

## CHAPTER 133.

[Published March 17, 1869.]

AN ACT to fix the compensation of members of the board of supervisors of Fond du Lac county, in the state of Wisconsin.

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

Compensation  
fixed.

SECTION 1. The members of the board of supervisors of the county of Fond du Lac shall each receive three dollars per day for each and every day they shall be employed on the session of the board, and six cents per mile for going to and returning from the place of holding such session; but no supervisor shall be allowed to draw pay for more than twenty-five days' attendance on the county board in one year.

Repealed.

SECTION 2. Section 10 of chapter 129 of the general laws of 1861, section 49 of chapter 13 of the revised statutes, and all acts or parts of acts conflicting with the provisions of this act so far as the county of Fond du Lac is concerned, are hereby repealed.

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

Approved March 10, 1869.

## CHAPTER 134.

[Published March 19, 1869.]

AN ACT to authorize the counties and towns through which the Winnebago, Waupaca and Mississippi railroad may pass, to aid in its construction.

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

Counties and  
towns may aid  
railroad by issue  
of bonds.

SECTION 1. It shall be lawful for any county through any portion of which any part of the Winnebago, Waupaca and Mississippi railway shall run

or any town or incorporated city or village in such county, to vote, issue and deliver their bonds to said company, payable to such person or persons, trustee or trustees or corporation, or to said company, at such time, for such sum or sums, at such rate of interest, transferable by general or special endorsement or by delivery, in such way and manner as may be agreed upon by and between the directors of said company and the proper officers of said county, town, city or incorporated village; a copy of which said agreement shall be filed in the office of the clerk of the respective incorporations above named, that may vote to issue their bonds under the provisions of this act; and said agreements shall definitely and specifically specify and set forth the terms and conditions upon which said bonds are to be voted, and to particularly set forth and specify the time when, how and upon what terms and conditions the bonds so voted are to be delivered to said company as provided in this act; and said bonds, when so voted, shall be subject to all the terms and conditions specified and set forth in said agreement, and in no event shall the county, town, city or incorporated village voting said bonds, be in any way or manner liable for the payment of said bonds, until each and all of the terms, conditions and agreements, made and set forth in said agreement above set forth to be performed by and on the part of said railway company, have been fully and completely fulfilled and performed by said railway company as herein set forth; the said agreement so made as aforesaid, to be signed by the president and secretary of said railway company, and the proper officers of the respective incorporations above named voting their bonds as aforesaid, but no such bonds shall be issued or delivered to said company by any such county, town, city or incorporated village unless a majority of the legal voters of such county, town, city or incorporated village voting on the question, shall first have voted in favor of the issuing of said bonds according to the provisions of this act, in the manner hereafter prescribed.

SECTION 2. Whenever the said railway company shall desire to exchange any amount of its stock or bonds for the bonds of any such county, town, city or incorporated village, it shall make and execute an agree-

*Company shall execute agreement for exchange of bonds*

Question to be submitted to vote of electors.

ment in writing with the proper officers of said county, town, city or incorporated village, and file a copy of the same in the office of the clerk of the respective incorporations above named, that it is proposed to have a vote upon said question, as is provided in section one of this act, which said agreement shall contain in addition to what is provided for in section one of this act, a distinct statement of the amount of the stock or of the bonds of said company, which the said company propose to issue to such county, town, city or incorporated village, the time when said bonds shall be payable, the amount for which they shall be respectively issued, the rate of interest which they bear, and it shall also contain a distinct statement of the amount of the bonds of such county, town, city or incorporated village which the said company propose to receive in exchange for its stock or bonds as aforesaid, specifying the person or persons, trustee or trustees, or corporation to whom they shall be payable, the mode of transfer, the amount of each bond, and the aggregate amount, the rate of interest and the time of payment. Upon the execution and filing of the said agreement, as is provided in section one of this act, the clerk of the county board of supervisors of such county, the town clerk or clerk of said city or incorporated village, shall publish or cause to be published, a notice of an election to be held by the legal voters of such county, town, city or incorporated village at the usual place or places of holding elections in such county, town, city or incorporated village, and at such times as said clerks may designate, which shall not be less than twenty nor more than thirty days from the date of such notice, which notice shall contain a full recital of the agreement filed in the offices of the several clerks, as is provided in section one of this act, with reference to the exchange of the stock of the company or bonds for the bonds of such county, town, city or incorporated village, and shall call upon the voters to deposit a ballot, upon which shall be written or printed the words, "for the railway proposition," or the words, "against the railway proposition."

Form of ballot.

How election held and conducted.

SECTION 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, cities or incorporated villages are required by law 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 any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, city or incorporated village, a statement of the whole number of votes cast upon the question as well as the number for the railway proposition, and of the number against the railway proposition; and such certificate shall be conclusive evidence of the fact as to 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.

SECTION 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, city or incorporated village, in pursuance of the provisions of this act, shall as indicated by the official returns of any such election, vote "for the railway proposition," it shall be the duty of the proper officers in every such county, town, city or incorporated village, upon receiving from the directors of said railway company, stock or bonds, in conformity with the agreement with said company, to issue and deliver the bonds of said county, town, city or incorporated village, as is provided and agreed upon in the agreement made and filed according to the provisions of section one of this act.

*Duty of officers when vote is in favor of issuing bonds.*

SECTION 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village mentioned in this act, are hereby declared to be the chairman of the county board of supervisors and the clerk of the board of supervisors in each county; the chairman of the town board of supervisors and the town clerk in each town; the mayor and city clerk of each incorporated city and the president and clerk of each incorporated village; and all bonds issued by any of the said counties, incorporated cities or villages, shall be signed by the proper officers as aforesaid, of the said counties, incorporated cities or villages, under their corporate seals respectively, and all such bonds issued by any such town shall be signed by the proper officers of such towns, and have affixed to them the official certificate of the clerk of the board of supervisors, under his official seal, that they are such officers, and their signatures are genuine.

*Who shall be construed to be county and town officers.*

SECTION 6. Every county, town, incorporated city or village, which by the provisions of this act is author-

*Counties and towns to be severally liable for*

payment of principal and interest of bonds.

ized to issue any bonds, shall be severally liable in law, faithfully, promptly and at maturity to pay and discharge the principal and interest due upon every such bond when all the terms and conditions specified and mentioned in the agreement named in section one of this act are fully and completely complied with and fulfilled; and in no case shall said counties, towns, incorporated cities and villages be liable upon said bonds, nor shall any action at law be maintainable upon said bonds in any of the courts of this state to enforce the collection of the same, until all the terms and conditions in said agreement are complied with, but when that is done by said railway company or its assigns, the separate faith of every such county, town, incorporated city or village, shall, when the terms and conditions before named are complied with, by the issue of said bonds, be irrevocably, inviolably pledged for the prompt discharge of every such liability; every such county, town, incorporated city or village, shall annually levy a tax on all its taxable property for the payment of the annual interest on all bonds which it may issue in accordance with the provisions of this act, in addition to all other taxes, equal in amount to the amount of the annual interest on all the bonds which it may issue as aforesaid.

One member of each county and town board to attend annual meetings of railroad company.

SECTION 7. The board of supervisors of any county or town, the common council of any city and the trustees of any village, shall annually appoint one of their number, who shall attend the annual meetings of the stockholders of said railway company for the election of officers thereof, and shall be entitled to cast one vote for every share of stock which said county, town, incorporated city or village shall hold in said railway company, and in case of his inability to attend, to appoint in writing, under their hands, some other person who shall have the same power.

Stock and bonds of railroad pledged for payment of county and town bonds.

SECTION 8. The shares of stock in said railway company, or the bonds of said company thus taken by said counties, towns, incorporated cities and villages, and all dividends and interest arising from the same, are hereby pledged for the payment of the principal and interest of said county, town and incorporated city or village bonds: *provided, however*, that the board of supervisors of any county or town, the common council of any incorporated city or trustees of any incor-

porated village, may sell such shares of stock or bonds, and other securities of said company; but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bonds.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

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## CHAPTER 135.

[Published March 17, 1869.]

AN ACT to repeal chapter 67 of the general laws of 1867, in relation to deserters from the military and naval service of the United States.

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

SECTION 1. Chapter 67 of the general laws of 1867, Repealed. entitled "an act to authorize the secretary of state to procure and furnish to clerks of county boards of supervisors authenticated lists of deserters from the military and naval service of the United States, and to provide for their distribution," is hereby repealed.

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

Approved March 10, 1869.