

12. The state superintendent shall have authority to suspend the operation of this act in any school district, * * * or sub-district within which there is maintained a free public library, or for any school district or sub-district located wholly or in part in any incorporated village or city within which there is maintained a free public library, provided there has been expended by the board of said free public library in the purchase of library books suitable for children in the elementary school grades, during the year ending June 30th next preceding the date of the application for suspension, a sum equal to the sum which would be released by the suspension of the township library law, as certified by the Secretary of the Free Library Commission, the amount so expended by said board of the free public library for any one year not to be made the basis of such suspension for more than one year, and * * * provided further that the clerk or secretary of the board of education of the school district for which the operation of the township library law is suspended, the county, district or city superintendent concerned and the county clerk and county treasurer of the county in which the district is located shall be notified of such suspension by the state superintendent.

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

Approved May 19, 1909.

No. 587, A.]

[Published May 20, 1909.

CHAPTER 165.

AN ACT to grant to cities and counties having a population of two hundred fifty thousand and upwards the right to acquire private property for public uses for parks and other purposes.

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

SECTION 1. It shall be lawful for, and the right is hereby conferred upon cities of the first class and counties in this state having a population of two hundred and fifty thousand and upwards to purchase, acquire, enter upon, take, use and appropriate private property for the purpose of making, enlarging, extending, protecting and maintaining public parks, parkways, civic centers and playgrounds within the limits of such city or county whenever the common council or county board thereof shall by ordinance or resolution determine.

SECTION 2. 1. It shall be lawful for, and the right is hereby conferred upon cities of the first class and counties having a population of two hundred and fifty thousand and upwards in this state to purchase, acquire, enter upon, take, use and appropriate neighborhood private property for the purposes herein specified for the protection and establishing public parks, parkways, civic centers and playgrounds, and after the improvement is made to re-sell such neighborhood property with restrictions as to building thereon and use thereof so as to carefully preserve the same for the purposes intended.

2. The ordinances or resolutions providing for the taking of such lands shall set forth why the use thereof and the control thereof is necessary to protect such public grounds or to establish new grounds and may include in addition to the protection hereinbefore specified the preservation of the view, appearance, light, air or usefulness in general of said premises for public purposes.

SECTION 3. 1. The taking, using, and appropriating, by the right of eminent domain as herein provided, of private property for the purpose of making, enlarging, extending, and maintaining public parks, parkways civic centers and playgrounds, and of neighboring property, of such public parks, parkways, civic centers and playgrounds, in order to protect such public parks, parkways, civic centers and playgrounds, their environs, the preservation of the view, appearance, light, air, health, and usefulness thereof, by re-selling such neighboring property, with such restrictions in the deeds of re-sale as will protect said property, so taken for the aforesaid purpose, is hereby declared to be taking, using and appropriating of such private property for public use.

2. The proceeds arising from the re-sale of any such property, so taken, shall be deposited in the treasury of said cities, or counties and be subject to general appropriation by the council or county board of said city or county.

SECTION 4. In all cases wherein cities or counties of this state shall hereafter take, use, and appropriate private property for the aforesaid purposes, by ordinance, if the compensation and damages arising therefrom cannot be agreed upon by the owners thereof and such cities or counties such compensation and damages shall be considered, ascertained, determined, awarded, and paid in the manner provided in sections 895 to 904, inclusive, and other appropriate provisions of the statutes.

SECTION 5. Contracts may be made by the public authorities with owners of lands to improve such lands and to own the same after improvement is made subject to limitations as to

building and use thereof. Such contracts when acknowledged and recorded in the register's office shall be a restriction on the right of the owner of the use of such land which can be enforced by the public, and shall extend to his grantee or grantees.

SECTION 6. The power of the public authorities to carry out the purposes of this act shall not be limited to the section of the statutes herein referred to, but may be sought and exercised under other appropriate provisions thereof, the whole act to be liberally construed for the purposes herein referred to.

SECTION 7. This act shall be in force from and after its passage and publication.

Approved May 19, 1909.

No. 188. S.]

[Published May 20, 1909.

CHAPTER 166.

AN ACT to create section 1379—24m, relating to drainage district laws of Wisconsin, fixing a time limit for treasurers of towns, cities, and villages to transmit drainage money to drainage commissioners.

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

SECTION 1. There is hereby added to the statutes a new section to read: Section 1379—24m. 1. Any town treasurer, village treasurer, or city treasurer who shall collect drainage assessments, pursuant to section 1379—24 of the statutes, shall, on or before the last Tuesday of March each year, transmit the drainage moneys so by him collected to the commissioners of the drainage district entitled thereto.

2. Any town treasurer, village treasurer, or city treasurer who shall fail to transmit to the proper drainage commissioners, the drainage moneys belonging to their district, within the time hereinabove limited, shall forfeit ten dollars to said drainage district, which forfeiture and the cost of collecting the same may be collected before any justice of the peace of the county where said treasurer resides, in a suit in which the drainage district to which said drainage money belongs shall be the plaintiff and said treasurer defendant. Said treasurer and the sureties on his bond shall be liable in an action for such drainage money, collected by him, and not transmitted to the proper drainage commissioners before the last Tuesday in March next after such money is collected.