

CHAPTER 76.

[Published March 16, 1871.]

AN ACT to amend chapter 25 of general laws of 1870, entitled "an act to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway Company."

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

SECTION 1. Chapter 25 of general laws of 1870, Amended. entitled "an act to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway Company," approved March 5, 1870, is hereby amended so as to read as follows, to-wit: It shall be lawful for the city of Milwaukee and any county north of Milwaukee through any portion of which any part of the railroad of the Milwaukee and Northern Railway Company, or any branch thereof shall run, or any town or incorporated city or village in such county, whether immediately on the line of such road or not, to suscribe for, agree to take and take and pay for capital stock (of either class), or bonds of said company, in the manner and on the terms and conditions hereinafter provided; and for the purpose of paying or securing payment of such subscriptions for stock or bonds, to make, issue and deliver to said company its bonds, payable to such person or persons or corporation, as trustee, or to said company or bearer, at such time, for such sum or sums, with such rate of interest not exceeding ten per cent. per annum, transferable by general or special endorsement, or by delivery, and in such form and manner as may be agreed upon by and between the directors of said railway company and the proper officers of such county, town, city, or village; or, if by the terms of the subscription, in any case, no provision is made for giving bonds to the company therefor, then to raise by tax such sum or sums of money, either all at once in one year, or in yearly instalments, not to exceed three in three successive years, and to pay the same to said company at a time agreed upon, or upon demand thereafter, but no such subscription for the stock or bonds of said company shall be made, May subscribe for and take stock.

and no such bonds shall be issued or delivered to said company, or money paid thereto by or for any such county, town, city or village, unless a majority of the legal voters of such county, town, city or village, as the case may be, voting on the question shall first have voted in favor of such subscription, in the manner hereinafter provided; but when such subscription shall have been made, the same shall be absolutely binding upon the county, town, city or village, by or in whose behalf such subscription shall be made: *provided, however,* that nothing in this act contained shall be held to authorize any city or incorporated village, either to impose taxes or assessments, to borrow money, to contract debt or to loan its credit, to an amount or principal sum exceeding one-tenth of the assessed value of the taxable property in such city or incorporated village, as the same shall have been assessed for purposes of general taxation at the last assessment that shall have been made prior to the date of such proposition of said company.

Company shall make proposition in writing.

SECTION 2. Whenever said company shall desire any such county, town, city or village to subscribe and take any of its stock or bonds, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, as the case may be, a proposition, in writing, signed by the president and secretary of said company, and sealed with its corporate seal; which proposition shall state the amount, kind and description of stock or bonds which the county, town, city or village is desired to subscribe for and take, the terms on which it is desired to subscribe for and take the same, and the manner in which it is desired that such county, town, city or village shall pay or secure payment of such subscription, whether in money or bonds; and if bonds are desired to be issued therefor, then the amount of each bond, the aggregate amount of all such bonds, the rate of interest they shall bear, and the time of payment thereof. Upon receiving such proposition the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, as the case may be, shall immediately call a meeting of the proper authorities of such county, town, city or village to take into consideration the proposition of said company, when such

Clerk of board shall call meeting to vote on proposition.

board or proper authorities, upon written request of six legal voters of such county, town, city or village, they shall give notice of any election to be held by the legal voters of such county, town, city or village, as the case may be, as is now provided by law for holding special elections, at such place, on such day and during such hours in the day as they may designate, which day shall not be less than five nor more than thirty days from the date of such notice, and such notice shall contain a statement of the substance of the proposition made by said company, as aforesaid, and shall call upon the voters to deposit each a ballot, upon which shall be written or printed, the words, "for the railway proposition," or the words, "against the railway proposition."

SECTION 3. Such election shall be held and conducted in the same manner, except as herein otherwise provided, that general election in such counties, towns, 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 any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, a statement of the whole number of the votes cast upon the question, as well as a statement of the number containing the words, "for the railway proposition," and of the number containing the words, "against the railway proposition," and such certificate shall be conclusive evidence of the fact as to the number of votes each way, for and against such proposition, and also of the fact that such election was regularly ordered, noticed, held and conducted according to law.

How election to be conducted.

SECTION 4. If a majority of the legal voters of any such county, town, city or village, voting in pursuance of the provisions of this act, shall vote "for the railway proposition," and the votes in favor of such proposition shall at the same time be equal to a majority of the legal votes cast at the general election in such county, town, city or village, as the case may be, held next prior to the date of such proposition of the said company, it shall be the duty of the proper officers in behalf of such county, town, city or village, to sub-

If vote is favorable, proper authorities to subscribe for stock.

scribe for and take or agree to take stock or bonds of said company, of the kind and description, to the amount and on the terms and conditions specified in such proposition of said company, and in payment therefor, to make, issue and deliver to said company the bonds of such county, town, city or village, as the case may be, payable to bearer, or in case such subscription is payable in money, and not to be secured by bonds, then it shall be the duty of the proper authorities of such county, town, city or village, to levy, collect and pay to said company in money, the amount of such subscription, in all respects in accordance with the terms and conditions of such proposition of said company, and such tax shall be in addition to all other taxes authorized by law, and shall be levied upon and collected from all taxable property in such county, town, city or village in the same manner that general taxes are levied and collected by law.

Definition of proper officers and proper authorities.

SECTION 5. For the purposes of this act, the term, "proper officers" shall be held to intend and mean, in the case of a county, the chairman and clerk of the county board of supervisors 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 and city clerk, and in the case of a village, the president and clerk of the village; and the term, "proper authorities," shall be 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, 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 clothed 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, there shall be added the certificate of the clerk of the board of supervisors of the county in which the town is situated under the seal of the county, that the town officers subscribing the bonds are in fact such officers, and that their signatures thereto are genuine.

Shall be liable for principal and interest of bonds.

SECTION 6. Every county, town, city or village which, by the provisions of this act, is authorized to issue any bonds, shall be severally liable in law, faith-

fully, 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 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 its taxable property, for the payment of all moneys to fall due upon such bonds, whether for interest or principal, in addition to all other taxes, and the money so raised shall be kept as a separate fund, and strictly applied to that purpose; and it may, in the discretion of its proper authorities, raise a greater sum in any one year than is needed to pay what falls due in that year, and apply the same to the purchase and discharge of such bonds at the lowest practicable rate or price.

SECTION 7. The proper authorities of any such county, town, city or village may appoint an agent, who shall vote at all meetings of stockholders of said company for the election of officers or otherwise, on all the stock of such county, town, city or village, as the case may be, on which there is no default in payment of the subscription for such stock, or of the interest on the bonds given for such stock, but not on any stock if any such default exist on the part of such county, town, city or village, as the case may be.

May appoint agent to cast vote.

SECTION 8. If any such stock or bonds of said company so taken by such counties, towns, cities or villages shall be sold, the proceeds of sale shall be wholly and strictly devoted to the payment or purchase of the bonds so given for the same until such bonds last named are all paid or taken up and canceled. Any county, town, city or village, such as is mentioned in section one of this act, may receive, entertain and hold an election upon two or more successive propositions, such as are referred to in section two of this act.

Sale of stock or bonds not to discharge from liability.

SECTION 9. After any such county, town, city or village shall have paid money or given bonds for stock to said company, as permitted by this act, said company shall not materially change or alter the location of that part of its road which lies within the limits of such county, town, city or village, as the case may be, while such county, town, city or village shall continue to own the stock or bonds of such company so taken by it, without the consent of the proper authorities of such

Route of road not to be changed after stock is taken.

county, town, city or village, until the company shall have paid or tendered back the principal sum of all moneys, and of all the bonds so received from that county, town, city or village; but after such payment or tender, or after such county, town, city or village shall have parted with the railway stock or bonds so taken by it, the company may alter such location at any time, and thereupon any such railway stock or bonds then held by such county, town, city or village shall be surrendered and canceled.

SECTION 10. This act is hereby declared to be a public act, and shall be immediately published, and shall be in force from and after its passage and publication, and shall be liberally construed to promote the purposes thereof.

Approved March 14, 1871.

CHAPTER 77.

[Published March 15, 1871.]

AN ACT to consent to the purchase by the United States of the grounds used as a national soldiers' cemetery, at Forest Hill, near Madison, in this state, and to cede jurisdiction thereof.

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

Consent given. SECTION 1. The consent of this state is hereby given to the purchase by the United States of the grounds used as a national soldiers' cemetery, at Forest Hill, near the city of Madison, in this state, and the jurisdiction of this state over such grounds is hereby ceded to the United States, such cession to take effect when such purchase shall have been duly made: *provided*, that an accurate description and plat of such grounds shall be filed by the United States with the governor of this state; *and provided further*, that this cession is upon the express condition that the state of Wisconsin shall so far retain a concurrent jurisdiction with the United States in and over the grounds aforesaid, that all civil and criminal process issued under the author-