

incorporated under the laws of this state, which is used exclusively for educational purposes, is hereby exempted from taxation.

SECTION 2. This act to take effect on and after its passage and publication.

Approved April 3, 1883.

CHAPTER 310.

Milwaukee. (See vol. 2.)

CHAPTER 311.

Two Rivers. (See vol. 2.)

CHAPTER 312.

Neillsville. (See vol. 2.)

[No. 399, A.]

[Published April 18, 1883.]

CHAPTER 313.

AN ACT to enable the city of Watertown to settle its railroad debts and to repeal chapter 169 of the laws of 1881.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorized to
issue bonds.

SECTION 1. The city of Watertown, in the state of Wisconsin, is authorized to issue bonds payable in fifteen equal yearly installments, to the amount in all of fifty per cent. of the principal of all bonds outstanding, which were issued by said city to aid in the construction of railroads, without any allowance for interest which has accrued thereon and remains unpaid. Said new bonds to be issued by virtue of this act, shall bear interest at the rate of six (6) per cent. per annum, payable annually, and shall have interest coupons attached for said interest, and in each coupon shall also be embraced said annual installments of principal; and the bonds shall be so drawn that when coupons for such interest and including said installments of principal are paid, the bonds themselves shall be fully satisfied and discharged. Where

said railroad bonds and their interest coupons may be separately owned, and also where judgment may be had thereon to their respective holders and owners in satisfaction thereof, such new bonds may be issued according to the respective interests of such holders and owners; provided that the aggregate so to be issued shall not in any case exceed the rate of compromise above provided for; and provided further, that in no case shall the rate of exchange or payment exceed fifty cents (\$0 50) in new bonds on the dollar of the original face or principal of the old bonds, exclusive of all unpaid interest coupons or judgments obtained thereon.

SECTION 2. Gustavus Werlich, Ernst Grossman, Amos Baum, Edmond Sweeny, Marshall J. Woodard, Ulrich Habbegger and Alanson Boomer, are hereby appointed commissioners in and for said city, to be styled "commissioners of the public debt of the city of Watertown;" said commissioners shall hold their office until the objects and purposes of this act are effected and accomplished. In case of a vacancy, by refusing or neglecting to qualify, by death, removal from the city, or resignation of any of said commissioners, the commissioners remaining in office, shall appoint some competent citizen of the city of Watertown, to fill such vacancy. Said commissioners shall elect one of their number to be chairman, and shall also elect one of their number to be their clerk, who shall keep a correct record of all their proceedings, and report quarterly, in each year, their doings to the common council of said city. The books and papers of said commissioners shall at all times be open to the inspection of any citizen.

Names of
commissioners.

SECTION 3. Said commissioners shall be duly qualified, after being appointed and taking the usual oath of office, to faithfully perform the duties enjoined by this act. They shall have full access to all the records of said city, and to all correspondence of the common council of said city, and of any and all committees of said council, and all papers and other things relating to said city debt, and the performance of their duties under this act. They shall proceed to effect a compromise of said city debts, at the rate in the first section provided for; provided, that in no case shall said commissioners issue any new bond

Qualifications.

or bonds in settlement of any bond, coupon or judgment against which they believe the said city has a good legal defense, or against which the city shall be defending in the courts, until the validity thereof shall be established by a competent court. A majority of said commissioners shall form a quorum for the transaction of business. All the necessary and reasonable expenses and disbursements of said commissioners in and about said business, shall be paid by said city.

Commissioners may appoint an agent.

SECTION 4. In order to effect the objects of this act, said commissioners may appoint an agent who may be one of their number or not as they may deem best, whose business it shall be, under their direction and control, to negotiate with the owners and holders of said city debts, for the settlement and compromise thereof, authorized by this act, and to use all proper and necessary means to effect that object. Said agent shall be reasonably compensated for such service, which compensation shall be fixed by said commissioners and paid by the common council of said city, and all his necessary expenses in and about said business shall also be paid by said city.

Shall prescribe the form.

SECTION 5. Said commissioners shall prescribe the form of said new bonds in conformity with this act, and fix the dates and places of payment thereof, and the times from which the interest thereon shall run. But said dates and times from which interest is to run shall be subsequent to the passage of this act. Each new bond shall designate the obligation and its amount for which it shall be given in exchange, and no such new bond shall be issued bearing date prior to the first day of April in the year in which it shall be issued, and all bonds and coupons shall cease to draw interest after becoming due, unless duly presented for payment at the proper place and time, and payment thereof is refused.

Powers of commissioners.

SECTION 6. Whenever said commissioners shall ascertain that any owners or holders of any of said railroad bonds or part of said city debt, have consented to the terms of compromise authorized by this act, then said commissioners are hereby authorized to issue, duly signed by the chairman and clerk of said commissioners, under the seal of said city, to such owners or holders, on the surrender to said commissioners of the obligations for said debt or bonds to be canceled, new bonds

at the rates in the first section of this act provided for. All of said old bonds when surrendered, shall be canceled and then deposited with the clerk of said city, who shall keep an exact record thereof.

SECTION 7. The clerk of the said commissioners shall keep an exact record of all new bonds that may be issued, (which shall be duly numbered by him) and shall include in the aforesaid quarterly report to the common council a copy of said record.

Duties of clerk.

SECTION 8. There is hereby levied an annual tax upon all the taxable property in said city, sufficient to meet and pay the principal and interest of said new bonds, as the same shall become due. And said commissioners shall certify by the first day of November in each year, the amount necessary to be raised that year to meet and pay said principal and interest as fast as the same shall fall due, to the city clerk of said city, who shall and is hereby required to put said amount in the tax list of that year, and in case of failure of said commissioners to certify such amount by the time above mentioned, the common council of said city are required to direct the clerk of said city to put such amount into the tax list of that year, and the treasurer of said city shall keep the same in a separate fund, and shall not pay out any part thereof, except to pay and take up the coupons for principal and interest annexed to said new bonds, which coupons after the maturity thereof, shall be receivable for all taxes, by said treasurer, which may be due said city, which coupons said treasurer, at any time after maturity thereof, shall pay on presentation; and in case said bonds, or any of them, shall be made payable at any other place than said city of Watertown, then said treasurer shall promptly transmit the funds necessary for such payment to such place designated therefor.

May levy a tax.

SECTION 9. In case default shall be made at any time, in the payment of principal or interest of the new bonds to be issued under this act after judgment obtained therefor, the circuit court of the county where such judgment may be obtained therefor, may direct and require the city treasurer of said city to levy and collect the amount of such judgment out of the taxable property of said city, by assessing the same upon the last or next preceding assessment roll of the prop-

In case a default is made.

erty of said city, and collecting the same in the same manner as city, county and state taxes are assessed and collected thereon, giving the same time for the payment thereof. Said city treasurer shall return all delinquent taxes on real estate, to the county treasurer of the county in which such real estate may be situated in the manner prescribed by law; and such lands shall be sold unless such taxes are paid, by such county treasurer at the next general tax sales, for delinquent taxes, as other lands are sold for taxes, and when such taxes are collected, the same shall be paid over to the person entitled thereto.

Additional bonds may be required.

SECTION 10. Said commissioners may require, if they deem it necessary, an additional bond of the city treasurer of said city for the faithful application of all moneys that may come into his hands under this act, as in this act is provided for, said bond to be executed to the city of Watertown, and approved by said commissioners, and to be for such sum as they shall deem necessary, and to have sufficient sureties, which they shall approve of; and in case of a refusal or neglect of said treasurer for ten days to give said bond after being notified to do so, his office shall be deemed vacant, and the clerk of said city shall call a special election, on five days' notice, to fill such vacancy.

Penalty.

SECTION 11. The signing, countersigning, issuing or putting into circulation any of said new bonds for any other purpose or otherwise than is herein authorized, or the signing, countersigning, issuing or putting into circulation of any duplicate bonds or coupons contrary to the provisions of this act, is hereby declared an embezzlement of the same, and the officer or person so offending shall be deemed to have committed the crime of larceny, to the amount of the bonds or coupons so wrongfully converted, and shall be punished accordingly. Said commissioners shall have exclusive control of all negotiations for the compromise of said city debt.

Penalty for neglect of duty.

SECTION 12. In case any city officer shall wilfully refuse or neglect to perform any act or duty required of, or enjoined upon him under this act, or shall wilfully hinder or obstruct any of said commissioners of the public debt in the performance of any of their duties, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined, in the discretion of the

court, in a sum not exceeding one thousand dollars (\$1,000) and costs of prosecution, and stand committed until such fine and costs be paid.

SECTION 13. Chapter 169 of the laws of 1881 is hereby repealed, and all acts inconsistent with this act are hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage.

Approved April 4, 1883.

[No. 400, A.]

[Published April 14, 1883.]

CHAPTER 314.

AN ACT relating to the change of the place of trial of actions in certain cases, and amendatory of chapter 119 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 119 of the revised statutes is hereby amended by adding thereto next after section 2625, a new section, to be designated as section 2625a, and which shall read as follows: Section 2625a. The court shall change the place of trial of any civil action which is triable by a jury, upon the application of any party thereto who shall file his affidavit, setting forth that he has good reason to believe, and does believe, that he cannot have a fair trial of such action on account of the prejudice of the people of the county wherein such action is pending for trial. If such application shall be made after any continuance in the action, obtained on the application of the party filing such affidavit, it shall be granted only upon the payment of the costs of making such change and the costs of the term; but no costs for the attendance of witnesses shall be included, if notice of the application, with a copy of such affidavit, shall have been served upon the opposite party ten days before the commencement of the term. Not more than one change of the place of trial shall be granted to the same side under the provisions of this section. Whenever a change of the place of trial of any action is ordered under this section, such change shall be to some other county in same circuit in which such action is pending, except in cases where such circuit com-

Relating to
change of
place of trial
or action.