

No. 248, S.]

[Published April 29, 1913.]

**CHAPTER 126.**

AN ACT to amend sections 959—146, 959—147, 959—148 and 959—149 of the statutes, relating to boards of public land commissioners.

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

SECTION 1. Section 959—146, 959—147, 959—148 and 959—149 of the statutes are amended to read: 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 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 \* \* \* until his successor is appointed and qualified. All appointments by the mayor shall be subject to the approval of the common council.

(See c. 773, s. 53.)

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 sections 959—145 to 959—156, inclusive, which salaries shall be paid solely out of the fund named in section 959—152, unless other provision shall be made in said ordinance for the payment of the same.

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.

2. Said board of public *land* commissioners is hereby empowered to acquire, in the name of such city, lands and improvements thereon in the manner provided in sections 959—145 to 959—156, inclusive, within a distance of \* \* \* *five* 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, *but* \* \* \* no such purchase shall be made until the same shall have been recommended to the common council by said board of *public land commissioners* and ordered by resolution of said common council, *duly* adopted. \* \* \* Any gift of lands for the purposes specified in sections 959—145 to 959—156, inclusive, shall first be accepted by the common council of such city upon *the* recommendation of said board of *public land commissioners* before *the* same shall become the property of such city.

3. *Said board of public land commissioners may, however, and it is empowered, in its discretion, to proceed either prior or subsequent to such designation, to obtain from any or all of the respective owners of said lands, or any part thereof, duly executed contracts or options, in the name or for the benefit of said city, for the purchase or acquiring of said lands, or any part thereof so held by said owners respectively, or of any leasehold or other interest or claim therein or thereto, and said board of public land commissioners is also further empowered in such case to pay out of the fund herein named and created, any charges or expenses by it incurred therefor or in connection therewith; provided, however, that in no case shall any such contract or option be held binding upon, nor shall the same create any liability against said city until the same shall have been reported and recommended by said board of public land commissioners to the common council of said city and have been approved and accepted by resolution of said common council duly adopted.*

\* \* \* 4. In case such lands, or any part thereof, cannot be acquired by purchase or gift from the owners *thereof* on the terms *satisfactory to* \* \* \* 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 *duly* adopted \* \* \* , 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 *the* owner or his agent, or when sufficient money for the purpose shall \* \* \* *have been* 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.

\* \* \* 5. When such lands shall have been acquired as aforesaid, said board shall have the power to manage, control, govern, improve, subdivide, resubdivide, and plat, and, \* \* \* to mortgage and sell any such land, or parcels thereof, on such terms and with such restrictions and reservations as may be deemed necessary *by said board* 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. 1. 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 sections 959—145 to 959—156, inclusive, including the sidewalks thereof, and any portion of such parkway or boulevard, *said board* \* \* \* shall make a recommendation of the same to the common council of such city, describing *its* \* \* \* plan, together with a plat for the same, for such proposed improvement. Such common council shall, if it deems such improvement necessary, direct the commissioner of public works, or any board, or body, or other authority of said city, having charge of the improvements 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.

2. 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 sections 959—145 to 959—156, inclusive, shall be subject to an assessment of benefits and damages for any improvements made under said sections 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.

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

Approved April 26, 1913.

No. 271, S.]

[Published April 29, 1913.

## CHAPTER 127.

AN ACT to repeal sections 1945a and 1975 of the statutes, and to amend section 1900 of the statutes, relating to matters incorporated into policies of insurance.

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

SECTION 1. Sections 1945a and 1975 of the statutes are repealed.

SECTION 2. Section 1900 of the statutes is amended to read: (Section 1900.) 1. No policy or contract of insurance shall be made, issued or delivered in this state containing any provision:

a. Limiting the time for beginning an action on the policy or contract to a time less than that prescribed by the statutes of limitations of this state, or specifically authorized by law.

b. Incorporating into the policy or contract any matter not fully set forth therein, or in a copy of any application, or of any other matter attached to and made a part of such policy or contract at the time of its delivery.

c. *Incorporating into the policy or contract any provision prescribing in what court any action may be brought thereon or that no action shall be brought thereon.*

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

Approved April 26, 1913.