

## CHAPTER CLIX.

AN ACT ENABLING THE TOWNS, VILLAGES AND CITIES IN, AND THE COUNTIES OF, WADENA, OTTER TAIL AND WILKIN TO AID IN THE CONSTRUCTION OF A RAILROAD FROM A POINT ON THE NORTHERN PACIFIC RAILROAD VIA FERGUS FALLS TO BRECKENRIDGE, BY DONATIONS OF MONEY OR BONDS OF SUCH TOWNS, VILLAGES, CITIES OR COUNTIES, AND PROVIDING FOR THE PAYMENT OF SUCH SUBSCRIPTIONS OR BONDS AND INTEREST BY TAXATION.

*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 Wadena, Otter Tail and Wilkin, to aid in the construction of any projected railroad which shall start at a point on the Northern Pacific railroad west of range thirty-four, and shall extend thence westerly via Fergus Falls in Otter Tail county to Breckenridge in Wilkin county. 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.

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 a 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 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 each [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 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.

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 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 hav-

ing not exceeding twenty years to run and drawing interest not exceeding seven per cent. per annum, the amount of 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 first day of ———, in the city of New York, with interest thereon from the first 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 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 imme-

diately 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, city or village, 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 the 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 county commissioners of such county, or 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 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 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 the 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 last 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, or 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. No bonds issued under and by virtue of the provisions of this act shall be sold, negotiated, or in any manner disposed of, for a less price than their par value. And nothing in this act 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, village or city, as shall appear from the assessment last preceding the vote taken to issue such bonds.

SEC. 6. In case of submission of either of the questions of taxation or issuing bonds, 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.

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.

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

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 March 6, 1873.