

## CHAPTER 24.

[Published March 8, 1870.]

AN ACT to encourage the construction of railroads in this state.

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

SECTION 1. Whenever any railroad company in this state shall have located its line into or through any county, it shall be the duty of such company to cause such fact, together with such a description of the line so located, to be recorded or filed in the office of the register of deeds of such county, as will show clearly, each and every quarter section, or at least every quarter section of land over which the same passes, and no change shall be made in such location after any town, city or village therein shall have voted to subscribe to the capital stock of such railroad company, and to create a bonded indebtedness for the payment of the same, except by consent of such town, city or village expressed by a similar vote.

Railroad company to have survey of line recorded.

SECTION 2. Upon such location of the line of any railroad into, near to or through any town, incorporated city or village, it shall be lawful for such town, incorporated city or village to subscribe for the capital stock of such railroad company, and to issue bonds for the payment of the same: *provided*, the legal voters of such town, city or village, at any annual or special election duly called under the provisions of the existing laws of this state, or a majority of them voting at such election in such town, city or village, shall be in favor of making such subscription and issuing such bonds. The town clerk or the clerk of the city or village, as the case may be, shall upon the same requisition, give the same notice of any such election, and of the business to be transacted thereat, and in the same manner as is now provided for by law in case of special business at special town meetings. Said notice shall also specify the amount of the subscription to be made, and of the bonds proposed to be issued, the length of time they are to run, the rate of interest

Town, city or village may subscribe for stock and issue bonds therefor, if so voted by electors.

they shall bear, the railroad for whose stock they are to be issued, when to be delivered, when to be made payable, and when the railroad is to be completed to a certain point. At such election, those voting in favor of the proposition shall deposit a ballot containing the words, "for the railroad," and those voting against it, shall deposit a ballot containing the words, "against the railroad." The election shall be conducted and the votes shall be canvassed and certified and recorded in the same manner as the votes given at the annual town, city or village elections. And subscriptions shall thereupon be made to the capital stock of said company, by the chairman of the board of supervisors of the town, the mayor of the city or the president of the village, as the case may be. It shall not be lawful to strike from any such town, city or village, any of its territory while such bonds shall be outstanding and unpaid, and the issuing of, such bonds shall be deemed a contract that territory of such town, city or village shall not be diminished while such bonds shall be unpaid in whole or in part.

Bonds to be paid for shares at par.

How bonds to be executed.

Shares pledged for payment of principal and interest of bonds.

SECTION 3. Such bonds shall according to the purpose for which their issue is authorized, as in the preceding section and elsewhere in this act, be delivered in payment at par, for shares of stock subscribed for by any such town, incorporated city or village, when all the conditions precedent on the part of such company, as in this act provided, shall have been performed. They shall be signed by the chairman of the board of supervisors and town clerk of the town, the mayor and clerk of the city, or the president and clerk of the village, as the case may be, voting the same. Each shall be of the denomination of one hundred dollars, with annual or semi-annual interest coupons attached in the usual form. All the conditions upon which they are issued shall be stated therein. There shall also be endorsed upon the back of each a certificate of registry, to be signed as hereinafter provided, by the secretary of state. The shares of stock in such railroad company thus taken by said towns, cities or villages, and all dividends arising therefrom are hereby pledged, while they remain the property of such town, city or village, for the payment of the principal and interest of the bonds delivered for such stock; and the supervisor, mayor or president, when authorized by a vote of his

town, city or village, at any annual or special election thereof, may sell such stock and transfer the same to any purchaser, and the proceeds of such sale shall be applied to the payment of the interest and principal of such bonds, and for that purpose the same shall be immediately deposited by the officer receiving the same, with the state treasurer, and said town, city or village credited therefor, to be used by him in connection with, or in lieu of the other funds standing to the credit of such town, city or village. The board of supervisors of the town, common council of the city or trustees of the village, as the case may be, shall annually or as often as there shall be a vacancy, appoint one railroad commissioner, whose duty it shall be after the bonds have been issued to the railroad company, to attend the meetings of the stockholders of such company, and he shall be entitled to cast one vote for each share of stock owned by such town, city or village, in the election of directors, and on all questions, and shall in all other respects be treated as a stockholder therein while he so represents such town, city or village.

SECTION 4. Whenever any town, incorporated city or village shall hereafter create a debt under the provisions of this act, or under the provisions of any law of this state, for a subscription to the capital stock of any railroad company whose lines shall be located in this state, as hereinbefore provided, it shall be lawful for the state treasurer, and he is hereby required, immediately upon receiving the revenue for each year, for and during such term of years as may be necessary, to place to the credit of any such town, incorporated city or village, so having incurred such indebtedness in the state treasury, annually thereafter during the term aforesaid, all of the special taxes collected and paid into the state treasury on the increased valuation of the taxable property of such town, incorporated city or village, as shown by the annual assessment rolls of the year 1869, as provided in sections 8 and 11 of this act. And whenever any town, incorporated city or village shall have created a debt as aforesaid, it shall also be lawful for the state treasurer, and he is hereby required, immediately upon receiving the annual state tax or license fee from the railroad or railroads, for the purchase of whose stock such debt shall have been created by any such town, incorporated city or village,

Duties of state treasurer in relation to revenues from towns subscribing for shares.

to place to the credit of such towns, incorporated cities or villages, on any one line of railroad, so having incurred such indebtedness, in the state treasury, annually, for and during the full term of the existence of such indebtedness or any part thereof, the whole amount so received, and in such proportion to each of such towns, incorporated cities or villages, on any one line, as shall be in an equal ratio to the whole of such indebtedness originally incurred by each.

Gross earnings of railroad to be taxed for payment of indebtedness.

SECTION 5. So long as the tax or license fee upon any railroad or railroads, or parts thereof hereafter built in this state shall be needed for the purpose of being used in the payment of any indebtedness incurred for its construction by any town, city or village, as contemplated in this act, and as directed by section four to be applied by the state treasurer for that purpose, and no longer, a tax or license fee of six per centum on the gross earnings, instead of the rate at present authorized by law, the additional three per cent. being in consideration of the bonds issued by the several towns, cities and villages in aid of said railroad, and shall be collected from each, under the same laws and regulations as now apply to the collection of the present rate of state tax or license upon railroads.

Clerks shall register bonds issued.

SECTION 6. And the clerk of any such town, city or village, upon the issuing of the bonds in the payment of such subscription to the stock of any such railroad company, shall make a registration thereof in a book to be kept for that purpose in his office, showing the date, amount, number, maturity and rate of interest of such bonds and to what railroad company the same were delivered. And the said bonds so issued and still unpaid, in order to receive the benefits of this act, shall each be registered by the holder thereof in the office of the secretary of state, who shall cause the same to be registered in a book to be kept for that purpose. Such registration shall show the date, amount, number, maturity and rate of interest of each of such bonds, under what act and by what town, city or village the same were issued, and the secretary of state shall under his seal of office, certify upon each of such bonds the fact of such registration, for which registration and certificate he shall be entitled to a fee of twenty-five cents, to be paid by the holder of said bond.

SECTION 7. In all cases when any town, incorporated city or village shall issue bonds under the provisions of law, and be entitled to the benefit of this act, it shall be the duty of the town clerk of such town, or other proper officer of such incorporated city or village in whose office the assessment rolls of such town, city or village are, or shall be when completed, within five days after such completion, to make out and transmit to the secretary of state, to be filed in his office, a certificate stating the total value of all taxable property, real and personal within such town, incorporated city or village, as exhibited by such assessment.

Shall certify to secretary of state valuation of taxable property.

SECTION 8. When any such bonds of any town, incorporated city or village shall be registered as in this act provided, the secretary of state shall annually ascertain the amount of interest for the current year, due and accrued and to accrue upon such bonds, and from the amount so ascertained he shall deduct the amount in the state treasury placed to the credit of such town, incorporated city or village, as herein provided and directed, and from the basis of the certificate of valuation of property, hereinbefore provided to be transmitted to him, or in case no such certificate shall be filed in his office, then upon the basis of the total assessment of such town, incorporated city or village for the year next preceding, he shall estimate and determine the rate per centum on the valuation of property within such town, incorporated city or village, requisite to satisfy the amount of interest unprovided for, together with the ordinary costs to the state for collection and disbursement of the same, to be estimated by him, and he shall make and transmit to the clerk of such town, incorporated city or village, or other proper officer whose duty it is or shall be to prepare the estimate and books for collection of state taxes in such town, incorporated city or village, a certificate stating such estimated requisite per centum for such purpose, to be filed in his office, and the same per centum shall thereupon be deemed added to and be a part of the per centum which is or may be levied, as provided by law, for purposes of state revenue, and shall be so treated by such clerk or officer, in making such estimates and books for the collection of taxes; and the said tax shall be collected with the state reve-

Secretary of state to ascertain amount of interest due on registered bonds, and deduct amount from credit to towns issuing said bonds.

nue, and all laws relating to the state revenue shall apply thereto, except as herein otherwise provided.

State shall be custodian of special taxes collected for railroads.

SECTION 9. The state shall be deemed the custodian of the several taxes so collected and credited to such town, incorporated city or village, and shall not be deemed in any manner liable on account of any such bonds, except to the extent of the money received for their payment under the provisions of this act. The state shall annually collect in lawful money, all the said taxes to be placed to the credit of such town, incorporated city or village as aforesaid, for and until the bonds are fully paid, and shall apply the same when collected, to the payment of the principal and annual interest on such registered bonds of such town, incorporated city or village, and for and during the remainder of the term of years during which such registered bonds shall remain unpaid. The funds provided for in section four of this act, accruing from taxes or license fees, collected on the property or earnings of said railroad or railroads, and the surplus of the other funds in this act provided, remaining after the payment of the interest on the bonds, shall be applied to the payment of the principal of said registered bonds, as hereinafter provided, at the office of the state treasurer, and the interest coupons and bonds when fully paid, shall be returned to the office of the state treasurer and shall be canceled and destroyed, and the funds derived from the special taxes collected on the increased assessment over the year 1869, and the tax levied to meet the interest on said registered bonds, shall continue to be annually applied to the payment of interest and principal until the bonds are fully paid.

Bonds not to be registered till completion of railroad to points agreed upon.

SECTION 10. And it shall not be lawful to register any bonds under the provisions of this act, nor to receive any of the benefits or advantages to be derived therefrom, until after the railroad for the purchase of whose stock said bonds were issued, shall have been completed to such point as may have been agreed upon, near to, into or through such town, incorporated city or village, and cars shall have run thereon, and none of the benefits, advantages or provisions of this act shall apply to any debt, unless the question of making the subscription to the stock of such railroad company shall first have been submitted to an election of the

legal voters of such town, incorporated city or village, as hereinbefore provided.

SECTION 11. In all towns, cities and villages having incurred indebtedness and issued bonds therefor, to which this act applies, there shall annually be raised a "special tax," called the "railroad tax," the amount of which shall be ascertained by applying the same rate per centum used in producing the state and county taxes combined for the year, to the excess (or increased value) of taxable property after it is equalized for that year, over that of the year 1869, and the clerks of the several towns, cities or villages (as the case may be) shall add the amount thereof, thus ascertained to the other taxes to be raised and cause the same to be collected, and the town treasurer is hereby directed and required to collect the same with the other taxes, and when collected to treat it as part and parcel of the state tax, and when received by the state treasurer, it shall be credited to such town, city or village and used in the payment of its bounded indebtedness as contemplated in this act.

Special tax called "railroad tax" to be raised.

SECTION 12. This act shall be construed to authorize and provide for the payment and the registry by the secretary of state, of bonds issued in payment of subscriptions to the capital stock of any such railroad, to the extent of five thousand dollars per mile and no more, in the aggregate of its entire length within this state; also to provide that the amount of stock which any one town, city or village votes for or subscribes, shall not exceed its equal proposition [proportion] according to the equalized value of the property of the several towns, cities and villages through which the railroad or such portion thereof as is to be built within a fixed time, under a single arrangement [agreement], passes.

Construction of act.

SECTION 13. The bonds of each and every town, city and village, issued and registered as required by this act, shall be numbered from number one, upwards in the same order as issued, and endorsed by a reservation printed on the back of each, that they shall be payable in the same order, and as fast as the funds provided from all sources by this act, in the hands of the state treasurer will warrant, whether due according to the terms therein expressed or not, and for this purpose, said treasurer shall cause to be inserted, in the first

Bonds to be numbered, and to be payable in the order of the numbers.

daily issue of the official state paper, in January, April, July and October of each year, a notice giving the name of the town, city or village whose bond or bonds are provided for, and their numbers thus payable from the funds in the treasury applicable thereto, and the effect of such notice shall be to stop the interest on such bond or bonds so designated, from and after ten days after such publication, and until their presentation for payment with all unpaid interest coupons attached.

Not to prohibit towns from subscribing greater amount.

SECTION 14. This act shall not be construed to prohibit towns, cities or villages from issuing bonds in aid of railroads in a greater amount than five thousand dollars per mile, under any laws heretofore or hereafter to be enacted by the legislature of this state.

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

Approved March 4, 1870.

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## CHAPTER 25.

[Published March 8, 1870.]

AN ACT to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway Company.

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

Counties, towns, etc., may subscribe for stock of railway company, and issue bonds in payment of the same.

SECTION 1. It shall be lawful for any county through any portion of which any part of the railroad of the Milwaukee and Northern Railway Company or any branch thereof shall run, or any town or incorporated city or village in such county, whether immediately on the line of such road or not, to subscribe for, agree to take, and take and pay for capital stock (of either class,) or bonds of said company in the manner and on the terms and conditions hereinafter provided; and for the purpose of paying or securing payment of such subscriptions for stock or bonds, to make, issue and deliver to said company its bonds, payable to such person or persons, trustees or corporation, or to said company or bearer, at such time, for such sum or sums,