

Term of supervisors two years.

SECTION 2. In all counties within this state which have a population of not less than one hundred thousand, the supervisors elected shall hold their office for the term of two years.

SECTION 3. All acts or parts of acts which contravene the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1899.

No. 64, S.]

[Published March 24, 1899.

CHAPTER 55.

AN ACT for the organization of corporations to create and maintain parks, drives and boulevards, and hold the same in trust for certain classes of cities, and to receive gifts and grants therefor, and to enable such cities to take, hold and manage property for parks, drives and boulevards.

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

Park corporations, how organized. First class cities excepted from act.

SECTION 1. Any number of adult persons, not less than five, residing in any city except cities of the first class, whether incorporated by general law or special act may organize a public corporation for the purposes mentioned in this act. Such persons shall make, sign and acknowledge articles of incorporation in substantially the form provided by section 1772 of the statutes of 1898. Such corporation shall be without capital stock and shall have the general powers conferred by section 1748 of the statutes of 1898, not inconsistent however, with the pow-

ers and privileges conferred by this act. Such corporation shall have its residence and location and principal office and place of business in the city in which it is organized and in connection with which the parks, boulevards or pleasure drives herein mentioned are maintained and carried on.

SECTION 2. Any person may become an annual member of any such corporation by subscribing for, and agreeing to pay such minimum sum of money per annum as the by-laws shall prescribe for and during the fiscal year of such corporation which shall end on the second Tuesday of April in each year, and members shall cease to be such on failure to renew their subscription for any subsequent year. Any person may become a life member of such corporation, with all the privileges conferred by law or the by-laws, upon the payment to the corporation of such sum as the by-laws shall prescribe. The by-laws may also provide for the election of honorary life members of the corporation.

How persons may become members.

SECTION 3. Corporations authorized by this act shall have full power to govern, manage, control and improve parks, boulevards and pleasure drives over which their powers and jurisdiction extend under the provisions of this act, and to lay out the same, and shall have power to take and hold by gift or bequest for such purposes, personal property, and to take and hold by purchase, gift, grant, dedication or devise real property for such purposes, located within the limits as fixed by section 4 of this act, but shall take and hold such property and exercise said powers in trust for the city in connection with which said parks, boulevards or pleasure drives shall be laid out and maintained.

Powers of corporation. May receive gifts for park purposes.

SECTION 4. Any city of the class mentioned in section 1 of this act shall have power to take by gift, or bequest, any personal property for the purpose of securing, constructing or maintaining parks, boulevards, or pleasure drives and may also take and hold by grant, devise or dedi-

Powers of cities to acquire property for park and boulevard purposes.

ation or by purchase any real property within the county in which said city is located for like purposes, and cities situated in two or more counties shall have like power to acquire real estate for such purposes, in any or either of said counties. Any such city located upon or within one mile of the county boundary line may take real property by grant, devise or dedication for the purposes aforesaid, either in the county in which it is located or in such other county or counties.

Corporations to have full charge of gifts, etc., accumulations and profits, how devoted, limitations.

SECTION 5. All gifts, grants, bequests, devises or dedications for the benefit or advantage of any such corporation in its trust capacity as aforesaid, or for the benefit or advantage of any such city for the purposes aforesaid whether made to trustees for or directly to any such corporation or city, shall be legal and valid, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents or profits of any real estate, and shall be executed and enforced and exclusively devoted to the specific objects for which they shall have been designed according to the provisions of the instrument making the same, without being subject to the limitations and restrictions provided by law in other cases; but no such accumulation shall be allowed to produce a fund more than twenty times as great as that originally given.

Common council may transfer property to said corporation.

SECTION 6. Any such city may, by a vote of the common council, vest in and transfer to any such corporation, but in trust, as hereinbefore provided, the management and control of any real property held by it for the purpose of laying out, maintaining or carrying on parks, boulevards or pleasure drives, whether the same was received by said city by gift, grant, devise, bequest or dedication as aforesaid or obtained from any other source or held by said city at the time of the organization of any such corporation. But any such city may, by a like vote revoke the said transfer to said corporation and

revest the management and control of said property in its own officers at any time it may deem it for the public interests so to do.

SECTION 7. It shall be lawful for any such city to appropriate, by a vote of its common council, to any such corporation, moneys for the uses and purposes of such corporation, but such city shall not be bound by any contract or obligation made or incurred by any such corporation, unless expressly authorized by a two-thirds vote of the common council and approved by the mayor.

Common council may appropriate money to said corporation. Obligation of city.

SECTION 8. All lands acquired by any corporation organized under this act or subject to its control and management, shall be held in trust as aforesaid for public parks, boulevards and pleasure drives for the recreation, health, welfare 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 under the provisions of this act, for the well ordering and government thereof. And all such lands and personal property so held in trust for such purposes shall be exempt from taxation. Provided however that such lands only as are used for public parks, boulevards and pleasure drives shall be exempt from taxation.

All lands acquired by corporation to be held in trust for public benefit. Exemptions from taxation.

SECTION 9. Such corporations shall have power to make rules and regulations for the government, management and control of such parks, boulevards and pleasure drives and for the preservation of order therein, to restrict traffic and prohibit heavy teaming thereon, to employ such persons and purchase such machinery and tools as may be necessary for the proper improvement, management and care thereof, and prescribe the respective duties and authority of their employes and fix the amount of their compensation. Copies of said rules and regulations shall be posted up in convenient places in and upon such parks, boulevards and drives, and the officers of said corporation or any superintendent thereof

Management of parks and drives. Jurisdiction of police court over violations of regulations under sec. 13.

shall have power to summarily enforce all such regulations, and for that purpose shall have the powers of police officers. Any such officer or superintendent may also summarily arrest any person engaged in the violation of any provision of section 12 of this act, and for that purpose shall have the same powers as a policeman within the city in connection with which any such park, boulevard or drive shall be maintained, and the municipal or police courts of any such city shall have jurisdiction of any such offense and also of any offense committed under section 13 of this act in the same manner and to the same extent as they have jurisdiction of misdemeanors.

Neither city nor corporation liable for damages resulting from want of repair.

SECTION 10. No city in connection with which any such park, boulevard or pleasure drive shall be maintained under the provisions of this act shall be liable for any damage resulting from any want of repair or insufficiency in construction or maintenance of any parks, boulevards or pleasure drives, nor shall any such corporation so holding the same in trust, or its officers, agents or servants be liable for any damage resulting from any want of repair or insufficiency therein. There shall be placed at conspicuous points along such drives, outside the city limits, at intervals of not exceeding one mile, a notice in large plain letters as follows: "Any person using this drive does so at his own risk as to defects therein."

Right to use public highway, how acquired.

SECTION 11. Any such corporation may procure by agreement with the supervisors of any town, the right to take and use any part of any public highway in said town, to be used in connection with any drive or boulevard under the management and control of such corporation, and may agree with said supervisors upon the amount of compensation and damages to be paid by such corporation to the town therefor; every such agreement with the supervisors shall be in writing and be filed in the town clerk's office; and said compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of the town.

SECTION 12. Any person who shall injure, re-

move, break, burn, cut down, root up, sever or carry away any tree, shrub, plant, root, vine or flower, standing or growing in or upon any such park, boulevard or pleasure drive or who shall tear down, mutilate, deface, destroy or injure, any sign board, mile stone, post, guide board, bridge, fence, walk or railing, or any part thereof, or any printed or written copy of the rules or regulations of said corporation or of any statute relating to parks, boulevards or pleasure drives posted up or being in or upon such parks, boulevards or pleasure drives, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding ten dollars, but upon proof that any such act was maliciously done, he shall, upon conviction thereof, be punished by a fine not exceeding fifty dollars.

Penalty for defacing or destroying park, boulevard or drive property.

SECTION 13. Any person who shall violate any of the rules or regulations of such corporation mentioned in section 9 of this act, which shall be posted up as required by said section, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding ten dollars.

Penalty for violating rules and regulations of management.

SECTION 14. If any corporation hereafter organized under the provisions of this act shall at any time fail through neglect or from any other cause, to perform the duties of a trustee as provided in this act, and by reason of such failure injury may result to any of the drives, parks, boulevards or other property held by such corporation as trustee, then upon petition to the circuit court of the county in which said corporation shall be located of any five citizens and freeholders residing within said county, said court may, upon notice given to such corporation, appoint a day for hearing said petition and if upon such hearing it shall appear that damage has resulted to, or is likely to result to, any of the property held by such corporation, said circuit court may appoint such number of trustees *ad interim* as shall be deemed necessary to protect the interests of the public in said trust, until such time

Failure of corporation to perform duties, how reached.

as the disability of said corporation as trustee shall have been removed.

SECTION 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but sections 959-9 to 959-17 of the statutes of 1898, shall continue in force.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1899.

No. 512, A.]

[Published March 24, 1899.

CHAPTER 56.

AN ACT to divide the town of Lincoln, Monroe county, and create the new town of Grant.

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

Town of Grant defined.

SECTION 1. All that portion of the town of Lincoln, in Monroe county, described as township number nineteen north, of range number two west, is hereby set off and detached from the town of Lincoln, and erected into a separate town under the name and title of the town of Grant.

Powers of.

SECTION 2. The said town of Grant is hereby created and organized with all the rights, powers and privileges by law granted to other towns in this state, and subject to all the general laws enacted for town government therein.

Date of first town meeting. Appointment of inspectors.

SECTION 3. The first town meeting of the said town of Grant, shall be held on the first Tuesday of April, A. D. 1899, in the school house of the school district number one, located in section fifteen of said township, and the inspectors of said town meeting shall be James Shepard, William Mosher, and Henry Schroeder, if present at the