

obey any lawful order given or made by the commission, or any judgment or decree made by any court in connection with the provisions of this act, for each such violation, failure or refusal, such employer or other person shall forfeit and pay into the state treasury a sum not less than ten dollars nor more than one hundred dollars for each such offense.

(Am. 1911, ch. 664, s. 105.)

Section 1021b—31. A sum sufficient to carry out the provisions of this act, not exceeding seventy-five thousand dollars, is appropriated annually out of any money in the treasury not otherwise appropriated.

(Am. 1911, ch. 664, s. 105.)

SECTION 2. Subsection 18, of section 170, sections 926—161, 926—162, 926—163, 926—164, 926—165, 926—166, 926—168, 926—170, 926—171, 1021e, 1021f, 1021i, 1021j, 1021k, 1021l, 1729b, 1729c, 1729d, 1729e, 1729f, 1729g, 1729h, 1729i, 1729j and 1021e of the statutes are repealed, from and after September 1, 1911.

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

Approved June 30, 1911.

No. 100, S.]

[Published July 3, 1911.

CHAPTER 486.

AN ACT to create sections 959—145 to 959—156, inclusive, relating to the creation of a board of public land commissioners, and granting of certain powers to the same.

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

SECTION 1. There are added to the statutes twelve new sections to read: Section 959—145. Any city of this state, whether organized under general or special charter, is hereby empowered to create by ordinance of its common council a board of public land commissioners consisting of five members, appointed and possessed of the powers as hereinafter provided, for the purpose of converting streets and highways designated by the common council of such city into parkways or boulevards.

Section 959—146. Such commissioners shall be appointed by the mayor, subject to the approval of the common council, within sixty days after the creation of such board by ordinance as aforesaid. Said board when appointed shall elect from its own members a president and a secretary. In appointing the first board created under this act, the mayor shall designate the length of term of each commissioner; one member to serve until

the next ensuing first day of January after his appointment; one member to serve until the second ensuing first day of January after his appointment; one member to serve until the third ensuing first day of January after his appointment; one member to serve until the fourth ensuing first day of January after his appointment; and one member to serve until the fifth ensuing first day of January after his appointment; and thereafter on or before the first day of January of each year, the mayor shall appoint one commissioner to serve for a term of five years and until his successor is appointed and qualified. Within one month after any vacancy by death, resignation, or otherwise, the mayor shall appoint some person to fill such vacant office for the unexpired term. Each commissioner shall hold his office until the expiration of the term for which he is appointed and qualified. All appointments by the mayor shall be subject to the approval of the common council.

Section 959—147. The common council may fix and provide for the payment of a salary or salaries for one or more of the members of said board, when in the judgment of the common council the fixing and payment of such salaries become necessary in order to carry out the purposes of this act, which salaries shall be paid solely out of the fund hereinafter named.

(Am. 1911, ch. 664, s. 90.)

Section 959—148. 1. Said commissioners shall have power to appoint such clerks, assistants, and workmen as they may deem necessary and proper for the proper discharge of their duties, subject, however, to such regulations in respect to the number of such employes to be appointed and their compensation as the common council may by ordinance prescribe. Said board of public commissioners is hereby empowered to acquire, in the name of such city, lands and improvements thereon in the manner hereinafter provided, within a distance of three hundred feet on either side of and abutting on any public street or highway for the purpose of converting the same into a parkway or boulevard. The streets or highways to be thus converted shall be first designated by resolution of the common council of such city, upon the recommendation of said board of public land commissioners. After such designation the said lands may be acquired by purchase, gift, or condemnation, and no such purchase shall be made until the same shall have been recommended to the common council by said board and ordered by resolution of said common council, adopted by a majority vote thereof, specifying the land to be purchased, the maximum price to be paid therefor and the terms of payment. Any gift of lands for the purposes herein specified shall first be accepted by the common

council of such city upon recommendation of said board before same shall become the property of such city.

(Am. 1911, ch. 664, s. 99.)

2. In case such lands cannot be acquired by purchase or gift from the owners on the terms prescribed by the common council of such city, such city is hereby authorized to condemn and take the same in the manner required by law to enable said city to take and condemn lands for the purpose of laying out streets, alleys, and public places, but it shall not be necessary to proceed by petition of freeholders, but the common council shall by resolution adopted by an affirmative vote of the majority of the aldermen elect direct proceedings to be had for such proposed taking, and thereafter proceedings shall be had in all respects as provided by law governing such city for the taking of property for public use as a street, without petition; except that when there are any buildings or other improvements on such lands such city shall also take such buildings and improvements and determine and appraise the value of the same and injury to the owner thereof in consequence of such taking, and thereafter such buildings and improvements, as well as the land taken, shall become the property of such city, and such city shall be entitled to enter upon and appropriate said property when the damages awarded to the owner shall have been paid or tendered to owner or his agent, or when sufficient money for the purpose shall be provided in the hands of the city treasurer for that purpose and ready to be paid over to such owner and ten days' notice thereof shall have been given by the commissioner of public works in the official papers.

3. When such land shall have been acquired as aforesaid, said board shall have the power to manage, control, govern, improve, subdivide, re-subdivide, and plat, and, subject to the prior approval of the common council of such city, to mortgage and sell any such land, or parcels thereof, on such terms and with such restrictions and reservations as may be deemed necessary in order to convert such street or highway into a parkway or boulevard, and to protect the same and its environs, and preserve the view, appearance, light, air, health, and usefulness thereof.

Section 959—149. Whenever said board shall deem it necessary to grade, gravel, macadamize, or otherwise pave, and to curb, repair, or repave in any manner, any parkway or boulevard laid out and established under this act, including the sidewalks thereof, and any portion of such parkway or boulevard, they shall make a recommendation of the same to the common council of such city, describing their plan, together with a plat for the same, for such proposed improvement. Such common council

shall, if it deems such improvements necessary, direct the commissioner of public works, or any board, or body, or other authority of said city, having charge of the improvement of streets therein, to make an estimate of the costs of such improvements, which shall be placed on file in the office of said commissioner of public works, board, or body, or other authority, and be open to the inspection of the public interested. Thereupon such commissioner, board, body, or other authority so directed shall send such estimate of the cost of such improvement to the common council of such city, and upon the same being adopted by said common council, in whole or in part, said improvements shall be made and the procedure followed as now provided by law in such city for the improvement of streets, alleys, and sidewalks; provided that all property fronting or abutting any parkway or boulevard laid out under this act shall be subject to an assessment of benefits and damages for any improvements made under this act as property abutting or fronting on streets or alleys are now assessable under existing law governing such city, whether such city owns the fee or an easement in the land laid out for such parkway or boulevard.

(Am. 1911, ch. 664, s. 99.)

Section 959—150. The acquisition of any lands under this act shall be in the name of and for such city. Any deeds, leases, contracts, mortgages, or other instruments necessary to execute in carrying out the purposes of this act shall be executed in the name of such city and signed in its behalf by said board by its president and secretary, after due authorization by resolution of said board.

(Am. 1911, ch. 664, s. 99.)

Section 959—151. No corporate liability whatever shall in any event be created against any such city, except to pay for lands condemned under this act, but all securities issued by said board and the damages for lands condemned shall be payable solely out of the proceeds of the operation of such board and the public lands fund hereinafter named.

Such securities shall not be issued in an amount in excess of the cost to such city of such lands and ten per cent. of such cost in addition thereto.

(Am. 1911, ch. 664, s. 99.)

Section 959—152. For the purposes of this act the common council shall, at the request of said board, make an initial appropriation of not to exceed twenty-five thousand dollars, which shall be known as the Public Land Fund, and it shall be deposited, together with all of the proceeds of the operation of such board with the treasurer of such city. Said fund shall be

drawn out only on an order signed by the president and secretary of such board and countersigned by the city comptroller.

(Am. 1911, ch. 664, s. 99.)

Section 959—153. All claims and demands, bills and accounts, created by said board shall be audited and allowed by said board before an order is issued therefor, and immediately after their allowance by said board they shall furnish the city comptroller with a list of such claims and demands, bills and accounts allowed, stating the character thereof, materials furnished, or services rendered, and said comptroller shall then audit the same before countersigning said orders. It shall be the duty of said board to transmit to the common council of said city at its first regular meeting in January of each year a full and detailed report of all transactions of said board for the preceding year, together with their itemized account of all expenditures, and a list of employes, and inventory of property, and the purchase price thereof, and of all mortgages and securities issued, which may be outstanding at the time of making such report.

Section 959—154. The acquisition by purchase, gift, or condemnation as herein provided of private property for the purpose authorized herein is hereby declared to be a taking, use, and appropriation of such private property for a public purpose and use.

(Am. 1911, ch. 664, s. 99.)

Section 959—155. The common council of such city may be a three-fourths vote of the aldermen elect either suspend the operation of or abolish such board. In case of suspension or abolition of such board the common council may exercise the powers of such board so far as may be necessary to carry out the terms of any contract or complete any proceeding already entered into by such board.

Section 959—156. Such city is hereby authorized and empowered to vest the powers, duties, and restrictions herein upon any existing board or commission, by an ordinance of its common council, in lieu of creating a board of public land commissioners as herein provided for.

(Am. 1911, c. 664, s. 106.)

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 30, 1911.