

and in default of payment of said fine and costs, shall be committed to the county jail not to exceed thirty days.

SECTION 5. This act shall take effect and be in force from and after January first, 1902.

Approved April 6, 1901.

No. 228, S.]

[Published April 10, 1901.

## CHAPTER 143.

AN ACT to authorize cities to acquire light or water works and issue bonds therefor and amending chapter 348 of the laws of Wisconsin for the year 1899 entitled An act to authorize cities and villages to acquire water works and issue bonds therefor.

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

### **Third and fourth class cities may buy light plants.** SECTION

1. Section 1 of chapter 348 of the laws of Wisconsin for the year 1899 is hereby amended by inserting after the word "build" in the second line thereof the words "light or" and by inserting after the word "with" in the fourth line thereof the words "light or with," so that said section when amended shall read as follows: "Section 1. Cities of the third and fourth class are hereby authorized to purchase or build light or water works to supply such cities and the inhabitants thereof with light or with water for fire or domestic purposes or both."

### **Question to be submitted to electors; canvass of votes.** SECTION

2. Section 2 of chapter 348 of the laws of Wisconsin for the year 1899 is hereby amended by inserting before the word "water" in the second, eighth, eleventh and thirteenth lines thereof the words "light or," so that said section when amended shall read as follows: "Section 2. Before proceeding with the purchase or building of such light or water works the common council of such city shall by resolution passed and signed in the same manner as other resolutions are passed and signed, submit at any municipal or special election to the electors of such city, the question of the purchase or building of such light

or water works, and such electors shall vote upon such question on a separate ballot, which shall be substantially in the following form:

For the purchase or building of light or water works (As the case may be.)	
Against the purchase or building of light or water works ..... (As the case may be.)	

And the electors shall designate the nature of their vote by marking an X in the square immediately opposite the proposition for which they intend to vote, and such ballots shall be counted, canvassed and returned in the same manner as other ballots cast at such election are counted, canvassed and returned.

**Bonds for not to be a municipal liability.** SECTION 3. Section 3 of chapter 348 of the laws of Wisconsin for the year 1899 is hereby amended by inserting before the word "water" in the third, seventh and tenth lines thereof the words "light or" so that said section when amended shall read as follows: "Section 3. If a majority of the ballots cast shall be in favor of the purchase or building of such light or water works (as the case may be) the common council of such city may authorize the mayor and city clerk of such city to issue bonds for the payment of the unpaid portion of the purchase price or cost of construction of such light or water works, which bonds shall recite upon their face that the same are secured by a trust deed or mortgage upon the light or water works so purchased or constructed, and that no municipal liability is created thereby, provided always, that such bonds shall bear interest not to exceed five per cent. per annum payable semi-annually, shall not be sold for less than par value, and shall be made payable at the option of such city in not less than five years from the date thereof and absolutely in not more than twenty years from the date thereof."

**Bonds how secured; provision for sinking fund.** SECTION 4. Section 4 of chapter 348 of the laws of Wisconsin for the year 1899 is hereby amended by inserting before the word "water" in the ninth, fifteenth, nineteenth and thirty-second lines thereof the words "light or" and adding at the

end thereof the words "or otherwise as the common council may direct," so that said section when amended shall read as follows: Section 4. To secure the payment of the principal and interest of such bonds the common council of such city is hereby authorized to cause the mayor and city clerk of such city to execute to the purchasers of such bonds, or to a trustee, selected by such common council a trust deed or mortgage in such manner and form as such common council may by ordinance prescribe upon such light or water works so purchased or constructed, and upon all future additions and extensions thereto, which trust deed or mortgage shall among other things provide: that the lien of such trust deed or mortgage upon the property therein mentioned, and upon the income from such light or water works shall be the only security which the holders of such bonds shall have, and that by such trust deed or mortgage, and by such bonds, no municipal liability shall be created. That the income of such light or water works over and above the actual and necessary running expenses and necessary repairs shall be kept as a separate fund in the treasury of such city out of which fund the interest on such bonds shall be paid as in said bond, provided, that out of the excess an amount equal to four per cent. of the face value of such bonds shall be annually set aside as a sinking fund, and invested as other sinking funds of such city are invested to meet the principal of such bonds at maturity, and that the income in excess of such running expenses and repairs, interest and sinking fund, may be used for the extension and improvement of such light or water works, or otherwise as the common council may direct."

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1901.