

for the creation of a ward out of any precinct or election district, whether such precinct existed prior to the passage and publication of chapter 286, of the laws of 1895, or was thereafter established, is hereby made valid to all intents and purposes, any insufficiency or informality in any such petition or any want of power under said chapter 286, to the contrary notwithstanding.

SECTION 5. All acts and parts of acts and the provisions of any city charter that conflict with the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1897.

No. 120, S.]

[Published March 11, 1897.

CHAPTER 32.

AN ACT authorizing cities to acquire lands outside the city limits for certain purposes, and to create park commissioners and prescribe their powers and duties.

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

Common council authorized to establish a board of park commissioners.

SECTION 1. The common council shall have authority to establish a board of park commissioners, and upon a majority vote of the members elect, to receive by gift, or to purchase, for the use of the city, lands for parks, boulevards, pleasure drives, cemeteries, drainage, sewerage, or garbage grounds, within, or outside of the city limits, and may exercise police supervision over the same. The city shall also

have power to receive by gift, grant or devise, and hold in trust for the people of the city, both real and personal property, and apply the principal, or income thereof, according to the terms of the gift, grant or devise, to the purchase of lands for parks, boulevards and pleasure drives situated within the county where the city is located, or to the maintenance and improvement of such parks, boulevards and pleasure drives.

SECTION 2. The common council may, by a resolution duly adopted, make it a condition of the acceptance by gift of any such lands for parks, boulevards, and pleasure drives, that such parks, boulevards and pleasure drives shall be constructed and maintained at the expense of private parties, and that the city shall in no way be liable for such construction or maintenance, until by a like resolution the common council shall vote to maintain such parks, boulevards and pleasure drives at the expense of the city; provided further, that the city shall not be liable for any damage resulting from any want of repair or insufficiency in the construction or maintenance of any parks, boulevards and pleasure drives owned by the city outside of the city limits, nor shall any corporation or its officers or agents, or any voluntary association, or any individual who, being authorized so to do by the common council of the city, shall assume the burden of constructing or maintaining any such parks, boulevards and pleasure drives outside the city limits, be liable for any damage resulting from any want of repair or insufficiency therein; provided further, that the common council, in case such parks, boulevards and pleasure drives are not kept in good repair may cause the same, or any part thereof, to be closed to the use of the public, until such time as the same shall be put in good repair.

Common council authorized to accept parks, drives, etc., maintained by private parties.

Signs to be placed along drives.

Signs shall be placed at conspicuous points along any such drives located outside the city limits, at intervals not exceeding one mile, a

notice painted in large, plain letters, as follows: "Any person using this drive does so at his own risk as to defects therein."

Park commis-
sioners to con-
sist of free-
holders. —

SECTION 3. The common council may by an ordinance duly adopted, establish a board of park commissioners for the city, to be known and designated as such, and consisting of five freeholders of the city. But said commissioners shall have no power to incur any indebtedness on behalf of the city, except as herein-after provided.

Duty of mayor
to appoint
within ten
days. Terms.

SECTION 4. Within ten days after such board has been so established, it shall be the duty of the mayor of the city to appoint five freeholders of said city who shall constitute such board of park commissioners. He shall designate the length of term of each commissioner, one to be appointed for one year, one for two years, one for three years, one for four years, and one for five years, from the first Tuesday of May next succeeding their respective appointments, and the mayor shall, in like manner, on the first Tuesday of May, in each year thereafter, excepting the first, appoint a new commissioner who shall hold for five years. In the case of a vacancy the mayor shall appoint a commissioner for the unexpired term; the appointment in each case to be confirmed by the common council. Each of said commissioners, before entering upon the duties of his office, shall take an oath to well and truly discharge the duties of his office, which oath shall be reduced to writing, and subscribed by him and filed in the office of the city clerk. It shall be the duty of the city clerk to notify said commissioners of their appointment, and to name the time and place for their first meeting, which shall not be less than five, nor more than ten, days from the date of their appointment; at which meeting said board shall organize by the choice of one of their members as president, to serve for one year from the first Tuesday of May next succeeding his election, and until his successor shall be chosen, and shall, at the same time, elect a secretary, not a

member of the board, to serve for the same period of time, who shall serve without salary, unless such salary shall be authorized by the common council. It shall be the duty of said board to require a bond with sufficient sureties, from their secretary, conditioned in an amount to be fixed by said board, for the faithful performance of his duties, which bond shall be filed with the city clerk and approved by the city attorney, and by a majority of the board of commissioners, as to form and execution, before said secretary shall enter upon his duties. The annual meeting of said board of park commissioners shall be held on the first Tuesday in May of each year. No one of said commissioners shall receive any compensation from the city treasury, or otherwise, for his services as such commissioner.

SECTION 5. All lands now owned by the city for parks, boulevards and pleasure drives, and all lands that shall hereafter be acquired for such purposes, within or without the city limits shall be controlled, as provided in this act, by said board of park commissioners, as public parks, boulevards and pleasure drives, for the recreation, health and benefit of the public, and shall be free to all persons, subject to such necessary and reasonable rules and regulations as shall, from time to time, be adopted by said board of park commissioners, for the well ordering and government thereof.

Control and regulation of drives, parks, boulevards, etc.

SECTION 6. The said board shall have the full power to govern, manage, control and improve said parks, boulevards and pleasure drives, and to lay out the same, and make rules for the regulation and government thereof, and for the preservation of order therein; to restrict traffic, and prohibit heavy teaming thereon; to employ such persons as may be necessary for the proper improvement, care and management thereof, and prescribe their respective duties and authority, and fix the amount of their compensation; but all rules and regulations for the protection and govern-

Board to have full management and to prescribe rules for the use of said parks, boulevards, drives, etc.

ment of said parks, boulevards and pleasure drives, and for the preservation of order therein, shall be approved by the common council before going into effect, and the common council may prescribe proper penalties for the violation thereof, and the method of their enforcement.

All claims to be audited by the comptroller before presented to the city.

SECTION 7. All claims and demands against the city, before they are allowed by the said board of park commissioners, shall be audited and adjusted by the comptroller, or in cities not having a comptroller, by the city clerk, and immediately after their allowance by said board of park commissioners, they shall furnish the said comptroller, or the said city clerk in cities not having a comptroller, with a list of all accounts or bills which have been allowed by said board, stating the character of the materials furnished, or services rendered, and for which such allowance was made. It shall be the duty of said board to transmit to the common council of said city, at its first regular meeting in April, of each year, a full and detailed report of all transactions by said board of park commissioners for the preceding year, together with an itemized account of all expenditures, and a list of employes and an inventory of property, and purchase price thereof, in case of purchase, which may be, at the time of making such report, under the control of said board.

All moneys to be paid over to the city treasurer.

SECTION 8. All moneys under the control of said park commissioners received or raised, including any that may be received by subscription or gift, for parks, boulevards and pleasure drives, shall be paid over to the city treasury, and shall be disbursed according to resolution of the board of park commissioners authorizing the payment of bills and accounts after the same have been audited and ordered paid by the board and orders directed to be issued therefor, which shall be signed by the president and secretary of said board; but before the city treasurer pays such orders, the resolu-

tion of the board, and the accounts and bills shall be presented to the comptroller, or, in cities not having a comptroller, to the city clerk, and audited by him, and thereupon the orders shall be countersigned by him, and then laid by him before the common council at its next meeting thereafter, and when approved by said council, shall be paid. Such orders shall be made payable to the order of the persons in whose favor they shall have been issued, and shall be the only vouchers of the city treasurer for his payment from the park fund. It shall not be lawful for the board of park commissioners to contract any liability on the part of the city, except as expressly authorized by the common council, and the city shall not be liable on any such contract.

SECTION 9. Said board of park commissioners is hereby authorized to contract in the name of the city, and for and on behalf of the city, for the purchase of lands within the limits of the county in which the city is located, for park or boulevard purposes, and to lease lands therein for such purposes, with the privilege of purchasing the same, but no such lease or purchase shall be binding upon the city until the same shall have been ordered by the common council by resolution adopted, by an affirmative vote of a majority of the aldermen elect, specifying the land to be purchased, the maximum price to be paid therefor and the terms of payment, or the terms of option in case of lease by the city, with the privilege of purchasing.

Board authorized to contract for purchase of lands for park or boulevard purposes.

SECTION 10. This act shall apply to all cities, except those of the first class, whether incorporated under the general law for incorporating cities, or under a special charter, which by ordinance decide to establish a board of park commissioners as in this act provided.

Applies to all cities except those of the first class.

SECTION 11. Section 57, of chapter 312, of the general laws of 1893, and all acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1897.

No. 90, S.]

[Published March 13, 1897.

CHAPTER 33.

AN ACT to amend section 1131, of chapter 49, of the revised statutes, as amended by section 2, chapter 95, of the laws of 1879, relating to the publication of notice for the sale of lands for the non-payment of taxes.

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

Tax lists exceeding 4,000 descriptions to be let to the lowest bidder.

SECTION 1. Section 1131, of chapter 49, of the revised statutes, as amended by section 2, chapter 95, of the laws of 1879, is hereby amended by striking out the word "ten" where it occurs in the seventh line of said section, and inserting the word "five" in lieu thereof, so that said section when so amended, shall read as follows: Section 1131. In every county where the number of the descriptions in the list of lands to be advertised for sale for the non-payment of taxes by the county treasurer shall exceed four thousand, the county treasurer shall let by contract the publication of such list to the lowest bidder, upon a notice written or printed, to be delivered to and left with the publisher or one of the publishers of each newspaper in his county, at least five days prior to the time at which such contract shall be let; but no such contract shall be made to publish such list in any newspaper which has not been regularly and continuously published