

## CHAPTER 106.

AN ACT TO AUTHORIZE MUNICIPAL CORPORATIONS TO AID  
IN THE CONSTRUCTION OF RAILROADS.*Be it enacted by the Legislature of the State of Minnesota :*

Bonds of cities,  
&c., may be  
issued in aid of  
railroads.

SECTION 1. Any county, town, incorporated city or incorporated village in this State, is hereby authorized and empowered, in the manner herein provided, to aid in the construction of any railroad in this State, to be constructed by any railroad company for public use by authority of any law of the State, in the manner hereinafter provided, and which will promote the general prosperity and welfare of the tax payers of such municipality, and the mutual agreement hereinafter referred to, when the same shall be arrived at, shall be conclusive evidence that such railroad will so promote the general prosperity and welfare of the tax payers of such municipality. But no bond shall be issued by any city, village or town under the provisions of this act, to an amount exceeding, together with its then existing indebtedness, ten (10) per centum upon the value of the taxable property therein, the amount of such taxable property to be ascertained and determined by the last assessment of said property made for the purpose of State and county taxation, previous to the incurring of such indebtedness.

Shares of stock  
to be issued for  
value of bonds.

SEC. 2. The aid to be contributed to the construction of any such railroad by any such county, town, city or village, shall be by the bonds of such municipality, to be issued to or for the use of such railroad company, in consideration of which such municipality shall at its election be entitled to receive from such railroad company such number of shares of its capital stock as will, at the par value of such stock, correspond with the principal sum of such bonds.

Mutual agree-  
ments.

SEC. 3. No such bonds shall be issued to or for the use of any such railroad company, and no such stock shall be issued to any such municipality, until a mutual agreement in relation thereto shall have been arrived at in the mode hereinafter specified; and when such mutual agreement shall have been arrived at (in either one of such modes), the proper officers of such municipality shall be authorized and required to issue and deliver such bonds in conformity with the mode so agreed upon, and the stock of such railroad company shall also be issued in conformity therewith, in case such municipality shall have elected to take stock.

SEC. 4. Whenever any such railroad company, specified in the first section of this act, shall desire aid in the construc-

tion of its railroad from any county, town, city, or village specified in said first section, it shall make and deliver to the county auditor of such county, the town clerk of such town, or the clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president and secretary of said railroad company, and sealed with its seal, which proposition shall contain a statement of the amount of bonds desired, the time when payable, and whether payable before maturity at the option of such municipality, the rate of interest which they shall bear, and such proposition shall contain a statement specifying when said bonds are to be delivered with reference to the time of the entire or partial construction of said railroad, and may contain a statement that such bonds may be deposited in escrow prior to the delivery to the railroad company; and such proposition shall contain a statement that the said railroad company will, in consideration of said bonds, at the election of such municipality, issue to the municipality from which it is to receive the same, such number of the shares of its capital stock as will at par value of such stock correspond with the principal sum of such bonds. In case such bonds are proposed to be deposited in escrow as aforesaid, the proposition shall also state that the certificate of the stock to be exchanged therefor shall be placed with the same depository at the same time, and in that case the proposition shall set forth the full name and residence of the trustee or trustees, who shall be the custodian of the stock of said company and of the bonds of such city, village, town or county; the auditor or clerk with whom any such proposition shall be filed, shall immediately endorse thereon the date of its receipt by him, and transcribe the same into the record book of the county, town, city or village, as the case may be, of which he is such clerk.

SEC. 5. The mode of arriving at such mutual agreement as is hereinbefore specified, shall be as follows:

*First.*—Upon receiving such proposition, the county auditor of such county, the town clerk of such town, or the clerk of such incorporated city or village, as the case may be, shall immediately publish a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections therein, and at such time as such clerk may designate, not less than ten (10) or more than twenty (20) days from the date of such notices, which notice shall contain a substantial statement of the proposition made by said railroad company for the issue of the bonds of such municipality, and shall notify the legal voters thereof to deposit a ballot upon which shall be written or printed the words, "For the railroad proposition," or the words, "Against the railroad proposition." And such notice shall be posted in three (3) public places in each election precinct in the district in which aid is desired, at least seven (7) days before the day of such election, and shall

Form of application for aid.

Public notice of application, and vote thereon.

also be published at least twice before such election in one newspaper in such city, village, or town, if any is published therein, and if the aid is asked of a county, in one newspaper in each village and city in such county in which a newspaper is published, and if there is no newspaper published in such city, village, town or county, then such notice shall be so published in a newspaper published at the nearest place thereto in which one is published.

**Election—how  
conducted.**

*Second.*—Such election shall be held and conducted in the same manner that general elections in such counties, towns, incorporated cities or villages as by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed, and returned in the same manner as the votes at such general election, and the canvassers shall make, certify, sign and deposit with the county auditor, town clerk or clerk of such incorporated city or village, as the case may be, a statement of the result of such election, and such certified statement shall be *prima facie* evidence of the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

**New election—  
how called.**

*Third.*—If in any of said counties, towns, cities or villages any election shall fail to be held on the day appointed therefor, or if the majority of votes cast at any such election shall be against the railroad proposition, such county auditor, town clerk or clerk of such city or village shall, at the written request of the president of such railroad company, at any time thereafter, call another election or elections in the manner provided in this act, upon the same or different propositions of such railroad company, and such other election or elections shall be conducted in like manner and upon like notice as is provided in this act for the first (1st) election. *Provided*, that not more than two (2) elections authorized by this act shall be held in any one (1) calendar year in the same town, county, village or city.

*Fourth.*—If a majority of the legal voters who shall vote upon the question at any election to be held in any such county, town, city or village, in pursuance of the provisions of this act, shall, as indicated by the official returns of any such election, vote "for the railroad proposition," then such mutual agreement for the issue of bonds by such municipality and of stock by such railroad company as provided in this act shall be deemed and considered to have been arrived at and perfected, and thereupon such bonds and stock shall be issued and delivered by the proper officer in conformity with the true intent of such proposition and with the provisions of this act.

**Issuance of  
railroad stock  
may be waived.**

*Provided*, that if such bonds are to be issued by a county, there shall also have been a majority of votes cast in favor of the railroad proposition at a majority of the election precincts within such county at such election. *And provided*

further, that the board of county commissioners of any such county, or the board of supervisors of any such town, or the common council of any such village or city, may, in case it shall deem it for the interests of such county, town, village or city to do so, waive the issuance by such railroad company of any such stock to such county, town, village or city.

SEC. 6. No bonds shall be delivered to the company under such proposition until the road, branch or extension thereof for the construction of which the aid has been granted shall have been completed ready for the passage of cars continuously from one terminus through or to the district granting the aid or to the nearest point in its line to such district, or from such terminus to such point as the company in its proposition shall have proposed to construct said road where the line of the road shall not lie through the district. And whenever a county, town, incorporated city or [incorporated] village, by virtue of the provisions of any law of this State, shall have voted and agreed to aid in the construction of a railroad, by subscription to its stock and the issue of bonds in payment thereof; and the railroad company, relying thereupon, shall [have] in good faith have performed and carried out its part of the agreement, and shall have constructed the same as agreed upon, no defects or irregularities in any of the proceedings preliminary to such election shall invalidate such agreement.

Proceedings before delivery of bonds.

SEC. 7. Another mode of arriving at such mutual agreement shall be as follows:

*First.*—Within three (3) months after the filing of any such proposition as is specified in the fourth (4th) section of this act with any county auditor, town clerk, or clerk of any city or village, as the case may be, the said railroad company shall cause notice to be given as prescribed in the fifth (5th) section of this act, in three (3) public places in each election precinct in the district in which aid is desired, stating that after a day named in said notice, which shall be at least five (5) days after its date, a petition to the proper authorities of such county, town, city or village will be presented to the resident tax-payers of such county, town, city or village for their signatures, asking such authorities to agree to such proposition, and such petition shall be appended to a substantial copy of such proposition.

Another mode of application.

*Second.*—If, within four months after the filing of such proposition with any such county auditor, town clerk, or clerk of any city or village, as the case may be, the said railroad company shall deliver to such clerk a substantial copy or copies of such proposition, so filed with such petition to the proper authorities of such county, town, city, or village, asking such authorities to agree to such proposition appended thereto, bearing the signatures of a majority of the persons residing in such county, town, city, or village, who were assessed for taxes upon real or personal estate, in such county, town, city, or village, as the case may be, as shown by the

May be assented to by petition signed by majority of taxpayers.

last assessment roll of the district of which aid is desired, which signatures shall be verified by the affidavit of some person witnessing such signatures; then such mutual agreement for the issue of bonds by such municipality, and of stock by such railroad company, shall be deemed and considered to have been arrived at and perfected, and thereupon such bonds and stock shall be issued and delivered in conformity with the true intent and meaning of such proposition, and with the provisions of this act.

Relating to  
the stock to be  
issued.

SEC. 8. The stock received by any such county, town, city, or village, in pursuance of any such mutual agreement, shall be entitled to all and the same rights, benefits, and privileges as the stock of the same class held by any other person or persons, and the municipality receiving any such stock shall, so long as it shall hold the same or any part thereof, be a part owner of such railroad and its franchises, and the proper authorities of the municipalities holding such stock shall appoint a person to vote thereon, in behalf of such municipality, and such authorities may also sell and dispose of the said stock in such manner as shall to them seem best for the interest of such municipalities.

Relating to  
the bonds to be  
issued.

SEC. 9. Every county, town, city or village, which shall issue any bonds in pursuance of the provisions of this act, shall be severally liable in law, faithfully, promptly and at maturity, to pay and discharge the principal and interest upon every such bond issued by it, and the faith of every such county, town, city or village shall, by the issue of such bond or bonds, be and stand irrevocably pledged to the prompt discharge of every such liability; and every such county, town, city or village, shall annually levy and collect a tax on all taxable property therein, as indicated by the assessment roll or rolls for the payment of all moneys to become due upon such bonds, whether for principal or interest, in addition to all other taxes, and the money so raised shall be kept as a separate fund, and strictly applied to that purpose, and it may, in the discretion of the proper authorities, raise a greater sum in any one year than is needed to pay what shall become due in that year, and apply the same to the purchase and discharge of such bonds, at the lowest practicable rate or price.

Duty of officers.

SEC. 10. If any officer upon whom any duty is imposed by this act, shall wilfully fail faithfully and promptly to discharge the same, as by this act required, he shall be liable to the party or parties aggrieved for all actual damages suffered by such party or parties by reason of such failure.

Terms con-  
strued and  
defined.

SEC. 11. For the purpose of this act, the term "proper officer" shall be construed and held to intend and mean in the case of a county, the chairman of the board of county commissioners and the county auditor of such county; in the case of a town, the chairman of the town board and the town clerk; in the case of a city, the mayor or the officer performing the duties of mayor, and the city clerk; and in

the case of a village, the president and clerk of the village; and the term "proper authorities" shall be construed and held to intend and mean in the case of a county, the board of county commissioners; in the case of a town, the town board of supervisors; in the case of a city, the common council or other authorities possessing the usual powers of the common council of cities; and in the case of a village, the board of trustees or other local governmental board, by whatever name it may be called, which is vested with the power to levy taxes, and any and all bonds issued under this act, by any county, town, city or village, shall be officially signed by the proper officers thereof as aforesaid, and sealed with its corporate seal, if it have one, and in the case of a town, it shall be the duty of the county clerk of the county in which said town is situated, if requested to do so, to add to each of such bonds a certificate, under the seal of the county to the effect that the town officers subscribing the bonds are in fact such officers, and that he believes their signature thereto to be genuine:

SEC. 12. If any county, town, city or village shall issue and deliver to any railroad company any bonds in pursuance of the provisions of this act, it shall not thereafter issue or deliver any bonds or incur any liability in aid of the construction of the railroad of such company by virtue of the authority of any other law of this State.

No other bonds  
to be issued.

SEC. 13. It shall be lawful for any town, county, city or village which shall have voted aid to any railroad company, or which shall hereafter vote aid to any railroad company, without limiting the time when such aid shall be earned by the company, by the authorities thereof, to fix and limit the time when such aid shall be earned. *Provided*, that the time so fixed shall not be less than one (1) year from the date of giving notice to such railroad company of the fixing such limit, and if the aid shall not be earned in accordance with the conditions upon which it was voted within the time so fixed by such authorities, then such aid shall be forfeited.

Forfeit of aid.

SEC. 14. Any county, town, city or village, is hereby authorized, instead of issuing bonds in aid of railroads as hereinbefore provided by agreement to be arrived at, as is herein provided for the issuing of bonds; to subscribe to the capital stock of such company, the subscription to be paid in money in one or more instalments, at such times, not exceeding three years from the time of entering into such contract, as may be agreed upon, and after such parts of the work of constructing the railroad aided shall be done as shall be agreed upon; the last instalment not, however, to be paid until the railroad shall have been completed ready for the passage of cars to the place to which it is agreed to be built in consideration of the aid so granted.

Capital may be  
subscribed for.

If such an agreement shall be arrived at in the manner herein provided, it shall be the duty of the proper officers of

such county, town, city or village from time to time, to levy and collect a tax in the same manner as general taxes are levied, of sufficient amount to pay the instalments as the same shall fall due according to the terms of such agreement.

When act to  
take effect.

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

Approved March 5, 1877.

## CHAPTER 107.

AN ACT TO AUTHORIZE THE ERECTING AND MAINTENANCE OF WIRE FENCES, AND TO DECLARE THE SAME A LEGAL FENCE.

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

Authorizing  
wire fences.

SECTION 1. In all cases where any law of this State requires to be erected or maintained any fence or fences for any purpose whatever, it shall be sufficient, and a compliance with such law, if there shall be erected and maintained a barbed wire fence, consisting of two (2) barbed wires and one (1) smooth wire, with at least forty (40) barbs to the rod, the wire to be firmly fastened to posts not more than two (2) rods apart, with one (1) stay between the posts, the top wire to be not more than fifty-two (52) inches high or less than forty-eight (48), and the bottom wire not less than sixteen (16) inches from the ground; or four (4) smooth wires, with posts not more than two (2) rods apart, and with good stays not to exceed eight (8) feet apart, the top wire to be not more than fifty-six (56) inches high nor less than forty-eight (48), and the bottom wire not less than sixteen (16) inches nor more than twenty (20) inches from the ground. *Provided*, that five (5) smooth wires shall be required to constitute a legal partition fence. *Provided*, that any other fence authorized by law shall also be held a legal fence.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

When act to  
take effect.

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

Approved March 1, 1877.