

for more than fifty per cent. of the entire cost of the telephone lines and exchanges described in any aid proposition and provided further, that before any person, firm, company or corporation shall be authorized to submit any proposition, such person, firm, company or corporation shall file with the secretary of state a notice of intention to operate under the provisions of this act, together with a bond in such form and amount as in the secretary's judgment shall properly protect the interests of the community concerned. Provided that none but tax payers shall be entitled to vote at any election held for the purpose aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 1, 1899.

No. 426, A.]

[Published May 2, 1899.]

## CHAPTER 310.

AN ACT to authorize the building of viaducts across gullies, running streams or railroad tracks, by the counties in this state, and for the issuing of county bonds therefor.

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

SECTION 1. The county board of supervisors of any county within this state, is hereby authorized and empowered to alter, erect, construct and maintain any viaduct not less than one thousand feet in length, the cost of construction of which, together with the right of way therefor, shall be not less than the sum of eighty thousand

When county board may authorize construction of viaduct.

dollars, over and across any gully, river, valley or depression in land for the purpose of connecting two or more highways, streets or roads, or different parts of the same highway, street or road, or for making the thoroughfare more safe, convenient or passable, whether the same shall be a county road or town highway, or located wholly within one town or municipality or not, agreeable to the conditions and provisions of this act and subsisting laws applicable thereto, when in the opinion of such county board the alteration or erection of such viaduct or road way shall be for the best interests of the county and inhabitants thereof, which opinion shall be rendered by resolution duly adopted by the county board of supervisors of such county, at any legal meeting thereof, but no such viaduct shall be constructed by any such county at the expense thereof which shall be less than one thousand feet in length or less than sixty feet in width, or of an average height of less than eighteen feet, or the cost of which, including the right of way therefor, to be determined by estimate procured by such county board, shall be less than the sum of eighty thousand dollars.

Dimensions of and limitations as to cost.

Decision of county board final.

SECTION 2. Whenever such county board shall have determined upon the alteration or erection of any viaduct as herein provided for, it may at any regular meeting of said board, determine by resolution in the manner provided by law, and the rules and regulations of such county board, the tract or tracts of land over and upon which such viaduct shall be placed or constructed, which said tract of land shall not be less than eighty feet in width, nor less than one thousand feet in length, and the determination of such county board and the selection by it of the tract over and upon which such viaduct shall be so placed, shall be final; but no bonds shall be issued under the provision of this act until said determination has been made and had by such county board of supervisors.

SECTION 3. Whenever the county board of su-

pervisors of any such county, shall determine to erect and construct a viaduct under and according to the provisions of this act, it is hereby made the duty of the county surveyor of such county immediately upon such determination and the selection of such county board, of the location of such viaduct, or as soon thereafter as practicable, to cause a survey of the property so selected to be made, and to file said survey in the office of the county clerk of such county; and he shall also file therewith a description of the several parcels of land contained therein; and also a map or plat thereof, showing the location of the same, unless such survey, description and plat has already been prepared, and such county board of supervisors or such committee as such board may appoint, shall upon the filing of such plat and description of such land and the survey thereof, ascertain if the same or any part thereof can be acquired from the owners thereof, by dedication without compensation, and also enter into negotiations with the several owners of the land necessary to be acquired, for the purchase of the fee simple of, or right of way over, all the lands described in said survey, which cannot be acquired by gift; and such lands as shall be included in said survey, which cannot be acquired by gift or purchased at an agreed price, or the right of way over such lands, shall thereupon be condemned by the said county board of supervisors, in the manner provided by law for laying out a county road; provided, that the damages assessed therein shall be paid by said county, and that such strip, piece or parcels of land shall be forever thereafter used and maintained by the county within which the same is located, as and for a county highway, until such viaduct and the land upon and over which the same is constructed, shall be incorporated and included within the corporate limits of any city within such county; and any condemnation proceedings had thereunder, shall be governed by all provisions of law relating to the laying out of roads

Duty of county surveyor in locating viaduct.

Right of way, how acquired.

Condemnation proceedings.

by the county board in such county, so far as the same may be applicable thereto. If by constructing said viaduct in the manner aforesaid, any damages be sustained by any person or persons, either to himself or to his property, then and in such cases the damages so sustained may be paid out of the treasury of the county.

Requirements  
in construction  
of viaduct.

**SECTION 4.** Any viaduct constructed under the provisions of this act, shall be constructed in a substantial manner of iron and steel, except the floor and the abutments and piers thereof. It shall rest upon iron and steel columns of suitable size, strength and dimensions, set on stone or concrete foundations and shall be of a uniform width of not less than sixty feet, and shall be of an even height and level, as near as may be, and the terminal points thereof shall be of the same altitude, as nearly as practicable; and there shall be provided suitable approaches at either terminal points of such viaduct, and at such intermediate points, as shall be necessary for safe and convenient access thereto; and suitable and proper abutments shall be constructed at each terminal point in a solid and substantial manner. When any such viaduct shall be built over a navigable river, a suitable draw bridge shall be provided therein, and whenever any such viaduct shall cross over or above any railroad track, the same shall have its lowest member not less than twenty-three feet above the rail of said railway.

County board  
to cause profile  
plan to be  
made.

**SECTION 5.** Whenever the alteration, erection or construction of a viaduct, under the provisions of this act, shall have been determined upon, the county board of supervisors of the county about to construct the same, shall cause to be made a complete profile plan and detailed specifications for the work of construction or alteration, and as soon thereafter as practicable, such county board of supervisors shall let the contract for the work according to law, and enter upon the construction of such viaduct, bridge and approaches in conformity thereto.

**SECTION 6.** No franchises or rights shall ever

be granted for purposes of horse, steam, electric or other railway communication, and no exclusive privileges, or immunities shall ever be granted for the lighting of streets, highways and the like over any viaduct constructed under the provisions of this act, by the county constructing the same, to any person, persons or corporation.

No franchises for use of viaduct to be granted.

SECTION 7. Whenever the alteration or construction of a viaduct shall have been determined upon, agreeably to the conditions of this act, the county board of supervisors of the county about to construct such viaduct, is hereby authorized and empowered to issue bonds of such county for the purpose of raising money for the building of such viaducts, and for the procurement of title thereto, or a right of way over any and all lands necessary to or convenient for the alteration, construction, erection and maintenance of such viaduct, and necessary or convenient approaches thereto, and the payment of all damages which may be assessed or allowed to the owners of property that shall be purchased or condemned for the uses and purposes in this act provided, such bonds to bear interest at a rate not exceeding five per cent. per annum, interest payable semi-annually, and the principal payable at such time or times, within twenty years from the date of such bonds, as the county board of supervisors of such county may determine; provided, that the amount of bonds so issued shall not, exclusive of interest, exceed a sum equal to one-fifth of one per cent., of the value of all taxable property of said county, as determined by the last assessment and equalization for state and county taxes, next prior to the issue thereof.

County board may issue bonds for construction.

Limitations as to issue.

SECTION 8. All county bonds, issued by any county under the provisions of this act, shall be signed by the chairman and countersigned by the clerk of the county board of supervisors of the county issuing the same, and shall be under the corporate seal of said county, and shall be in the sum of one thousand dollars, five hundred dollars

Description of bonds.

and one hundred dollars each, the number of bonds of such denomination to be fixed by the county board of supervisors, with interest coupons thereunto attached, payable semi-annually; all of such bonds issued in any one year, to be payable with the same rate of interest, and the interest payable semi-annually at one time and place; such time and place to be determined by the county board of supervisors, and to appear upon the face of such bonds and coupons; and said bonds, when signed, countersigned, and sealed, as aforesaid, shall be in the hands of a bona fide holder of the same for value, full and complete evidence, both at law and in equity, to establish the indebtedness of the county issuing the same, according to the tenor and effect of said bond.

Bonds not to be sold at less than par.

SECTION 9. When the issue of any county bonds, under the provisions of this act, shall have been determined upon, the county board of supervisors of the county about to issue the same, may at any legal meeting, direct by resolution, their chairman to sign, and the clerk of said board to countersign, all the bonds authorized to be issued under this act, or such part thereof as the said board may from time to time determine shall be issued; and it shall be the duty of the treasurer of any such county, under the supervision of the county board of supervisors of such county, to negotiate the bonds so issued, provided that none of said bonds shall be sold at a rate less than par; and the said county treasurer of such county, shall keep and maintain all moneys received from the sale of the bonds issued, in a fund separate from all other moneys belonging to said county, and no part of said bond or of the moneys arising from the sale thereof, shall be expended for or applied to any purposes whatever, except to defray the expenses of obtaining the right of way and for the altering or building of any viaduct or roadway to be altered, constructed or built under and according to the provisions of this act and for materials to

Proceeds from sale to be kept as separate fund.

be used therein and labor furnished thereon; and the said treasurer and his sureties, shall be liable to such county for any misapplication of the same or any part thereof; and the said treasurer, before he shall receive such bonds or any money received from the sale thereof for any purpose whatever, shall within thirty days after it has been determined to issue such bonds, execute to the county board of supervisors of such county, a bond with three or more sufficient sureties in the penal sum of double the amount of bonds or moneys so to be received by him, conditioned that he will faithfully perform all orders and resolutions of said county board of supervisors which may be passed by virtue of the powers conferred upon such board by this act; that he will keep the bond received by him safely, that he will keep the moneys received by him and arising from the sale of said bonds safely and separately from other moneys belonging to such county, that he will not pay out the same or any part thereof, except in the manner herein provided, which said bonds shall be approved by the county board of supervisors of said county and filed in the office of the clerk of said county board of supervisors; and the treasurer of said county shall in a book in a form convenient for that purpose, keep all the coupons belonging to such bonds when the same shall be returned paid and cancelled; such book at all times to be subject to the inspection of any member of said board, citizen or citizens of such county.

Treasurer to give additional bond with three or more sureties.

**SECTION 10.** It shall be the duty of any county board of supervisors which shall have determined upon the building of any viaduct under the provisions of this act, at or before issuing any bonds in pursuance hereof, to provide for the payment of the interest and the ultimate payment of the principal, of any and all bonds which shall be issued under and by virtue of this act; and for that purpose such county board of supervisors is hereby authorized and required at or before the issue of any such bonds shall have been deter-

County board to provide for payment of bonds before issue.

mined upon, to provide for the assessment, levy and collection of a direct annual tax upon all the taxable property of such county in which such viaduct shall be located, sufficient to pay the interest on such bonds so issued, and also to provide for the levy and assessment of a direct tax, sufficient to pay and discharge the principal of said bonds, as the same shall mature and to collect the same in the manner as other taxes are levied and collected by law.

Orders for payment of work, how drawn and paid.

SECTION 11. All county orders drawn on the treasurer of any such county, which shall have undertaken the alteration or erection of any such viaduct as herein provided, which are to be paid out of the moneys received on the sale of such bonds, or any or any part thereof, shall contain the words following, to-wit: "on viaduct contract;" and the treasurer shall pay no county order or orders drawn on him against such county, out of the moneys received by him on the sale of such bonds or any part thereof, unless such order shall contain the words "on viaduct contract," and the chairman of such county board of supervisors, is hereby prohibited from signing and the clerk of said board from countersigning, any county order or orders of such county which shall contain the words "on viaduct contract," unless the consideration for such order be for work done or for material furnished, or both, in the alteration, construction and erection of such viaduct, or in payment for lands purchased or damages lawfully assessed to owner or owners of land which shall have been duly condemned for use for, or in the alteration, construction, maintenance or use of any such viaduct or for the right of way therefor.

County clerk to number and register bonds.

SECTION 12. The clerk of said county board of supervisors shall number such bonds and cause the same to be registered in the office of the treasurer of such county wherein such viaduct shall be located, in a book to be provided for that purpose.

SECTION 13. The county treasurer of any county which shall issue bonds by virtue of the powers conferred by this act, for all the duties which he shall perform under this act, shall receive not exceeding one-half of one per cent. of the amount of bonds disposed of by him, in addition to the salary fixed by law, or the fees of his office for other duties by him performed, as treasurer of such county.

Fee of county treasurer.

SECTION 14. All legislative and administrative powers necessary to carry the powers conferred by this act into full force and effect, is hereby conferred upon the county board of supervisors of any county within this state, which shall avail itself of the provisions of this act, agreeably to the conditions thereof.

Legislative and administrative power conferred on board.

SECTION 15. Chapter 334 of the laws of Wisconsin for the year of 1895, and any and all acts or parts of acts, inconsistent or conflicting with this act, are for the purpose of this act, hereby expressly repealed.

SECTION 16. This act shall take effect and be in force, from and after its passage and publication.

Approved May 1, 1899.

No. 287, S.]

[Published May 3, 1899.

## CHAPTER 311.

AN ACT to amend the Wisconsin statutes of 1898 relating to the protection of fish and game.

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

SECTION 1. Section 4560b of the Wisconsin statutes of 1898 is hereby amended to read as follows: section 4560b. Any person who shall kill,

Close season for bass.