

company or its assigns, may, at any time after any such refusal or neglect, apply to the judge of the circuit court in and for the proper county, either in term time or vacation, for an order directing and commanding such officer to perform such duty or do such act, and any 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 such railroad company or its assigns; but such recovery not to be a bar to the recovery of damages against any county, town, incorporated city or village, for the violation of any contract entered into between the same and any such railroad company.

Name of company not material to be specified.

SECTION 3. Whenever any county, town, incorporated city or village has heretofore voted or may hereafter vote aid to the Manitowoc and Minnesota railroad company, the same shall be as binding and effectual under the provisions of this act or the said act of which this is amendatory, as though the said Manitowoc and Minnesota railroad company had been particularly named in said acts.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1869.

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## CHAPTER 97.

[Published March 17, 1869.]

AN ACT to provide for levying and collecting a state tax for the year 1869.

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

Amount of tax to be levied in 1869.

SECTION 1. There shall be levied and collected for the year 1869, a state tax of two hundred and ninety-three thousand one hundred and thirty-two dollars and fifty-four cents, in addition to the amount authorized to be levied by existing laws; said tax to be apportioned among and assessed upon the several counties

of this state as provided by law, and such tax shall be levied upon the taxable property of the state, and collected and paid into the treasury as provided by law.

SECTION 2. The secretary of state shall apportion said tax among the several counties of the state as provided by law, on or before the second Monday in October next, and certify the same to the clerk of the board of supervisors of each county, as provided by law: *provided*, that in case the appropriations made by the present legislature shall exceed in amount the estimate reported by the joint committee of the senate and assembly upon which this state tax is based, then the secretary of state shall add such amount of excess to the amount specified in the first section of this act; *and provided, further*, that in case the appropriation made by the legislature shall be less than the amount estimated by said committee, then a corresponding amount shall be deducted from the amount specified in the first section of this act.

Secretary of state shall apportion tax.

SECTION 3. The secretary of state shall also specially certify to each county the amount for which such county is in arrears to the state at the time of the apportionment of the state tax, which amount shall be levied and collected and paid into the treasury with the tax for the year 1869.

Shall certify amount each county is in arrears.

SECTION 4. It shall be the duty of the clerks of the boards of supervisors of the several counties, to levy the amount of state taxes apportioned to and charged against their respective counties, including their indebtedness, as certified to them by the secretary of state, upon all taxable property therein, as provided by law.

Clerks of boards shall levy state tax.

SECTION 5. All acts and parts of acts contravening the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1869.