

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

Approved March 17, 1870.

CHAPTER 114.

[Published March 24, 1870.]

AN ACT to authorize counties, cities, towns and villages to aid in the construction of the Portage, Stevens Point and Superior Railroad.

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

SECTION 1. It shall be lawful for the proper officers of any county through any portion of which any part of the railroad of the Portage, Stevens Point and Superior Railroad Company of [or] the company with which said company shall at any time unite or consolidate, or any incorporated village or city in such county, town, incorporated city or village to aid in the location and construction of any portion of such road, and for the purchase of right of way and depot grounds, and for like purposes to issue the bonds of any such county, town, incorporated city or village in such sum or sums, and upon such terms and conditions as shall be agreed upon by and between such county, town, incorporated city or village, and the said Portage and Superior Railroad Company, or the said Winnebago and Superior Railroad Company, or any railroad company which may be consolidated by or grow out of the two said companies ; but no such tax shall be levied, nor bonds issued by any such county, town, incorporated city or village, unless a majority of the legal voters of such county, town, incorporated city or village, voting on the question, shall first have voted in favor of such tax or the issuing of such bonds, in the manner hereinafter provided.

Counties, towns,
etc., may aid
railroads.

SECTION 2. Whenever either of said railroad companies shall require aid from any such county, town, Companies may make propositions.

incorporated city or village, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president or secretary of said railroad company, and sealed with the common seal of said company, which proposition shall contain a distinct statement of the amount of money or bonds desired, and the terms and conditions and considerations upon which the same will be required to be paid and delivered to said railroad company.

Clerks shall call elections.

Upon receiving such definite proposition the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, shall within ten days, publish or cause to be published, a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections in such county, town, incorporated city or village, and 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 contain a full statement of the proposition made by said railroad company, and shall call upon the voters to deposit a ballot upon which shall be written or printed, the words, "for the railroad proposition," or the words, "against the railroad proposition."

Form of ballot.

How election conducted.

SECTION 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, incorporated cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, incorporated city or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number for the railroad proposition, and of the number against the railroad proposition, 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.

SECTION 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city or village, in pursuance of the provisions of this act, shall as indicated by the official returns of any such election, vote "for the railroad proposition," it shall be the duty of the proper officers in every such county, town, incorporated city and village, to cause said tax or bonds so voted to be raised or issued, and to be levied and collected or issued, and to be paid over or delivered to the said railroad company, on the performance by said company of the terms and conditions contained in such railroad proposition.

If vote is for aid, tax shall be levied.

SECTION 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village mentioned in this act are hereby declared to be the chairman of the county board of supervisors and the clerk of the board of supervisors in each county, the chairman of the board of supervisors and the town clerk in each town, the mayor and city clerk of such incorporated city, and the president and clerk of each incorporated village.

Definition of proper officers.

SECTION 6. The tax authorized by this act shall be levied, assessed and collected in the same manner and form as other taxes are levied, assessed and collected in such county, town, incorporated city or village, and shall when collected, be paid over to said railroad company by the treasurer of such county, town, incorporated city or village, as the case may be, on the certificate of the chairman of the board of supervisors of such county or town, or the mayor or president of such incorporated city or village, that the said railroad company has performed all the terms and conditions of the proposition under which such tax was voted, levied assessed and collected; and such treasurer shall give additional bonds, to be approved in the usual manner, in double the amount of the tax so to be collected by him, conditioned that he will faithfully pay over such tax as required by this act, and the bonds hereby authorized to be issued shall be issued by such officers in such amounts and with such rate of interest and upon such time, and delivered to such railroad company as shall have been agreed upon between such county, town, incorporated city or village.

How tax to be levied.

How shares to
be disposed of.

SECTION 7. All shares, or the capital stock or the bonds or other securities given by said railroad company to any county, town, incorporated city or village, may be taken, held, sold and transferred by such county, town, incorporated city or village, in the same manner and with like effect as can be done by individuals, and upon such terms and conditions as shall have been agreed upon between such county, town, incorporated city or village, and the said railroad company.

Shall levy tax
for interest.

SECTION 8. Whenever any county, town, incorporated city or village shall issue any bonds, it shall be the duty of the proper officers of such county, town, incorporated city or village to levy annually upon the property thereof as aforesaid, a tax sufficient to pay the interest upon such bonds, and raise a sinking fund to pay the principal thereof when the same shall become due and payable, and whenever any such county, town, incorporated city or village shall issue and deliver to such railroad company its orders on its treasurer for the payment of the amount of any tax or part thereof voted, when the same shall become due, it shall be the duty of its proper officers to annually levy a tax sufficient to pay such orders when due, according to the terms thereof; and when any officers shall fail to levy any such tax as hereby required, the holders of any such bonds or orders may apply to a circuit judge of the proper county in term time or in vacation, whose duty it shall be to issue forthwith his proper writ or order, commanding such officers to levy, collect and pay over such tax to the persons entitled to the same.

SECTION 9. This act is declared a public act, and shall take effect and be in force from and after its passage.

Approved March 17, 1870.