

CHAPTER 225.

AN ACT to authorize any town or incorporated village in the county of Washington to aid in the construction of the Stillwater and Hastings Railroad.

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

SECTION 1. Any town or incorporated village in the county of Washington is hereby authorized and empowered, in the manner herein provided, to aid in the construction of the Stillwater and Hastings Railroad, to be constructed by such railroad company for public use by authority of the law of this state. But no bond shall be issued by such town or village under the provisions of this act to an amount exceeding, together with its then existing indebtedness, five (5) 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.

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

SEC. 3. No such bonds shall be issued to or for the use of said Stillwater and Hastings railroad company, and no such stock shall be issued to any such town or village 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 town or village 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 town or village shall have elected to take stock.

SEC. 4. Whenever the said railroad company specified in the first section of this act shall desire aid in the construction of its railroad from any town or village specified in said first section, it shall make and deliver to the town clerk of such town or the clerk of such incorporated village as the case may be, a definite proposition in writing, signed by the president and secretary of said Stillwater and Hastings 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 said town or village, 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 Stillwater and Hastings railroad company will, in consideration of said bonds, at the election of said town or village, issue to said town or village 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 said town or village. That the 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 town 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 town clerk of such town or the clerk of such incorporated village, as the case may be, shall immediately publish a notice of an election to be held by the legal voters of such town 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 nor more than twenty days from the date of such notice, which notice shall contain a substantial statement of the proposition made by the said Stillwater and Hastings railroad company for the issue of the bonds of such town or village, 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 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 also be published at least thrice before such election in one newspaper in such town or village if any is published therein, and if there is no newspaper published in such town or village then such notice shall be published in a newspaper published at the nearest place thereto in which one is published; and the said Stillwater and Hastings railroad so desiring aid shall pay the expenses of advertising such proposition in said newspaper. *Provided,* that no such election shall be called except upon filing in the office of the town clerk a statement in writing in favor of calling said election, signed by the supervisors,

town clerk and justices of the peace, or any two (2) of them, together with at least twelve (12) other freeholders of said town. =

Second. Such election shall be held and conducted in the same manner that general elections in such towns or villages are 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 town clerk or clerk of such incorporated 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.

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

Fourth. If a majority of the legal voters who shall vote upon the question at any election to be held in any such town 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 town or village, 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. *Provided,* that the board of supervisors of any such town, or the common council of any such village, may, in case it shall deem it for the interests of such town or village to do so, waive the issuance by said Stillwater and Hastings railroad company of any of their stock to such town or village.

SEC. 6. No bonds shall be delivered to the said Stillwater and Hastings railroad 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, through or to the district granting aid, or to the nearest point in its line to such district, or from and to such point as the said Stillwater and Hastings railroad company, in its proposition, shall have proposed to construct said road.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 7, 1881.