

Qualifications
of voters.

SEC. 9. No person shall be permitted to vote at the election held under the provisions of this act, who has not been an actual resident of the town, city or village where he offers to vote, for three months next preceding such election, and shall be a legal voter in such town, nor shall any bonds voted under the provisions of this act be delivered until the road is completed with the cars running thereon into the town, city or village voting the same, to be shown as provided in section three of this act.

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 LIII.

February 23,
1872.

An Act Enabling the Town and Cities in, and the Counties of Morrison, Todd, Stearns, Pope, Stevens, Traverse and Bigstone, to aid in the Construction of a Railroad from Little Falls in Morrison County via Sauk Centre, Glenwood and Morris, to the West Boundary of the State by Subscription to the Capital Stock of any Corporation or Company Building such Railroad, or by Donations of Money or Bonds of such Towns, Cities or Counties, 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.

2. 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 not 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 Morrison, Todd, Stearns, Pope, Stevens, Traverse and Bigstone, to aid in the construction of any projected railroad which shall start at the village of Little Falls in said county of Morrison, and extend to the west boundary of the state of Minnesota via Sauk Centre, Glenwood, and Morris. Either of the counties above named may in like manner as towns and cities are herein authorized furnish aid in the construction of such projected line of railroad, in either of the modes hereinafter provided.

Aid in construction of railroads.

Sec. 2. Whenever a petition shall be presented to the council or other municipal authorities of any incorporated 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 or a petition to the board of county commissioners of either county herein named, signed by one hundred resident tax-payers thereof, 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 or the county commissioners of such county to immediately give notice of a special election, by publication in some newspaper published in the county, or in case no newspaper is published in the county then such notice shall be published in the newspaper published nearest to the county, town, city or village where such election is to be held, and also by posting copies thereof in five public places in such town, village, city or county at least twenty days before said election, which notice shall specify the time and place or places of holding said election, the railroad proposed to be aided, the amount of tax proposed to be raised, and the county, town or towns, incorporated city or cities, village or villages in which such tax shall be expended, at

Special election to levy tax

Special elec-
tion to levy tax

which election to be held in accordance with said notice, the question of raising the amount so specified, by taxation in said county, town, city or village shall be submitted to the legal voters of said county, 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 elections shall be conducted and the ballots canvassed as nearly as may be in accordance with the modes of conducting county, town and city elections in ordinary cases. And if a majority of the votes polled at any such election shall be in favor of the proposed tax, the county commissioners of the county, 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 voted, by such county, 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, villages or all of them, in the county, as the case may be, 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 the non-payment thereof. But the aggregate amount of the tax levied under the provisions of this act in any city, village or town, shall not in the aggregate in no case exceed five per cent. 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, and in case of a levy made upon all the property of a county by order of the county commissioners, the amount shall not exceed two and one half per cent.

Receipts of tax
money within
localities vot-
ing aid.

SEC. 3. All taxes collected under the provisions aforesaid shall be paid out of the county treasury, upon the order of the president, or managing director of the railroad company, whose road such tax has been voted to aid, which order 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 the city or village, or county commissioners of any county 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 counties, 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.

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 county, 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, or the county commissioners of such county, to immediately give notice of a special election, by publication and notice as specified in section two 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 county, town, city or village shall be submitted to the legal voters of said county, 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 the votes canvassed in the same manner as above provided in case of the 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 county commissioners or supervisors of the town, or the council or other municipal authorities of the incorporated city [or] village as the case may

Authorizes
special election
for issue of special
bonds.

Special elec-
tion—special
bonds.

be, shall cause to be issued in the name of such county, town, city or village and signed by the county commissioners, supervisors, mayor, or other municipal authorities as the case may be, attested by the signature of the county auditor, town clerk, city recorder or village clerk, and the corporate seal, if there be one, running to said railroad company or bearer, the special bonds of said city, village, town or county 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 time and place, and manner of payment within the limitations and restrictions aforesaid, to be fixed by the respective county commissioners, 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:

STATE OF MINNESOTA, \$1,000.

No—

Town or City of—

Know all men by these presents, That the County, City or Town— in — 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 County of— Town of— or City of—to the amount of—to aid in the construction of a railroad from—

In witness whereof, the County of— or 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 or County Commissioners of, pursuant to their resolutions in this respect passed.

[L. s.] The City of— or Town of—

Attest:— or County— County Auditor
— By— County Commissioners

or Town Clerk—————Mayor or Supervisors or City Recorder.

SEC. 5. Whenever, instead of the petitions provided for in the second and 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 county, 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 county, town, village or city, it shall be the duty of the county commissioners of such county or 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 county, 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 the issuing to said railroad company in payment therefor, the proposed amount of bonds of said county, town, city or village, shall be submitted to the legal voters of said county, town, village or city, to be determined by ballot, those in favor of the proposition to have written or printed of 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 as [of] subscription to the stock of such railroad company, it shall be the duty of the county commissioners of such county, or supervisors of such townships, or the council or other municipal authorities of such village or city, to subscribe for, in the name of such county, 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 county, township, village or city, an amount of the special bonds of such township, village or city, equal in the

Subscription to capital stock.

Subscription to
capital stock.

aggregate to the amount of the capital stock of said railroad company so subscribed for as aforesaid, which said bonds shall be executed in the same manner and of the same tenor and terms as provided for in section four of this act. The county commissioners of such county, 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 therefor. *Provided, however,* that the said bonds shall be in no case 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 any county, town, village or city, to issue bonds in amount exceeding in the aggregate the total amount levied by said county, town, village or city combined, ten per cent. of the assessed valuation, of the property of such county, town, city or village, as shall appear from the assessment of the year preceding the vote taken to issue such bonds. The counties, 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 county commissioners of any county, 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 to do so by a vote of the legal voters of such county, town, village or city.

Failure to vote
favorably, same
proposition
may be submit-
ted second time

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 county, 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.

Tax to meet
principal and
interest.

SEC. 7. Each county, 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.

Aid to railroad
for public use.

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

Qualifications
of voters.

SEC. 9. No person shall be permitted to vote at any election held under the provisions of this act, who has not

been an actual resident of the town, city, village or county where he offers to vote, for three months next preceding such election, and shall be a legal voter in such city, village or town.

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

Approved February 29, 1872.

CHAPTER LIV.

An Act to authorize the City of Stillwater to issue Bonds to aid in the Construction of a Railroad and Wagon Bridge.

February 29,
1872.

- SECTION 1. Authority given to issue bonds for construction of a bridge.
2. Proposal to issue bonds to be submitted to vote of the people.
3. When act to take effect

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

SECTION 1. The city council of the city of Stillwater are hereby authorized and fully empowered to issue the bonds of said city, under its corporate seal, to an amount not exceeding twenty-five thousand dollars in aid of the construction of a railroad bridge across Lake St. Croix at said city of Stillwater; and to a further amount not exceeding twenty-five thousand dollars in aid of making such bridge also a free wagon bridge; such bonds to be issued in sums of not less than five hundred dollars each, and to bear interest at the rate of seven per cent. per annum, payable semi-annually in the city of New York, or at such other place as said city council may determine, and to be specified in interest coupons attached to said bonds; the principal to be payable in not less than twenty nor more than thirty years from the date of issue. Such bonds shall be signed by the Mayor and Recorder of said city, and shall bear date of the time when such bridge shall be completed; and the same when

Authority to
issue bonds.