

bonds as above provided, to an amount not exceeding twenty-five thousand dollars each, as provided in section one of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to
take effect.

Approved Feb. 29, 1872.

CHAPTER IV.

An Act enabling the cities, towns and villages in the counties of Wright, Stearns and McLeod, and the towns of Watertown and Hollywood, Waconia and Camden, in Carver, to aid in the construction of branch lines of Railroads from the main line of the Minneapolis and St. Louis Railway, within the city of Minneapolis, to Sauk Centre, in Stearns county, and via Watertown, Carver county, to Hutchinson or some other point in McLeod county, by subscription to the capital stock of any corporation or company, building said railroad, or by donations of money or bonds of such cities, towns and villages, and providing for the payment of such subscriptions or bonds and interest, by taxation.

February 24,
1872.

- SECTION 1. Authority to aid in the construction of railroads.
2. Proceedings to vote and by levying a railroad tax.
 3. Manner of paying out the moneys received from tax levy.
 4. Proceedings to vote aid by the issue of special bond.
 5. Proceedings to vote aid by subscription to the capital stock of railroad company.
 6. Provides for a second election in case the first fails to carry.
 7. Tax levy for principal and interest.
 8. Public use and benefit of railroad declared.
 9. Railroad to be completed before bonds delivered.
 10. Voters must have a legal residence of three months.
 11. When act to take effect.

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

Authority to
aid railroad.

SECTION 1. That it shall be lawful for any city, incorporated village or township, in either of the counties of Wright, Stearns, McLeod, and the townships of Watertown and Hollywood, Waconia and Camden, in the county of Carver, to aid in the construction of any projected railroad, which shall start from some point on the main line of the Minneapolis and St. Louis railway, within the city of Minneapolis, in the county of Hennepin, and extend to Sauk Centre, in the county of Stearns, and via the village of Watertown, in Carver county, to Hutchinson, and by way of Waconia, to Glencoe, or to some other point in the county of McLeod, in either of the modes hereinafter provided.

Mode of levying
tax.

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 taxpayers 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 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 any 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 vil-

lage, 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 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.

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 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 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.

Mode of paying
out moneys.

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 person or bod-

Issue of special
bonds.

Issue of special
bonds.

ies and be signed by the same number of resident taxpayers 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 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 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 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 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 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 time 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:

No. —

State of Minnesota, \$1,000

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 a 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 —.

The city of — or town of —. By —, mayor or supervisors. —, Attest: —, city recorder or town clerk.

Subscription to
capital stock.

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 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

Subscription to
capital stock.

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 townships, 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 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 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 any city, town or village, to issue bonds, under sections four and five of this act, to an amount exceeding in the aggregate ten per cent. of the assessed value of such city, 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 to do so by a vote of the legal voters of such town, village or city.

Second election
authorized.

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.

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.

Levy for payment.

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

Public use and benefit.

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 or village where he offers to vote for three months next preceding such election, and shall be a legal voter in such town, [city or village.]

Qualification of voters.

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

When act to take effect.

Approved February 24, 1872.