

CHAPTER 182.

[Published March 30, 1872.]

AN ACT to authorize municipal corporations to aid in the construction of railroads.

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

SECTION 1. Any county, town, incorporated city or incorporated village in this state, is hereby authorized and empowered in the manner herein provided, to aid in the construction of any railroad in this state to be constructed by any railroad company for public use by authority of any law of the state, in which company any such municipality shall become a stockholder, in the manner hereinafter provided, and which will promote the general prosperity and welfare of the taxpayers of such municipality; and the mutual agreement hereinafter referred to, when the same shall be arrived at, shall be conclusive evidence that such railroad will so promote the general prosperity and welfare of the tax-payers of such municipality. But no bonds shall be issued by any city, village or town under the provisions of this act, to an amount exceeding together with its then existing indebtedness, ten per centum upon the valuation of the taxable property therein, as the same shall appear upon the last previous assessment roll; or by any county to an amount exceeding together with its then existing indebtedness, ten per centum upon the valuation of the property therein, as fixed by the last previous state board of equalization: *provided*, that no county shall issue bonds under the provisions of this act, in which any town, city or village shall have previously issued bonds in aid of railroads to an amount which shall cause the proportionate indebtedness of any such town, city or village on account of such county bonds, together with its own bonds outstanding, to exceed ten per centum on the valuation of the taxable property of such town, city or village, fixed as aforesaid, nor shall any town, city or village issue any bonds under the provisions of this act, so that the amount of such bonds, together with

May aid in construction of railroads.

Limit of amount of bonds to be issued.

its proportion of indebtedness on account of the bonds, if any, previously issued by the county in aid of railroads shall exceed ten per centum upon the taxable property within such town, city or village, fixed as aforesaid; *and provided further*, that no city shall incur indebtedness or issue bonds under this act in excess of any limit of indebtedness provided for such city by any existing law.

Aid to be in bonds, to be exchanged for stock.

SECTION 2. The aid to be contributed to the construction of any such railroad by any such county, town, city or village, shall be by the bonds of such municipality, to be issued to or for the use of such railroad company, in consideration of which such municipality shall receive from such railroad company such number of shares of its capital stock as will at the par value of such stock correspond with the principal sum of such bonds.

Shall be by mutual agreement.

SECTION 3. No such bonds shall be issued to or for the use of any such railroad company, and no such stock shall be issued to any such municipality until a mutual agreement in relation thereto shall have been arrived at in the mode hereinafter specified; and when such mutual agreement shall have been arrived at (in either one of such modes,) the proper officers of such municipality shall be authorized and required to issue and deliver such bonds, in conformity with the mode so agreed upon; and the stock of such railroad company shall also be issued in conformity therewith.

Shall make definite proposition in writing, and what to contain.

SECTION 4. Whenever any such railroad company, specified in the first section of this act, shall desire aid in the construction of its railroad, from any county, town, city or village, specified in said first section, it shall make and deliver to the county clerk of such county, the town clerk or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president and secretary of said railroad company, and sealed with its seal, which proposition shall contain a statement of the amount of bonds desired, the time when payable, and whether payable before maturity, at the option of such municipality, the rate of interest which they shall bear, and such proposition shall contain a statement specifying when said bonds are to be delivered, with reference to the time of the entire or partial construction of said railroad, and may contain a statement that such bonds

may be deposited in escrow prior to delivery to the railroad company; and such proposition shall also contain a statement that the said railroad company will, in consideration of said bonds, issue to the municipality from which it is to receive the same, such number of the shares of its capital stock as will at the par value of such stock correspond with the principal sum of such bonds; in case such bonds are proposed to be deposited in escrow, as aforesaid, the proposition shall also state that the certificates of the stock to be exchanged therefor shall be placed with the same depository, at the same time, and in that case the proposition shall set forth the full name and residence of the trustee or trustees, who shall be the custodians of the stock of said company and of the bonds of such city, village, town or county; the clerk with whom any such proposition shall be filed, shall immediately endorse thereon the date of its receipt by him, and transcribe the same into the record book of the county, town, city or village, as the case may be, of which he is such clerk.

SECTION 5. The mode at arriving at such mutual agreement as is hereinbefore specified, shall be as follows: How arrive at agreement.

1st. Upon receiving such proposition, the county clerk of such county, the town clerk of such town or the clerk of such incorporated city or village, as the case may be, shall immediately publish a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections therein, and at such time as such clerk may designate, not less than thirty nor more than sixty days from the date of such notices, which notice shall contain a substantial statement of the proposition made by said railroad company for the issue of the bonds of such municipality, and shall notify the legal voters thereof to deposit a ballot upon which shall be written or printed, "for the railroad proposition," or the words, "against the railroad proposition," and such notice shall be posted in three public places in each election precinct in the district in which aid is desired, at least twenty days before the day of such election, and shall also be published at least three times before such election, in one newspaper in such city, village or town, if any is published therein, and if the aid is Clerk to give notice of election. Form of ballot. Publication notice.

asked of a county, in one newspaper in each village and city in such county in which a newspaper is published; and if there is no newspaper published in such city, village, town or county, then such notice shall be so published in a newspaper published at the nearest place thereto in which one is published.

How election held and conducted.

2d. Such election shall be held and conducted in the same manner that general elections in such counties, towns, incorporated cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at such general election, and the canvassers shall make, certify, sign and deposit with the county clerk, town clerk, or clerk of such incorporated city or village, as the case may be, a statement of the result of such election, and such certified statement shall be *prima facie* evidence of the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

If election fail to be held, or vote is adverse, may call another election.

3d. If in any of said counties, towns, cities or villages, any election shall fail to be held on the day appointed therefor, or if the majority of votes cast at any such election shall be against the railroad proposition, such county clerk, town clerk, or clerk of such city or village, shall, at the written request of the president of such railroad company, at any time thereafter, call another election or elections in the manner provided in this act, upon the same or different proposition of such railroad company, and such other election or elections shall be conducted in like manner and upon like notice as is provided in this act for the first election: *provided*, that not more than two elections authorized by this act shall be held in any one calendar year, in the same town, county, village or city.

If vote is for the proposition, bonds to be issued according to agreement.

4th. If a majority of the legal voters who shall vote upon the question, at any election to be held in any such county, town, city or village, in pursuance of the provisions of this act, shall, as indicated by the official returns of any such election, vote "for the railroad proposition," then such mutual agreement for the issue of bonds by such municipality, and of stock by such railroad company, as provided in this act, shall be deemed and considered to have been arrived at and perfected, and thereupon such bonds and stocks shall

be issued and delivered by the proper officer, in conformity with the true intent and meaning of such proposition, and with the provisions of this act: *provided*, that if such bonds are to be issued by a county, there shall also have been a majority of votes cast in favor of the railroad proposition, at a majority of the election precincts within such county at such election.

SECTION 6. No bonds shall be delivered to the company under such proposition until the road, branch, or extension thereof, for the construction of which the aid has been granted, shall have been completed, ready for the passage of cars, continuously from one terminus through, or to the district granting the aid, or to the nearest point in its line to such district, or from such terminus to such point as such company in its proposition shall have proposed to construct said road, where the line of the road shall not lie through the district.

Bonds not to be delivered till road is completed.

SECTION 7. The stock received by any such county, town, city or village, in pursuance of any such mutual agreement, shall be entitled to all and the same rights, benefits and privileges as the stock of the same class held by any other person or persons, and the municipality receiving any such stock shall, so long as it shall hold the same or any part thereof, be a part owner of such railroad and its franchises, and the proper authorities of the municipalities holding such stock shall appoint a person to vote thereon in behalf of such municipality, and such authorities may also sell and dispose of the said stock in such manner as shall to them seem best for the interest of such municipalities.

Stock to be on equality with stock of individuals.

SECTION 8. Every county, town, city or village which shall issue any bonds in pursuance of the provisions of this act, shall be severally liable in law, faithfully, promptly and at maturity, to pay and discharge the principal and interest upon every such bond issued by it, and the faith of every such county, town, city or village shall, by the issue of such bond or bonds, be and stand irrevocably pledged to the prompt discharge of every such liability, and every such county, town, city or village shall annually levy and collect a tax on all taxable property therein, as indicated by the assessment roll or rolls for the payment of all monies to become due upon such bonds, whether for principal or interest, in addition to all other taxes, and the money so raised shall be kept as a separate fund, and

Shall be liable for payment of principal and interest of bonds.

Shall levy tax therefor.

strictly applied to that purpose; and it may, in the discretion of the proper authorities, raise a greater sum in any one year than is needed to pay what shall become due in that year, and apply the same to the purchase and discharge of such bonds at the lowest practicable rate or price.

Definition of terms.

SECTION 9. If any officer, upon whom any duty is imposed by this act, shall wilfully fail, faithfully and promptly to discharge the same, as by this act required, he shall be liable to the party or parties aggrieved for all actual damages suffered by such party or parties by reason of such failure.

Definition of terms.

SECTION 10. For the purposes of this act, the term, "proper officers," shall be construed and held to intend and mean, in the case of a county, the chairman of the board of supervisors and the county clerk of such county; in the case of a town, the chairman of the town board and the town clerk; in the case of a city, the mayor or the officer performing the duties of mayor and the city clerk, and in the case of a village, the president and clerk of the village; and the term, "proper authorities," shall be construed and held to intend and mean, in the case of a county, the county board of supervisors; in the case of a town, the town board of supervisors; in the case of a city, the common council or other authorities possessing the usual powers of the common council of cities; and in the case of a village, the board of trustees or other local governmental board, by whatever name it may be called, which is vested with the power to levy taxes, and any and all bonds issued under this act, by any county, town, city or village, shall be officially signed by the proper officers thereof as aforesaid, and sealed with its corporate seal, if it have one, and in the case of a town, it shall be the duty of the county clerk of the county in which such town is situated, if requested to do so, to add to each of such bonds a certificate under the seal of the county, to the effect that the town officers subscribing the bonds are in fact such officers, and that he believes their signatures thereto to be genuine.

Not to issue bonds under any other law.

SECTION 11. If any county, town, city or village shall issue and deliver to any railroad company any bonds in pursuance of the provisions of this act, it shall not thereafter issue or deliver any bonds or incur any liability in aid of the construction of the railroad of

such company by virtue of the authority of any other law of this state.

SECTION 12. It shall be lawful for any town, county, city or village which shall have voted aid to any railroad company, or which shall hereafter vote aid to any railroad company, without limiting the time when such aid shall be earned by the company, by the authorities thereof, to fix and limit the time when such aid shall be earned: *provided*, that the time so fixed shall not be less than one year from the date of giving notice to such railroad company, of the fixing of such limit, and if the aid shall not be earned in accordance with the conditions upon which it was voted, within the time so fixed by such authorities, then such aid shall be forfeited. May limit time.

SECTION 13. Any county, town, city or village is hereby authorized, instead of issuing bonds in aid of railroads, as hereinbefore provided by agreement to be arrived at as is herein provided for the issuing of bonds, to subscribe to the capital stock of such company, the subscription to be paid in money in one or more instalments, at such times not exceeding three years from the time of entering into such contract as may be agreed upon, and after such parts of the work of constructing the railroad aided shall be done as shall be agreed upon, the last instalment, not however to be paid until the railroad shall have been completed, ready for the passage of cars to the place to which it is agreed to be built, in consideration of the aid so granted. May pay in money instead of bonds. If such an agreement shall be arrived at in the manner herein provided, Shall levy tax. it shall be the duty of the proper officers of such county, town, city or village, from time to time, to levy and collect a tax in the same manner as general taxes are levied, of sufficient amount to pay the instalments as the same shall fall due, according to the terms of such agreement.

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

Approved March 25, 1872.