

Aid to railroad  
for public use.

SEC. 8. The public use and benefits of the above mentioned railroad or railroads is hereby declared.

Qualifications  
of voters.

SEC. 9. No person shall be allowed to vote on the questions submitted in this act unless, in addition to the other qualifications prescribed by law, he shall for three months next preceding such election have been a resident of the city, village or town within which he shall offer his vote.

When act to  
take effect.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 14, 1872.

## CHAPTER XLVI.

February 29,  
1872

*An Act to authorize Townships, Cities and [Incorporated] Villages in Faribault County to vote a five per cent. tax to aid in the construction of Railroads.*

SECTION 1. Authorizes townships, cities and villages to aid in construction of railroads.

2. Authorizes special election upon petition, asking that tax be levied.

3. Taxes collected to be paid out of the treasury upon order of president or managing director of railroad.

4. When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota:*

Aid in con-  
struction of  
railroads.

SECTION 1. That it shall be lawful for any city or incorporated village or township, in the county of Faribault, to aid in the construction of any proposed railroad into or through said county as hereinafter provided.

Special elec-  
tion.

SEC. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated city or village or the town clerk of any township in said county, signed by at least fifteen [15] of the resident taxpayers of such city, village or township, asking that the question of aiding in the construction of any railroad as above provided, and stating the amount desired to be furnished as such aid be submitted to the voters thereof, it shall be the

duty of the council or other municipal authorities of such incorporated city or village or of the town clerk of such town, to immediately give notice of a special election by posting notices thereof in five [5] of the the most public places in such town, city or village, giving at least ten [10] days' notice of such special election, and if there is a newspaper printed and published there in said town, city or village, he shall cause a copy of such notice to be published [therein] at least six days before the time appointed for such election, which notice shall specify the time and place of holding such election; the railroad proposed to be aided, and the rate per centum of tax proposed to be levied, and the conditions upon which the money so raised shall be by the county treasurer paid over to the treasurer of the railroad company, which notice shall be by the town clerk of such town, or by the proper officer of such city or village, recorded at length on the records of such town, city or village, and filed in the office of such town clerk or of [by] the proper officer of such city or village, at which election to be held in accordance with said notice, the question of raising the amount so specified by taxation in said town, city or village, shall be submitted to the legal voters of said town, city or village, to be determined by ballot, those in favor of the proposition having written or printed on their ballots the words, "Railroad Tax, Yes," and those opposing the measure having written or printed on their ballots the words, "Railroad Tax, No."

The election shall be conducted and the ballots canvassed as nearly as may be in accordance with the mode of conducting town and city elections in ordinary cases, and if a majority of the votes polled at such election shall be in favor of the proposed tax, the supervisors of the town, the council, or other municipal authorities of the city or village, as the case may be, shall forthwith certify to the auditor of the county, the fact, and the amount of the tax thus voted by such town, village or city, and the board of county commissioners shall, at the time of levying the ordinary annual taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the grand duplicate tax lists of the towns, cities and villages voting said aid, and said taxes shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for non-payment thereof. But the aggregate amount of tax levied under the provisions of this act in any city, township or village, shall in no case exceed five per cent. of the assessed value of said town, city or village, as it appears on the assessment roll whereon said tax is levied.

Special election.

Taxes, how  
paid out.

Sec. 3. All taxes collected under the provisions aforesaid, shall be paid out by the county treasurer upon the order of the president or managing director of the railroad company whose road said tax has been voted to aid, which orders shall be accompanied by sworn estimates of the engineer in charge of the work on such road showing that at least double the amount of such order has been expended for the construction of such road in accordance with the terms of the notice provided for in section two of this act, and also by a certificate signed by a majority of the supervisors of the town or of the council or other municipal authorities of a city or village voting the tax for which said orders are drawn to the effect that the provisions of this act have been so complied with as to entitle said company to the amount specified in such orders, and it is hereby expressly provided that no part of the funds raised under the foregoing provisions of this act shall be expended in any other manner than specified in the notice of election. *Provided*, however, that should the taxes not be drawn from the county treasury in accordance with the provisions of this act by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited, and said money shall be repaid by the county treasurer to the persons from whom they were collected.

When act to  
take effect.

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

Approved Feb. 29, 1872.