

CHAPTER 141.

[Published March 27, 1865.]

AN ACT to authorize the town of Hubbard, in Dodge county, to levy and collect a tax.

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

SECTION 1. The town officers of the town of Hubbard, in the county of Dodge, are hereby authorized to levy and collect the tax voted to be raised at a town meeting held in said town on the 18th day of January, 1865. Said tax may be collected immediately, in the manner now provided by law: *provided*, that no more than two hundred dollars shall be paid to each volunteer. tax authorized. Limit to bounty.

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

Approved March 14, 1865.

CHAPTER 142.

[Published March 17, 1865.]

AN ACT to authorize the county of Manitowoc to issue its bonds in aid of the improvement of the harbor at the mouth of the Manitowoc river, in said county.

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

SECTION 1. That Joseph Vilas, Jr., Henry Berner, Jacob Grimme, F. R. Guthiel, Hanson Rand, Ira P. Smith and John Taube, and their successors, are hereby appointed a board of commissioners for the purpose of constructing a harbor at the mouth of the Manitowoc river, in said county. Board of harbor commissioners.

SECTION 2. The said commissioners shall previously to the transaction of any business, elect one of their number president and one treasurer, and shall also appoint a secretary. The president, when present, shall preside at all meetings of the board for the transaction Officers of board, and their duties.

of business, and the secretary shall keep a record of all the doings of said board, and the same shall be open to the inspection of the citizens of said county at all times during business hours. No business shall be transacted at any meeting of said board, unless all the members have had due notice thereof, and a majority of the members shall be present. In the absence of the president or secretary at any such meeting, the majority may elect one of their number president *pro tem.*, and appoint a secretary *pro tem.* The first meeting of said board of commissioners shall be held at the village of Manitowoc, at such time and place as shall be designated by a majority of them, and all subsequent meetings shall be held in said village, at such times as may be appointed by a vote of a majority of said board.

County may issue bonds to amount of \$30,000.

SECTION 3. The chairman and clerk of the board of supervisors of the county of Manitowoc, are hereby authorized and empowered to issue for and in the name of the county of Manitowoc, the bonds of the said county, to the amount of thirty thousand dollars, bearing interest at the rate of seven per cent. per annum, and made payable in twenty years from the date thereof. The principal and interest of said bonds shall be payable at such place as the said board of commissioners may designate, and the interest shall be made payable semi-annually. The said bonds shall be signed by the chairman and clerk of the said board of supervisors, and shall be sealed with the corporate seal of said county, and shall have interest warrants or coupons attached thereto, for the payment of the semi-annual interest accruing thereon, at the times and place where such interest shall be made payable, which shall also be signed by the clerk of said board of county supervisors. Such bonds may be issued for such sums, each not less than one hundred dollars nor exceeding one thousand dollars, as the said board of commissioners may direct.

How bonds to be signed, &c.

Denominations.

To be delivered to treasurer of board.

SECTION 4. The said bonds authorized by the third section of this act, when signed, shall be delivered by the chairman of the said county board of supervisors to the treasurer of the said board of commissioners, to be by him paid out and delivered in the manner hereinafter in this act provided.

Coupons receivable for taxes.

SECTION 5. The coupons or interest warrants annexed to and for the payment of the interest upon the bonds which may be issued pursuant to the provisions

of this act, shall be receivable in payment of any taxes levied and assessed, and collectable for county purposes in said county, and shall be receivable in payment of any tax which may be levied in said county for the interest to accrue on the said bonds hereby authorized to be issued pursuant to the provisions of this act, but only in the years in which the said coupons shall become due.

SECTION 6. It shall be the duty of the board of supervisors of the county of Manitowoc, to levy an annual tax upon all the taxable property within said county, (excepting that of the towns of Two Rivers and Two Creeks, which last mentioned towns are exempt from the operations of this act,) sufficient to pay the annual interest upon the bonds which shall be issued pursuant to this act, then outstanding; and after the expiration of ten years from the date of said bonds, the said board of supervisors shall levy and cause to be assessed and collected a further annual tax in addition to the tax for the payment of the annual interest on said bonds, for a sinking fund for the payment of the principal sum of such bonds, which shall bear the same proportion to the whole principal sum secured by the bonds so to be issued, as one year shall bear to the whole number of years the said bonds shall have to run from the tenth year from the date thereof, so that the amount raised by the tax annually, shall in the aggregate for the number of years the said bonds shall run, be equal to the whole principal sum of such bonds, which tax by this section authorized and required to be levied, assessed and collected, shall be levied, assessed and collected in all respects as other general taxes are levied, assessed and collected in said county: *provided*, that no such tax shall be levied, assessed and collected in the said towns of Two Rivers and Two Creeks; and when collected, it shall be the duty of the treasurer of said county to pay the interest and principal which shall become due upon said bonds as aforesaid, out of the moneys coming into his hands for such purpose, at such time and place as shall be specified in said bonds, and as hereinafter further provided.

SECTION 7. Whenever and as often as the amount which shall annually be levied and collected pursuant to the provisions of section six (6) of this act, for the purpose of paying the principal of the said bonds by this act authorized to be issued and paid into the sinking fund, shall equal the principal of one or more of

Taxes for payment of interest and principal of bonds.

Bonds to be paid to be determined by lot.

such bonds, the chairman and clerk of board of county supervisors shall determine by lot which of said bonds shall be paid therewith, by placing in a ballot box the numbers of all of such bonds then outstanding, written on separate ballots, separately and carefully folded; and thereupon the said chairman shall, after such ballots shall have been well mixed, draw therefrom one number at a time, which number shall be publicly read and recorded by the said clerk as drawn; and such drawing shall continue under [until] the number of outstanding bonds, the principal of which shall be equal to the amount of the sinking fund on hand at the time of such drawing, shall be drawn, and the amount of the sinking fund then accumulated, shall be applied to the payment of the principal of the bonds the numbers of which shall be drawn. And the clerk of said board of supervisors shall, immediately after every such determination by lot, notify the holders of the bonds which may be so designated for payment, if known, and if not known, by advertisement in a newspaper published in said county, of such drawing; and if such bonds so designated for payment shall not be presented in thirty days after such notice, the treasurer of said county shall remit or cause to be remitted to and deposited in the bank where such bonds are payable, a sum equal to the principal of the bonds which shall be so designated for payment, with a description of such bonds, to the credit of the owners and holders thereof; and on such deposit being made, the interest on the bonds for the payment of which such deposit shall be made, shall thenceforth cease; and all bonds and coupons, as soon as paid and returned, shall be canceled by the clerk of the said board of supervisors, and their numbers and amounts entered by him in a book to be kept for that purpose.

Judge of circuit court may order levy of tax.

SECTION 8. If the board of supervisors of said county shall refuse or neglect to levy any tax as provided in this act, the said board of commissioners, or the holder or holders of any of said bonds or coupons, or interest warrants, may at any time after such refusal or neglect, apply to the judge of the circuit court in and for the county of Manitowoc, either in term time or vacation, for an order directing and commanding the proper officers of said county to cause said tax to be levied, assessed and collected in the manner and for the pur-

pose provided in this act, and it is hereby made the duty of said judge to make such order; and the supervisor or other officer of said county who shall refuse or neglect to obey such order, shall pay a fine of not less than one hundred nor more than five hundred dollars, to be recovered in any court of competent jurisdiction, at the suit of any one of the holders of any of the said bonds, for the benefit of all of the owners of the bonds issued under the provisions of this act.

SECTION 9. It shall be the duty of the sheriff of said county to give notice that at the time of holding the general election in said county, in the fall of eighteen hundred and sixty-five, an election will be held in the several towns in said county, except in said towns of Two Rivers and Two Creeks, for the purpose of voting on the question of issuing the bonds in this act provided for, which such notice shall be given by publishing the same in all the newspapers published in said county, once in each week for at least six weeks prior to the time of holding such election.

Question of issue of bonds to be submitted to vote.

SECTION 10. At the election at which the question of issuing such bonds shall be submitted, as in this act provided, a separate ballot box shall be provided by the inspectors of election at each poll in said county, except in the said towns of Two Rivers and Two Creeks, and each elector may vote a separate ballot, on which shall be written or printed the words, "for the harbor bonds," or "against the harbor bonds," which ballots shall be deposited in such separate box, and shall be canvassed and returned and certified in all respects in like manner as votes for county officers are required by law to be canvassed, returned and certified. Any person voting upon this question who shall not be legally qualified to vote, shall be subject to all the penalties attaching to illegal voting at a general election.

Form of ballots, and canvass and return of same.

SECTION 11. The bonds authorized by this act to be issued, shall in no event be issued unless it shall appear from the returns of such election, duly canvassed and certified, that a majority of all the legal voters in said county, voting at such election on said question, shall have voted "for the harbor bonds;" and provided, that such bonds may not be issued without the order of the board of county supervisors, unless the village of Manitowoc shall first have issued its bonds in equal amount,

When bonds may be issued.

and delivered the same to the treasurer of the said board of commissioners.

Treasurer of board to execute bond.

SECTION 12. The treasurer of said board of commissioners shall, before he shall receive any bonds from the chairman of the county board of supervisors, execute and deliver to the treasurer of the county of Manitowoc his bond, in such penalty and with such sureties as the board of county supervisors shall prescribe, conditioned for the faithful performance of his duties as such treasurer, and that he will faithfully and honestly account for and pay over, on the order of the said board of commissioners, all such bonds, moneys or other things which may come into his hands as such treasurer, which bond shall be approved by a majority of the said supervisors, and filed in the office of the county treasurer.

Negotiation of bonds.

SECTION 13. The said board of commissioners may negotiate and sell the whole or any portion of said county bonds for money, at such price and upon such terms as to them or a majority of them shall seem advisable, and shall expend such money, and pay out the remainder of said bonds, if any, for the improvement of said harbor, and may enter into contract or contracts with any person or persons, company or body corporate, for materials and labor for and to be used and applied in and about the improvement of said harbor, and contract to pay for such materials and labor in money or the bonds of said county and of the said village of Manitowoc, or partly in money and partly in such bonds; but before entering into any contract or contracts, they shall give thirty days' notice of the time and place of letting contract or contracts, by publishing the same in each of the newspapers published in said county, and shall let such contracts to the lowest responsible bidders; but no such contract shall be let unless signed by one or more responsible sureties, to be approved by said board of commissioners; and they shall make a semi-annual report to the board of supervisors of said county, of all their receipts and disbursements, and of their progress in the work of improving said harbor, and shall cause a copy of such report to be published in each of the newspapers published in said county.

Contracts for materials, &c.

Semi-annual reports.

Maps of survey of harbor.

SECTION 14. That the said board of commissioners shall, before commencing work on the improvement of

said harbor, obtain from the United States topographical bureau, at Washington, maps of survey and copies of the plans and specifications of the work and materials for the improvement of said harbor, and they shall employ a competent engineer to prepare the necessary plans and specifications, and in the improvement of said harbor shall follow, as nearly as practicable, the plans and specifications of the United States topographical engineers.

SECTION 15. If before the completion of the improvement of said harbor, congress shall make an appropriation sufficient for the completion of the same, the said board of commissioners shall suspend the work thereon, so far as they can do so without injury to the contractors, and return all bonds issued by the county then on hand, and all moneys or other thing arising from the sale of any of such bonds, after paying all demands against said board, to the treasurer of said county.

When work on harbor shall be suspended.

SECTION 16. That the said board of commissioners shall have, and there is conferred upon them, all the powers which by law are or may be conferred upon individuals or corporations, to make and enforce contracts, and they may make all contracts which they shall deem necessary for the improvement of said harbor under the provisions of this act, and shall have all the legal remedies upon and for the enforcement of the same, in courts having jurisdiction, and shall be subject to all the liabilities for violations of such contracts by them as such board of commissioners: *provided*, they shall not be made personally liable for the payment of any judgment for damages which may be recovered against them as such board of commissioners.

Powers of board.

SECTION 17. The said board of commissioners shall appoint some competent person, whose duty it shall be to superintend the work on the improvement of the said harbor, and see that the same is done in a proper manner, and according to the terms of the contracts made, and agreeably to the plans and specifications adopted by them, and shall allow such compensation to the person so appointed as they shall deem just and reasonable, and may at any time discharge such person and appoint some other in his place.

Superintendent.

SECTION 18. In case any vacancy shall occur in the said board of commissioners by death, resignation or

Vacancies in board.

otherwise, such vacancy may be filled by the remaining commissioners, and a two-thirds vote of the remaining members of the board shall be requisite for the election or appointment of a commissioner to fill a vacancy.

Commissioners
to execute bonds.

SECTION 19. The said commissioners shall, before entering upon their duties under the provisions of this act, enter into several bond to the treasurer of said county, in such sum or penalty and with such surety or sureties as the board of supervisors shall determine and approve, conditioned for the faithful and honest application of the moneys, bonds and other things which may come into their hands, to the improvement of the said harbor as herein in this act provided; and they shall be allowed for their services such reasonable compensation as shall be determined upon by the said board of supervisors and the board of trustees of the village of Manitowoc.

Compensation of
commissioners.

Compensation of
employees.

SECTION 20. The agents and employees of the said board of commissioners shall each be allowed such compensation as shall be agreed upon between them respectively and the said commissioners, or as shall be fixed or determined upon by the said commissioners.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1865.

CHAPTER 143.

[Published March 28, 1865.]

AN ACT to legalize all the proceedings of two special town meetings held in the town of Wauwatosa, in the state of Wisconsin, on the 9th day of February, A. D. 1865, and on the 18th day of February, A. D. 1865, for the purposes of raising a bounty for volunteers in said town, and to legalize the acts of the town officers of said town, under the votes and resolutions passed at said town meetings.

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

Bounty tax pro-
ceedings legal-
ized.

SECTION 1. All the proceedings of two several special town meetings held in the town of Wauwatosa, and state of Wisconsin, the one held on the 9th day of February,