

CHAPTER 317.

[Published March 26, 1874.]

AN ACT to amend chapter 182 of the general laws of 1872, entitled "an act to authorize municipal corporations to aid in the construction of railroads."

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

SECTION 1. Section thirteen of chapter 182 of the general laws of 1872, is hereby amended by inserting after the word "money," in the sixth line of said section, the words "lands or other property," so that said section, when so amended, shall read as follows: 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, a subscription to be paid in money, lands or other property, in one or more installments, 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 installment, 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. If such an agreement shall be arrived at in the manner herein provided, 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 installments as the same shall fall due according to the terms of said agreement.

Sec. 13, ch. 182, of laws of 1872, amended.

Counties, towns, cities or villages authorized to aid in constructing railroads.

When full payment to be made.

When tax to be collected.

SECTION 2. And said chapter is hereby further amended by adding thereto the following sections, to stand as sections 15, 16, 17, 18 and 19 of said act:

Further amended.

SECTION 3. In all cases where a county, town, city or village shall have subscribed or voted to subscribe, or may hereafter subscribe or vote to subscribe for stock in aid of the construction of any railroad, upon a proposition, or within any extension thereof, if such time shall have been extended, submitted by or on behalf of any railroad company, wherein the time is

May subscribe for stock.

If railroad company fails to comply with its agreements, such counties, towns, cities or villages may rescind such proposed aid.

stated within which such railroad company has proposed or may propose to do and perform any acts in the construction of any railroad, or initiatory to such construction or otherwise, or in relation to the final completion thereof as proposed, and such railroad company has failed, neglected or refused, or may fail, neglect or refuse to do and perform all of such acts, or any of them, within the time stated in such proposition, it shall be lawful for such county, town, city or village to rescind such proposition, vote, aid or subscription by a vote of the people of such county, town, city or village.

When may rescind proposed aid.

SECTION 4. In all cases when any county, town, city or village shall have voted to subscribe, or may hereafter subscribe for stock in aid of the construction of any railroad upon any proposition submitted by or on behalf of any railroad company, stating no time within which such company shall earn such aid, and such company shall have neglected or refused for the period of one year from the taking of such vote, or shall neglect or refuse for the period of one year from the taking of such vote, to accept such rate and receive such subscription, it shall be lawful for such county, town, city or village to rescind such proposition and vote by a vote of the people of such county, town, city or village.

When new election may be ordered.

SECTION 5. For the purpose of carrying out the provisions of the preceding sections, the board of supervisors of any county or town, or the common council or board of trustees of any city or village wherein such stock or aid was or may be originally voted or subscribed for, may, by a resolution of such board of supervisors or common council, or board of trustees, order a new election upon the same proposition, by or upon which the stock, aid or subscription to be rescinded was or may be subscribed or voted for originally. And all the provisions of the said act, of which this act is amendatory, relating, to giving notice of, and the manner of holding such election, the form of ballot and the return and canvass thereof, as well as all other provisions of said act applicable to such election, shall be observed and enforced in holding such new election, and in declaring and recording the result thereof.

Manner of conducting same.

Effect of such election.

SECTION 6. If there shall be a majority of all the legal votes cast at such new election, cast as "against the railroad proposition," the original vote upon such proposition shall be held and declared rescinded, and shall have no binding force or effect upon such county,

town, city or village, so rescinding, and it shall be so recognized and held in all courts and places.

SECTION 7. Whenever any railroad proposition shall have been rescinded as herein before provided, it shall be the duty of the railroad company submitting such proposition originally or any trustee or trustees named in such proposition immediately to deliver up or cause to be delivered up to such county, town, village or city upon demand by the proper officer, all bonds, notes, orders, papers, moneys, deeds, contracts, property or any evidences of indebtedness whatsoever that may have been given, pledged or deposited in trust or otherwise in accordance with such proposition so rescinded, and the proper officer of such county, town, village or city shall be entitled to receive the same to be cancelled and destroyed by the board of supervisors of such county, or common council or board of trustees of such village or city so rescinded.

Railroad companies to return securities in certain cases.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1874.

CHAPTER 318.

[Published March 24, 1874.]

AN ACT to amend section 3 of chapter 179 of the revised statutes, entitled "of trials in criminal cases."

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

SECTION 1. Upon the trial of any person or persons, upon an indictment or information, which is not punishable by imprisonment for life, the parties shall be entitled to the following peremptory challenges from a full panel; the state to four peremptory challenges, and no more; each and every defendant to four challenges, and no more: *provided, however*, that if there be more than two defendants, there shall be eight peremptory challenges on the part of the defendants, and one additional peremptory challenge for each defendant over two, and no more, the whole to be divided equally, as far as practicable, among the defendants, by the court.

Challenges allowed in certain cases.

Proviso.

Approved March 12, 1874.