

CHAPTER 294. line of the street or streets mentioned in such petition, and also make and sign an order or resolution, that the work asked for shall be done by the said owners within a reasonable time, limiting the time, and cause such order to be published six times successively in the official papers of the city. The commissioners shall thereupon make report of their doings to the common council, and if no appeal is taken from such assessment or order, and the parties interested shall fail to make the whole or any part of such improvements within the time limited, then the city comptroller shall advertise for bids and the contract be let for the unfinished portions of such work, as provided by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 15, 1861.

CHAPTER 294.

[Published April 27, 1861.]

AN ACT to authorize and enable the county of Fond du Lac to aid in the completion of a railroad from Glenbeulah, in Sheboygan county, to the cities of Fond du Lac and Ripon, by the levy and collection of a special tax.

To the People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Company referred to.

SECTION 1. It is hereby provided that if the Sheboygan and Mississippi railroad company, its successors or assigns, or any other legally constituted railroad company, by virtue of the charter of the S. & M. R. R. company, or by any law of this state, shall, under the conditions of said charter, its obligations and authorities, complete the railroad from Glenbeulah to the city of Fond du Lac or to Ripon, as the case may be, or any railroad company completing and owning the road from Sheboygan to Fond du Lac or to Ripon, [such company] shall be the company referred to in the provisions of this act, by whatever corporate name they may be known.

Special contract for transportation of wheat and flour.

SECTION 2. In order to give legal force to this act, and secure under its provisions to the consumers, producers, tax-payers, and residents of Fond du Lac county, a remunerative and valuable consideration from

the railroad company completing and owning said road, for the benefits to be secured to said company by this act, it is hereby provided, that in case the railroad company accepts and receives the provisions of this act, they, their successors or assigns, shall, in consideration thereof, be legally and firmly bound under a special contract for the term of ten years, to furnish cars and transport wheat by the car load from the city of Fond du Lac, and from stations east thereof in Fond du Lac county, to the city of Sheboygan, at a price not exceeding five cents per bushel; and from stations west of the city of Fond du Lac to Sheyboygan, at a price not to exceed that *pro rata* tariff; and flour shall be carried on equal terms of freight. This rate of tariff shall apply to all those towns and stations on all other roads where this said railroad company shall, by agreement, contract, or by virtue of their charter, hold and exercise the right to run their cars.

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SECTION 3. It shall be the duty of the clerk of the board of supervisors, or of the sheriff of the county of Fond du Lac, to call an election in said county for the purpose of voting upon the adoption of this act, whenever a petition signed by one hundred freeholders of said county shall be presented to either the said clerk or sheriff, asking for the same. The clerk of the board of supervisors or the sheriff of said county, shall give at least three weeks' notice of the time and places of holding said election, by publishing the same in two or more newspapers printed and published in said county, and this act shall be published in connection with said notice. At said election all persons voting for the adoption of the act, shall deposit a ballot containing the words, "for railroad aid tax," and those persons voting against the same, shall deposit a ballot containing the words, "against railroad aid tax." Said election shall be conducted, and the votes canvassed and the returns thereof made in the same manner as an election for county officers in said county.

Election for adoption of this act.

Notice of election

Form of ballots.

How election conducted, &c.

SECTION 4. It shall be the duty of the clerk of the board of supervisors of Fond du Lac county, to report to the said board at its first meeting succeeding the said election, the result thereof; and if it shall be found from such result that a majority of the votes polled in the county at such election were "for railroad aid tax," then the board of supervisors of said county shall be

If result of election be in favor of the proposition, county board to levy tax

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required, and by this act are empowered and directed. to levy and authorize the collection of a tax of not less than two (2) nor more than four (4) mills on the dollar, upon the equalized value of the taxable property of said county of Fond du Lac, at each and every annual session after said election, until the amount so authorized to be levied and collected shall have in the aggregate yielded to the county treasurer [treasury] the net sum of one hundred thousand dollars; and in each and every year of the levy of such tax, it shall be added to and apportioned as part of the county tax of said county; and all provisions of law relating to and governing the collection of the county taxes, shall apply to the tax hereby authorized, except that the fees to the several town treasurers for collecting the tax aforesaid, shall not exceed one per cent. on the amount so collected by them in pursuance of the provisions of this act.

Assent of county to the issuing of county orders.

SECTION 5. It shall be the duty of the supervisors and alderman, [aldermen,] members of the county board of Fond du Lac county, upon proof or knowledge of the completion of said railroad so as to permit the running of passenger and freight cars for business, from the city of Sheboygan to the city of Fond du Lac, and they are hereby required, upon application therefor by any legally authorized agent or representative of the railroad company so completing said road, to give a written assent to the issue of county orders to the amount of one hundred thousand dollars, on account of "railroad aid tax;" and when the same shall have been filed with the clerk of said board, it shall be the duty of said clerk to draw orders in amount as hereinbefore provided, and upon the face of all such orders, the words, "on account of railroad aid tax," shall be inscribed, and such orders shall be drawn and made payable to the order of the treasurer, trustee or assignee of the company so completing said road; and when said orders are so drawn, it shall be the duty of the chairman and clerk of said board to sign and countersign said orders so drawn, for an amount or amounts not exceeding the sum of fifty thousand dollars, to the company completing and owning the road between the cities of Sheboygan and Fond du Lac, with interest from and after the time said road shall have been finished as before described, at which time this amount shall become due, and not before. And said sum of

\$50,000 of said orders to be drawn in favor of the company on completion of road to Fond du Lac.

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fifty thousand dollars and interest so to be paid, shall be so paid as a consideration to the railroad company for such completion of the road, and to secure and bind said railroad company to a contract on the freight tariff provided for in the second section of this act.

SECTION 6. And it is further provided, that fifty thousand dollars, part of the one hundred thousand dollars aforesaid, shall be appropriated and paid to any legally constituted railroad company, which shall have a majority of its directors in the city and town of Ripon and Rosendale, to be by such company appropriated and used in aid of and to pay for the grading and bridging of a railroad from Fond du Lac to Ripon, in Fond du Lac county: one-third of said fifty thousand dollars to be paid to the said railroad company, by the treasurer of said county, when one-third of the distance shall have been graded and bridged between Fond du Lac and Ripon, another third to be paid when two-thirds of the distance is graded and bridged, and the residue thereof to be paid when the said railroad is graded and bridged to the city of Ripon: *provided*,

\$50,000 to be paid on grading and bridging road to Ripon.

Proviso.

SECTION 7. The treasurer of Fond du Lac county is hereby authorized and required to pay all orders so drawn and issued as provided in the foregoing section, to the parties in whose favor they are drawn; and the said treasurer shall receive as compensation in full, one per cent. on the amount of money which he may receive and pay out according to the provisions of this act.

Orders to be paid by county treasurer.

SECTION 8. It shall be the duty of the treasurer of said county, and he is hereby authorized and required, to endorse all orders issued as above which he is not able to pay when presented; and he shall keep an accurate account of the same, and furnish to said county board at their annual sessions, the amount of all outstanding orders.

When county treasurer to endorse orders.

SECTION 9. All orders issued as above provided, and so endorsed by the county treasurer, shall after such endorsement be receivable in payment of the taxes levied in said county.

Orders receivable for taxes.

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Blank orders.

SECTION 10. The said board of supervisors of Fond du Lac county shall furnish to the clerk of said county, the blanks necessary for the issue of said orders.

Excess of tax to be returned to the towns, &c.

SECTION 11. Any excess of tax hereby authorized over the amount of orders issued, including any and all interest which may have accrued thereon, shall be returned by said board of supervisors to the treasurers of the several towns to which the *pro rata* excess of funds or taxes belong in said county, and all of said taxes hereby authorized shall be subject to such disposition by said board, if said railroad is not completed to the city of Fond du Lac by or before the 1st of January, A. D. 1864.

Bonds to be executed by county board.

SECTION 12. When it shall be ascertained as provided in section 4th [four] of this act, that a majority of the votes deposited at said election in said county, have been "for railroad aid tax," the said board of supervisors shall, at the same session, make and execute a bond to be signed by the treasurer of said county, and countersigned by the chairman and clerk of said board, for fifty thousand dollars, payable to the Sheboygan and Mississippi railroad company or its successors or assigns, the company who finish and own the road from the city of Sheboygan to the city of Fond du Lac, therein conditioned for the faithful performance on the part of said county and its officers, of all the duties required by this act, in the assessment, levying and collection of the taxes aforesaid, and the payment of the orders aforesaid, and in default of the same, that said county will well and truly pay to said railroad company, its successors or assigns, said sum of fifty thousand dollars upon the completion of said railroad to the city of Fond du Lac; and the said board of supervisors at the same session shall in like manner make and execute another similar bond of fifty thousand dollars, with the conditions described in this act, and payable, in default of the same, to said S. & M. R. R. company, or its successors or assigns, to aid in completing a railroad from Fond du Lac to Ripon; and said bond shall be deposited by said county board with the treasurer of said county in trust for said railroad company, its successors or assigns, and the said treasurer shall give his official receipt for said bonds, with a certified copy of them to the treasurer, trustee or assignee of said railroad company, conditioning to

deliver said bonds to said company, its successors or assigns, upon the completion of said railroad to the city of Fond du Lac. CHAPTER 295.

SECTION 13. This act is hereby declared to be a public act, for all purposes of notice of the contract of freight hereinbefore provided, to any company, its successors or assigns, person or persons, or body corporate, who may have, or may hereafter acquire, possess or enjoy the franchises of the Sheboygann & M. R. R. Co., or any part thereof, or who may build, or may thereafter own, occupy or enjoy the railway so built, or to be built, from Sheboygan to Fond du Lac or to Ripon as aforesaid, or any part thereof.

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

Approved April 13, 1861.

CHAPTER 295.

[Published April 30, 1861.]

AN ACT to amend and consolidate chapter 49 of the private laws of 1855, entitled "an act to incorporate the village of Madison into a separate school district," and all the acts amendatory thereof.

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

SECTION 1. So much of the county of Dane, as is or may hereafter be included within the corporate limits of the city of Madison, is hereby declared to be a separate school district, the government of which shall be as hereinafter provided. City to constitute a separate school district.

SECTION 2. On the first day of December next, or within ten days thereof, and annually thereafter, the common council of the city of Madison shall elect two members of the board of education, whose term of office shall commence on the first day of January next ensuing, and continue for the term of three years, and until their successors are elected. Annual appointment of two members of the board of education.

SECTION 3. The persons elected in accordance with the preceding section, shall be notified thereof by the city clerk within three days after their election, and Notification—oath.