

which said town is situated. And it is hereby made the duty of the boards of supervisors to determine such relative value from year to year of such portions of such territory so long as such indebtedness shall continue to exist. The city clerk of such city, shall, at the time of making the tax roll of said city each year, carry out upon such tax roll against the property, real and personal, in such territory, a tax sufficient to pay the proportionate amount so certified to him by each town clerk, and the treasurer of said city shall pay over such amount to the treasurer of such town, on or before the first day of February following such assessment, taking the receipt of such treasurer for the same.

SECTION 17. At the first election held in such city, the qualified electors shall elect six aldermen, two in each ward, three of whom shall hold their office one year, and three shall hold their office two years, and each voter shall specify upon his ballot the term for which each alderman shall hold his office. And at every annual elections thereafter there shall be elected three aldermen, who shall hold their offices two years. Election of aldermen.

SECTION 18. The justices of the peace in said city shall have jurisdiction to try all offenses against the ordinances of said city, and may impose such penalties as such ordinances may prescribe. Jurisdiction of aldermen.

SECTION 19. The qualified electors in each ward in said city shall annually elect one supervisor to represent such ward in the county board of the county in which said ward is situated. Supervisors.

SECTION 20. This act shall be in force and take effect from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 298.

[Published March 12, 1875.]

AN ACT to create a board of park commissioners for the west side of the city of Milwaukee.

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

SECTION 1. Alexander Mitchell, William Pitt Board of park commissioners.

Lynde, John Plankington, Louis Aner, and Sherborn S. Merrill, together with their successors, are hereby constituted a board of public park commissioners, for the second and fourth wards of the city of Milwaukee, to be known under the name of the "west side park commissioners," and in case of the failure of any of said persons to accept such appointment and to qualify thereunder as hereinafter provided, within fifty days after the passage of this act, the place of such person in said commission shall be thereby vacated, and it shall be the duty of a majority of the commissioners named in this act, to appoint some suitable person to fill the place thus made vacant, which appointment, when accepted by such nominee, shall constitute such person a commissioner under this act, and a majority of said commissioners shall so continue to nominate until the board shall consist of five persons. Each of said commissioners, before entering upon the duties of his office, shall take an oath to well and properly discharge the duties of his office for the interest of the public, which oath shall be reduced to writing, subscribed to by him and filed in the office of the city clerk. They shall each give a bond in the penal sum of thirty thousand dollars, to the treasurer of the city of Milwaukee, and conditioned for the faithful discharge of their duties under this act.

Vacancies—
how filled.

Commissioners
to take oath
and give bonds.

Terms of office
to be decided
by lot.

SECTION 2. As soon as convenient after the said board shall be constituted as aforesaid, the members thereof shall decide by lot at a meeting to be called by any three of them as to the respective terms for which each member shall hold his office; the number of lots shall equal the number of commissioners, and the person drawing longest term shall serve for five years from the first day of May, A. D. 1875. The one drawing the next, shall serve for four years from said date. The one drawing the next shall serve for three years from said date, and so on until the term of each one of said commissioners shall be definitely determined, each one serving for the length of time inscribed on the lot drawn by him, the last of said commissioners serving for the term of one year only from said first day of May, A. D. 1875. As soon as the terms of office of each of said commissioners shall be determined as aforesaid, said board shall organize by electing one of their number president; they shall also appoint a treasurer from their number, prescribe his duties and fix his compensation,

Officers
board.

of

who shall give bond for the faithful discharge of his duties, in the penal sum of thirty thousand dollars additional, which bond shall be approved by the judge of the county court of Milwaukee county, and when executed be deposited with the city clerk. They shall also choose a secretary, who shall not necessarily be a commissioner, and who shall hold his office until his successor shall be appointed, as hereinafter provided, and all officers appointed by the board shall be subject to removal at pleasure of the board. The said board shall adopt a seal and alter the same at pleasure; they shall keep a complete record of all their proceedings, which shall be open at all times for the inspection of the public. The said commissioners shall receive no compensation for their services, except the treasurer (and the secretary, if a member of the board holds that office), but they may in the discretion of said board, have and receive such compensation as may be fixed as hereinafter provided, not to exceed two thousand dollars per annum. All vacancies occurring in said board shall be filled by appointment by the board. The said board of commissioners shall annually elect a successor for the outgoing member at a meeting to be held annually on the second Monday of January, of each year, at 10 o'clock A. M., to be adjourned from day to day till an election shall be had. If for any cause the commissioners fail to meet on that day, then such meeting shall be held on the next succeeding Monday. All vacancies occurring in such board shall be filled by the remaining members at a meeting to be called especially therefor. And every commissioner shall, before he shall enter upon the duties of his office, give bond in the sum of thirty thousand dollars conditioned for the faithful discharge of the duties of his office under this act. Said board of commissioners shall be a body politic and corporate, and shall have and enjoy all the powers necessary for the purposes of this act.

Compensation
of officers.

Elections.

Commissioners
to give bonds.

SECTION 3. The president, treasurer, and secretary shall be elected annually by said board, at the annual meeting thereof. The president and treasurer shall receive such salary for their services as said board shall, from time to time, determine, not exceeding the sum of five hundred dollars, and the secretary not exceeding two thousand dollars per annum.

Election and
salaries of offi-
cers of board.

SECTION 4. At the next charter election after the passage of this act, the question whether such com-

Question of
laying out park
to be submitted

to voters, and
if carried, lands
to be selected.

missioners shall proceed to lay out a park shall be submitted to the qualified voters of the second and fourth wards, who shall vote by ballot for a park or against a park. If a majority of the votes cast in both wards are for a park, then said commissioners shall, as soon thereafter as practicable, select a suitable site, in extent not less than 80 and not more than 150 acres of land, in the second or fourth wards of the city of Milwaukee, county of Milwaukee, and state of Wisconsin, in such shape and position as they shall see fit, west of Twenty-third street in said wards, which said land and premises, when acquired by said commissioners as provided by this act, shall be held, managed, and controlled by them and their successors as a public park, for the recreation, health, and benefit of the public, and free to all persons forever, subject to such necessary rules and regulations as shall from time to time be adopted by said commissioners and their successors, for the well ordering and government of the same. If a majority of the votes cast in one of said wards shall be for a park, and in the other against a park, than the commissioners shall proceed to lay out a park in the ward so voting for a park, having regard to the feasibility of connecting the same with a park thereafter to be laid out in the ward voting against it; and annually thereafter the question shall be submitted to the voters of the ward voting against a park, till the question shall be carried; and whenever the question shall be carried in favor of a park, the commissioners shall proceed to lay out a park in such ward; both of which parks, taken together, shall not exceed the quantity of land above limited. If the majority of voters in both wards shall be against a park, then the question shall be annually submitted in each ward, until a majority of votes in both wards shall be for a park.

In case votes
in one ward are
for park and in
the other
against park,
question to be
submitted an-
nually.

In case both
wards vote
against park.

Lands required
may be con-
demned.

Proviso.

SECTION 5. In case the said commissioners can not agree with the owners or owner, lessees or occupants of any of said real estate selected by them as afore-said, they may proceed to procure the condemnation of the same in the manner prescribed in chapter six, of an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20th, 1852, and the several acts amendatory thereof, approved March 10th, 1874; *provided, however,* that for the purpose of this act the commissioners shall have the same powers of petition as freeholders under

the act referred to, and the common council shall act upon the petition of the said commissioners the same as though the petition was signed by ten freeholders, and shall in all the proceedings of condemnation, assessment of benefits and damages, appeals and all other things, be guided by the chapter of the act referred to, and require no bond.

SECTION 6. When the title to the land and property selected for such park, as herein provided, shall have been acquired by said commissioners by gift, purchase, condemnation, or otherwise, it shall be the duty of such commissioners to make, acknowledge and file for record in the office of the register of deeds for Milwaukee county, a map showing the said lands with a correct description thereof by metes and bounds, section, township and range, and signed by the said commissioners. They shall also file for record all deeds acquired upon such land.

Map of lands acquired to be made and filed for record.

SECTION 7. As soon as the amount required for the purchase or condemnation of the grounds and property selected for said park shall have been ascertained by said commissioners, with reasonable certainty, the commissioners of public works of said city shall proceed to assess the amount so ascertained *pro rata* upon all the real and personal property in the second and fourth wards of the city of Milwaukee, benefited by reason of the improvement occasioned by the location of said park; *provided*, that the aggregate of said benefits is equal to or greater than the amount of said damages; and in case the aggregate of the benefits is less than the damages, then the balance of the damages over the benefits shall be paid from the fund provided for in section eight of this act. Upon entering on the duties of their office, the said assessors shall give at least six days' notice in one of the daily papers, of the time and place of their meeting for the purpose of making said assessment, and may adjourn such meeting from time to time until the same shall be completed. In making the said assessment, the said assessors shall estimate the value of the several lots, parts of lots, parcels of land benefited for the purposes of this "act," to be of the same value, determined by the last preceding assessment for state, county and city taxes. The amount by them assessed as benefits against the lots, parts of lots, parcels of land, shall be included in [the] next assessment roll. All parties interested may appear before said assessors, and may be heard touching any

Amount required for purchase of lands, to be assessed on property benefited.

Proviso.

Notice of assessment to be given.

How assessment to be made and collected.

matter connected with the assessment. When the same shall be completed, it shall be signed by the assessors, who shall deliver the same, as completed, duly verified by their respective oaths annexed thereto, as required by law, together with the sworn statements and valuations of all property subject to tax under this act, to the city clerk, who shall file and preserve such statements and valuations in his office. The city clerk, upon receiving such assessment rolls, shall examine and perfect the same, (and extend the same on the tax-roll in manner and form as provided by law), and like proceedings in all respects shall be had for enforcing the collection of the same, as is now provided by law for the collection of city taxes. Ten per cent. of the amount so ascertained and returned, with interest at seven per cent. annual interest, shall be due and payable annually, and it shall be the duty of the common council to annually include ten per cent. of such sum or taxes in the tax levy or warrants for each year until the whole shall be paid, at the time for the collection of city taxes. In the said second and fourth wards assessment roll an appropriate column, to be termed "west side park assessment," shall be made and the ten per cent. of such park assessment collected shall be entered opposite the lots, parts of lots and parcels of land assessed as aforesaid. The money collected under the provisions of this chapter shall be paid to the treasurer of Milwaukee city, for which he and his sureties shall be responsible, as fully as for any other moneys by him received as treasurer of said city, and be held by him in the same manner, and be subject to the same control and direction as provided in this act for other moneys belonging to said corporation, and the treasurer of Milwaukee city shall be entitled to receive the same compensation and no more, for receiving the same as is now allowed by law for collecting taxes in Milwaukee city.

Fees of treasurer.

Authority of commissioners to borrow money and issue bonds.

SECTION 8. For any deficiency arising through acquiring a title to said park, and for the payment of expenses of enclosing, maintaining, and improving the park herein provided for, and the expenses, disbursements and charges in the premises, the said commissioners shall have power to loan or borrow from time to time, for such time as they shall deem expedient, not however to become payable more frequent than one-seventeenth annually, and commencing as near as possible four years from May 1st, 1875,

a sum of money not exceeding three hundred and fifty thousand dollars, and shall have authority to issue bonds secured upon the said park and improvements, which bonds shall issue under the seal of said commissioners, and shall be signed by said commissioners and countersigned by the secretary of said board, and bear interest not exceeding seven per cent. per annum; and it shall be the duty of said commissioners to keep an accurate register of all the bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued, and said register shall at all times be open to the investigation of the public; and for the payment of the principal and interest of said bonds the said park and improvements shall be irrevocably pledged, and the said second and fourth wards of the city of Milwaukee shall be irrevocably bound; and said bonds may be sold by said commissioners upon such terms and for such prices as in the judgment of said commissioners can be obtained for the same in cash.

SECTION 9. The said board of park commissioners shall annually, on or before the day set for the meeting of the board of review of the city of Milwaukee, transmit to the city clerk of the city of Milwaukee, an estimate in writing of the amount of money, not exceeding in any one year forty thousand dollars, necessary for the payment of the interest on the bonds issued by said board, and that in addition thereto will be required for the improvement, maintenance and government of said park during the next succeeding year, and the said clerk shall proceed to determine what per cent. said sum is on the taxable property of said second and fourth ward, according to the several assessors' returns for the respective year, and shall in the next general tax warrant for the collection of city taxes in said several wards, set down the amount chargeable to the several persons, corporations, lots, parts of lots or parcels of land, in the separate and appropriate column, and shall receive the same compensation therefor as is now allowed by law, and the treasurer of said city shall proceed to collect the same in the manner now provided by law for the collection of city taxes, and all the provisions of law in respect to the collection of city taxes and proceedings to enforce the same, as far as applicable, shall apply to said assessment and taxes. The said sum of money shall be placed by the treasurer of the said city of Milwaukee, to the credit of

Annual assessment for payment of interest and other expenses.

said board of park commissioners, and shall be drawn by said board from the city treasurer by warrant, signed by the president, and countersigned by the secretary to be appointed as aforesaid, and in no other way. The appointment of such president and secretary being first duly certified by a majority of the park commissioners, such certificates being countersigned by the president and secretary aforesaid, and filed in the office of said treasurer of Milwaukee city.

Authority of commissioners to vacate streets, alleys, etc.

SECTION 10. It shall be lawful for said commissioners to vacate and close up any and all alleys, streets and highways, which may pass through, divide or separate any lands selected or appropriated by them for the purpose of a park; and no such road shall be laid out through said park except such as the said commissioners shall lay out and construct.

Commissioners not to be interested in contract.

SECTION 11. No one of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person, nor shall they be interested, directly or indirectly, in the purchase of any materials to be used or applied in and about the uses and purposes contemplated in this act, and it shall be a misdemeanor for any commissioner to be directly or indirectly interested, or in any way pecuniarily interested in any contract or any work of any kind whatever, connected with said park.

Power of county judge to remove commissioners from office, and to appoint others.

SECTION 12. The said commissioners or either of them may be removed from office by the judge of the county court of Milwaukee county, upon the petition presented to him in term time, or in vacation, by one hundred freeholders of said second and fourth wards, if it shall appear after hearing the proof before said judge that the said commissioners or either of them have been guilty of misdemeanor or malfeasance in office under this act, and if the said judge shall remove any two or more of said commissioners from office for any cause, before the expiration of their term of office, he is hereby empowered to appoint others in their stead, who shall fill such offices for and during the unexpired term of such commissioners so removed.

General powers of commissioners.

SECTION 13. The said board shall have the full and exclusive power to govern, manage and direct said park; to lay out and regulate the same, to pass resolutions for the regulation and government thereof, to appoint such engineers, superintendent, clerks, in-

cluding a police force, as may be necessary; to define and prescribe their respective duties and authority, fix the amount of their compensation, and generally in regard to said park, they shall possess all the power and authority now by law conferred upon or possessed by the common council of the city of Milwaukee, in respect to the public squares and places in said city; and it shall be lawful for them to commence the improvement of said park as soon as they have obtained ten acres of premises herein described.

SECTION 14. The office of any commissioner under this "act," who shall not attend the meetings of the board for three successive months, after having been duly notified of said meetings, without leave of absence from said board, may by said board be declared vacant.

When office of commissioner may be declared vacant.

SECTION 15. The real estate and personal property of said corporation shall be exempted from taxation and assessment.

Property of corporation exempt from taxes.

SECTION 16. All moneys belonging or to belong to any park fund now in existence or hereafter to be created, and all bonds, and the proceeds from sales thereof now authorized or hereafter to be authorized to be issued by the city of Milwaukee for park purposes in or to which the second and fourth wards of the city of Milwaukee, may now or shall hereafter be entitled to a distributive share, shall be devoted and applied to the purchase or maintenance and improvement of the park contemplated and created by this act, under the direction and control of the commissioners provided for in this act.

All money to be devoted to purchase and maintenance of park.

SECTION 17. The bonds to be issued under this act may be received in payment of any assessment whether such bond or assessment shall have become due or not, upon such terms as shall be fair, just, and equitable; and upon the payment of any assessment, the land upon which the same is assessed shall be free from any lien or liability to pay the same, and such payment shall be reported to the county clerk of Milwaukee, and entered upon the record of assessment.

Bonds may be received in payment of assessments.

SECTION 18. From and after the time when the commissioners created by this act shall have entered upon their duties as such commissioners, and selected a site for the park contemplated hereby, and obtained title thereto by purchase, condemnation or otherwise, the second and fourth wards of said city of Milwaukee shall forever be exempted from the payment of any tax or assessment, for the purpose of purchasing,

Second and fourth wards exempt from support of parks in other parts of city.

maintaining or beautifying any park in said city, other than the one contemplated in this act.

SECTION 19. This act shall take effect and be in force from and after its passage.

Approved March 5, 1875.

CHAPTER 299.

[Published March 23, 1875]

AN ACT to prescribe the duties and regulate the fees of the lumber-inspector of the fourth district

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

Descriptions of marks upon logs to be filed in inspector's office.

SECTION 1. All persons who shall cut and manufacture logs and lumber in the fourth district of this state, shall, within thirty days thereafter, file an accurate description of their several marks upon said logs and lumber in the office of the lumber inspector of said district, and it is hereby made the duty of the lumber inspector of said district to record said marks the description of which shall be filed in his office as aforesaid, for which he shall be entitled to receive, as fees, the sum of twenty cents for any mark so recorded.

Fees for recording.

Penalty for refusal to record marks.

SECTION 2: Any person who shall hereafter cut and manufacture logs and lumber in said fourth district, and shall neglect or refuse to comply with the requirements of this act in violation with filing of the descriptions of said marks as set forth in the preceding section, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, of which offense justices of the peace shall have concurrent jurisdiction with the circuit court.

Duty and fees of lumber inspector.

SECTION 3. It is hereby made the duty of the lumber inspector of said district to enter upon and scale all logs and lumber cut in said district, and to report to the legislature of this state, annually, the amount and number of logs cut in his district in each year. And when said logs, lumber and marks shall have been so surveyed and scaled, the owner or owners of the same shall pay upon demand therefor, as the fees