

**Conflicting laws repealed.** SECTION 3. Any and all acts, or parts of acts, contravening or inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 5, 1905.

No. 525, S.]

[Published June 7, 1905.

## CHAPTER 311.

AN ACT amending section 925—133 of the statutes of 1898 as subsequently amended, for the funding and refunding of city debts.

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

**Bonds, for what purpose; how authorized.** SECTION 1. Sec-925—133 of the statutes of 1898, as amended by chapters 277 and 427 of the laws of 1903, and by chapter 61 of the laws of 1905, is hereby amended so as to read as follows: Section 925—133. The council shall have authority to issue bonds for the following purposes only:

1. Building school-houses and for public libraries.
2. Building bridges.
3. Erecting public buildings for the use of the city.
4. Purchase of apparatus for fire protection.
5. Street improvements which are to be paid for by the city.
6. Waterworks, sewers and drains, lighting works for streets and public buildings, and in cities of other than the first class for the construction and operation of lighting works to supply the city and its inhabitants with electric or other light.
7. For the purchase or establishment of public parks, public drives, boulevards, cemeteries, garbage grounds, public hospitals and purchasing sites for public buildings *and for a city market place.*
8. Purchase of toll bridges and approaches, *and for the purchase of a site for and the construction, maintenance or acquiring of public docks, wharves and the approaches thereto.*

9. *Such other purposes as are authorized by these statutes.* No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting, not less than one week after the proposed ordinance shall have been published in the official paper of the city. In case of bonds issued for street improvements, school purposes, water works, sewerage, parks and public grounds, a vote of the people of the city shall not be required unless within thirty days after the passage by the common council of the city of the ordinance authorizing the issuing of the bonds for such purposes there shall be filed in the office of the city clerk a petition in writing signed by not less than ten per cent in number of the voters who voted in said city at the last general state election, asking for submission of the question of issuing such bonds to a vote of the people, in which case such question shall be submitted as provided in section 943; Provided, that no *such* bonds shall be issued so that the amount thereof, together with all other indebtedness of the city, shall exceed five per cent of the assessed valuation of the property therein at the last assessment for *the* state and county taxes previous to the incurring of such indebtedness; that all *such* bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their date, and shall bear interest not exceeding six per cent per annum, payable semi-annually, and that the council shall have provided for the collection of a direct annual tax sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from date of the issue of *such* bonds. The council may also issue negotiable bonds constituting a general city liability for the refunding of other bonds or for the funding of general city indebtedness or liability in the following cases:

1. For the refunding of valid general city bonds *heretofore issued* or issued by a village or other municipality to whose property, rights and liabilities the city has succeeded.

2. For the funding of general city liability existing by reason of the fact that the city has received and has had the use and benefit of moneys raised by the issue or sale of bonds purporting to be a general city liability, but which are technically invalid for the failure to levy a tax as required by section 3 of article 11, of the constitution, or are not in lawful form, or where there was some defect in holding an election, or in some of the proceedings upon which the bonds were based. This subdivision shall apply only to cases in which the moneys were

applied to general city purposes, and ought justly to be repaid by the city, where *there* is an actual existing liability for such repayment, and where such liability did not at the time the money was so received exceed the five per cent limit of the constitution.

3. For the funding of general city liability arising from the fact that the city has issued special street, sewer, harbor or other improvement bonds, which do not constitute a general city liability, but where the city has collected assessments levied for the payment of the bonds and the same have been lost or diverted to other purposes, such bonds not to exceed the amount so collected with interest. Provided, however, that such collection and diversion constitute a general city liability.

4. For the refunding of street, sewer, harbor or other improvement bonds which for any reason constitute a general city liability not exceeding the constitutional debt limit.

5. For the funding of judgments against the city, which cannot in the judgment of the council be paid by current taxation. Such funding or refunding bonds may run not exceeding twenty years from the time of their issue and may be negotiable coupon bonds payable to bearer at a rate of interest not exceeding that of the debt funded or refunded. Such bonds may be sold at not less than par and accrued interest and the proceeds used to pay the liability for which they were issued, or may be exchanged for the evidences of liability replaced by them. No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same by at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city. All such bonds issued shall be payable at the option of the city in annual instalments, the last instalment being payable not more than twenty years after their issue. Before or at the time of issuing said bonds the council shall provide for the collection of a direct annual tax, sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the time of the issue of such bonds. Said funding or refunding bonds need not be authorized by vote of the people, and shall be signed by the mayor, countersigned by the city clerk and sealed with the corporate seal. Said officers before executing said bonds shall ascertain that they do not exceed the limit prescribed by the constitution of the state of Wisconsin and that all provisions required by the constitution and laws of Wisconsin have been duly complied with. *Refunding bonds whose issuance, by ordinance*

*heretofore adopted, has been directed to be made in the manner provided by section 925—133 of the statutes of 1898 as amended by chapters 277 and 427 of the laws of 1903, shall be issued, and further proceedings in regard thereto shall be taken, in accordance with the provisions of this act.*

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

Approved June 7, 1905.

No. 338, A.]

[Published June 8, 1905.]

## CHAPTER 312.

AN ACT to alter the boundaries of certain towns in the county of Lincoln and create the town of Somo, in said county.

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

**Territory embraced in town of Somo.** SECTION 1. All of that portion of the present town of Tomahawk in the county of Lincoln and state of Wisconsin, described as follows, to-wit: All of township number thirty-five north, range four east, and all of township thirty-five north, range five east, and now forming a part of the town of Tomahawk, is hereby set off and detached from the town of Tomahawk, and duly created and organized as a separate town, to be known and designated as the town of Somo, in said Lincoln county.

**Territory detached and added to town of Lincoln.** SECTION 2. All of that portion of the present town of Corning, and all of that part of the present town of Scott in said county, described as follows, to-wit: All of that part of the town of Corning lying north of the town line between townships thirty-three and thirty-four, north, and all of that part of the town of Scott lying north of the town line between townships thirty-three and thirty-four, north, are hereby detached from the towns of Corning and Scott respectively, and are hereby attached to and made a part of the town of Tomahawk, in said county of Lincoln.