

CHAPTER 135.

[Published March 24, 1870.]

AN ACT to detach a certain district of country from the county of Milwaukee and to annex the same to the county of Waukesha.

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

ched.

SECTION 1. All that certain district of country which is now a part of the county of Milwaukee, but not embraced within the limits of the city of Milwaukee, composed of the towns of Milwaukee, Granville, Wauwatosa, Greenfield, Franklin, Oak Creek and Lake, from and after the 16th day of April, A. D. 1870, shall upon the conditions hereinafter provided, be detached from the county of Milwaukee and annexed to and made a part of the county of Waukesha, and shall thereupon share equally with all other parts thereof, all the rights, powers, privileges and immunities, and shall equally with all other parts thereof be subject to all the burdens, duties and obligations of the county of Waukesha.

How settlement adjusted.

SECTION 2. All matters relating to the county property, or to the county debts, contracts and liabilities of the county of Milwaukee, shall be adjusted and settled as follows, to wit: All property belonging to the county of Milwaukee, including the court house property and the house of correction property, so called, within the city of Milwaukee, and the poor house farm property, so called, in the town of Wauwatosa, and any and all other property whatsoever, real or personal, in or to which the county of Milwaukee has any right, title or interest whatsoever, shall continue to belong entirely to the county of Milwaukee, as the same shall be after the proposed division of the county shall have been made, and any and all debts, duties, contracts and obligations of the county of Milwaukee shall be borne, performed and paid wholly by the county of Milwaukee as it shall be after such division shall have been made, and the towns so detached from the last named county, and the people thereof, shall be

freed and discharged of and from any and all liabilities therefor, except it be in the case and in the manner hereinafter provided.

SECTION 3. The supervisors of the county of Milwaukee, together with the chairman of the board of supervisors of each of the towns hereby detached from the said county of Milwaukee, shall constitute a board to adjust and settle all matters relating to the county property and the county debts, contracts and liabilities between the county of Milwaukee, as it shall exist after the division contemplated by this act, and that portion of the county detached therefrom by this act. And for the purpose of making such settlement and adjustment, the said board shall meet at the court house of the county of Milwaukee, in the city of Milwaukee, on the 24th day of April A. D. 1870, at ten o'clock in the forenoon, and proceed to make the adjustment required to be made by this act. In making the adjustment the board shall take into account the value of all property real and personal, now owned by or in, or to which the said county of Milwaukee has any right, title or claim whatsoever, and according to their best judgment, and the facts and evidence relating thereto which they may be able to obtain, establish and determine the true value thereof. They shall then proceed to determine the value of the proportion of such property which properly and equitably belongs to that portion of the county of Milwaukee hereby detached from said county, and to each of said towns, separately, and for that purpose, and as a basis for determining such proportion, the said board shall use the assessment of the several towns and wards of the said county of Milwaukee for the year 1869, as equalized by the county board of said county, for the purpose of apportioning state and county taxes. The said board shall inquire into and ascertain the total amount of the indebtedness and liabilities of the said county of Milwaukee as it now exists, due or to become due, and proceed to determine the proportion of such indebtedness and liabilities properly and equitably belonging to that portion of the said county detached therefrom by this act, and to each town separately; and in determining the proportion of such indebtedness and liabilities properly chargeable to such detached portion of said county, the same basis shall be

Board of adjustment.

When meet,

How determine settlement.

used as is required by this act to be used in determining the value of the proportion of the county property belonging to said detached portion of said county. After having determined the proper and true proportion of the value of the county property belonging to that portion of the said county of Milwaukee detached therefrom by this act, and the proper and true proportion of all the indebtedness of and liabilities of the said county of Milwaukee, which the portion of said county detached therefrom by this act is justly and truly liable, the said board shall determine, by comparison of the two amounts thus ascertained and determined in the manner aforesaid, the amount if any, which the said county of Milwaukee as existing after the division herein provided for, ought equitably and justly to pay to the said portion of said original county of Milwaukee hereby detached therefrom, by reason of retaining the county property, and the amount if any, which said detached portion of said county ought equitably and justly to pay to the said county of Milwaukee, as existing after the division herein provided for, by reason of being discharged and freed of and from any and all indebtedness and liabilities of the original county of Milwaukee. And the settlement and adjustment herein authorized to be made between the portions of the county of Milwaukee provided to be separated one from the other shall be legal and binding upon each unless dissented from as hereinafter provided. In case no dissent is made from the settlement and adjustment, then each and all of the seven towns hereinbefore mentioned, and the county of Milwaukee as existing after the division, may issue bonds in payment of the amount agreed upon as equitably and justly due from either to the other, according to the settlement and adjustment thus made, in the same manner as is hereinafter provided in case of dissent by either party, and a settlement and adjustment by commissioners appointed by the governor.

Settlement shall be legal and binding.

If either party dissent, how proceed.

SECTION 4. If either a majority of the board which represents that part of the county of Milwaukee which lies within the city of Milwaukee, on the one hand, or a majority of the board which represents the towns so proposed to be detached and separated from that county, on the other hand, shall dissent from the

adjustment between them of all matters relating to the county property, and the county debts, contracts and liabilities provided and made in and by the second section of this act, then on or before the 14th day of May, A. D. 1870, the party so dissenting shall express such dissent, as follows or shall be forever estopped and barred from making such objection to said adjustment, to wit: the majority of the board of the supervisors of that part of the county of Milwaukee which is within the limits of said city, on the one hand, or a majority of the supervisors of the towns so proposed to be detached, on the other hand, as the case may be, shall make and sign a statement in writing, expressing such dissent, and asking for an adjustment by commissioners in the mode hereinafter provided, and file the same in the office of the clerk of the board of supervisors of Milwaukee county, on or before the first day of May, A. D. 1870, whereupon the said clerk shall send a certified copy of the statement so filed with him, to the governor of the state, and thereupon the governor shall appoint three commissioners, who shall be disinterested men of approved discretion, and not residents of either Milwaukee or Waukesha county, who shall take, subscribe and file with said clerk, an oath faithfully and impartially to perform the duties of such commissioners to the best of their ability, and shall with all convenient speed, meet in the city of Milwaukee, and examine and ascertain the value of the said county property, and also examine and ascertain the extent of the said county debts and liabilities, in the manner prescribed in this act for the board mentioned in section three of this act, to proceed and make and file with said clerk a report in writing, giving the result of such examination and valuation, and giving also a statement separately of the aggregate valuation of the real and personal property subject to taxation in said seven towns so proposed to be detached, and the aggregate valuation of the real and personal property subject to taxation in that part of the county within said city of Milwaukee, according to the assessment thereof in and for the year 1869, as equalized for the purposes of taxation for that year, amount of said county debts and liabilities that would be charged upon that part of the county within the city, and upon the said

Shall report and
make statement

seven towns respectively, if that value were divided and distributed among them, and that aggregate of debts and liabilities were divided and imposed upon them respectively in proportion to the valuation of their taxable property respectively, as equalized in 1869 as aforesaid, and if from such statement it shall appear that the share of such county debts and liabilities which would be imposed upon such seven towns by such computation and division, is greater than their share of the county property contemplated [computed] and ascertained as aforesaid, then each of said seven towns shall, on or before the said 6th day of September, A. D. 1870, pay or by its bonds, as hereinafter provided, secure to be paid to the county of Milwaukee, that part or portion of such excess which shall bear the same proportion to the whole amount of such excess, that the assessed value of its taxable property in 1869, as equalized as aforesaid, shall bear to the aggregate assessed value of the taxable property of said seven towns, and if any of such seven towns shall so elect, instead of paying money at once, it may execute and give to said county of Milwaukee its corporate bonds for the amount of its shares of said excess, which bonds shall be in denominations of one thousand dollars or five hundred dollars, (except that each town may issue one bond for a less amount,) shall bear interest at the rate of eight per centum per annum, payable semi-annually, secured by coupons or interest warrants in a usual form, shall be payable to bearer at such place in the city of New York as shall be specified therein, and at a time therein specified and not more than ten years from the date thereof, shall be drawn in a usual and approved form, and shall be signed by the supervisors and the town clerk of the town, and shall have added thereto or endorsed thereon the certificate of the clerk of the board of supervisors of Milwaukee county, attesting the official character of such town supervisor and town clerk, and the genuineness of their signatures to said bonds respectively; and it shall be the duty of each town which shall give such bonds, in each and every year to levy and collect, in the same manner that other town taxes are levied and collected, a special tax for the payment of so much as shall fall due that year upon such bonds, whether for principal or interest or

both, and the tax so collected, shall be strictly devoted and applied to that purpose and to no other; and if any such town shall prefer to do so, it may levy and collect a greater sum in any one year than is necessary to pay interest on such bonds, and use the excess in the purchase of said bonds, at the lowest rate at which the same can be purchased by the supervisors; but if on the other hand, it shall appear that the share of such county property that would belong to that part of the county of Milwaukee which lies within said city by such computation and division, would be greater than its share of the county debts and liabilities computed and ascertained as aforesaid, then the county of Milwaukee shall, on or before the said 6th day of September, A. D. 1870, pay, or by its bonds secure to be paid, to each of said towns such a share of the last named excess as shall bear the same proportion to the whole of that excess that the assessed value of the taxable property of that town as equalized as aforesaid in the year 1869, bears to the aggregate assessed value of said seven towns as equalized aforesaid for the year 1869; and if it shall elect to give bonds instead of paying in money at once, then it shall give bonds for the same, conforming in form in all respects to the foregoing provisions in that regard in relation to the bonds to be given by said seven towns to the county of Milwaukee, and executed by being signed by the chairman of the board of supervisors and the clerk of the board of supervisors of said county of Milwaukee, and sealed with the common seal of said county of Milwaukee; and it shall be under like obligations, and shall enjoy a like privilege to that imposed on and given to said towns, in relation to the levy and collection of taxes for the payment of such bonds and for the purchase of the same.

SECTION 5. Whenever upon the fulfillment of the conditions of this act, the district of country herein provided to be detached from the county of Milwaukee, becomes a part of the county of Waukesha, the board of supervisors of Waukesha county may levy a tax upon that portion of the county as is herein provided to be annexed thereto, as shall be sufficient to pay for such proportion of the value of the property owned and occupied by the county of Waukesha for county purposes, as the assessed valuation of such an-

May levy tax.

nexed district for the year 1870, bears to the whole assessed valuation of said county of Waukesha for the same year. Such tax may be ordered to be levied and collected through such a term of years as the board of supervisors may deem proper, and be apportioned among the several towns thus annexed in proportion to their relative equalized valuation for the year 1870. Said tax shall be levied and collected and paid into the county treasury as county taxes, and be disbursed as other county taxes are disbursed.

May procure transcripts.

SECTION 6. In case the conditions provided in this act shall be fulfilled and said seven towns shall become a part of Waukesha county, it shall be lawful for such seven towns, in the discretion of their supervisors, to procure full transcripts to be made in suitable books, of all records and papers in any and all the public offices of the county of Milwaukee, relating in any way to the title to, or to liens or incumbrances upon property in any of said seven towns, which books of transcripts shall be examined, compared and certified to be full and correct, by the register of deeds of the county of Milwaukee, who shall receive such compensation for such services as shall be fixed by the judge of the circuit court in and for the second judicial circuit, and shall be severally deposited in the county offices in Waukesha county, corresponding to those in Milwaukee county, from which they were respectively taken, and shall thereupon and thereafter be treated and regarded as part of the public records of Waukesha county, and the same or certified copies therefrom, shall be evidence in all courts and places, in the same manner and with the same effect as the original records in the same offices in Waukesha county.

May vote upon question of detaching.

SECTION 7. The legal voters of Milwaukee county may, at the next general election of town and city officers in April next, vote upon the question of detaching said seven towns from that county, by casting each one ballot into a separate box, to be provided by the several inspectors of election for that purpose, on each of which ballots shall be written or printed the words, "in favor of detaching seven towns from Milwaukee county," or the words, "against detaching seven towns from Milwaukee county," and such votes shall be counted, canvassed, certified and returned in the same manner that other votes at general elections for county

Form of ballot.

officers are counted, canvassed, certified and returned, and the certificate or returns of the canvassers shall distinctly show the whole number of votes cast on that question; also, the number containing the words, "in favor of detaching seven towns from Milwaukee county," and the number containing the words, "against detaching seven towns from Milwaukee county."

SECTION 8. In case a majority of the votes cast upon the question of detachment at the election authorized by the preceding section shall be in favor of such detachment, and not otherwise, said seven towns, being the district of country described in said first section, shall from and after the 16th day of April, A. D. 1870, be detached from the county of Milwaukee and be attached to and constitute a part of Waukesha county, and the supervisors of those towns shall at once be entitled to seats in the county board of supervisors of Waukesha county, and they and all other officers of said towns respectively shall enjoy all the rights, privileges and powers in that county which they would be clothed with and enjoy if those towns were a part of Waukesha county at the date of the passage of this act: *provided*, that nothing in this act contained shall impair the right of the county of Milwaukee to collect and enforce the taxes for the year 1869 as heretofore, and that Milwaukee county shall have the same right and power to receive all moneys for the redemption of property from sale for that tax, and to transfer and sell certificates of such sales, and to deed and convey lands in said seven towns pursuant to such sales, and to do all other acts in relation to that tax and tax sale and the enforcement thereof, that it could do if this act were not passed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication, so far as to authorize a vote to be taken at the general election of town and county officers in April next, but shall have no force or effect to detach said seven towns from the county of Milwaukee, or annex the same to the county of Waukesha, unless a majority of the legal voters of Milwaukee county, at said election shall vote in favor of detaching the same.

Approved March 16, 1870.

If vote favorable, towns shall be detached.

Not to be in force unless ratified by people.