

SECTION 2. Said list shall designate separately each lot or tract of land on which such tax and interest has been collected, specifying the section, township and range in which the same is embraced. Lots to be designated.

SECTION 3. Immediately upon the receipt of said list by any county treasurer, he shall ascertain the aggregate amount of such tax and interest collected as aforesaid on such lands in each of the organized towns in his county, and shall credit to the proper towns respectively the full amount of the taxes and interest collected as aforesaid on lands embraced within such towns: *provided*, the amount of said taxes and interest shall have been paid over to such county treasurer, or shall have been credited to such county by the state treasurer, as provided in said section five of chapter three hundred and six of the act aforesaid. Duty of treasurer on receipt of list. Proviso.

SECTION 4. This act shall be in force from and after its passage.

Approved March 29, 1861.

## CHAPTER 151.

[Published April 5, 1861.]

AN ACT to authorize the city of Green Bay to issue the bonds of said city for the purpose of taking up and canceling the outstanding bonds of said city heretofore issued.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the city of Green Bay, and said city is hereby authorized in the corporate capacity of said city, to issue bonds to the holders of the bonds now outstanding against said city, payable in one, two, three and consecutive years, not exceeding ten years from the date of such bonds issued under this act, together with interest coupons attached thereto, bearing such rate of interest as the city council may direct, and payable as said council may direct, not exceeding eight per cent. per annum, and in such amount and in such sums, may also direct: *provided*, that no bonds shall be issued under and by virtue of this act for any other purpose than taking up and can- May issue bonds —for what purpose, &c.

celing the bonds of said city now outstanding and maturing; *and provided, further*, that no bond or bonds shall issue under this act unless at the time of such issuing and delivery, the bond or bonds for which the same was issued, be delivered up to the city treasurer for concellation; *and provided, further*, that all judgments for interest on such bonds shall also be fully released and satisfied, or the evidence of such satisfaction and release be produced.

How signed.

SECTION 2. Said bonds may be issued for such purpose named in section one of this act and for no other purpose, and in such form as said city council may prescribe or direct, and shall have affixed thereto the seal of said city of Green Bay, and shall be signed by the mayor, or in the absence of the mayor, the president of the council, and countersigned by the city clerk, duly authorized thereto by a resolution of said council in writing, and upon the passage thereof the yeas and nays shall be called and recorded at length upon the minute book of the city clerk.

Interest and 10 per cent payable annually.

SECTION 3. It shall be the duty of the city council of said city after said bonds have been issued, or any part thereof, under the provisions of this act, to order, levy and assess a yearly tax upon the real and personal property within the city limits, sufficient to pay the interest coupons or interest accruing on said bonds, and in addition thereto a sum sufficient and equal to ten per cent. of the whole amount of said bonds issued, so that ten per cent. thereof besides the interest accruing thereon, be paid annually.

When tax to be levied.

SECTION 4. It shall be the duty of the city council of said city, in the month of October in each year, either at a special or regular meeting of said council, to estimate, assess and levy said tax mentioned in section three of this act, and for the purpose therein, and order an assessment roll to be placed in the hands of the city treasurer at the same time that other assessment rolls are placed in his hands for collection, and the same shall be collected, and the same proceedings shall had thereon as is now required by law for the collection of taxes in the city of Green Bay.

Receivable for taxes.

SECTION 5. Said bonds and the coupons for the interest thereon shall be received by the city treasurer in payment for city taxes as they mature.

If interest, &c. not paid, holder

SECTION 6. Whenever the city of Green Bay, for any cause whatever, by its council or otherwise, shall

fail to assess and levy a tax sufficient to pay the interest on said bonds issued as they mature, or shall fail to assess and levy a tax sufficient to pay ten per cent. yearly of said bonds issued as provided for in section three of this act, the party or parties aggrieved thereby may apply for relief to the judge of the circuit court of the state of Wisconsin, in and for the county of Brown, by petition, addressed to said judge of said court, in term time or vacation, setting forth in said petition that said city of Green Bay, by its council, has failed to comply with the provisions of this act, in assessing and levying said tax as in said section three of this act provided for; that said petitioner is the lawful owner and holder of interest coupons due on said bonds issued, or is the lawful owner and holder of any bond or bonds due under this act, together with the place of trial or hearing, and the relief demanded by said petitioner, together also with all other material facts and allegations as may to the judge seem proper, which said petition shall be duly verified as complaints are now by law required to be verified, which said petition shall be taken as true unless the same be denied by the said city, or other sufficient answer or excuse in law or in fact be set up in answer thereto as hereinafter provided in this act, and shall stand as the complaint of the petitioner therein.

SECTION 7. It shall be the duty of said circuit judge mentioned in the preceding section, upon the petition of the party or parties aforesaid, as hereinbefore provided in this act, to grant a rule forthwith founded upon said petition, requiring the said city of Green Bay, by the proper officers thereof, within a time to be named in said rule, not to exceed thirty days, to show cause before said judge, at a time and place to be designated in said rule, why the petitioner may not have the relief demanded in his petition; and said judge shall further order that a copy of said petition and said rule be served upon the city clerk or the mayor of said city, or either of them, at least ten days before the time mentioned in said rule for such hearing, and upon the return of said rule, said judge shall have power in his discretion, upon cause shown, to adjourn said hearing and to enlarge the time for showing cause in said rule mentioned, upon such terms as to said judge may seem just and equitable, and may award costs to either par-

*judge for relief.*

*Duty of judge.*

*Adjournment of hearing.*

ty, and make all other rules and regulations or orders as may be necessary in said proceedings: *provided, always*, that the parties in interest by their respective attorneys, may consent in writing to adjourn said hearing, or stipulate to enlarge the time for hearing or showing cause.

Where issue to be tried.

SECTION 8. Issues of fact joined in any such proceeding shall be tried at a general or special term of said circuit court, in the county wherein the material facts contained in the petition shall be alleged to have taken place, and the said judge shall have power to summon a jury for that purpose, and prescribe the manner of summoning the same; and when it appears from the pleadings to said judge that issues of fact or issues of a fact have or has been joined, it shall be the duty of the judge to adjourn said hearing and certify the same to the next general or special term of said circuit court for the county of Brown, to be tried by a jury to be summoned as hereinbefore mentioned.

Adjournment.

Mandamus.

SECTION 9. In case a verdict shall be found in favor of the petitioner, or if judgment be given him by default, the said judge shall award the said petition [petitioner] such costs and disbursements as may be just and equitable, and a peremptory mandamus shall be granted to the petitioner without delay, requiring the city council of the city of Green Bay at a regular or special meeting of said council, to discharge their said duty as required of said city in section three of this act, which mandamus may be in such form as may to the said judge seem proper, and for the purpose of enforcing such relief as the petitioner may be entitled to under this act.

Statutes applicable.

SECTION 10. Section seven (7) of chapter one hundred and fifty-nine (159) of the revised statutes now in force in this state, is hereby declared applicable to proceedings under this act and every part hereof as freely as if the same was written herein, and sections two and three (2 and 3) of chapter one hundred and seventy-six (176) of the private and local laws of 1859, entitled "An act to amend an act entitled an act to incorporate the city of Green Bay, approved February 27th, 1854," approved March 17th, 1859, are hereby repealed.

Repeal.

SECTION 11. This act shall be in force from and after its passage and publication in the official papers in the city of Green Bay.

Approved March 29, 1861.