

other county building or buildings as may lawfully be designated and erected by or under the supervision of the board of supervisors of said county; said site to be located at such place as may be designated by the board of supervisors of said county and to consist of not less than one hundred and sixty acres nor more than three hundred and twenty acres of land.

Powers. SECTION 2. In order to carry out the provisions of section 1 of this act, said county of Wood is hereby authorized and fully empowered to make an appropriation and a levy of taxes therefor, or to issue and sell to the best bidder therefor the bonds of said county to an amount not exceeding ten thousand dollars (\$10,000.00) and to provide for the payment thereof by the levy of taxes therefor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1903.

No. 287, S.]

[Published June 1, 1903.

CHAPTER 444.

AN ACT to authorize the building and construction of viaducts across valleys, gullies, running streams or railroad tracks by counties in this state of a population of 150,000 or more and for the issuing of county bonds therefor.

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

Viaduct or bridge, when authorized. SECTION 1. The county board of supervisors of any county within this state which now has or may hereafter have according to any state or national census taken a population of 150,000 or more, is hereby authorized and empowered to erect, construct and maintain any viaduct or bridge over and across any gully, river or valley, or railroad track or tracks agreeable to the conditions and provisions of this act and subsisting laws applicable thereto, when in the opinion of such county board the erection of such viaduct

or bridge shall be for the best interests of the county and inhabitants thereof, which opinion shall be rendered by resolution duly adopted by the county board of supervisors of such county, at any legal meeting thereof. Such viaduct or bridge shall be constructed of such length, width and height as the said county board of supervisors may by resolution determine.

How determined upon; bonds, when issued. SECTION 2. Whenever any such county board shall have determined upon the erection of any viaduct or bridge as herein provided for, it may at any regular meeting of said board, determine by resolution in the manner provided by law, and the rules and regulations of such county board, the tract or tracts of land over and upon which such viaduct shall be placed or constructed, and the determination of such county board and the selection by it of the tract over and upon which such viaduct shall be so placed, shall be final; but no bonds shall be issued under the provisions of this act until said determination has been made and had by such county board of supervisors.

Duty of surveyor; negotiations by county board; damages. SECTION 3. Whenever the county board of supervisors of any such county shall determine to erect and construct a viaduct or bridge under and according to the provisions of this act, it is hereby made the duty of the county surveyor of such county immediately upon such determination and the selection of such county board, of the location of such viaduct, or as soon thereafter as practicable, to cause a survey of the property so selected to be made, and to file said survey in the office of the county clerk of such county; and he shall also file therewith a description of the several parcels of land contained therein; and also a map or plat thereof, showing the location of the same, unless such survey, description, and plat has already been prepared, and such county board of supervisors or such committee as such board may appoint, shall upon the filing of such plat and description of such land and the survey thereof, ascertain if the same or any part thereof can be acquired from the owners thereof, by dedication without compensation, and also enter into negotiations with the several owners of the land necessary to be acquired, for the purpose of the fee simple of, or right of way over, all the lands described in said survey, which cannot be acquired by gift for the purpose of constructing a viaduct thereon, and such lands as shall be included in said survey, which cannot be acquired by gift or purchase at an agreed price,

or the right of way over such lands, shall thereupon be condemned by the said county board of supervisors, in the manner provided by law for laying out a county road for the purpose of constructing such viaduct thereon, provided, that the damages assessed therein shall be paid by said county. If by constructing said viaduct in the manner aforesaid, any damages be sustained by any person or persons, to his or their property, then and in such cases the damages so sustained shall be paid out of the treasury of the county.

Drawbridge; viaduct above railroad track. SECTION 4. When any such viaduct shall be built over a navigable river, a suitable drawbridge shall be provided therein, and whenever any such viaduct shall cross over and above any railroad track, the same shall have its lowest member not less than twenty-three feet above the rail of said railway.

Profile plan, specifications, contract. SECTION 5. Whenever the erection of a viaduct, under the provisions of this act, shall have been determined upon, the county board of supervisors of the county about to construct the same shall cause to be made a complete profile plan and detailed specifications for the work, and as soon thereafter as practicable, such county board of supervisors shall let the contract for the work according to law to the lowest bidder, and enter upon the construction of such viaduct, bridge and approaches in conformity thereto.

Franchises and rights not to be granted. SECTION 6. No franchises or rights shall ever be granted for purposes of horse, steam, electric or other railway communication, and no exclusive privileges or immunities shall ever be granted for the lighting of streets, highways and the like over any viaduct constructed under the provisions of this act, by the county constructing the same, to any person, persons or corporation.

Bonds, when issued; submission of, to vote of the people, when. SECTION 7. Whenever the construction of a viaduct shall have been determined upon, agreeably to the conditions of this act, the county board of supervisors of the county about to construct such viaduct, is hereby authorized and empowered to issue bonds of such county for the purpose of raising money for the building of such viaducts, and for the procurement of title thereto, or a right of way over any and all lands necessary to or convenient for the construction and maintenance of such

viaduct, and necessary or convenient approaches thereto, and the payment of all damages which may be assessed or allowed to the owners of property that shall be purchased or condemned for the uses and purposes in this act provided, such bonds to bear interest at a rate not exceeding five per cent. per annum, interest payable semi-annually, and the principal payable at such time or times, within twenty years from the date of such bonds, as the county board of supervisors of such county may determine. Provided, however, that no bonds authorized by this act shall be issued within sixty days after the vote of any county board authorizing such issue, and if, within such period of sixty days there shall be filed with the county clerk of such county a petition signed by not less than ten per cent. a number of the voters who voted in said county at the last preceding general election asking for a submission of the question of issuing such bonds to a vote of the people, such bonds shall not be issued until authorized by a majority of the voters voting upon such question, in which case the question of such issue shall be submitted to the people in the manner provided by chapter 312 of the laws of 1903, and all provisions of said chapter 312 relating to the method of submission of the question of issuing bonds to a vote of the people, shall apply to the issue of bonds under the provisions of this act.

Bonds, tenor and effect of. SECTION 8. All county bonds issued by any county under the provisions of this act, shall be signed by the chairman and countersigned by the clerk of the county board of supervisors of the county issuing the same, and shall be under the corporate seal of said county, and shall be in the sum of one thousand dollars, five hundred dollars and one hundred dollars each, the number of bonds of such denomination to be fixed by the county board of supervisors, with interest coupons thereunto attached, payable semi-annually; all of such bonds issued in any one year, to be payable with the same rate of interest, and the interest payable semi-annually at one time and place; such time and place to be determined by the county board of supervisors, and to appear upon the face of such bonds and coupons, and said bonds, when signed, countersigned, and sealed, as aforesaid, shall be in the hands of a bona fide holder of the same for value, full and complete evidence, both at law and in equity, to establish the indebtedness of the county issuing the same, according to the tenor and effect of said bond.

Duty of county board and treasurer; bond and sureties. SECTION 9. When the issue of any county bonds, under the provisions of this act, shall have been determined upon, the county board of supervisors of the county about to issue the same, may at any legal meeting, direct by resolution, their chairman to sign, and the clerk of said board to countersign, all the bonds authorized to be issued under this act, or such part thereof as the said board may from time to time determine shall be issued; and it shall be the duty of the treasurer of any such county, under the supervision of the county board of supervisors of such county, to negotiate the bonds so issued, provided that none of said bonds shall be sold at a rate less than par; and the said county treasurer of such county, shall keep and maintain all moneys received from the sale of the bonds issued, in a fund separate from all other moneys belonging to said county, and no part of said bond or of the moneys arising from the sale thereof, shall be expended for or applied to any purposes whatever, except to defray the expenses of obtaining the right of way and for the building of any viaduct, constructed under and according to the provisions of this act and for materials to be used therein and labor furnished thereon; and the said treasurer and his sureties shall be liable to such county for any misapplication of the same or any part thereof; and the said treasurer, before he shall receive such bonds or any money received from the sale thereof for any purpose whatever, shall within thirty days after it has been determined to issue such bonds, execute to the county board of supervisors of such county, a bond with three or more sufficient sureties or a surety company in the penal sum of double the amount of bonds or moneys so to be received by him, conditioned that he will faithfully perform all orders and resolutions of said county board of supervisors which may be passed by virtue of the powers conferred upon such board by this act; that he will keep the bonds received by him safely, that he will keep the moneys received by him and arising from the sale of said bonds safely and separately from other moneys belonging to such county, that he will not pay out the same or any part thereof, except in the manner herein provided, which said bonds shall be approved by the county board of supervisors of said county, and filed in the office of the clerk of said county board of supervisors, and the treasurer of said county shall in a book in a form convenient for that purpose, keep all the coupons belonging to such bonds when the same shall be returned, paid and canceled; such book at all times to be subject to the inspection of any member of said board, citizen or citizens of such county.

Interest and principal, how paid. SECTION 10. It shall be the duty of any county board of supervisors which shall have determined upon the building of any viaduct under the provisions of this act, at or before issuing any bonds in pursuance hereof, to provide for the payment of the interest and the ultimate payment of the principal, of any and all bonds which shall be issued under and by virtue of this act; and for that purpose such county board of supervisors is hereby authorized and required at or before the issue of any such bonds shall have been determined upon, to provide for the assessment, levy and collection of a direct annual tax upon all the taxable property of such county in which such viaduct shall be located, sufficient to pay the interest on such bonds so issued, and also to provide for the levy and assessment of a direct tax, sufficient to pay and discharge the principal of said bonds, as the same shall mature and to collect the same in the manner as other taxes are levied and collected by law.

Orders to contain the words "on viaduct contract." SECTION 11. All county orders drawn on the treasurer of any such county, which shall have undertaken the erection of any such viaduct as herein provided, which are to be paid out of the moneys received on the sale of such bonds, or any part thereof, shall contain the words following, to-wit: "on viaduct contract;" and the treasurer shall pay no county order or orders drawn on him against such county, out of the money received by him on the sale of such bonds or any part thereof, unless such order shall contain the words "on viaduct contract," and the chairman of such county board of supervisors is hereby prohibited from signing and the clerk of said board from countersigning, any county order or orders of such county which shall contain the words "on viaduct contract," unless the consideration for such order be for work done or for material furnished, or both, in the erection of such viaduct, or in payment for lands purchased or damages lawfully assessed to owner or owners of land which shall have been duly condemned for use for, or in the construction, maintenance or use of any such viaduct.

Bonds to be numbered and registered. SECTION 12. The clerk of said county board of supervisors shall number such bonds and cause the same to be registered in the office of the treasurer of such county wherein such viaduct shall be located, in a book to be provided for that purpose.

Powers. SECTION 13. All legislative and administrative powers necessary to carry the powers conferred by this act into full force and effect, are hereby conferred upon the county board of supervisors of any county within this state, which shall avail itself of the provisions of this act, agreeably to the conditions thereof.

Conflicting laws repealed. SECTION 14. Chapter 334 of the laws of Wisconsin of 1895, and any and all acts or parts of acts, inconsistent or conflicting with this act, are hereby repealed.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved May 23, 1903.

No. 392, A.]

[Published June 1, 1903.

CHAPTER 445.

AN ACT to amend chapter 339 of the laws of 1899 requiring the Australian ballot system of elections in towns having an incorporated city or village, which operates jointly with the towns in town elections.

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

Repeal. SECTION 1. Chapter 339 of the laws of 1899 is hereby repealed.

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

Approved May 23, 1903.