

declared to be legal and valid to all intents and for all purposes whatever.

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

Approved March 11, 1865.

## CHAPTER 136.

[Published March 14, 1865.]

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

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

Board of harbor  
commissioners.

SECTION 1. That Joseph Vilas, Jr., Henry Berner, Jacob Grimme, F. R. Gutheil, Hanson Rand, Ira P. Smith and John Tauhe, 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 the village of Manitowoc.

Officers of board,  
and their duties.

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 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 village 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.

**SECTION 3.** The president and clerk of the said village of Manitowoc, are hereby authorized and empowered to issue for and in the name of the corporation of the said village, the bonds of the said village, 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 the said bonds shall be payable at such place as the said board of commissioners may designate, and the interest thereon shall be made payable semi annually. The said bonds shall be signed by the president and clerk of the said village of Manitowoc, and shall be sealed with the corporate seal thereof, and shall have interest warrants or coupons attached thereto, for the payment of the semi-annual interest accruing thereon, at the times and place when such interest shall be made payable, which shall also be signed by the president and clerk of said village. 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.

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

How bonds to be signed, &c.

Denominations.

To be delivered to treasurer of board.

Coupons receivable for taxes.

Taxes for payment of interest and principal of bonds.

**SECTION 4.** The said bonds authorized by the third section of this act, when issued, shall be delivered by the president of said village 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.

**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 in said village of Manitowoc, and shall be receivable in payment of any tax which may be levied in said village 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 trustees of said village to levy an annual tax upon all the taxable property within the corporate limits of the said village, sufficient to pay the annual interest upon the bonds which shall be issued pursuant to this act and then outstanding; and after the expiration of the term of ten years from the date of said bonds, the said trustees shall levy a further annual tax, in addition to the tax for the payment of the 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 and collected, shall be assessed, levied and collected in all respects as other general village taxes are levied, assessed and collected; and when collected, it will be the duty of the treasurer of said village 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.

Bonds to be paid  
to be determined  
by lot.

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 said sinking fund, shall equal the principal of one or more of such bonds, the president and board of trustees shall determine by vote 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 some one of their number 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 clerk of the said village as drawn; and such drawing shall continue 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 president of said village 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 village of Manitowoc, of such drawing; and if such bonds

so designated for payment shall not be presented in thirty days after such notice, the said president 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 (*shall*) be made, shall thenceforth cease; and all bonds and coupons, as soon as paid and returned, shall be canceled by the clerk of said village, and their respective numbers and amounts entered in a book kept by him for that purpose.

SECTION 8. If the board of trustees of said village of Manitowoc 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 and 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 village to cause such tax to be levied, assessed and collected in the manner and for the purpose provided by this act, and it is hereby made the duty of said judge to make such order; and the trustee or other officer refusing or neglecting 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.

Judge of circuit court may order levy of tax.

SECTION 9. That ten days or more previously to the next annual spring election for the election of officers of said village of Manitowoc, it shall be the duty of the clerk of said village to give notice, by publishing the same in two or more of the papers published in said village, or by posting the same at five public places in said village, that at such election a vote will be taken upon the question of issuing the bonds of said village, as provided by this act: *provided*, that if from any cause such vote shall not be taken at such election, the question may be submitted to the electors of said village at such time afterwards, and in such manner, as

Question of issue of bonds to be submitted to vote.

shall be determined upon by a majority of the trustees of said village.

Form of ballots,  
and canvass and  
return of same.

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 held in said village, and each elector of said village 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 village officers are required by law to be canvassed, returned and certified. Any person voting upon this question who shall not be legally qualified so to vote, shall be subject to all the penalties attaching to illegal voting at a general election.

When bonds may  
be issued.

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 village, voting at such election on said question, shall have voted "for the harbor bonds;" and provided, that such bonds may be ordered by a majority of the trustees of said village not to be issued, unless the county of Manitowoc, (excepting the towns of Two Rivers and Two Creeks,) shall have voted to issue the bonds of said county, of equal amount, for the purpose of improving said harbor; but no such order shall be made by said trustees except at a regular meeting of their board, at which their whole number shall be present, and held after the next general election in the county of Manitowoc.

Treasurer of  
board to execute  
bond.

SECTION 12. The treasurer of said board of commissioners shall, before he shall receive any bonds from the president of said village, execute and deliver to the trustees of said village his bond, in such penalty and with such sureties as the said trustees 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 thing as shall come into his hands as such treasurer, which bond shall be approved by the said trustees, or a ma-

majority of them, and shall be filed in the office of the treasurer of said village.

SECTION 13. The said board of commissioners may negotiate and sell the whole or any portion of said village 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 moneys, 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 material and labor in money or the bonds of said village, or partly in money and partly in bonds; but before entering into any such 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 the said village of Manitowoc, 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 commissioners; and they shall make a semi-annual report to the trustees of said village, 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 all the newspapers published in said village.

Negotiation of bonds.

Contracts for materials, &c.

Semi-annual reports.

SECTION 14. That the said board of commissioners shall, before commencing work on the improvement of said harbor, obtain from the U. S. topographical bureau, at Washington, maps of the survey, 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 the said harbor shall follow, as nearly as practicable, the plans and specifications of the United States topographical engineers.

Maps of survey of harbor.

SECTION 15. If before the completion of the improvement of said harbor, congress shall make any appropriation sufficient for the completion of the same, the said board of commissioners shall suspend the work thereon, so far as they can without doing injury to contractors, and return all the bonds of said village, and

When work on harbor shall be suspended.

moneys arising from the sale of any such bonds, on hand, to the trustees of said village, after paying all demands against said board of commissioners.

**Powers of board.** SECTION 16. That the said board of commissioners shall have, and there is hereby conferred upon them, all the powers which by law are or may be conferred upon individuals or corporations, to make and enforce contracts, and 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 violating of such contracts by them at [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.

**Superintendent.** SECTION 17. The said board of commissioners shall appoint some competent person, whose duty it shall be to superintend the work of the improvement of the said harbor, and see that the same is done in a proper manner, and according to the terms of 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 discharge such person and appoint some other in his place.

**Vacancies in board.** SECTION 18. In case any vacancy shall occur in the said board of commissioners by death, resignation or otherwise, such vacancy may be filled by the remaining commissioners, and a two-thirds vote of the remaining members of the board shall be required 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 bonds to the trustees of said village, in such sums or penalty and with such surety or sureties as the said trustees shall determine and approve, conditioned for the faithful and honest application of the moneys, bonds or 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 trustees and the board of supervisors of said county.

**Compensation of commissioners.**

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. Compensation of employees.

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

Approved March 11, 1865.

## CHAPTER 187.

[*Published March 28, 1865.*]

AN ACT to legalize the acts of certain town officers of the town of Lima, Pepin county.

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

SECTION 1. The appointment of supervisors, town clerk and town treasurer, made in the town of Lima, Pepin county, this state, in the month of November, 1864, is hereby declared valid and legal to all intents and purposes, as though said appointment had in all respects been made in accordance with the laws of this state; and all the acts and proceedings of said town officers, appointed as aforesaid, so far as they are consistent with the laws of this state, are hereby declared valid and legal for all purposes whatsoever. Proceedings legalized.

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

Approved March 14, 1865.

## CHAPTER 188.

[*Published March 28, 1865.*]

AN ACT to incorporate the Hustisford woolen manufacturing company.

(See supplement to local laws.)