular meeting of the council. And the common council shall thereupon, by resolution, direct such highway, street, alley, or public ground to be opened or such improvement to be made, and from the entering of such resolution the same shall thereupon be deemed a legal street, alley, park or improvement, as the case may be. From the time of the passage of such resolution the assessment of benefits shall be a lien upon the several lots or parcels of land upon which they are assessed, and collection thereof shall be enforced in the same manner as other taxes. The commissioners may adjourn from day to day as their duties may require, provided they shall return and file their report before the next regular meeting of the council after the day of their appointment. They shall meet and make their assessments and conduct their proceedings upon the premises to be taken or at the office of said county judge or court commissioner, as the case may be. Such commissioners shall have the power to administer oaths in taking testimony in the case.

Commissioners
to make report
to common
council.

SECTION 9. Whenever it shall have been determined by the report of the jury that it is necessary to take certain lands for public use for the purpose of laying out public squares, grounds, streets or alleys, or of enlarging or widening the same, and such report, or any part thereof, shall have been confirmed by the common council and referred to the commissioners, such commissioners shall have power, in their own discretion or upon the written request of the aldermen of the ward in which such lands so to be taken are situated, to view the premises with such aldermen, and together with such aldermen to determine whether the whole cost thereof should be chargeable as benefits to the lots and lands subject to special assessment therefor, or whether any and what portion of such cost should be chargeable to and paid out of the ward fund of the ward in which such lots or lands are situated; and if the said commissioners and the said aldermen shall determine that any proportion of such cost should be paid out of such ward funds, they shall so report in writing to the common council stating in their report what proportion should be so paid; and

Determination
as to whether
cost of lands
taken shall be
charged to
ward or to
property ben-
efited.

thereupon the common council shall have power by resolution duly passed by an affirmative vote of two-thirds of the members thereof, to order the proportion of such cost so reported by the said commissioners, and the said aldermen, or any greater or less proportion thereof, to be charged to the ward fund of the proper ward, which shall accordingly be done; and thereafter the lots or lands benefited shall not be assessed for more than the remaining proportion of such cost; *provided, nevertheless*, that no such resolution shall be passed or have any effect so as to charge the ward fund of any ward, unless the aldermen of such ward shall sign such report as aforesaid.

When land to be taken contains building owned by different persons.

SECTION 10. Whenever there is any building upon the land proposed to be taken, and the land and the building belong to different persons, or if the land be subject to lease, the injury done to such persons or interests, respectively, may be awarded to them by the commissioners, less the benefits resulting to them respectively, from the proposed improvement.

Parties to be heard at any time.

SECTION 11. At all stages of the proceedings mentioned in this title, all parties interested shall have the right to be heard, and to offer such proofs and objections relative to the proposed improvement, as they may desire.

Appeal to circuit court.

SECTION 12. Any person or persons owning or having any interest in any property affected by such assessment, may, within twenty days after the confirmation of such assessment by the common council, appeal therefrom to the circuit court of Racine county, by filing with the clerk of said circuit court his notice of appeal, setting forth therein his interest in the premises and the grounds of his appeal, together with a bond to the city of Racine, in the penal sum of five hundred dollars (\$500), conditioned for the payment of all costs that shall be adjudged against him on such appeal, which bond shall be signed by at least two sufficient sureties, each of whom shall make affidavit, indorsed upon such bond, that he is worth five hundred dollars (\$500) over and above all his debts, in property not exempt from execution; and said bond and sureties, if objected to by the city attorney, shall also be approved by the judge of said court. Such appeal shall be ineffectual, unless the appellant shall also, within said twenty days, serve a copy of his notice of appeal and bond upon the city attorney. In case of any appeal under the provisions of this section, the city clerk shall send

Duty of city clerk in case of appeal.

to the clerk of said circuit court a certified copy of the assessment of damages and benefits made and reported by the said commissioners as confirmed by the common council, and of all the proceedings of the common council in relation thereto. The appeal shall be tried as ordinary issues of fact are tried in said circuit court; the form of the issue shall be subject to the direction of the court; and the court shall permit any person or persons interested in such damages or benefits to become parties to such appeal, upon their petition setting forth the nature and extent of such interests. If on such trial the benefits assessed by the commissioners shall be diminished, or the damages so assessed shall be increased, then, and in either case, the appellant shall recover costs on such appeal, otherwise the city shall recover costs. When the jury shall by their verdict award damages to the owner of any lot or part of a lot, and judgment shall have been rendered upon such verdict, the said city shall pay the amount of such judgment, and the cost, if any, recovered therewith, or make provision for the payment thereof, within one year after the same shall have been rendered; *provided*, that in case of an appeal from such judgment to the supreme court, the time of the pending of such appeal shall not form any part of such year.

SECTION 13. An appeal to the circuit court as provided in and by the foregoing section, shall be the only remedy for damages sustained by the acts or proceedings of the said city or its officers in the matter to which such assessment relates; and no action at law or in equity shall be had or maintained for such injuries, or on account of such acts and proceedings.

SECTION 14. Whenever the damages awarded to the owner by the report of the commissioners as confirmed by the common council, for any property condemned by said city for public use shall have been paid or tendered to such owner or his agent; or when sufficient money for that purpose shall be provided in the hands of the city treasurer, and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the comptroller in the official paper, the city may enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city, to the same extent as streets, alleys and public grounds heretofore opened or laid out. The claimant of such damages shall in

Appeal to circuit court the only remedy.

When city may take possession of property.

all cases furnish an abstract of title, showing himself entitled to the same before they shall be paid to him. If in case there shall be any doubt as to who shall be entitled to the damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties to hold said city harmless from all loss, costs, and expenses, in case any other person should claim said damages. The damages assessed by the commissioners or awarded by the verdict of the jury and judgment rendered thereon in case of appeal, shall be paid or tendered or provided in the hands of the city treasurer and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official paper as herein provided, within twelve (12) months after the rendering of such judgment, or after the confirmation of such assessment, by the common council. In case no appeal shall have been taken, and if not so paid, or tendered or provided in the hands of the city treasurer, all the proceedings in any such case shall be void; *provided*, that such period of twelve months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal. The benefits assessed and reported by the commissioners from the confirmation of such report by the common council, shall be and remain a lien upon the premises so determined by the commissioners to be benefited by the taking and appropriation of lands to the public use as proposed.

When damage shall be paid.

When owner is an infant or labors under legal disability.

SECTION 15. When any known owner of lands or tenements affected by any proceedings under this charter shall be an infant or labor under legal disability, the judge of the circuit court of Racine county, or in his absence the judge of any court of record in said county, may upon the application of the city attorney, or of such party, or his next friend, appoint a guardian for such party, and all notices required by this chapter shall be served upon such guardian.

Plat of grounds laid out to be made.

SECTION 16. Whenever any public grounds, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate plat thereof to be made and filed in the office of the city clerk.

Proceedings of council confirmed.

SECTION 17. All the proceedings of the common council heretofore had in laying out streets and alleys are hereby confirmed, and all the streets and alleys heretofore laid out and opened by the common council except such as have been legally vacated are hereby declared public highways.

SECTION 18. All the foregoing directions given in this chapter shall be deemed only directory; and no error, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

Proceedings not to be invalidated by informality.

SECTION 19. The common council shall have power, and are hereby authorized to vacate, in whole or in part, such highways, streets, alleys and public walks, within the corporate limits of the city, as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility; *provided, however,* the necessity of vacating any such highway, street, alley or public walk, or any part thereof, shall first be established by a verdict or report of a jury, in like manner as is provided for laying out public squares, grounds and streets, in this chapter.

Power of council to vacate streets, alleys, etc.

SECTION 20. All provisions of this act relating to the taking of land by said city for public purposes, shall apply to lands required for the sites of school-buildings, and for the premises attached to such buildings.

Provisions to apply to lands for school house sites.

SECTION 21. In all cases where lands in the city shall hereafter be subdivided into lots and blocks, or where streets, alleys or public grounds shall be donated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plat to correspond in width and general direction with the streets and alleys through the lots and blocks in said city adjacent to the lot or tract so platted, and shall submit such maps or plats thereof to the common council of said city for their approval; and if such plat or map shall be approved by the common council, it shall be lawful for the party or parties making such plat to record the same and the evidence of such approval, in the manner prescribed in the revised statutes of this state concerning town plats; but except such plat shall be approved by resolution adopted by said common council, a copy of which, duly certified by the city clerk, shall be affixed to said plat, it shall not be lawful for the register of deeds of Racine county to receive such plat or map for record or to record the same, and the same shall have no validity, and the person or persons neglecting or refusing to comply with the requirements of this section, shall forfeit and pay a sum not less than one hundred dollars (\$100) nor more than one thousand (\$1,000); and the

New additions to be laid out and platted to correspond to adjacent lots and blocks, and plat to be recorded.

register of deeds who shall record such plat without such copy of a resolution of the common council thereto attached, approving the same, shall forfeit and pay a sum not less than fifty dollars (\$50) nor more than one hundred dollars (\$100). All forfeitures and liabilities which may be incurred and arise under and by virtue of this section, shall be prosecuted for and recovered in the name of the city of Racine, and paid into the city treasury for the use and benefit of said city.

When council may take land without petition.

SECTION 22. Whenever the said common council with the concurrence of three-fourths of the members elected thereto, shall declare by their resolution that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose authorized by this act, the said common council shall have power to open such public street or alley, or to take land for such public purpose, as the case may be, without any petition therefor, and to proceed thereafter in that behalf as in cases of petition therefor duly made; *provided*, that in cases of streets and alleys, such resolution shall also be approved by the aldermen of the ward in which the land proposed to be taken may be situated. The resolution provided for in this section shall declare why it is necessary for the public interest so to proceed; and no such resolution shall be passed by the common council at the same meeting in which it is first considered, but the same shall lie over to a future meeting thereof, and due notice thereof shall be given as hereinbefore provided, and the yeas and nays on the passage of such resolution shall be taken and duly entered in the journal of proceedings of the council.

Assessment to be advanced by appropriation from ward fund.

SECTION 23. Whenever any property shall be condemned for any of the purposes mentioned in this act, and after the assessment of benefits and damages shall have been made by the commissioners and confirmed by the common council as provided in this chapter, the common council shall have power, with the concurrence of the aldermen of the ward, to advance by appropriation from the ward fund of the ward in which the premises to be taken are situated, the amount required to pay the damages so assessed and confirmed, for the purpose of paying or tendering the same to the owner or owners of property so taken, as provided in section fourteen (14) of this chapter: and in case such advance shall have been made, the special tax collected from the property benefited

under such assessment shall be credited to said ward fund to reimburse said fund the amount so advanced.

TITLE VI.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. The common council of said city shall by the first of May of each year, or as soon as practicable thereafter, determine for each ward upon a general system of improvements for the year ensuing, and said system shall be carried out and not materially deviated from except in case of necessity.

Council to determine upon system of improvement.

SECTION 2. The common council may cause any street, alleys or public ground in said city to be graded, paved, macadamized or graveled and may cause the construction of sewers, and order the expense of such improvements to be ascertained, and the cost of such work or improvement to be levied and charged against the lots or real estate fronting or abutting on such street, alley or public ground to the amount which such improvement shall be adjudged by the common council to benefit such lots. The common council may also direct, cause and require the construction of gutters and sidewalks and the grading thereof and the repairing of the same, and cause the expense thereof to be charged and levied against and collected as a special tax from the particular lots or parcels of land in front of which such gutter or sidewalk shall have been graded, constructed or repaired, and may cause, direct and require the dredging of the harbor, and the building, erection and repairing of docks along the river or its tributaries, and cause the same to be charged and levied against and collected from the particular lots or real estate in front of which such work shall be done, in the manner hereinafter provided. The expense of all such improvements or works across streets at their intersections with streets and alleys and across public grounds and to the middle of streets and alleys adjacent to public grounds, shall be paid out of the fund of the ward, in which such improvements are made, or such works are done, and the expense of maintaining, renewing, keeping in repair and cleaning all streets, and the pavement or other surface thereof in all cases where such streets shall have been constructed to the grade established by the common council, and graveled, planked, macadamized or paved as required by

Power of council to make public improvements.

From what sources expenses of improvements payable.

the common council at the expense of the lots fronting or abutting on such streets, and of the ward fund, as hereinbefore provided, shall be paid out of the ward fund of the respective ward; *provided*, that when a street which has been graveled is ordered to be paved, planked or macadamized, the expense of such paving, planking or macadamizing shall be chargeable to, and payable by, the lots fronting and abutting upon said street, as hereinbefore provided for the first improvement of a street; *and further provided*, that when a change in the grade of any street shall be ordered, the expense of cutting or filling incurred by such change of grade shall be chargeable to, and paid by special assessment on, the lots or property fronting or abutting on the street of which the grade shall be so changed.

What expenses payable from ward funds.

SECTION 3. The building and repairing of crosswalks and the laying and repairing of drains to carry the surface-water at the intersection of streets, the construction and repair of sidewalks adjoining any public ground or square, the cleaning of the streets, and the improvement of the streets by leveling and putting them into proper condition, when not over two feet of filling or grading is required; the lighting of the streets, the building and maintaining of public cisterns or reservoirs, shall be chargeable to the respective ward funds; *provided*, that not over one thousand dollars (\$1,000) shall be expended by any ward in any one year for the purposes provided for in this section; *and further provided*, that the building and repairs of sidewalks around school-house and engine-house sites shall be a city charge.

Building and repair of bridges and culverts.

SECTION 4. The swing bridges now crossing Root river shall be maintained at the expense of the city out of the general bridge fund, and the common council shall have power to build and maintain additional swing bridges across Root river, not exceeding two; and such culverts across any water-course in said city as may be necessary, not exceeding two in any one year; *provided*, that not more than one swing bridge shall be built in any one year; *and provided*, that the estimated cost of such bridge or culverts shall have been raised or provided for or levied as a general tax for such purpose on the taxable property of said city.

Expenses chargeable to city.

SECTION 5. The cleaning, fencing and ornamenting of the public parks and grounds shall be chargeable to the city.

SECTION 6. Whenever the common council shall deem it necessary to grade or otherwise improve any street, alley, or public ground, or to dredge or dock any part of the river, or to abate any nuisance caused by stagnant water in said city, or lay or construct any sewer, they shall cause to be made an estimate of the costs of such work, and shall put the same on file in their office; and such estimate shall be open to the inspection of any party interested. The common council may order such work to be done; *provided*, that no such work chargeable to lots or parcels of land fronting or abutting on the same, except repairs, and except docking and dredging, and grading and building of sidewalks and gutters shall be ordered unless a petition therefor shall first be presented to the common council signed by the residents of the city owning a majority of the feet in front of all the lots fronting upon such proposed improvements owned by residents of such city: or unless, in the absence of such petition, the resolution of the common council ordering such work shall receive the votes of three-fourths of the aldermen elected, and shall declare why it is necessary for the public interest to proceed without such petition; but no such resolution ordering work without a petition therefor shall be passed at the same meeting in which it is first considered, but the same shall lie over until a future meeting of the common council, and the vote on its passage shall be taken by yeas and nays and duly entered in the journal of proceedings. However, in case the majority of feet in front of all the lots in any one block fronting on the proposed improvements are owned by non-residents of such city, then such work may be ordered upon the petition of the resident owners of a majority of feet in front of any adjoining block, or of the block opposite; *provided*, such owners of lots so petitioning for such work shall have petitioned for or shall have done similar work in front of the lots owned by them respectively, in such adjoining or opposite block. Every person in the actual possession of real estate in the said city under a valid contract in force for the purchase thereof from the owner, shall be held in virtue thereof to be a freeholder, within the meaning of this act, and to be the owner of such real estate for the purpose of petitioning as owner thereof. Each person signing such petition as a resident, or as the owner of property, shall be required to write after his signature thereto, a

Council may order improvements of streets, etc. to be done.

Proviso.

When majority of property owned by non-residents.

brief description of the property so owned by him, and of the place of his residence in said city, and to annex thereto an affidavit that he is such resident or owner or both in the city or ward, as the case may be; and thereupon he shall be taken to be such resident or owner, or both, and such petition shall be as valid and have the same effect as if such person were the owner of such property, or a resident of the city or ward as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident.

Council to assess cost of work against lots and parcels of land fronting improvement.

SECTION 7. Before ordering any such work to be done by the owners of lots or lands fronting on the same, the common council shall ascertain and consider the amount proposed to be made chargeable against said several lots or pieces of land, and the benefits which in their opinion will actually accrue to the owners of the same, in consequence of such improvement, and shall assess against the several lots or pieces of land or parts of lots or pieces of land, which they may deem benefited by the proposed improvement, the amount of such benefit which those lots or pieces of land will severally, in the opinion of the common council, derive from such improvement when completed in the manner contemplated the estimate of the cost of such work, made as provided by section six of this title, taking into consideration in each case any injury which, in the opinion of the council, may result to each lot or piece of land from such improvement; and in case the benefits, in their opinion, amount to less than the cost of the improvement, the balance shall be paid out of the ward fund of the ward or wards in which such improvement is made: *provided*, that the making of such improvement and using the ward fund therefor, shall be approved by the aldermen of the ward interested.

Council to give notice to parties interested.

SECTION 8. As soon as any assessment of benefits or damages, or of both, shall be made as in the preceding sections of this chapter provided, the common council shall give notice to all parties interested, by advertisement for not less than two weeks, in the official paper of said city, that such assessment has been made and is ready for inspection in their office, and that the same will be open for review and correction by the city council, at two successive regular meetings of the common council, for not less than three (3) weeks after the first publication of such notice, that all persons interested will then be heard by

the council in objection to such assessment, and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief, what such assessment has been made for, and in what locality, and no further notice or publication of such assessment shall be necessary. At the meeting mentioned in such notice, the council shall hear objections and evidence, and they shall have power to review, modify and correct such assessment in such manner as they shall deem just, at any time during such review.

Council to hear objections.

SECTION 9. Thereupon, as soon as the common council shall have completed such assessment of benefits and damages, the city comptroller shall give notice for two weeks in the official city papers, to the owner or owners of any lot or parcel of land fronting upon any such improvement to be made, requiring him or them to do the work mentioned in such notice, within a reasonable time to be therein specified; and if such work shall not be done within such time, the common council shall contract for the doing of the same as hereinbefore provided. Said contract shall require the contractor to receive certificates upon or against the several lots, parts of lots, or parcels of land which may be assessed with benefits on account of the same, to apply in payment of the contract price as now provided by law; *provided*, that in any case when the contract price of the work to the center of the street or alley, done opposite to any lot or parcel of ground, shall exceed the benefits assessed to such lot, the excess shall be paid out of the ward fund of the ward in which such lot, part of lot or parcel of land shall be situated. In fixing the time within which such work is by such notice required to be done, the common council shall take into consideration the amount of work to be done, and the conveniences and facilities of the parties for doing the same.

Comptroller to notify lot owners to perform work.

Work to be let by contract and certificates issued therefor

SECTION 10. The owner of any lot or tract of land or tenement, who feels himself aggrieved by such assessment as made by the common council as to the amount of benefits thereby adjudged to accrue to him by reason of any improvements charged against his lot or parcel of land, or the amount of damages, costs and charges arising to such owner from an alteration on grade, may within twenty days after such assessment by the common council, appeal therefrom to the circuit court of Racine county, and such appeal shall be taken, tried and determined, and bonds for

Appeal to circuit court.

costs shall be given and costs awarded therein in like manner as in cases of appeals to the said circuit court provided for in title five, of this act. Such appeal shall not affect the rights of the contractor or the proceedings in reference to his contract, but the certificate against the lot or parcel of land in question shall be given as if no appeal had been taken; and in case the appellant shall succeed, the difference between the amount charged in the certificate and the amount of benefit finally adjudged shall be paid by the city out of the proper ward fund to the appellant, but not until he shall have done the work in question or have paid the certificate issued for doing the same. The amount assessed by the common council or finally adjudged on appeal for damages, costs and charges, arising from an alteration in a grade in excess of the amount charged against property deemed benefited shall be paid by the city out of the proper ward fund to the person or persons thereto entitled within one year of the assessment by the common council, or after final judgment therefor rendered by the court on appeal as aforesaid; *provided*, that the time during which an appeal from such judgment may be pending in the supreme court shall not be deemed part of the year so limited.

Appeal to be only remedy.

SECTION 11. The appeal given by the last preceding section from the assessment of the common council to the said circuit court shall be the only remedy for the recovery of any damages, costs and charges arising from any alteration of grade by the said city, or sustained by reason of any proceedings or acts of the said city, or its officers, in the matter to which assessment of damages or benefits relates; and no action at law shall be maintained for such damages or injuries, whether arising from an alteration of grade or otherwise.

Certificate to be issued to contractor, and how payment on same to be made.

SECTION 12. After the completion and performance of any contract entered into by the common council for work chargeable to the lots or lands fronting thereon, or to other lots upon which assessments of benefits have been made therefor by virtue of this act, they shall give to the contractor or contractors a certificate signed by the mayor and countersigned by the comptroller stating the amount of work done by such contractor, the nature thereof and the description of the lot or parcel of land upon which the same is chargeable. It shall be the duty of the comptroller to keep a register of all the certificates issued against

lots and countersigned by him, which said certificates may be paid by the owner or owners of such lots, at any time before the sale of such lots for the non-payment of taxes, to the city treasurer, who shall receive the amount paid on such certificates, and hold the same for the benefit of the owners of such certificate, and such owners shall be entitled thereto, upon producing and surrendering such certificates to be cancelled, and if the amount thereof shall not be paid before the time of the making out the annual tax list, the same shall be assessed upon said lots or parcels of land respectively, and collected for the use and benefit of the holders of such certificates, as other taxes on real estate are collected as provided by law; and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment. All certificates issued under and in pursuance of any of the provisions of this title, shall be liens upon the lots or parcels of land against which the same shall respectively be chargeable from and after the time when such certificates shall be countersigned and registered by the city comptroller. Such certificates shall draw interest at the rate of twenty-five per cent. per annum upon the amount named in the same, from the time when such lots or lands shall be sold by the city treasurer as required by law, for and on account of such certificate liens, and may be transferred by the person or persons to whom the same may be issued, by the endorsement of his or their names thereon; and such transfer shall in no way affect or impair the lien given by this act, but shall transfer to the assignee all the rights of the assignor.

Assessment not to be vitiated by informality.

SECTION 13. In all cases where the common council shall have issued a certificate for work done on any street, sidewalk or alley, chargeable to the lots of lands, according to the provisions of this act, and the lot or tract of land described in such certificate shall have been subdivided prior to the date of such certificate, then the work certified to in such certificate shall be chargeable to that subdivision of such lot or tract of land which fronts on the street, sidewalk or alley on which such work shall have been done according to law; and it shall be lawful for the city treasurer, in collecting the special taxes assessed by reason of the issue of such certificates, to collect the amount named in such certificate from that subdivision of lot or tract of land which fronts on the street or alley

When lot shall have been subdivided prior to issue of certificate.

named in such certificates, and on which said work was done according to law.

When snow not removed by lot owners, authorities to remove same.

SECTION 14. Whenever snow shall fall upon any of the sidewalks of the said city so that the same shall be encumbered thereby, and such snow shall not be removed therefrom within twenty-four (24) hours after the snow shall have ceased falling, then the common council shall have power forthwith, without notice, to employ persons or to make contract or contracts to remove such snow from any sidewalk or part of sidewalk in said city where they shall by resolution declare it to be necessary, and to assess the cost thereof against lots or parts of lots and parcels of land abutting on such sidewalk or part of sidewalk, in the manner hereinafter directed.

Cleaning and repair of streets, alleys, etc.

SECTION 15. It shall be the duty of the common council to cause the streets, alleys, sidewalks and gutters in the city to be kept in proper repair, and in a cleanly and wholesome condition at all times, and for this purpose they are empowered to employ the necessary labor, or to contract pursuant to law for such cleaning and repairing as they may deem necessary for the safety and health of the people; the expense of such cleaning and repairing, except of alleys, sidewalks and gutters shall be chargeable to and paid out of the respective ward fund, and the common council are also hereby empowered to cause sidewalks and gutters to be built, repaired or to be taken up and relaid with new or part new and part old materials of the kind previously laid down, and to assess the expense thereof against the lot or piece of land in front of which work may be done, in the manner hereinafter provided; *provided, however*, that before causing such work of building, repairing or relaying sidewalks as aforesaid, said council shall make an order particularly describing the work to be done, and shall give public notice for at least two weeks in the official paper, to all persons interested, that such building, repairs or relaying are necessary, and giving specifications of the same, and that such persons so interested can make such repairs, or relay or build such sidewalks or gutter, at any time within twenty (20) days from the first publication of such notice, after which time all such repairs or relaying or building of such sidewalk or gutter, remaining undone, will be done under the direction of the common council, and the expense thereof assessed against the lots or parts of lots, or parcels of lands, respectively, in

Council to give notice of work to be done.

front of which such repairs and relaying, or work shall be done; and said council is hereby empowered to cause such unfinished work to be done by contract, or by men in their employ; and no petition for any such repairing or relaying, or building of such sidewalk, and no further notice for doing such work shall be necessary; *provided*, that in all cases in which notice is required under this section, if the lots, parts of lots, or parcels of land affected shall have any building or buildings thereon, actually occupied, the common council shall first cause written or printed notice requiring the building of such sidewalk or such repairs to be made within ten days after the service thereof, to be given to the occupants of such buildings by leaving the same at each of such occupied buildings; and only in case such repairs shall not be made within the said time by such occupants, shall the common council have power in such cases to procure the same to be made, as provided in this section.

SECTION 16. Whenever any sidewalk or part of any sidewalk shall, in the judgment of the common council, declared by resolution to that effect, be in a dangerous condition to persons passing over it for want of being repaired or remade, they shall have power to order the same to be forthwith repaired or remade, and thereupon forthwith to employ fit persons to repair or remake the same for a fair price and charge the expense thereof to the lots, parts of lots or parcels of land abutting thereon, by a special assessment; and such assessment shall be a valid charge and lien upon such lots, parts of lots, or parcels of land, without any estimate, notice, letting or other proceeding preliminary to the doing of such work, except the resolution of said council so declaring such sidewalk to be dangerous.

When sidewalk dangerous to persons passing, council to order its repair forthwith.

SECTION 17. Whenever any nuisance, source of filth or cause of sickness shall be found on private property, or in the alley in front or rear of such property, the common council may order the owner or occupant thereof, at his own expense, to remove or abate the same within twenty-four hours from the date of the order, or within such time as may be named in said order; and if the owner or occupant shall refuse or neglect so to do within the time named in said order, then the common council shall forthwith cause said nuisance, source of filth, or cause of sickness to be abated or removed at the expense of

Abatement of nuisances and removal of filth

the owner or occupant of the lot or tract of land in the front or rear of which, or upon which such nuisance, source of filth, or cause of sickness may be found.

Expenses of repairs to be charged against adjacent lots.

SECTION 18. In all cases mentioned in sections fourteen, fifteen, sixteen and seventeen of this title, or in either of said sections, wherein the common council are authorized to do any work or cause the same to be done, and to charge or assess the expense thereof upon the lots, parts of lots or parcels of land upon or in front or rear of which such work may be done, the expense of such work may, in the first place, be defrayed out of the ward fund of the proper ward. The common council shall cause to be kept a strict account of the labor expended upon such work in front or rear of each such lot, part of lot or parcel of land, and of the cost thereof for each ward in said city, and a description of the lots, parts of lots or parcels of land in front or rear of, or upon which work chargeable thereto under either of said sections shall have been done by said council under authority thereof, the nature of the work so chargeable to each lot or parcel, and the amount actually expended therefor; and such amounts shall be levied on the lots or parcels of land respectively to which they are so chargeable, in like manner as other special taxes are levied in said city; and when collected the same shall be credited to the account of the ward fund of the ward in which the property is situated.

WARD EXPENDITURES.

Aldermen to have special care of streets.

SECTION 19. The aldermen of each ward shall have the special care of streets, alleys, sidewalks and public grounds in their respective wards, and the common council shall from time to time appropriate from the respective ward funds such sums to be expended by the aldermen of each ward for proper ward purposes as may be deemed necessary.

Aldermen may give orders on city treasurer against ward funds.

SECTION 20. The aldermen of each ward may draw on the sums appropriated from their respective ward funds by orders directed to the city treasurer and countersigned by the comptroller, and said orders shall specify the purpose for which they are drawn, and shall be drawn to the order of the person entitled to the same.

Limit of ward indebtedness.

SECTION 21. No alderman of any ward shall contract any debts against such ward in excess of the tax levied

to meet the current expenses thereof for the year, or draw or issue any orders in excess of the appropriation made by the common council from such ward fund; and all debts incurred or orders drawn in violation of this section shall be no charge against such ward nor the city, but the aldermen guilty of the violation shall be held personally liable to any person injured thereby.

SECTION 22. The aldermen of each ward shall at the first meeting of the common council in each month, report the liabilities incurred against their respective wards, and in detail the orders by them drawn during the month last passed on the ward appropriation.

Aldermen to make monthly reports of liabilities incurred.

SECTION 23. The common council may authorize the aldermen of the respective wards to contract for the lighting of the streets, and for the building of public reservoirs or cisterns, but all such contracts, before they shall have any validity, shall be approved by the city council, and be countersigned by the city comptroller; and provided, that no liability shall be created against any ward fund in excess of the tax levied for ward purposes.

Aldermen may contract for lighting of streets, etc.

SECTION 24. The common council may appoint for each ward a street commissioner, to oversee and direct the repairs of streets, alleys and sidewalks, whose duty it shall be to report to the aldermen of his ward the condition of the streets, alleys and sidewalks, and to make such recommendation as he may deem proper, and to prevent and report any encroachments or unauthorized encumbering of any street, sidewalk or alleys; and to report and make complaint against all persons who shall be guilty of depositing any earth, rubbish, filth or other matter on any street, sidewalk, alley or public ground, or of injuring or digging up any street, alley, sidewalk or public ground in his ward. Such street commissioner shall receive a compensation, to be paid out of the respective ward fund, not exceeding two dollars (\$2) per pay and not exceeding one hundred dollars (\$100) in any one year.

Street commissioners.

THE CITY SURVEYOR.

SECTION 25. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within the city, and shall perform the duties required of him by this act, and by the common council. All surveys, profiles, plans and

City surveyor.

estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and when required by the common council, he shall file copies of plans, profiles and estimates with the city clerk, and all books and papers appertaining to said office shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

Surveyor to make recommendations to council.

SECTION 26. It shall be his duty when required to make surveys, profiles, plans and estimates for the grading of any street, alley or ground, for the building or construction of reservoirs, sewers and drains, and to make such recommendations to the common council or aldermen of any ward, as he may deem proper, to examine any public work or improvement, done by contract for any ward or the city, and make true report thereof to the common council.

Surveys to be evidence.

SECTION 27. All surveys of streets, alleys, or public grounds in said city, made by the city surveyor, by order of the common council, shall be *prima facie* evidence of their correctness in all courts of this state.

TITLE VII.

THE HARBOR.

Power of council to establish dock and wharf lines.

SECTION 1. The common council of said city shall have power, by ordinance, to establish dock and wharf lines upon the banks of Root river, in said city. Whenever the same are not established, to restrain and prevent encroachments upon said river and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city, docks or wharves along the banks of said river, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounded on said river.

Power of council to build docks and protect banks of streams.

SECTION 2. The common council shall have power to dock and require the docking of Root river within the limits of said city, and to protect and require the protecting of the banks of any stream or creek emptying in said river, so as to prevent the washing away of such banks, and to prevent sand and other obstructions from washing into said river, and may, by ordinance, require the docking of the banks of

said river, and the repairing of any docks, and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water emptying into said river, by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said river, gutter or water-course, in such manner and within such reasonable time as the common council shall prescribe. And if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting by contract to the lowest responsible bidder for the same; and when it shall be completed according to such contract, the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done, and a certificate shall be issued to such contractor, as provided in sections twelve (12) and thirteen (13), of title VI, of this act.

SECTION 3. Said city council shall have power to provide by ordinance for dredging Root river, and to require of the owners of lots or lands abutting on said river to dredge the same opposite such lots to the width of fifty (50) feet, in such manner and to such depth, and within such time as the council may direct; and the earth excavated from the bed of said river may be deposited upon such lot or lots, or be otherwise disposed of. And if the owner or owners of such lot or lots shall refuse or neglect within the time specified by said council to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; but the common council may, at the same time, cause the river to be dredged to the same depth, in front of streets and other places in said river where such dredging shall be chargeable against the city contiguous to the points required to be dredged by such ordinance within the limits prescribed in such ordinance. And when the dredging in front of such lots shall be completed according to such contract, and accepted by the council, the expense of such dredging shall be charged and levied against the particular lots or land in front of which such dredging has been done, and the mayor and city comptroller shall issue a certificate to such contractor as provided in sections

Power of council to provide for dredging of river.

twelve (12) and thirteen (13), of title VI, of this act for the contract price of the work, which certificate shall from time to 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 expenses of any such dredging shall be paid by the city.

Appointment
of harbor mas-
ter.

SECTION 4. The common council shall annually appoint a harbor-master on whom may be conferred the duties of bridge-tender. The duties and compensation of such harbor-master and bridge-tender shall be prescribed by the common council by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal at any time by the common council.

TITLE VIII.

BOARD OF HEALTH.

Appointment
of board of
health and du-
ties of same.

SECTION 1. It shall be the duty of the mayor of the city of Racine to appoint annually on the third Tuesday in April, or within one week after entering upon the duties of his office, a committee consisting of three persons, who shall be known as the board of health of said city, and whose duty it shall be to examine into and consider all measures necessary to the preservation of the public health in said city, and to see that all ordinances and regulations in relation thereto be observed and enforced.

Clerk of board
of health.

SECTION 2. The clerk of said city shall be the clerk of said board, and shall keep a full record of all the acts, orders, resolutions, rules regulations and proceedings of said board, in a book to be provided for that purpose, and copies of any such acts, orders, resolutions, rules, regulations and proceedings made from such record thereof, and certified by said clerk under the corporate seal of said city shall be received as evidence in all courts and places.

Health officer
—powers and
duties of.

SECTION 3. The common council shall have power to appoint, and at pleasure to remove, a health officer for said city, to define his general duties, and in case of necessity, to provide for the necessary assistance to him, and fix the compensation of such appointees and employes. The board shall have power to authorize such health officer to exercise any or all of the powers conferred on them, and all directions and orders of

the health officer made under such authority of the board of health shall have the same force and effect as if made by the said board.

SECTION 4. The said board of health and health officers, or any person acting under their orders, shall have authority to enter into and examine at any time all buildings, lots and places of all descriptions within the city for the purpose of ascertaining the condition thereof so far as the public health may be effected thereby.

Board of health and health officer to enter building.

SECTION 5. The board of health shall give all such directions and adopt all such measures for cleansing and purifying all such buildings, lots and other places, and for causing the removal therefrom of all nauseous substances producing a disagreeable smell or tending to cause sickness or disease, as in their opinion shall be deemed necessary, and they may do or cause to be done whatever in their judgment shall be needful to carry out such measures. Every person who shall disobey any order of the board of health which shall have been personally served upon him requiring him to abate or purify any premises owned or occupied by him in the manner or at the time described in the order shall, on complaint of the board of health, or any member thereof, or any person serving such order before any justice of the peace of said city, be liable to arrest and summary trial and punishment by fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Power of board of health to compel cleansing of buildings and lots.

SECTION 6. It shall be lawful for the board of health, in all cases where they may deem it necessary for the more speedy execution of their orders, to cause any such nuisance or nuisances to be abated or removed at the expense of the city, and also to cause any such nuisance or nuisances which may exist upon the property of non-resident owners or upon property, the owners of which cannot be found or are unknown and cannot be ascertained, to be abated or removed in like manner at the expense of the city, and the sum or sums so expended in the abatement or removal of such nuisance or nuisances in such cases shall be a lien in the the same manner as any tax upon real estate, upon the lots or premises from or upon which such nuisances shall be abated or removed; the board of health, by their president, shall certify to the comptroller the description of such property and

Authority of board of health to cause nuisances to be abated at expense of city.

Expense to be assessed against property.

the cost of abating or removing such nuisance or nuisances thereon, and the comptroller shall include the same in his annual schedule of lots subject to special taxation; and payment thereof may be enforced in like manner as other special taxes upon real estate are levied and collected in said city; *provided*, that the common council shall, from time to time, on application of said board of health, appropriate and set apart out of the general fund of said city, such means as the council in its discretion shall deem necessary for the purposes of this chapter; and the expenses which the said board are authorized by this section to incur, shall be paid exclusively out of the funds so provided by said city, and said board shall not be authorized to create any liability on the part of said city in excess of the sums which shall have been appropriated and set apart as aforesaid for their use.

Authority of board of health to cause destruction of substances dangerous to health, and to care for persons with contagious diseases.

SECTION 7. It shall be the duty of the board of health, by resolution, to direct any bedding, clothing, putrid or unsound beef, pork, fish, hides, or skins of any kind, or any other articles found within said city, which in their opinion will be dangerous to the health of the inhabitants thereof, to be destroyed or buried, and they may employ such persons as they may deem proper to remove or destroy such articles, and every person who shall in any manner resist or hinder any person so employed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100), or imprisonment not exceeding three months, or both. It shall also be their duty to procure suitable places for the reception of persons sick of any pestilential or infectious disease, and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical and other attendance and provisions, and to forbid and prevent any communication with any house or family infected with any contagious disease, except by physicians and nurses.

Authority of board of health to prevent carrying on of business dangerous to public health.

SECTION 8. It shall be the duty of the board of health, on complaint being made to them, or whenever they shall deem any business, trade or profession, carried on by any person or persons, or corporation in the city of Racine, detrimental to the public health, to notify such person or persons or corporation to show cause before the board of health, at a time and place specified in such notice, why such business, trade or profession should not be discontinued or re-

moved, which notice shall not be less than three days (except that in cases of epidemic or pestilence the board of health may, by general order, direct a shorter notice, not less than twenty-four hours), and may be served by leaving the same at the place of business or residence of the parties to be affected thereby. Cause may be shown, by affidavit, and if, in the opinion of the board of health, no good and sufficient cause be shown why such business, trade or profession should not be discontinued or removed, the board shall order the said parties to discontinue or remove the same within such time as the board may deem reasonable and necessary, and the order of the board shall be final and conclusive.

SECTION 9. Any person or persons failing or refusing to obey such lawful order of the board of health, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment of not more than three months, or by both such fine and imprisonment; and such person or persons shall be subject to like punishment for each and every day that he, she or they, shall continue such business, trade or profession after the expiration of the time specified in the order of the board of health, for the discontinuance or removal of the same.

Penalty for refusing to obey order of board of health.

SECTION 10. In all trials for violation of the provisions of this title, the ex parte affidavit of service of any order, notice or requirement of the said board of health, purporting to be made by the person who made such service, and stating the time, place and manner of the service, shall be deemed and taken as prima facie evidence of the due service of such order, notice or requirement, in all trials in any court.

What deemed evidence of service.

SECTION 11. All fines mentioned in this chapter shall be collected as other fines, and when so collected shall be paid into the city treasury and credited to the contingent fund.

Fines to belong to contingent fund.

SECTION 12. The board of health, during the prevalence of Asiatic cholera, or of any epidemic disease, shall have power, when by them it is deemed necessary, to take possession of and occupy, as temporary hospitals, any building or buildings in the said city; but the city of Racine shall pay for the use of such property so taken, a just compensation.

Powers of board of health during epidemics.

SECTION 13. It shall be the duty of each and every practicing physician in the city of Racine: 1st. Whenever required by the board of health of said city

Duty of practicing physicians.

to report to said board, at such times and in such forms as they may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease, attended by such physician for the twenty-four hours next preceding such report, of any such pestilential, contagious or infectious disease. 2d. To report in writing to said board of health every patient he shall have, laboring under any pestilential, contagious or infectious disease within twenty-four hours after he shall ascertain or suspect the nature of such disease. 3d. To report in writing to the board of health, when by them required, the death of any patient who shall have died of any disease within twenty-four hours thereafter, and to state in such report the specific nature and type of such disease.

Penalty for neglect of duty as physician.

SECTION 14. Any practicing physician who shall neglect or refuse to perform the duties required of him by or in any section of this title, shall be considered guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100) for each offense.

Board to provide for compensation of officers.

SECTION 15. The common council of said city shall, in making their annual estimates and levy for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation of such officers and all other employes which the said board of health are authorized to appoint by this title, and for all other necessary expenses incurred by said board in the performance of the duties prescribed in this title, and such expenses shall be audited and allowed, and paid as other expenses of said city.

Council to define duties of board of health

SECTION 16. The common council of the city of Racine shall have power to further define the duties of the board of health, and to pass such ordinances in aid of the powers of the board of health as may tend to promote and secure the general health of the inhabitants of said city.

Duty of city officers to aid board of health

SECTION 17. It shall be the special duty of the members of the police force of said city, and of all magistrates and civil officers, and all citizens of the state to aid, to the utmost of their power, the board of health and the officers mentioned in this title, in the performance of their respective duties, and on requisition of the president of said board of health officers, it shall be the duty of the police of said city

to serve the notices of said board, and to perform such other duties as such board may require.

TITLE IX.

OF THE POLICE, AND EXECUTION OF THE LAWS AND ORDINANCES.

SECTION 1. Before entering upon the duties of his office, the marshal shall execute to the city a bond in the sum of two thousand dollars (\$2,000), 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 processes, civil and criminal, as is or shall be given by the general laws of the state to constables and shall be authorized to collect and receive for like services. Any person who shall be found in or upon the public streets, alleys or grounds or public places in said city in a state of intoxication, or who shall be guilty of any boisterous revelry or obscenity, or any breach of the peace, or of any improper noise or disturbance or indecent exposure of his person, or of firing any gun or pistol, or of fighting or threatening to fight, shall be deemed guilty of a misdemeanor, and it shall be the duty of the city marshal and all police officers of said city, and they are hereby authorized and required to summarily arrest and take before any justice of the peace of said city any person offending as aforesaid, or who shall in any other manner be engaged in violating any provisions 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 this act, and herein 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 ordinances in force in said city, where no other punishment is specified by law or by any ordinance of said city, shall be punished by a fine of not less than three dollars (\$3), nor more than fifty dollars (\$50), 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 or costs, he shall be discharged upon payment of the same, together with the costs and ex-

Duties of city marshal.

What acts considered as misdemeanors and penalty for same.

Persons to be discharged upon payment of fine and costs.

penses of imprisonment to the sheriff or other officer having charge of such jail or lock-up; *provided*, that whenever any person shall have been sentenced by any justice of said city for the violation of any of the provisions of this act or of any ordinance of said city, and such person shall have been committed to the county jail on the non-payment of the fine and costs imposed until such fine and costs are paid, said justice or his successor in office may, after such person shall have been confined for ten days, order such prisoner to be brought before him, and if upon further examination it shall appear to him that the public good requires that such person be discharged, he may order the discharge of such prisoner from such confinement.

Persons arrested may be committed without process.

SECTION 2. 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; *provided*, that if such officer does not demand the person so committed, within twenty-four hours (Sundays excepted) after such committal, the officer having charge of such persons shall discharge the person so arrested from confinement. In case any person or persons so arrested shall be discharged before being taken before such justice, the marshal or police officer making such arrest shall not be entitled to, or have or receive from the city any fees on account thereof.

Fines to be paid to city treasurer.

SECTION 3. 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.

Forms.

SECTION 4. The following or equivalent forms may be used in proceedings under this act, or in any proceedings for any violation of the charter or any ordinance in said city:

FORM OF COMPLAINT.

STATE OF WISCONSIN,)
Racine County, City of Racine,) ss.

"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 and sworn to before me this — day of —, 187—.

Justice of the Peace.”

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.

STATE OF WISCONSIN,)
 Racine County, City of Racine,) ss.

To the marshal or any police officer of the city of Racine. Form of warrant.

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 name 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 said complaint, and to be dealt with according to law.

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

E. F.

Justice of the Peace.

SECTION 5. All 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; *provided*, that in all convictions under this act, when a punishment for the offense is prescribed under this act or in any ordinance of said city, the penalty as prescribed by this act or such ordinances shall be imposed upon the person convicted. What laws to govern trials.

SECTION 6. 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 one hundred dollars (\$100) for any offense together with the costs of prosecution, or imprisonment in the county jail or city lock-up not exceeding fifty days, In what cases city council may prescribe fine.

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.

Imprisonment
of defendant
upon non-pay-
ment of fine.

SECTION 7. Executions issued upon judgment obtained for a penalty for a 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.

TITLE X.

POLICE DEPARTMENT.

Police force.

SECTION 1. The police force of the city of Racine shall consist of one chief of police and such number of policemen as the common council shall from time to time determine to appoint.

Appointment
of chief of
police.

SECTION 2. The chief of police shall be appointed annually by the common council at their first meeting in May of each year; and before entering upon the duties of his office as chief of police he shall execute to the city a bond in the sum of two thousand dollars (\$2,000), with two or more sureties, to be approved by the common council, conditioned for the faithful performance of the duties of his office, and all other policemen receiving pay from the city, except special policemen, shall also execute to the city a bond in the sum of five hundred dollars (\$500) each, to be approved by the common council, conditioned as above, for the faithful performance of his duty.

Detail of po-
licemen.

SECTION 3. The mayor or common council may direct the chief of police to detail any of the policemen to perform such official duties as he or they may deem proper, and no extra compensation shall be allowed therefor.

What officers
to exercise
power of po-
licemen.

SECTION 4. The mayor and aldermen and the harbor-master and bridge-tenders, and the fire marshal and his assistants of the city, shall severally and respectively have and exercise within said city, all the powers of policemen of the city without any compensation or claim to compensation therefor.

Powers and
duties of po-
licemen.

SECTION 5. The members of the police force shall perform such duties as shall be prescribed by the common council for the preservation of the public peace

and the good order and health of the city; they shall possess the powers of constables at common law or by the laws of the state, in all causes or prosecutions arising under this act, but shall receive no fees for serving any process or making any arrest, but in all cases where the arrest is made or process is served by the chief of police or any police officer, returnable in any court, the usual fees for serving the same shall be taxed and paid into the city treasury.

SECTION 6. The mayor or acting mayor, the sheriff of Racine county, city marshal of said city, fire marshal or assistant fire marshal, and each and every alderman, justice of the peace, policeman, constable and watchman, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes they 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, shall refuse to aid in maintaining the peace when so required, each such person shall forfeit and pay a fine of ten dollars; and in case where the civil power may be required to suppress riotous and disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

SECTION 7. It shall be the duty of the chief of police, on or before the first day of May in each year, to report to the city clerk and attorney the names and places of business of all parties selling or dealing in spirituous, vinous or fermented liquors, and to give notice to such parties that they are required to pay the city treasurer such license money as may be fixed by law for the selling or dealing in spirituous, vinous, or fermented liquors; and from time to time the chief of police shall report the names and places of business of all other parties who subsequent to or not embraced in such report, shall be or may have been engaged in the selling or dealing in spirituous, vinous or fermented liquors. Every license for the sale of such liquors shall expire on the first day of May following the date of its issue, and in case such license shall be issued prior to the first day of August, the fee for a full year shall be paid therefor. And in case such license shall be issued on or after the first day of August and prior to the first day of November, three-fourths of the fee for a full year shall be paid there-

for; and in case such license shall be issued on or after the first day of November and prior to the first day of February, one-half the fee for a full year shall be paid therefor; but if issued on or after the first day of February, one-fourth the fee for a full year shall be paid therefor.

Chief of police to have no extra compensation.

SECTION 8. No extra compensation shall be paid the chief of police for the performance of the services specified in the foregoing section.

Duty of city attorney.

SECTION 9. It shall be the duty of the city attorney to prosecute all persons whose names are embraced in such annual report, who shall not have taken out the proper license, on or before the fifteenth day of May, and he shall prosecute all parties not embraced in such reports, who shall not have taken out their licenses within two weeks from the time they shall have been notified by the chief of police.

TITLE XI.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed, raised, enlarged, or repaired; and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials; and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, and to prevent the moving of any wooden building into or within such limits.

Power of council to compel precautions against fire.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed, or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe; and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires, to regulate and prevent the use of fire works or fire arms; to compel the owners and occupants of

buildings to have the scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat; and generally to establish such regulations for the prevention and extinguishment of fires, and for the safety and protection of persons from injury thereby, as the common council may deem expedient.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to organize a fire department, composed of a fire marshal, one or more assistant fire marshals, and such other officers and men as shall be required and employed in the management and conduct of such fire engines and apparatus, and to establish rules and regulations for such department.

Organization of fire department.

SECTION 4. The city of Racine is hereby empowered and authorized to purchase, for the use of said city, steam fire engines, and all necessary hose and apparatus for running and conducting the same in said city; and to employ engineers and all other necessary help, to run and conduct said steam fire engines, at stated salaries or monthly wages; but it is expressly provided that in no case shall there be employed to exceed eight persons, to care for, run and conduct each steam fire engine and the hose-cart therewith, and that the number of persons employed as a hook and ladder company shall not exceed eight.

Purchase of fire apparatus and employment of engineers.

SECTION 5. The common council shall appoint one fire marshal of the fire department, and one or more assistants, who shall hold their offices for one year, unless sooner removed by the common council, and engineers for the steam fire engines in use to hold office during the pleasure of said council. All other members of the department shall be appointed by the fire marshal subject to the approval of the common council, and shall hold office during the pleasure of the fire marshal. The voluntary fire company now attached to the hand fire engine now owned by the city, may be continued, provided the same shall at no time count less than forty (40) active members. Said company shall in all things be subject to the rules and order of the mayor and common council and of the fire marshal, and shall receive such annual compensation as the common council shall establish. The

Appointment of fire marshal and assistants, etc.

Voluntary fire company to be continued.

Fire marshal
to make report

fire marshal shall annually on the first Monday in March report to the common council the condition of the fire department and make such recommendation as he may deem advisable, and file with the city clerk a full inventory, verified by his affidavit, of all the apparatus, engines, carts, hose, ladders and tools belonging to the fire department.

Tax upon in-
surance agents
and companies.

SECTION 6. There shall be paid to the treasurer of the city of Racine on or before the first day of February in each year by every person who shall act in said city as agent for or in behalf of any individual or association, or association of individuals, whether incorporated by the laws of this state or by the laws of any other state, territory or country, to effect insurance against losses or injury by fire, the sum of two dollars upon each hundred dollars and at that rate upon the amount of all premiums, which, during the year, or part of a year, ending on the next preceding first day of January, shall have been received by such agent or person or company, or by any other person or persons for him or it, or which shall have been agreed to be paid for any insurance effected or agreed to be effected or promised by him as such agent or otherwise, or by such company, against loss or injury by fire in said city.

Insurance
agents to give
bonds that
correct report
will be made.

SECTION 7. No person shall in said city of Racine, as the agent or otherwise for any individual or individuals, association or corporation, agree to effect, or effect any insurance upon which the duty mentioned in the next preceding section is required to be paid, or as an agent or otherwise procure such insurance to be effected unless he shall have first executed to said city of Racine and delivered to the comptroller of said city a bond to be approved by such comptroller in the penal sum of one thousand dollars (\$1,000), with sureties to be approved by said comptroller, conditioned that he will render to said comptroller on or before the first day of February of the next succeeding year a just and true account verified by his oath that the same is just and true, of all premiums which during the year ending on the first day of January preceding such report, shall have been received by him or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in said city which shall have been effected or promised by him or agreed or promised by him to be effected, from any individual, individuals, association or corporation, and that he will on such first day of February pay to the treas-

urer of said city, for the use of said city, two dollars (\$2.00) upon every hundred dollars (\$100), and at that rate upon the amount of such premiums.

SECTION 8. Each and every such agent shall file such a bond with said city comptroller annually on the first secular day of January in each year; and every person who shall in said city effect, agree to effect, promise or procure any insurance specified in the preceding section of this title, without having given such bond, shall forfeit and pay to the city of Racine for each offense, and for each insurance so effected, or agreed, or promised to be effected, the sum of one hundred and fifty dollars (\$150); such sums may be recovered by said city in a civil action, and said city may maintain an action on such bond or against such agent to recover all moneys required by section six (6) of this title, to be paid into the city treasury.

Penalty for doing insurance business without filing bond.

SECTION 9. Whenever any person shall refuse to obey any lawful order of the mayor or of any fire marshal, alderman, or policeman, at any fire, it shall be lawful for the officer giving such order to arrest or to direct orally any policeman, constable, watchman, or any citizen to arrest such person, or to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest or confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars (\$15).

Arrest of persons for disobedience of orders at fire.

TITLE XII.

SALARIES.

SECTION 1. Salaries shall be fixed by the common council to the several and respective officers of the said city mentioned in this section for all services during the term of their service, not to exceed the following rates per annum, to-wit: To the city clerk and *ex-officio* comptroller, eight hundred dollars (\$800). To the city treasurer for collecting city taxes and all city funds, and paying out all city funds, three hundred dollars (\$300). To the city attorney,

Salaries of officers.

four hundred dollars (\$400). The assessors, each two hundred dollars (\$200). To the fire marshal of the fire department, four hundred dollars (\$400). To the assistant fire marshal, one hundred dollars (\$100). To each engineer of fire steamer, four hundred and fifty dollars (\$450). To the chief of police, six hundred dollars (600.) To the superintendent of poor, two hundred dollars (\$200). To the harbor-master, acting also as bridge-tender, five hundred and fifty dollars (\$550). To bridge-tenders, four hundred and fifty dollars (\$450) each. To the city marshal, two hundred dollars (\$200). All salaries of officers and others, which are not fixed absolutely by this act, shall be fixed by the common council by ordinance subject to the limitations herein prescribed. The salaries and allowance above mentioned, and which shall be fixed as aforesaid by the common council, shall be accepted by such officers and others respectively as their sole compensation for the services for which such salaries are allowed.

When salaries payable.

SECTION 2. All salaries paid by the said city to officers and others, shall be payable monthly at the end of each and every month by warrants on the city treasurer signed by the mayor and countersigned by the clerk and comptroller, except assessors, who shall be paid at the conclusion of their duties each year.

TITLE XIII.

FINANCES AND TAXATION.

Levy of tax by council—for what purposes.

SECTION 1. The common 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 pay the interest on the public debt, and to provide for the sinking fund as provided by law, and to cover the appropriation hereinafter named. 1. For school purposes, including repairs of school-houses, and all incidental school expenses, a sum not exceeding twenty-two thousand dollars (\$22,000.00). The amount received from the state school funds, tuition, from tax certificates belonging to the city school fund, as well as all other school moneys received from all other sources, shall be added to the amount of said annual school tax. 2. A sum not exceeding three thousand

dollars (\$3,000) for harbor purposes. 3. A sum not exceeding two thousand three hundred dollars (\$2,300) per annum for the repair of bridges and building of culverts in said city. 4. A sum not exceeding four thousand dollars (\$4,000) per annum for the support of the fire department. 5. A sum not exceeding five thousand dollars (\$5,000.00) per annum to be set apart as a contingent fund. No part of the contingent fund shall be used for dredging the harbor. All delinquent taxes shall be charged against the contingent fund. 6. A sum not exceeding one thousand dollars (\$1,000) per annum for the support of the poor of said city. 7. A sum not exceeding fifteen hundred dollars (\$1,500) for a police fund. 8. A sum not exceeding one thousand dollars (\$1,000) may be levied annually on the taxable property of each of the wards of said city for ward purposes of the respective wards; *provided*, that a larger sum may be raised in any ward if such sum shall not exceed one mill of the assessed valuation of the taxable property of such ward; *provided also*, that the second ward may raise fifteen hundred dollars (\$1,500) annually, one-half of said amount to be used for lighting the streets of said ward. 9. All licenses, moneys, fines, penalties and forfeitures shall be paid into the city treasury, and be credited to the poor fund, from which such amounts as shall not be needed for the support of the poor of said city may from time to time be transferred to the contingent fund, whenever necessity shall require it.

SECTION 2. All funds in the city treasury, except school funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, duly authorized by a vote of the common council, and countersigned by the city comptroller, except in the case in this section mentioned, to wit: The common council may provide by ordinance for the payment of such persons as may be employed by the common council in the service of the city upon monthly pay-rolls and shall prescribe the form of such pay-rolls, and the manner in which the same shall be certified, audited, and approved; *provided*, that such pay-rolls shall in all cases be approved and countersigned by the comptroller. All orders drawn upon the city treasury shall certify the purpose for which they were drawn, and shall be drawn payable out of the particular fund to which the expenditure shall be chargeable, and to the person in

What funds
under control
of council.

whose favor they may be drawn. Certificates issued in payment for work done or improvements made chargeable specially to lots, parts of lots, or parcels of land, shall be receiveable for the special taxes levied therefor upon such lots, parts of lots, or parcels of land, respectively.

Denomination
of the various
funds.

SECTION 3. All moneys raised or received for school purposes shall constitute a separate fund, denominated the "school fund." All moneys raised and collected for the support of the fire department, shall constitute the fire department fund; all moneys raised for the dredging of the harbor, and the building and repairs of docks and piers, shall constitute the harbor fund; all moneys received for the payment of salaries provided in this act shall constitute the salary fund; the moneys raised for a police fund shall constitute such separate fund and be applied for the payment of policemen and special police; the moneys raised and received as ward taxes shall constitute the several separate ward funds; and the moneys raised and received for the support of poor shall constitute the poor fund; and all moneys raised for any particular object shall constitute a separate fund for such purposes. The moneys raised for a contingent fund, and all money raised and received into the treasury, and not otherwise appropriated, shall constitute the contingent fund. The common council shall have power to appropriate sums from time to time, out of the contingent fund, by a vote of at least three-fourths of all the aldermen elect, for any purpose or purposes which they shall declare by their resolution to be a proper expense to be defrayed by the said city. All election expenses for city, ward, or general elections shall be chargeable to the contingent fund.

How contin-
gent fund to be
applied.

Receipts to be-
long propor-
tionally to the
several funds.

SECTION 4. All receipts into the treasury shall, as received, belong to the said several funds in proportion to the several amounts of 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 comptroller 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.

Interest not to
be allowed up-
on scrip.

SECTION 5. Interest shall not be allowed upon any scrip issued by the city, and all warrants of scrip

drawn in payment of any indebtedness shall correspond in amount with the amount allowed by the common council, for which it was issued.

SECTION 6. In no case shall the city be liable for any scrip or other evidence of debt issued, or upon any appropriation made, or upon any agreement or contract entered into by the common council, beyond the sums which the said common council is by this act authorized to levy upon the taxable property of said city.

City not liable for debt beyond that authorized by this act.

SECTION 7. The board of supervisors of the county of Racine, in levying school taxes upon the city and towns in said county, shall not levy a school tax on said city exceeding the amount required to entitle said city to its share of the apportionment of the state school fund, unless the board of supervisors are petitioned by two-thirds of the members of the common council and school board, to raise a larger amount.

County not to levy school tax against city beyond certain amounts.

TITLE XIV.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. All property in the said city, real, personal or mixed, shall be subject to taxation for all purposes authorized by law, excepting only such property as is or shall be exempted from taxation by general laws exempting from taxation throughout the state particular classes of property of particular classes of corporations or persons. And the same shall be assessed in the manner hereinafter provided; and the assessors under this act shall have and possess the same powers that are or may be conferred upon township assessors, except as far as they may be altered by this act; and the common council may prescribe the form of assessment-roll or more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may, from time to time, deem advisable; *provided*, that the same shall not be inconsistent with the provisions of this act.

Property subject to taxation

Powers of assessors.

SECTION 2. The city clerk, upon receiving the assessment-rolls from the assessors, shall examine and perfect the same, and make out therefrom a complete tax-roll in manner and form as provided by law. The common council shall annually, on or before the first Monday in August, by resolution, levy such sum or sums of money or taxes as may be sufficient for the several purposes for which taxes are by law au-

City clerk to make out tax roll.

Council to levy tax.

thorized to be levied in said city, not exceeding, however, the amounts authorized by law, particularly specifying in such resolution the purposes for which the same are levied, and, if not for general city purposes, the ward or district of the city in or upon which the same are levied.

City clerk to apportion taxes, and extend same on tax roll which he shall deliver to city treasurer.

SECTION 3. As soon as the sums or taxes shall be levied, it shall be the duty of the city clerk, under discretion of the common council, to cause the same to be apportioned and extended upon said tax roll upon a uniform percentage, by setting opposite to the description of each lot, tract or parcel of land, and to the name of each person named in said roll, in proper columns, such proportionate share of the sums or taxes so levied, and such special assessments as may be chargeable upon such lot, tract or parcel of land, or against such person. Such tax roll shall be delivered by the city clerk to the city treasurer on or before the first day of September, and to such tax roll shall be appended a warrant signed by the mayor or clerk and sealed with the corporate seal of said city directed to the city treasurer, requiring and commanding him to collect the taxes and assessments in said tax roll specified in the manner prescribed by this act; and in case said taxes and assessments shall not be paid within such time as in said warrant shall be specified, that then he shall proceed to sell the several lots or parcels of land, or those parts thereof upon which said taxes or assessments shall remain unpaid and to make due return to the common council within such time as shall be fixed in said warrant.

Tax roll to be compared with assessment roll

SECTION 4. Such tax roll before being delivered to the treasurer, shall be compared by the clerk with the assessment roll on file in his office, as corrected; to it he shall append his certificate that the same has been so compared by him, and that the said assessment roll, and the whole thereof, has been copied into such tax roll; and the said tax roll when so certified shall be *prima facie* evidence in any court, that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

When tax may be remitted or cancelled.

SECTION 5. After the assessment roll is completed, the rate of taxation is fixed, the taxes are extended, and the tax-roll is placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property, except in the following specified cases: 1st. When a cleri-

cal error has been made in the description or transfer of the property from the original assessment books to the tax-roll, or in extension of the tax. 2d. When improvements by the erection of buildings have been assessed on lots or lands where none had been made at the time fixed by law, for making the assessments. 3d. When the tax is manifestly illegal and void by reason of the exemption of the property from taxation by law. 4th. When a person has been assessed the same year, for the same personal property, in more than one ward.

SECTION 6. At the first meeting of the common council, succeeding the charter election, in each year, the city clerk shall prepare and present to the common council, a descriptive list giving the dates, amounts, and names of payees of all city orders drawn, which shall have remained in his office three years, uncalled for by such payees. The common council shall cause such orders to be compared with such list, and when found or made correct, such list shall be filed and preserved in the office of such clerk and a copy thereof duly certified by said clerk shall be delivered by him to the comptroller, and all such orders shall be cancelled and destroyed. The person entitled to any such order may, upon application to the common council, have a new order issued to him for the amount named in the original order, so cancelled, without interest at any time within six years from the date of such original order, and not afterwards.

City clerk to make list of payees of city orders.

Orders to be destroyed and new ones drawn.

SECTION 7. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the filing of such tax rolls in the office of the city treasurer, until such tax shall be paid; and no sale or transfer of such real estate shall affect such lien; *provided*, that as between the grantor and grantee of any land or lot, when there is no express agreement as to which shall pay the taxes or assessments that may be assessed or become chargeable thereon before the conveyance, if such land is conveyed even with or prior to the date of the warrant, authorizing the collection of such taxes or assessments, then the grantee shall pay the same; but if conveyed after that date the grantor shall pay them. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

Taxes to be lien against property.

Who to pay tax on lands conveyed.

When assessment has become lien, amount to be placed in separate column.

SECTION 8. In all cases where, by the provisions of this act, any special charge or assessment is made a lien upon land, the amount of such charge or assessment shall be carried out on the tax roll in a separate column or columns, opposite the lot or tract upon which the same may be a lien; and the treasurer may collect and sell and do all other acts in relation thereto, in the same manner as if the amount of such lien was a general tax.

Treasurer to give notice when tax to be paid.

SECTION 9. On the receipt of such tax roll, the treasurer shall give four weeks' notice thereof in the official paper, and such additional paper as the treasurer may deem proper. Such notice shall specify that the taxes on personal property must be paid within thirty days from the first publication of said notice, and the taxes and assessments on real estate before the last day of December following; and that all tracts or parcels of lands specified in said tax roll upon which the taxes and assessments shall not be paid by that day, will be sold at a certain time and place to be therein specified; and the first publication of such notice shall be deemed a sufficient demand, and neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same.

How tax on personal property to be collected. •

SECTION 10. On the expiration of thirty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of the personal taxes in the manner provided by law for the collection of personal taxes by town treasurers, and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case the taxes on personal property shall not be paid within the time limited in the next preceding section of this title, the treasurer shall issue his warrant, directed to the chief of police of said city, requiring and commanding him, within a certain time, in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid. And the chief of police receiving such warrant shall have all the powers of levying, distraining and selling property, and all other remedies and powers that are given by law to town treasurers for the collection of such taxes, and shall be subject to all the liabilities of such town treasurers, and shall be entitled to demand and collect a commission

or percentage of five (5) per cent. on all sums collected by him, which percentage shall be added by him to said taxes and collected with the same, and in addition thereto as compensation for his services. And in case of levy, distress or sale of property by the said chief of police, in virtue of such warrant, he shall be entitled in addition to such commission of five per cent. to collect the same costs and fees allowed by law to constables on execution.

SECTION 11. The warrant of the city treasurer to the chief of police, for the collection of taxes on personal property, shall include in addition to the unpaid taxes on personal property for the current municipal year, all unpaid taxes on personal property for the next preceding three years. And the chief of police of said city shall have the power and it shall be his duty to collect the same in like manner as is herein provided for the collection of the taxes on personal property for the current year.

Collection of taxes on preceding year.

SECTION 12. Before the treasurer of the city shall issue his warrant to the chief of police for the collection of unpaid personal taxes, the chief of police shall give a bond to the said city in such penal sum as the common council may prescribe, with at least three sureties conditioned for the faithful execution of such warrant in pursuance of law. Such bond shall be executed, acknowledged, approved, and recorded, as provided and required by section one (1), of chapter three (3), of this act. The chief of police at the end of each and every month, from the time of receiving such warrant, shall report to the treasurer a statement in detail of all the personal taxes collected by him during such month, and shall pay over to the treasurer at the same time the whole amount so collected and take his receipt in duplicate therefor, one of which duplicate receipts he shall immediately file with the city comptroller.

Chief of police to give bond before collecting taxes.

SECTION 13. On the day and at the place designated in the treasurer's notice, he shall commence, by public auction, the sale of all tracts of land and lots or parts thereof upon which the taxes or assessments shall remain unpaid, and shall continue such sale from day to day until the whole are disposed of. The sale shall be the smallest undivided portion of the lot or tract which any person will take and pay the taxes and charges on the whole lot or tract. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his heirs or assigns, a

Sale of delinquent lots and lands.

certificate of such sale, containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the names of the purchasers, the dates and amounts of sales, the time, by whom and for what sum any lot or tract sold or any part thereof, was redeemed, and the time, and to whom the same was conveyed and redeemed.

Penalty for neglect or refusal to pay for land bid in.

SECTION 14. In case any purchaser at such sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall, on the day following, offer said lot or tract again for sale, and any person bidding off at any such sale any lot or tract of land, and refusing to pay for the same within the time designated, shall forfeit and pay to the city the sum of five (5) dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties are under this act.

Redemption of property sold for taxes.

SECTION 15. Any lot or tract of land so sold, or any portion thereof, or interest therein, may be redeemed by the owner thereof, or by any person interested therein, within three years from the day of sale, and at any time prior to the recording of a deed thereof by the treasurer to the purchaser by the payment to the treasurer of the amount for which the same was sold, together with the interest thereon at the rate of twenty-five per cent. (25 per cent.) per annum, and the legal charges thereon; and the city treasurer shall receive such redemption money on the same being tendered to him, at any time prior to the recording of the tax-deed. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms at any time within one year after such disability shall be removed.

Transfer of property to holder of tax sale certificates

SECTION 16. Any tract or lot of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three (3) years from the day of sale, shall be conveyed by the treasurer to the purchaser or his assigns, as herein provided. Whenever any lot or tract of land which has been or shall hereafter be sold for taxes, shall have been in the actual occupancy or possession of any person other than the owner and holder of the certificate of such tax sale, or some person holding under him, for the period of thirty days or more at any time within the six

months immediately preceding the time when the tax-deed upon such sale shall be applied for, such deed shall not be issued unless a written notice shall have been served upon such occupant by the holder of such certificate at least three months prior thereto, stating that he is the holder of such certificate and setting forth the date thereof, and giving notices of the time when such deed will be applied for. And at any time previous thereto or to the issuing of such deed, such lot or tract of land, or any part thereof or interest therein, may be redeemed from taxes upon the same terms as in other cases, and paying in addition one (1) dollar for the notice and proof of service herein required. An affidavit showing such service and specifying particularly the time and manner thereof, shall be filed with the officer whose duty it shall be to issue such tax deed before such deed shall be issued, and in no case shall any tax deed be issued upon any certificate of the sale of land for the nonpayment of taxes except upon proof of the service of the notice as herein provided or proof filed with such officer, that the land described in such certificate was not occupied or possessed for the period of thirty days as hereinbefore specified; *provided, however,* that the holder of any such certificate may at his option foreclose the same by action in the manner and with the same effect as provided by chapter one hundred and eighty-one (181) of the laws of 1872 of this state. No other notice of application for a tax deed shall be necessary in any case than that required in this section, and if the treasurer shall issue any deed for taxes without the foregoing provisions of this section having been complied with, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), and by imprisonment in the county jail for a term of not less than three (3) months nor more than one (1) year, and his office shall be deemed vacated.

Notice to be given occupant

Penalty for issuing tax deed without compliance with law.

SECTION 17. All deeds executed by the city treasurer on account of sales for taxes or assessments under this act shall be made in substantially the same form prescribed by law for deeds by the county clerk, on account of sales for unpaid taxes, and such deeds shall have the same force and effect as evidence that is or may be given by law to such deeds executed by the county clerk.

Form of tax deed.

When no bid made at sale, city to become purchaser.

SECTION 18. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or for any goods and chattels the same shall be struck off to the city and thereupon the city shall receive in its corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall be the purchaser of any personal property by virtue of this chapter, the treasurer shall have power to sell the same at public sale, and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is authorized to sell the certificates issued therefor for the amount of such sale and interest at twenty-five (25) per cent. per annum, and to indorse and transfer such certificates to the purchasers.

Persons bidding in property to purchase certificates of previous sales when held by the city.

SECTION 19. Whenever any person shall bid off any lot offered for sale for taxes which lot shall have been bid off in the name of the city for the taxes of any previous year or years, and the certificate or certificates of such previous sale or sales thereof shall at any time of such subsequent sale remain the property of the city, such person shall before being entitled to his certificate of such sale purchase of the city its certificate or certificates, by paying the amount of principal, interest and charges thereon, and receive from the treasurer an assignment thereof; *provided*, that any certificate of sale for the amount of any street commissioners' certificate or other special tax or assessment held by the city of Racine in trust for the owner of such certificate or of such special tax or assessment or any certificate of sale for general city or ward taxes, held by said city may be assigned, sold and transferred by the city treasurer, although said city may hold in trust in whole or in part certificates for the sale of lots for the amount of street commissioner's certificates or special taxes or assessments issued in any prior year, and no liability shall attach to the city or said treasurer by reason thereof, but any such sale, assignment and transfer shall only be paid upon the payment of all previous general city and ward taxes.

When property omitted in assessment of previous years assessment to be made for such years.

SECTION 20. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall in addition to the assessment for that year, assess the lot or tract so omitted for such year or years

in which it shall have been so omitted at the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted, and the common council shall, in addition to the taxes for the current year, levy such taxes upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such taxes shall be collected as other taxes or assessments are for the current year. All lands shall be subject to taxes that may have been omitted in whosoever hands they may have come. Should the tax or the assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity or justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relieved in such manner as they shall by ordinance direct; *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council may direct, and the said tax or assessment so reassessed or relieved shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

When tax set aside by reason of informality.

SECTION 21. The treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over on demand to the persons entitled to receive the same. He shall cancel all certificates so redeemed and preserve the same in his office, and at the expiration of his term of office he shall deliver over to his successor all redemption moneys in his hands with a statement of the amounts so received.

Treasurer to receive redemption money.

SECTION 22. When there shall be a sale by the county treasurer and by the city treasurer of any piece or parcel of land for taxes, in the same year, the purchaser of such piece or parcel who may be first in point of time, may redeem the same from the subsequent purchaser; and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed therefor. If the first purchaser in point of time shall redeem, it shall be the duty of the proper officer to make an entry in the sales book of the character in which such person

When land sold by city and county treasurers in same year.

may have redeemed; and thereupon the person so redeeming shall be substitute to all the rights of the holder of the certificate so redeemed as aforesaid.

No action to set aside tax deed to be maintained until redemption money has been tendered.

SECTION 23. No person shall be permitted to institute any action or proceeding to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land or to set aside any deed executed in consequence of the nonpayment of such taxes and of the sale of the premises therefor, unless such person shall first pay to, render to the proper party, or deposit for his use with the treasurer, the amount of all state, county and city taxes that may remain unpaid on such lot or tract, together with the interest and charges thereon.

Assessment not to be vitiated by informality.

SECTION 24. All the directions hereby given for the assessing of land and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax assessment.

Fees of treasurer.

SECTION 25. In case of a distress and sale by the city treasurer, of goods and chattels, for the payment of any tax, said treasurer shall be [entitled] to such fees as are allowed to sheriffs on sales of goods under execution.

COUNTY AND STATE TAXES.

City clerk to make duplicate tax-roll and list of property holders, extend same, county, and school taxes and deliver to city treasurer.

SECTION 26. The city clerk shall annually make a duplicate tax-roll, embracing a list of all real property in the city, subject to taxation, and also a list of all persons in the city having personal property subject to taxation, and being a copy of the tax-roll made by him, as provided by section nine of this title, and upon receiving the certificate of the county clerk of the amount of state, county, and school taxes, respectively, to be collected in said city for the current year, he shall calculate, carry out and extend the same upon such duplicate roll, in the manner provided by law, and shall deliver such tax-roll, with his warrant thereto attached in due form, as provided by law, to the city treasurer, for the collection of the state, county, and school taxes therein entered and contained.

Treasurer to conform to general laws.

SECTION 27. The treasurer of the city in giving bonds, collecting such state, county, and school taxes, and making his returns to the county treasurer, and

in all other things relating to such taxes, shall conform to and be governed by the general laws of the state, except that the return to the county treasurer shall be for the city, and not for the wards.

TITLE XV.

PUBLIC SCHOOLS.

SECTION 1. The public schools in said city shall be under the supervision and management of the board of education consisting of the school commissioners from each ward, who shall be residents of such ward. The members of the present board of education shall be members of said board and hold their offices until the expiration of their respective terms. There shall be elected annually at the charter election in said city, one school commissioner in each ward to supply the places of those whose term is about to expire; the commissioners so elected shall hold their offices for the term of two years from the third Tuesday in April of the year of their election.

Supervision and management of schools

Election of school commissioners.

SECTION 2. In case any vacancy shall occur in the office of school commissioner by resignation, death, removal from the ward or otherwise, the common council of said city shall appoint a commissioner to fill such vacancy, who shall hold his office for the balance of the term of the commissioner whose office shall have become vacant. Before entering upon their respective offices each of said commissioners shall make and subscribe the official oath prescribed by law and shall file the same with the city clerk.

How vacancy in office of commissioner to be filled.

SECTION 3. The board of education shall hold such regular stated meetings and other meetings as they shall determine, and the president of said board shall call special meetings when requested by at least five members of said board, and a majority of all the members of the board shall constitute a quorum. The board of education shall elect from its members a president to preside at its meetings, and in his absence a president pro tempore may be appointed who for the time being shall possess all the authority of the president. Said board shall appoint a clerk whose salary shall not exceed one hundred and fifty dollars (\$150), and it shall be his duty under the direction of the board to keep a record of the proceedings thereof in a book to be provided for that purpose. He shall

Meetings of board of education.

Duty of clerk of board.

also enter therein, or in a book especially provided for that purpose, copies of all official reports made by the board or the superintendent. He shall keep and preserve all papers, books and records, or other property belonging to his office and deliver the same to his successor or to the common council. The board of education shall employ some suitable person to take the school census of children in the city over the age of four and under the age of twenty years, and shall pay reasonable compensation for such service.

School census.

Powers and duties of board of education.

SECTION 4. The said board of education shall possess the following general powers and duties: 1. To establish, organize and maintain, such, and so many schools in said city or the several wards thereof as they may deem necessary and expedient, and to alter and discontinue the same. 2. To have the custody and safekeeping of the school-houses, out-houses, books, furniture, library, and all the property appertaining to the public schools in said city. 3. To contract with and employ in behalf of the city all teachers in the common schools and the high school, who shall have been licensed by said board and at their pleasure to remove them. 4. To improve and repair school-houses and out-houses, and enclose and improve the school-house sites and grounds. 5. To purchase and contract for the furnishing of fuel for the use of the schools, and to purchase, exchange, improve and repair school apparatus, furniture, and appendages, to pay and defray the expenses of the school library, and to furnish school books for indigent pupils. 6. To have, in all respects, the superintendence, supervision and management of all the public schools in said city, and from time to time to adopt, alter modify, and repeal, as they may deem expedient, rules and regulations for their government, organization and instruction, for the reception of pupils, and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility. 7. To regulate the admission of children of non-residents to the schools in said city, and to establish and collect tuition fees. 8. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school-houses and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and sug-

gest proper penalties for the violation of such ordinances and regulations, and to determine and certify to the comptroller of said city on or before the first Monday in August in each year the amount of money, in their opinion, necessary or proper to be raised for school purposes, specifying the amounts required for the payment of teachers' wages, salary of the superintendent and janitors, for the purchase and repair of furniture, apparatus, books, fuel, for the repair and improvement of buildings and school-house sites, the expenses of the library, and for the defraying of any other contingent expenses.

SECTION 5. The board of education shall have the power, with the consent of the common council, to sell any of the school-houses, lots or sites whenever it shall be deemed advisable, and to purchase additional school-house sites or lots, or additional grounds, and build, erect, construct, hire or purchase, additional school room, or buildings; *provided*, the sums of money necessary for such purposes shall have been raised by a tax for that purpose, or there shall be then in the school fund of said city a sufficient and available surplus sum for such purpose over and above the amounts required for the payment of teachers' wages, salaries, and for the defraying of expenses for fuel and other contingent expenses estimated for the current year.

Power of board of education to buy or sell school houses and sites.

SECTION 6. All work and labor when the value thereof shall amount to over fifty (50) dollars, necessary to be done for said schools (excepting teaching), and all materials to be provided for the use of the same that are of such a nature as to admit of it, shall be done and procured by contract and let to the lowest responsible bidder, for which the clerk, under the direction of the board, shall advertise and receive proposals in a public manner. And no member of said board shall, either directly or indirectly, have any pecuniary interest in any such contract.

Contract for work or materials to be let to lowest bidder.

SECTION 7. All moneys raised for school purposes and received into the school fund of said city, from whatever source, shall be liable to be drawn therefrom for the purposes authorized by this act, by the order of the board of education, directed to the city treasurer, and signed by the president of the board and by the clerk thereof, and audited by the city comptroller, and specifying the purpose for which it is drawn, and naming the amount of the sum for which it is drawn, and the person to whom it is payable.

How money to be drawn from school fund.

Contracts to be countersigned by city comptroller.

Board to report amount required for expenses.

SECTION 8. All contracts entered into by the board of education (excepting the employment of teachers) shall, before they shall have any validity, be countersigned by the city comptroller, who shall keep an account of the liabilities incurred by the board for each current year; and it shall be the duty of the board of education to report to the comptroller the amounts required for teachers' wages, salaries of the superintendent and other persons employed on a salary, and for the purchase of fuel, and the amounts required for the payment of all such liabilities incurred shall be set apart for such purpose, and shall not be drawn from the school fund for any other purpose. No expenditure shall be incurred, no liability created, or contract entered into in excess of the amount of money raised for the school fund and available for such purpose. And all agreements and contracts entered into in violation of this provision, shall be null and void and of no force against said city, and no money shall be drawn from the school fund on account thereof.

How appropriations to be made.

SECTION 9. No appropriation of money shall be made or order on the school fund be drawn, or any liability incurred, or expense authorized by the board of education, except upon the affirmative vote of a majority of all the members of the board; and upon all appropriations, propositions creating any charge or liability against the school fund, the ayes and noes shall be called, and such vote and the names of all the members of the board either voting in the affirmative or in the negative, shall be recorded in the record of proceedings of the board. Any and all members of the board of education who shall create any liability, enter into any contract on behalf of the city, or who shall vote to create any liability or expenditure, or for any appropriation of money from the school funds beyond or in excess of the amounts authorized, or against the provisions of this act, shall be jointly and severally liable to any person or corporation for the amount of such contract or the excess thereof, or for the injury sustained by any person by reason thereof.

Members of board personally liable for debts beyond amount authorized.

Comptroller to make report of receipts and expenditures.

SECTION 10. It shall be the duty of the city comptroller, annually, at the time of making his general reports, to prepare and report to the common council a true and correct statement of the receipts and disbursements of moneys under and in pursuance of this act, during the preceding year, in which account shall

be stated, under appropriate heads: 1. The moneys received into the school fund from taxes levied by the common council. 2. The moneys received from direct taxes levied by the county board of supervisors. 3. The moneys received as distribution of the state school fund income. 4. All other moneys received by the treasurer into the school fund from other sources. 5. The manner in which sums of money shall have been expended, specifying the amounts paid under appropriate heads of expenditure. The common council shall cause said report to be published in the official paper of the city at least ten days before the charter election.

SECTION 11. It shall be the duty of the board of education to report to the common council on the first Monday in August of each year, the condition of the several schools in said city, the average number of pupils in attendance, the names and rates of compensation of the several teachers, the cost of supporting each and all of said schools since their previous report, together with the estimated cost thereof for the ensuing year.

Board of education to make annual report to council.

SECTION 12. The board of education may elect some competent person superintendent of schools of said city, who may act as clerk of said board of education, and the said board shall fix a salary for such superintendent which shall be paid out of the school fund and shall not exceed the sum of six hundred dollars (\$600) per annum.

Election of superintendent of schools.

SECTION 13. The superintendent of schools shall be the executive officer of the board of education; he shall examine all teachers making applications for schools (examinations to be public and in presence of the board), shall grant certificates to such persons so examined, as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to common schools. He shall visit the common schools of the city at least twice during each term, and report their condition to the board, with such suggestions for their improvement, as he may deem proper. He shall also perform such other duties with respect of such school, as the board may assign to him.

Duties of superintendent of schools.

SECTION 14. It shall be the duty of the superintendent, on or before the 10th of October of each year to transmit to the state superintendent of schools a report in writing, as required to be made by school

Superintendent to make report to state superintendent

district clerks, by chapter twenty-three (23) of the revised statutes, and the several acts amendatory thereof, and shall file a copy of such report in the office of the county clerk.

Title of school property to be vested in city of Racine.

SECTION 15. The title to all school property, real, personal or mixed, now in said city, as well as that hereafter acquired for school purposes shall be vested in the city of Racine, and shall not be subject to taxation nor be levied upon and sold by virtue of any warrant, execution, judgment or decree, and the said city in its corporate capacity shall be authorized to receive and hold, or dispose of any real or personal estate transferred to it, by grant, devise or bequest for the use of the public schools of said city.

TITLE XVI.

DISQUALIFICATIONS, IMPEACHMENTS, ETC.

Members of council and board of education ineligible to other offices.

SECTION 1. No member of the common council or board of education shall be eligible to any other office provided for by this act for the term for which he shall have been elected or appointed.

Vote of member to be disinterested.

SECTION 2. No member of the common council shall vote upon any question, matter or resolution in which he may be directly or indirectly interested.

Members of council and board not to be interested in contract.

SECTION 3. No member of the common council or board of education shall be a party to or interested in any job, contract with the city, or with any of the wards, and any contract in which any such member may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract and from the members of the council or members of the board of education interested in the same.

Persons interested in contract with city ineligible to office.

SECTION 4. No person interested, directly or indirectly, as principal or surety in any contract or agreement, written or verbal, to which the said city shall be a party in interest, or to which any officer or board under this act shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city, or of any ward, or by any officer or board under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority

over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be deemed vacant.

SECTION 5. If any member of the common council or board of education, 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, whether 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 proceeding pending before the common council or on which such officer may be called upon to act officially with intent to gain, directly or indirectly, any benefit, profit, or pecuniary advantages, he shall be removed from his office and the same shall be declared vacant by the common council, and he shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in the state prison for not more than one year, or by a fine of not more than five thousand dollars (\$5,000), nor less than five hundred dollars (\$500), or by both such fine and imprisonment in the discretion of the court.

Removal of officers for being interested in contract with city.

SECTION 6. If any member of the common council, or other officer or agent of the city government, shall, directly or indirectly, accept or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due-bill, bill of exchange, draft, order or certificate, or any security for the payment of money, or goods, or chattels, or any deed of writing, containing a conveyance of land, or conveying or transferring an interest in real estate, or any valuable contract in force, or any other property or reward whatever, in consideration that such member of the common council or other officer or agent will vote affirmatively or negatively or that he will not vote, or that he will use his interest and influence on any question, ordinance, resolution, contract, or other matter or proceeding pending before the common council, or on which such officer or agent may be called upon to decide or act in any particular manner, such member of the common council or agent shall be removed from office, and his office declared vacant by the common council, and both he and the person or persons offering or paying such consideration, directly or indirectly, shall be deemed guilty of

Penalty for bribery.

felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than three years nor less than one year, or by fine not exceeding five thousand dollars (\$5,000) nor less than five hundred dollars, or by both such fine and imprisonment, at the discretion of the court.

Power of council to remove from office for malfeasance.

SECTION 7. A majority of all the members elect of the common council shall have power to dismiss from office, for malfeasance in office in said city, any person elected or appointed to office in said city, except justices of the peace. And the common council shall provide, by ordinance, the manner of hearing and disposing of complaints against such officers.

Charges of misconduct in office to be investigated.

SECTION 8. Whenever any charges of official misconduct shall be preferred against any member of the common council of the city of Racine, or any officer of said city, the common council shall appoint a committee to investigate such charges; and it shall be the duty of the committee, as soon as practicable after their appointment, to investigate the matter of any charges which may have been so preferred, and to report the results of their investigation to the said common council; and in case such committee shall deem it necessary or proper, for the purposes of their investigation, they may examine witnesses, on oath, in relation to any such charges, and the several members of such committee are hereby authorized and empowered to administer oaths to witnesses to be examined for the purposes of such examination.

Witnesses may be subpoenaed.

SECTION 9. Subpoenas may be issued for the purpose of procuring the attendance of witnesses before any committee appointed pursuant to the preceding section. Each subpoena shall state when and where, and before whom, the witness is required to appear and testify, and may require such attendance forthwith, or on a future day named, and the production of books, records, documents and papers therein to be designated. All such subpoenas shall be signed by the city clerk of said city, and shall be issued under the seal of said city, and may be served in the same manner, and shall have the same force and effect as subpoenas issued out of the circuit court. Any willful or corrupt false swearing by any witness or person giving testimony before such committee or any member thereof, or making deposition to any material fact relating to the matter under investigation before such committee, shall be deemed guilty of perjury, and shall be punished as such in the manner

provided by law. The provisions of law in respect to the attachment of witnesses subpoenaed before justices of the peace, and compelling the attendance of such witnesses to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before such committee, and such committee may exercise the powers of arrest, fine and imprisonment for contempt vested in the court in such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee.

TITLE XVII.

MISCELLANEOUS.

SECTION 1. Whenever any injury shall happen to persons or property in the said city of Racine, by any reason of any defect or incumbrance of any street, sidewalk, alley or public ground, or from any other cause, for which the said city would be liable, and such defect, incumbrance or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury; and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Parties causing injury to be responsible.

SECTION 2. The city of Racine shall not be held liable for damages or injuries to persons or property incurred or happening at any place in the said city where work of any kind or nature is being done in or on streets or sidewalks by contractors under contracts with the city, in consequence of the condition of such streets or sidewalks arising from the doing of such work. But if the contractors doing such work shall fail to keep up sufficient fences or protection guards to prevent damage or injury to persons or property, or shall be guilty of other negligence in doing such work, and if injury to persons or property occur by reason of such default of such contractors, such contractors shall be liable in an action by the person so injured.

City not responsible for damages to person or property.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged without payment, and no resolution for a stay of prosecution for a violation of a city ordinance shall be passed,

How penalties remitted and stay of proceedings passed.

except by an affirmative vote in either case, of two-thirds of all the members elect of the common council.

Residence not to render incompetent as judge, witness, or juror.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Racine, in any proceeding or action in which the city shall be a party in interest.

Present ordinances, etc., to remain in force

SECTION 5. All ordinances, regulations or resolutions now in force in the city of Racine, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the common council, after this act shall take effect.

Actions, etc., to be prosecuted under this act.

SECTION 6. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

When elections not held or other acts not performed at time prescribed

SECTION 7. If any election by the people or common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided it shall not be considered reason for arresting, suspending or dissolving said corporation, but such election or organization may be had on any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinance or by-laws of the city, to be done by any officer at any specified time, are not then done or performed, the common council may appoint another time at which the said acts may be done and performed.

Service of process.

SECTION 8. When any suit or action shall be commenced against the city, the service of process thereon may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by the ordinances or resolutions of said council may be in such case provided. When, in any suit, the city shall take an appeal from the order or judgment of any court in the state to a higher court, it shall not be required to furnish an appeal bond.

Property of city exempt from taxation.

SECTION 9. All property, real and personal, now or at any time hereafter belonging to said city, or to either of the wards thereof, shall be exempt from levy and sale under or by virtue of any execution; *provided*, that any such property, real or personal, shall be subject to levy and sale by virtue of any execution issued

on a judgment for the purchase money thereof. Not shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

SECTION 10. All property, real, personal or mixed, belonging to the city of Racine, is hereby vested in the corporation created by this act. The officers of said corporation, now in office, shall respectively continue in the same until superceded in accordance with the provisions thereof but shall be governed by this act, which shall take effect and be in force from and after its passage and publication.

Property to be vested in city. Present officers to remain in office.

SECTION 11. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof; and may sell and convey the same; and the same shall be free from taxation.

City may hold and convey property.

SECTION 12. Real estate exempted from taxation by the laws of the state shall be subject to special taxes or assessments which may be or become chargeable against particular property, as provided by this act.

All property subject to special taxes.

SECTION 13. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, except such purpose be expressly set forth in such law.

Act not affected by general laws.

SECTION 14. The common council of the city of Racine are hereby authorized to cause this act, together with any other acts, or parts of acts of the legislature of Wisconsin relating to or affecting said city and also any ordinances, by-laws, resolutions, rules and regulations of said city, or any of its departments, and any other acts, resolutions, contracts or other documents relating to or affecting said city, to be printed and published in book form, and the same shall be admitted and may be read in evidence in all courts and legal proceedings from such printed book, so published by order of the said common council, and such book shall be deemed *prima facie* evidence of the contents and passage and shall be a sufficient publication of all such acts, ordinances, by-laws, rules, resolutions and regulations.

Charter and ordinance may be printed and such copies shall be received in evidence.

SECTION 15. This act shall not invalidate any legal act done by the common council of the city of Racine, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or of any liability which may have accrued to or

Act not to invalidate legal acts of council.

been created by said corporation prior to the passage of this act and all ordinances now in force in said city not contravening the provisions of this act shall be and remain in force until altered or repealed by the common council.

Repeal of former acts.

SECTION 16. Chapter two hundred and eight, of the private and local laws of 1866, approved March 28, 1867, and the several acts amendatory thereof; chapter 294, of the private and local laws of 1852, relating to the public schools in the city of Racine, and the several acts amendatory thereof, and all acts and parts of acts relating to the government of said city, inconsistent with and contravening the provisions of this act, are hereby repealed; but this act shall not affect chapter forty-two, of the private and local laws of 1871, relating to the readjustment of the corporate debt of the city and the acts amendatory thereof, nor to any act passed at the present session of the legislature relating to said city, but the same shall remain in force. The repeal of said acts shall not revive any acts or part of acts heretofore repealed, and shall not in any manner affect, injure or invalidate any contracts, acts, grants, license, suits, proceedings, claims or demands that may have been entered into, performed or commenced, or that may exist under or by virtue or in pursuance of said acts, or any of them, but the same shall remain in full force and effect and be enforced and carried out as fully and effectually as if this act had not been passed; but in conformity with this act as far as the same may be applicable.

SECTION 17. This act shall take effect and be in force from and after its passage.

Approved March 11, 1876.