

CHAPTER XLV.

February 14,
1872.

An Act enabling the Towns, Villages and Cities in the counties of Winona, Houston, Fillmore and Olmsted to aid in the Construction of a Railroad from the city of Winona to the State line of Iowa, by Subscription to the capital stock of any corporation or company building said railroad, or by Donations of money or bonds of such cities, and providing for the Payment of such subscriptions or bonds and interest by taxation.

- SECTION 1. Authorizes cities, villages or townships in certain counties to aid in the construction of railroads.
2. Authorizes the officers of any incorporated city or village, or town supervisors, to call a special election upon petition therefor, asking that a tax be levied.
 3. Relating to receipts of tax money and expenditures of the railroad company within the localities voting the aid.
 4. Authorizes a special election upon a petition asking for an issue of special bonds.
 5. Authorizes a special election upon a petition asking a subscription to the capital stock, and the issue of bonds to pay therefor.
 6. In the case of failure to vote favorably upon any proposition, the same may be submitted a second time.
 7. Cities or towns voting aid, must provide by taxation to meet principal and interest.
 8. Railroads receiving aid declared to be for public use.
 9. Qualifications of voters at these special elections.
 10. When act to take effect.

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

SECTION 1. That it shall be lawful for any city, incorporated village or township, in either of the counties of Winona, Houston, Fillmore or Olmsted, to aid in the construction of any projected railroad which shall start at the city of Winona, in said county of Winona, and extend to the north boundary line of the state of Iowa, in either of the modes hereinafter provided.

SEC. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated

Aid in construction of railroads.

city or village, or the supervisors of any township in such counties, signed by twenty-five of the resident tax payers of such city, village, or town, 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 the supervisors of such town, to immediately give notice of a special election by publication in some newspaper published in the county and also by posting copies thereof in five public places in such town, village or city, at least twenty days before said election, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the town or towns, incorporated city or cities, village or villages in which such tax shall be expended 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 modes of conducting town and city elections in ordinary cases. And if a majority of the votes polled at any such elections shall be in favor of the proposed tax, the supervisors of the town, or 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 of the county, 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 proper cities, towns or villages, 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 the tax levied under the provisions of this act in any city, village or town, shall in no case exceed five per centum of the assessed value of the taxable property of said town, city or village, as it appears on the assessment roll whereon the tax is levied.

Special elec-
tion to levy tax

Receipts of tax
money within
localities vot-
ing aid.

SEC. 3. All taxes collected under the provisions aforesaid shall be paid out by the county treasurer upon the orders of the president or managing director of the railroad company whose road such 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 orders 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 the 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 towns, villages or cities than those 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 they shall be repaid by the county treasurer to the persons from whom they were collected.

Authorizes
special election
for issue of
special bonds.

SEC. 4. Whenever instead of the petition provided in the foregoing second section of this act, stating the amount desired to be raised by taxation as therein contemplated there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided a petition asking that the question of aiding in the construction of such railroad as above provided, and stating the amount of special bonds of such town, city or village 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 the supervisors of such town to immediately give notice of a special election by publication and notice as specified in section two (2) of this act, which notice shall specify the time and place of holding said election, the railroad proposed to be aided, the amount of bonds proposed to be issued, at which election the question of issuing to said railroad company the proposed amount of bonds of said town, city or village shall be submitted to the legal voters of said town, village or city to be determined by ballot, those in favor of

the proposition having written or printed on their ballots the words "railroad bonds, yes," and those opposing the measure having written or printed on their ballots the words "railroad bonds, no." The election shall be conducted and votes canvassed in the same manner as above provided in case of submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of the issue of said bonds, the supervisors of the town, or the council or other municipal authorities of the incorporated city or village as the case may be, shall cause to be issued in the name of such town, city or village, and signed by the supervisors, mayor or other municipal authorities as the case may be, attested by the signature of the town clerk, city or village recorder or clerk, and the corporate seal if there be one, running to the said railroad company or bearer, the special bonds of said city, village or town to the aggregate amount so voted which shall be in such sums not less than one hundred dollars nor exceeding one thousand dollars each, having not exceeding twenty years to run, and drawing interest not exceeding seven per cent. per annum, the amount of each rate of interest and times and place and manner of payment within the limitations and restrictions aforesaid, to be fixed by the respective supervisors and councils or other municipal authorities issuing them, or causing them to be issued. And such bonds may have interest coupons attached and may be substantially in the following form or similar thereto, viz:

Authorizes
special election
for issue of
special bonds.

STATE OF MINNESOTA, \$1,000.

No. _____ *Town or City of* _____

Know all men by these presents, That the City or Town of _____ in _____ County, State of Minnesota, is indebted to the _____ Railroad Company of the State of Minnesota, or bearer, in the sum of One Thousand Dollars, which they promise to pay to the bearer hereof on the 1st day of _____ in the city of New York, with interest thereon from the 1st day of _____ at the rate of _____ per centum per annum, payable semi-annually at the _____ in the City of New York, on the first day of _____ in each year, on the presentation and surrender of the annexed coupons, as they severally become due.

This bond is one of a series of like tenor and date, issued by the Town of _____ or City of _____ to the amount of _____ to aid in the construction of a railroad from _____

In witness whereof, the Town of _____ or City of _____ has caused this bond to be sealed, signed and

delivered in their corporate name, by order of the City Council of said city or Supervisors of said town, pursuant to their resolutions in this respect passed.

[L. s.] The City of _____ or Town of _____
By _____ Attest: _____ Mayor or Supervisors—
City Recorder or Town Clerk.

[L. s.] [The City of _____ or Town of _____
By _____ Mayor or Supervisors.
_____ City Recorder or Town Clerk.]

Subscription to
capital stock.

SEC. 5. Whenever, instead of the petitions provided for in the second or fourth sections of this act, there shall be presented to the same persons or bodies and be signed by the same number of resident tax payers as therein provided, a petition asking that the question of aiding in the construction of such railroad as above provided by subscription to the capital stock of said railroad company and the issuing of the bonds of such township, village or city in payment thereof, and stating the amount of such stock proposed to be so subscribed for, and the amount of such bonds proposed to be issued to pay therefor, be submitted to the voters of such town, village or city, it shall be the duty of the supervisors of such town, or of the council or other municipal authorities of such village or city to immediately give notice of a special election by publication and notice as aforesaid, which notice shall specify the time and place of holding such election, the railroad proposed to be aided, the amount of stock of such railroad company proposed to be subscribed for by such town, village or city, and the amount of bonds proposed to be issued to pay for such stock, at which election (the question of subscribing for the stock of said railroad company,) and of the issuing to said railroad company in payment therefor the proposed amount of the bonds of said town, city or village, shall be submitted to the legal voters of said town, village or city, to be determined by ballot; those in favor of the proposition to have written or printed on their ballots the words "Subscription for Railroad Stock—Yes," and those opposed to it having written or printed on their ballots the words "Subscription for Railroad Stock—No." The election shall be conducted and votes canvassed in the same manner as above provided in the case of submission of the question of taxation. And if a majority of the votes polled at any such election shall be in favor of subscription to the stock of such railroad company, it shall be the duty of the supervisors of such township, or the council or other municipal authorities of such

village or city, to subscribe for in the name of such town, village or city, an amount of the capital stock of such railroad company equal to the amount so voted, and for the purpose of paying therefor to issue or cause to be issued in the name of such township, village or city, an amount of the special bonds of such township, village or city, equal in the aggregate to the amount of the capital stock of said railroad company so subscribed for as aforesaid, which said bond shall be executed in the same manner and of the same tenor and terms as provided for in section four of this act.

Subscription to capital stock.

The supervisors of such town, or the council or other municipal authorities of such village or city, shall have power and authority to sell and dispose of such bonds when issued and apply the proceeds in payment of the stock of said railroad company subscribed for as aforesaid; or may deliver the bonds themselves to such company in payment thereof; *provided*, however, that the said bonds shall in no case be sold, negotiated or in any manner disposed of for a less price than their par value. And provided further, that nothing herein contained shall be construed to authorize the city of Winona to issue bonds, under sections four and five of this act, to an amount exceeding in the aggregate "one hundred and fifty thousand dollars," or the town of Chatfield over "thirty thousand dollars," or any other town or village an amount exceeding in the aggregate ten per cent. of the assessed valuation of the property of such town or village, as shall appear from the assessment of 1871.

The townships, cities or villages which shall subscribe and pay for any railroad stock as aforesaid, are hereby authorized to receive, hold, assign or otherwise dispose of any such stock as fully as a natural person, *provided*, however, that the supervisors of any town, or the council or other municipal authorities of any village or city, shall not have power to sell, assign or dispose of any such stock unless first authorized so to do by a vote of the legal voters of such town, village or city.

SEC. 6. In case of submission of either of the questions of taxation or issuing bonds or subscription for stock as aforesaid and the same has been voted down in any town, city or village, the same question upon a new petition may again be submitted not less than *one month* subsequent to the first election in the same manner and with the same effect as at the previous special election, but the decision of the second submission shall be final and conclusive.

Failure to vote favorably, same proposition may be submitted second time.

SEC. 7. Every town and incorporated city or village issuing or delivering its bonds as aforesaid shall provide by taxation and otherwise for the punctual payments thereof, principal and interest as they become due.

Tax to meet principal and interest.

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