

CHAPTER 536.

[Published June 6, 1866.]

AN ACT to enable the town and city of Berlin to readjust and arrange their indebtedness on the bonds issued by the town of Berlin in aid of the construction of the Milwaukee and Horicon railroad.

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

May issue bonds in exchange for those issued by town of Berlin to aid Mil. and Hor. R. R.

SECTION 1. The city and town of Berlin, in the county of Green Lake, are hereby authorized to issue new bonds in exchange for those heretofore issued by the town of Berlin, in aid of the construction of the Milwaukee and Horicon railroad, now outstanding and unpaid, upon such terms as may be agreed upon between said city and town and the holders of such bonds, in the manner in this act provided, which new bonds may be made payable at such place and at such time, not exceeding twenty years from their date, as may be agreed upon with said holders; and they shall be payable to bearer, and be transferable by delivery, with coupons attached for interest, payable semi-annually, at a rate not exceeding seven per cent. per annum.

How payable, interest, &c.

Commissioners of public debt of city.

SECTION 2. The city council of the city of Berlin shall appoint three freeholders, residents of said city, who shall constitute a board of commissioners, to be styled the "commissioners of the public debt of the city of Berlin," and the city clerk of said city shall notify such commissioners of their appointment within ten days thereafter, and such commissioners, if they consent to serve, shall accept such appointment in writing, which acceptance shall be filed with the city clerk. If said commissioners, or either of them, shall neglect or refuse to accept such appointment within ten days after being notified thereof, the said city council shall have power to appoint other commissioners in their stead; and said council shall have power to fill any vacancy in said board of commissioners that may occur from time to time, by reason of resignation or death, or from any other cause.

Vacancies.

Commissioners of public debt of town.

SECTION 3. The board of supervisors of the town of Berlin shall appoint three freeholders, residents of said town, who shall constitute a board of commission-

ers, to be styled the "commissioners of the public debt of the town of Berlin," and the town clerk of said town shall notify such commissioners of their appointment within ten days thereafter, and such commissioners, if they shall consent to serve, shall accept such appointment in writing, which acceptance shall be filed with the town clerk of said town. If said commissioners, or either of them, shall neglect or refuse to accept such appointment, and to file the same with the town clerk, as herein provided, within ten days after they shall have been notified thereof, the said board of supervisors shall have power to appoint other commissioners in their stead; and said board of supervisors shall have power to fill any vacancy in said board of commissioners that may occur from time to time, by reason of resignation or death, or from any other cause.

Vacancies.

SECTION 4. The commissioners of the public debt of the city of Berlin and of the town of Berlin, appointed in accordance with the provisions of this act, shall hold one or more joint meetings, at such time and place as they shall agree upon; and at such meeting or meetings shall proceed to adjust and determine the proportion to be paid by such city and town, respectively, of the amount that may be agreed upon by such city and town, as is hereinafter provided, in settlement of the bonds issued by the town of Berlin in aid of the construction of the Milwaukee and Horicon railroad, having reference, so far as may be, to the assessed valuation of the real and personal estate of such city and town last made by the assessors of such city and town, before the making of such adjustment; and said commissioners, whenever they shall have adjusted and determined the proportion to be paid by said city and town, respectively, as herein provided, which shall be assented to and approved by a majority of both boards, shall file one report thereof, signed by a majority of each board of commissioners, in the office of the city clerk of the city of Berlin, and another like report in the office of the town clerk of the town of Berlin; and if the city and town of Berlin shall vote to accept any proposition that may be made to them by said bondholders, as is hereinafter provided, the amount to be paid shall be assumed by said city and town in the proportions fixed in said reports.

Commissioners to determine proportion to be paid by city and town.

To file reports.

Acceptance of proposition.

SECTION 5. Whenever, after the filing of the reports

Proposition of bondholders.

as provided in the preceding section, the holders of not less than eighty thousand dollars of the bonds issued by the town of Berlin in aid of the construction of the Milwaukee and Horicon railroad, or their attorney or attorneys, shall make a proposition in writing to the said city and town of Berlin, for the compromise of the indebtedness of such city and town on said bonds, stating the amount to be paid by each upon the basis of the adjustment hereinbefore provided for, and such proposition shall be filed with the town clerk of the town of Berlin and with the city clerk of the city of Berlin, it shall be the duty of the town clerk of the town of Berlin, whenever requested in writing by a majority of the commissioners of the public debt of the town of Berlin, to publish or cause to be published, by posting in three or more public places in said town, notices of an election to be held by the legal voters of the town of Berlin, at the usual place of holding elections in such town, at such time as he may designate, which shall not be less than twenty nor more than thirty days from the date of such notice, which notice shall call upon said voters to deposit a ballot upon which shall be printed or written the words "for the proposition of the bondholders," or the words "against the proposition of the bondholders," or words of a similar import; and an election shall be held in accordance with such notice, which shall be conducted in the same manner that general elections are required to be conducted in said town; and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any general election, and the canvassers shall make, certify, sign and deposit with the town clerk of the town of Berlin, a statement of the whole number of votes cast upon the question, as well as a statement of the number "for the proposition of the bondholders," and of the number "against the proposition of the bondholders;" and such statement shall be conclusive evidence of the fact as to the number of votes cast for and against such proposition, and also of the fact that such election was regularly held and conducted according to law.

Notice of election in town, to vote on proposition.

How election to be conducted, votes canvassed, &c.

Election in city, to vote on proposition.

SECTION 6. After any proposition shall have been made and filed in accordance with the provisions of the preceding section, it shall be the duty of the city, council of the city of Berlin, upon the request of a major-

ity of the commissioners of the public debt of the city of Berlin, to appoint an election to be held in the different wards of the city of Berlin, at the usual places of holding general elections in such wards, and at such time as they shall appoint, not less than twenty and not more than thirty days from the date of such appointment, for the purpose of voting upon said proposition of the bondholders; and the city clerk shall forthwith publish, or cause to be published, by posting up copies thereof in two or more public places in each ward of said city, a notice of such election, calling upon the legal voters of the city of Berlin, at such election, to deposit a ballot upon which shall be printed or written the words "for the proposition of the bondholders," or the words "against the proposition of the bondholders," or words of a similar import. Such election shall be held and conducted in the same manner that general elections are required to be held and conducted in said city of Berlin, and the votes cast at such election shall be counted, returned and canvassed in the same manner as the votes at any general election; and the canvassers shall make, sign and deposit with the city clerk of the city of Berlin, a statement of the whole number of votes cast upon the question, as well as a statement of the number "for the proposition of the bondholders," and of the number "against the proposition of the bondholders;" 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.

How election to be conducted, votes canvassed, &c.

SECTION 7. If a majority of the legal voters voting on the question, of the city of Berlin and of the town of Berlin, at any elections held in pursuance of this act, shall, as indicated by the official returns of such elections, vote for the proposition of the bondholders, it shall be the duty of the chairman of the board of supervisors and the town clerk of the town of Berlin, to execute and deliver to the commissioners of the public debt of the town of Berlin, bonds of the town of Berlin for the amount to be paid by the town of Berlin, according to the proposition of the bondholders, and the adjustment provided for in this act, which shall be for the sum of five hundred dollars each, unless in order to adjust the amount due any bondholder, it shall

If vote in favor of proposition, chairman and clerk of town to execute and deliver bonds to commissioners.

Amount of each bond.

How signed, &c.	be necessary to issue to him a bond of less amount than five hundred dollars, which bond shall be signed by the chairman of the board of supervisors and countersigned by the town clerk of the town of Berlin;
Certificates.	and the commissioners of the public debt of the town of Berlin, or a majority of them, shall indorse upon such bonds a certificate that the same are issued in pursuance of the provisions of this act, and such certificate shall be conclusive evidence that the same have been duly issued in accordance with the provisions of this
Mayor and clerk of city to execute and deliver bonds to commissioners	act; and it shall be the duty of the mayor and clerk of the city of Berlin, to execute and deliver to the commissioners of the public debt of the city of Berlin, the bonds of the city of Berlin for the amount to be paid by the city of Berlin, according to said proposition
Amount of each.	and adjustment, which shall be for the sum of five hundred dollars each, (unless in order to adjust the amount due any bondholders, it shall be necessary to issue to him a bond of less amount than five hundred
How signed, &c. Certificate.	dollars,) and shall be signed by the mayor and countersigned by the city clerk of the city of Berlin; and the commissioners of the public debt of the city of Berlin, or a majority of them, shall indorse upon such bonds a certificate that the same are issued in pursuance of this act, and such certificate shall be conclusive evidence that the same have been duly issued in pursuance of this act. The bonds issued by said town and city shall be in such form, and payable, principal and interest, at such times and at such place as proposed in the proposition of the bondholders: <i>provided</i> , they shall not conflict in any manner with the provisions of section 1 of this act.
Bonds—when and where payable, interest, &c.	
Joint meeting of commissioners, and notice thereof to bondholders	SECTION 8. After the bonds of the city and town of Berlin shall have been placed in the hands of the commissioners of the public debt of said city and town, as provided in section seven of this act, it shall be the duty of said commissioners of said city and town to hold a joint meeting, at such time and place as they may agree upon, and they shall give notice thereof by mail to all of the holders of the bonds issued by the town of Berlin as aforesaid, whose residences shall have been made known to them; and at such meeting said commissioners shall, upon the surrender to them by any holder of the bonds of the town of Berlin, issued in aid of the construction of the Milwaukee and Horicon
Exchange of bonds.	

railroad, of such bonds as may be held by him, deliver to such holder the amount and number of bonds issued by the city of Berlin and the town of Berlin, to which he would be entitled by the terms of the proposition mentioned in section five of this act; and if all the bonds issued by said town of Berlin as aforesaid, shall not be surrendered and exchanged at the first meeting of the commissioners provided for in this section, the commissioners may hold other or adjourned meetings, of which notice shall be given by mail to the holders whose residences shall be known to them, who have not surrendered their bonds, and at such meetings said commissioners shall exchange the bonds of the city and town of Berlin for such of the town of Berlin as shall be surrendered by any holder thereof, as is herein provided; and said commissioners shall cancel all such bonds as shall be surrendered to them as aforesaid, and deposit the same so canceled in the office of the town clerk of the town of Berlin, or of the clerk of the city of Berlin.

Adjourned meeting, and exchange of bonds thereat.

Cancellation of surrendered bonds.

SECTION 9. If a majority of the legal voters voting on the question, of the city of Berlin and the town of Berlin, at any election held in pursuance of the provisions of this act, shall, as indicated by the official returns of said elections, vote against any proposition of the bondholders, it shall be lawful for said city and town, or either of them, to hold another election or other elections, to vote upon the same or any other proposition of the bondholders, submitted in the manner hereinbefore provided; and such election shall be called and held in the same manner, and the same proceedings and the same steps and measures taken subsequently thereto, as is hereinbefore provided; and whenever a majority of the legal voters voting on the question, of the city and town of Berlin, at any elections held in pursuance of this act, shall, as indicated by the official returns of such elections, vote for any proposition of the bondholders, the mayor and clerk of the city of Berlin and the chairman of the board of supervisors and the town clerk of the town of Berlin, shall issue new bonds for the amount to be assumed by each, and the same shall be delivered to the commissioners of the public debt of the city of Berlin and of the town of Berlin, respectively, and the same shall be exchanged by them for the said bonds of the town of

Resubmission of proposition.

Berlin with the holders thereof, as is hereinbefore provided.

Tax on city for annual interest, and principal when due.

SECTION 10. A tax upon all the taxable property of said city of Berlin, shall be levied and collected in each year, sufficient to pay the annual interest upon all bonds issued by said city in pursuance of this act, and to pay the principal when it shall fall due; and the city council of said city of Berlin, in any year before the maturity of the principal in said bonds, may, by a vote of at least two-thirds of the members thereof, raise an additional sum, in order to redeem any part of the outstanding bonds before they shall fall due, upon such terms as may be agreed upon between the holders of such bonds and the city council, which sums for the payment of interest and principal, and for redeeming any part of said bonds before due, shall be levied, collected and enforced in the same manner as other general city taxes of said city are levied, collected and enforced by law.

How levied, &c.

Tax on town for annual interest, and principal when due.

SECTION 11. A tax upon all the taxable property of said town of Berlin, shall be levied and collected in each year, sufficient to pay the annual interest upon all bonds issued by said town in pursuance of this act, and to pay the principal when it shall fall due; and said town of Berlin, at any annual meeting in said town, in any year before the maturity of said bonds, may, by a vote of a majority of the legal voters of said town present and voting thereon, raise any additional sum in order to redeem any part of the outstanding bonds before they shall fall due, upon such terms as may be agreed upon between the holders of such bonds and the board of supervisors of said town, which sums for the payment of interest and principal, and for redeeming any part of said bonds before due, shall be levied, collected and enforced in the same manner as other general taxes of said town are levied, collected and enforced by law.

How levied, &c.

Faith of city and town pledged.

SECTION 12. The city and town of Berlin shall be severally liable in law, faithfully, promptly and at maturity to pay and discharge the principal and interest due upon every such bond issued by them, respectively, in accordance with the provisions of this act; and the separate faith of said city and said town shall by the issue of such bonds be irrevocably and inviolably pledged to the prompt discharge of every such liability.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1865.

CHAPTER 537.

[Published April 25, 1865.]

AN ACT to dispose of the swamp and overflowed lands, and the proceeds therefrom.

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

SECTION 1. All the provisions of law which direct the application and use of the swamp and overflowed lands of this state, and of the lands selected in lieu of swamp and overflowed lands, and of the moneys received on sale of such swamp and selected lands, and of the moneys received from the United States in lieu of swamp lands, for the purposes of drainage and for supporting common schools, normal schools and academies, are hereby repealed, and all acts granting or offering to grant, or authorizing the conveyance of any such lands to any county, town, corporation, officer, board, or any person or persons, are hereby repealed, and such grants, offers and authority are revoked and annulled, except so far as the title to such granted lands may have been actually diverted under such acts: *provided*, that nothing herein contained shall impair the obligation of any contract heretofore made.

All laws relating to the proceeds of sales of, and to the granting of swamp and overflowed lands to counties, repealed.

Proviso.

SECTION 2. All the swamp and overflowed lands heretofore received by this state from the United States, under and in pursuance of an act of congress entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, A. D. 1850, and which are now owned by this state, and all lands now owned by this state which were selected in lieu of swamp and overflowed lands, as authorized by an act of congress entitled "an act for the relief of purchasers and locators of swamp and overflowed lands," approved March 2d, A. D. 1850, and all moneys received from the United States

All such lands heretofore received by the state, and moneys received or due for such lands, to be divided into two equal parts, "the normal school fund" and "the drainage fund."