

No. 469, S.]

[Published June 23, 1917.]

CHAPTER 454

AN ACT to renumber chapter 15 of the statutes relating to the preemption and sale of the public lands, to amend the title of said chapter and to renumber, amend, revise, or repeal the sections thereof.

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

SECTION 1. Chapter 15 of the statutes is renumbered and the title thereof is revised to read:

CHAPTER 24.**ENTRY AND SALE OF PUBLIC LANDS.****GENERAL PROVISIONS.**

SECTION 2. Section 184 of the statutes is renumbered to be section 24.01 and revised to read:

24.01 DEFINITIONS AND CLASSIFICATION. Terms used in chapters 23, 24, 25, 26, 27, 28, and 29 of the statutes are defined as follows:

(1) "Public lands" embraces all lands and all interests in lands owned by the state either as proprietor or as trustee which constitute any part of the lands defined or specified in either of the following paragraphs of this section.

(2) "School lands" embraces all lands made a part of "the school fund" by section 2 of Article X of the constitution.

(3) "University lands" embraces all lands the proceeds of which are denominated "the university fund" by section 6 of Article X of the constitution.

(4) "Swamp lands" embraces all lands which have been or may be transferred to the state pursuant to an act of congress entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, 1850, or pursuant to an act of congress entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," approved March 2, 1855.

(5) "Normal school lands" embraces all parcels of said "swamp lands" which the legislature has declared or otherwise decided, or may hereafter declare or otherwise decide, were not or are not needed for the drainage or reclamation of the same or other lands.

(6) "Agricultural college lands" embraces all lands granted to the state by an act of congress entitled "An act donating public lands to the several states and territories which may provide

colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862.

(7) "State Park lands" embraces all lands constituting the state parks specified in section 27.01.

(8) "State forest lands" embraces all lands specified in section 28.01.

(9) "Marathon county lands" embraces all lands acquired by the state pursuant to chapter 22 of the general laws of 1867.

(10) "Lands purchased for Forest Reserve" embraces all the lands acquired by the state in pursuance of chapter 450, laws of 1903, or chapter 264, laws of 1905, or chapter 638 or chapter 639, laws of 1911, or in pursuance of sections 1494—41 to 1494—62, both inclusive, and all lands acquired by the state through tax sales and tax deeds.

State park lands and state forest lands are not held for sale and are not subject to the provisions of this chapter.

SECTION 3. A new section is added to the statutes to read:

24.02 ADDITION TO THE PUBLIC LANDS. Addition to any class of lands specified in section 24.01, except lands purchased for forest reserve and Marathon county lands, may be effected by grant, conveyance or devise made as a donation to the state for the purpose of the fund to which such class belongs. But no such proffered donation shall be accepted until the title of the donor has been examined and approved by the attorney-general.

SECTION 4. Section 283 of the statutes is renumbered to be section 24.03 and is amended by striking therefrom the last two words "office found" and by inserting in place thereof the words "establishing title thereto by action."

SECTION 5. Section 189 and a part of section 252 of the statutes are consolidated, renumbered to be section 24.04 and revised to read:

24.04 ADMINISTRATIVE RECEIPTS AND DISBURSEMENTS. (1) RECEIPTS. Said commissioners shall collect from purchasers of land a fee of fifty cents for every certificate and fifty cents for every patent issued by them and pay the same, together with all moneys for expenses of advertising, damages and costs received either by redemption or resale of any public lands forfeited after having been sold by the state, into the state treasury to the credit of the general fund. The chief clerk may take the acknowledgements of said commissioners to all certificates and patents, and no fees shall be charged therefor.

(2) DISBURSEMENTS. All expenses necessarily incurred in caring for and selling public lands shall be paid out of the general fund.

SECTION 6. Section 192 of the statutes is renumbered to be section 24.05.

SECTION 7. Section 193 of the statutes is renumbered to be section 24.06 and is revised to read:

24.06 PLAT OF LANDS. Said commissioners may subdivide any parcel of public lands into smaller parcels or village lots, with streets and alleys if necessary, whenever they believe a larger net price can be obtained by selling the land in such smaller parcels or lots. A survey and plat of such subdivision, verified by its maker as true and correct, shall be returned and recorded in the office of the commissioners, and the parcels or lots designated thereon shall be appraised before they are offered for sale. Such subdivisions shall be ordered, the proceedings therefor governed, and such appraisal made in substantial accord with the provisions of section 24.08.

SECTION 8. Section 195 of the statutes is renumbered to be section 24.07 and is amended to read:

24.07 SALE OF LAND WITH WATER POWER * * *
Whenever * * * a water power *exists* upon any * * *
public lands * * * offered for sale * * * the * * *
commissioners * * * *may* sell together all the tracts or lots
upon which such water power is situated and such other tracts
or lots as are necessary for the use and enjoyment of the same,
not exceeding, * * * one hundred and sixty acres, or they
may sell each such tract or lot separately, as in their opinion
* * * *the larger proceeds may* be derived from such sale.

SECTION 9. Section 202, 203, 204, 204a, 205 and 206, a part of section 284 and section 285 of the statutes are consolidated, renumbered to be section 24.08 and revised to read:

24.08 MINIMUM PRICE. (1) LANDS APPRAISED. Every parcel of public land, from whatever source derived, that has never been appraised, every parcel thereof forfeited to the state under section 24.28, and every parcel of land mortgaged to secure any loan of trust funds and bid in by the state at a sale thereof under the mortgage, shall be appraised pursuant to this section before it is offered or reoffered for sale at public auction or at private sale. All such lands may be reappraised whenever necessity therefor arises.

(2) APPRAISER. The commissioners shall from time to time and as often as they deem it necessary, make and enter in their minutes an order that any parcel or parcels of the public lands be appraised, describing the lands, appointing an appraiser and stating the reasons why the appraisal is deemed necessary. So far as practical such appraiser shall be a person already in the

employ of the conservation commission, of good character, approved integrity, sound judgment, and well acquainted with the public lands; but when a competent person cannot be selected from a list of such employes any competent appraiser may be employed.

(3) APPRAISAL. The appraisement shall be made from actual view and at cash value, the land and the timber thereon, if any, to be appraised separately. It shall be in writing and be verified by the affidavit of the appraiser who shall testify that the same is just and was made as required by law. Such appraisement shall then be filed with the chief clerk and recorded.

(4) APPRAISED VALUE, MINIMUM PRICE, GOVERNMENT MINIMUM. Such appraised value shall be the minimum price of the land until sold or reappraised. Until an appraisal under this section, the appraisal last heretofore made of any parcel of public land, if any has been made, shall fix the minimum price thereof. Notwithstanding the provisions of this section no parcel of public land having a minimum price for the sale thereof fixed by the act of congress granting the same to the state, shall be sold for a lesser price than that so fixed.

PUBLIC SALES.

SECTION 10. Section 207 of the statutes is renumbered to be section 24.09 and is amended to read:

24.09 PROCEDURE BEFORE SALE; WITHDRAWAL; RESALE. (1) * * * All public lands *that have been heretofore appraised or appraised pursuant to section 24.08*, except those within the Menominee, Stockbridge and Munsie Indian reservations, shall, from time to time in the discretion of said commissioners, be offered for sale at public auction. * * * All such sales shall be made at such times and public places as said commissioners shall designate; and they shall, previous * * * to any such sale, cause a notice * * * specifying * * * such time and place * * * and describing the lands to be sold, to be published once in each week for six successive weeks in one newspaper printed in the county where such lands are situated; but if there be no such newspaper, then in the newspaper printed nearest to the place where such lands are situated.

(2) Said commissioners may, * * * *whenever they believe the public interest * * * will be served* thereby, withdraw * * * and withhold from sale all or such portions * * * of the public lands as in their opinion it may not be advantageous to sell. * * * for so long a time as in their

opinion will be most beneficial to the * * * *state*; * * * but when reoffered the lands so withdrawn shall first be offered at public sale in the manner prescribed by law.

SECTION 11. Section 208 of the statutes is renumbered to be section 24.10 and is amended to read:

24.10 PROCEDURE AT SALE. * * * At the time and place specified in such notice said commissioners shall commence the sale * * * and *thereafter* * * * continue the * * * *same* from day to day (Sundays excepted) between nine o'clock in the forenoon and the setting of the sun, * * * *until all lands described in said notice have been offered*. The order of such sale * * * shall be to begin at the lowest number of the sections, townships and ranges in each county and proceed regularly to the highest, until all then to be sold are offered for sale. Each lot or tract of such lands * * * shall, except *such as may be withheld* as provided in * * * section 24.09, be offered separately at the minimum price * * * fixed by law, and shall be cried *at public auction* long enough to enable * * * *every one present* to bid; * * * and if the minimum price or more be bid, such lot or tract shall be struck off to the highest bidder; but if such price be not bid the * * * *tract* shall be set down unsold.

SECTION 12. Subsections 1, 2 and 3 of section 209 of the statutes are renumbered to be respectively subsections (1), (2) and (3) of section 24.11 and subsection (1) thereof is amended to read:

24.11 TERMS OF SALES. * * * (1) FOR CASH OR INSTALLMENTS. * * * *Except as provided otherwise in subsection (4)* public lands may be * * * sold for cash, to be paid at the time of the sale, * * * or on the following terms: The first payment * * * shall be not less than fifteen per cent of the purchase price, and shall be made at the time of the sale together with interest on the * * * *deferred payments* in advance to February first of the following year; * * * In no case, *however*, shall the first payment be less than the value of the timber, if any, on the lands sold. The * * * *deferred payments* * * * may be * * * made at any time within twenty years after the date of the sale at the option of the purchaser, with interest, *thereon* at the rate of seven per cent per annum, * * * payable annually in advance on February first of each year.

SECTION 13. All that part of section 284 of the Statutes not

incorporated in section 24.08 is renumbered to be subsection (4) of section 24.11 and is revised to read:

(24.11) (4) SPECIAL TERMS FOR ESCHEATED LANDS. Upon the sale of any escheated lands the entire purchase price shall be paid at the time of the sale; whereupon the commissioners shall execute and deliver to the purchaser a quitclaim deed of conveyance which shall vest in the grantee all the right, title and interest of the state in or to the land, and every right of action which the state has respecting the same; but no covenant or warranty of title, or of continued enjoyment, or against incumbrances, shall be expressed in or implied from such deed or any words therein. If by virtue of a better title a recovery of such land be had by any other person or party within twenty years after such purchase, the state shall refund to the purchaser or his assigns or legal representatives the amount paid by him for the land together with interest thereon at the rate of six per cent per annum from the date of the purchase until the date of recovery and also the amount of all taxes on the land actually paid by him with like interest on each payment from the time of payment to the date of the recovery.

SECTION 14. The first paragraph of section 210 of the statutes is renumbered to be section 24.12.

SECTION 15. That part of section 210 of the statutes consisting of the second paragraph and commencing with the words "No more" and continuing to the end of the section is renumbered to be section 24.13 and that part of said paragraph consisting of the form of an affidavit is amended by striking therefrom the words and figures "sold by it since the fifteenth day of October, A. D. 1903, now owned" and by inserting in place thereof the words "heretofore purchased."

SECTION 16. Section 210b of the statutes is repealed.

PRIVATE SALES.

SECTION 17. Section 206a of the statutes is renumbered to be section 24.14 and is amended to read:

24.14 RIGHTS OF SWAMP LAND PURCHASES.
 * * * Any person who has purchased * * * from the United States or entered any of the lands patented to this state as swamp and overflowed lands, or lands patented in lieu of such lands, prior to the execution of such patents * * * to this state, * * * may whenever such entries have been cancelled by the United States on account of conflict with the right and title of this state to such lands, * * * purchase from this state, prior to the date fixed for the public sale thereof, such

lands so purchased or entered from the United States, upon making satisfactory proof to the commissioners * * * that such person * * * is the identical person, or the heir, legal representative or assign of * * * the person, who purchased or entered such lands as aforesaid, and upon paying to this state for such lands the same price at which such purchase or entries were made from the United States; * * * but nothing * * * contained in this chapter shall * * * impair the rights acquired by any person who has preempted any such lands under the laws of this state.

SECTION 18. Section 211 of the statutes is renumbered to be section 24.15 and is amended to read:

24.15 PRIVATE ENTRY. * * * All public lands, including forfeited lands and mortgaged lands bid in by the state, which shall have once been offered or reoffered at public sale and remain unsold, * * * shall be subject to private sale at the minimum price fixed therefor by law to the person first making application therefor; * * * if he forthwith * * * complies with the term of sale; but if two or more persons shall apply at the same time to purchase any of such lands the same shall be offered to the highest bidder, and the applicant who will pay the highest price shall be the purchaser.

SECTION 19. Section 212 of the statutes is renumbered to be section 24.16 and is amended by striking therefrom the word "every" which immediately follows the word "of" and immediately precedes the word "such" in the sixth line.

SECTION 20. Section 213 of the statutes is renumbered to be section 24.17 and is amended to read:

24.17 RECEIPT AND CERTIFICATE. (1) * * * When the purchaser of any such lands shall make payment to the treasurer of the amount required to be paid on such sale, and, * * * in case of a private sale, shall also produce the memorandum mentioned in * * * section 24.16, he shall give a receipt therefor to such purchaser, and unless such sale be made wholly for cash said commissioners shall execute and deliver to such person a duplicate certificate of sale, in which they shall certify:

- (a) The description of the land sold;
- (b) The sum paid and the amount remaining due thereon;
- (c) The times, place and terms of payments;
- (d) That if * * * such payments shall be duly * * * made the purchaser or his assigns or other legal representatives shall be entitled to a patent for such land;
- (e) And that in case of the nonpayment into the state treas-

ury of the purchase money as it shall become due, or of the interest thereon by the first day of * * * *February* in each year or on or before the * * * *thirtieth* day of * * * *June* thereafter, or of any taxes lawfully assessed thereon and then remaining unpaid by the purchaser or purchasers or by any person claiming under him or them, then that the said certificate from the time of such failure shall be utterly void and of no effect, and that the said commissioners may take possession of the land described in such certificate and resell the same.

(2) When the sale is wholly for cash, upon payment as above provided, the treasurer shall thereupon give to such purchaser a receipt stating the amount paid and giving a description of the lot or tract of land sold and that such purchaser is entitled to receive a patent according to law.

SECTION 21. Section 214 of the statutes is renumbered to be section 24.18 and is amended by striking therefrom the words "of such sale" in the second line and by inserting in place thereof the word "thereof."

SECTION 22. Section 215 of the statutes is renumbered to be section 24.19.

SECTION 23. Section 216 of the statutes and all of section 252 of the statutes not incorporated in new section 24.04 are consolidated, renumbered and amended to read:

24.20 PAYMENTS AND ACCOUNTS. All money paid on account of sales of * * * public lands shall be paid to the state treasurer who shall credit the proper fund therewith. *crediting the general fund with the proceeds of sales of Marathon county lands*, and the secretary of state, upon countersigning the receipt given therefor, shall charge the treasurer therewith, and shall also enter the name of the person paying the same, the number of the certificate, if any, upon which the amount shall be paid and the time of the payment.

SECTION 24. Section 217 of the statutes is renumbered to be section 24.21.

SECTION 25. Section 218 of the statutes is renumbered to be section 24.22, and is amended by striking therefrom the words "or mortgage to" in the second line.

SECTION 26. Section 219 of the statutes is renumbered to be section 24.23.

SECTION 27. Section 220 of the statutes is renumbered to be section 24.24 and is amended to read:

24.24 EFFECT OF CERTIFICATE. (1) * * * The certificate of sale, * * * issued * * * pursuant to

* * * *section 24.17*, until the same shall become void by forfeiture as herein provided, shall entitle the purchaser, his heirs or assigns, to all the rents, benefits and provisions of any lease existing thereon at the time of such purchase and thereafter accruing, and shall be sufficient evidence of title, and shall vest in him, his heirs and assigns, the same rights of possession, enjoyment, descent, transmission and alienation of the lands therein described, and the same remedies for the protection of said rights, as against all persons except the state, that he would possess if he were the owner thereof in fee.

(2) No such certificate shall confer the right to cut down, destroy or dig up or carry off any standing wood or timber, or any mineral, without the written consent of said commissioners, * * * except that such wood or timber may be cut when to be used, and it shall be exclusively used, in the erection of fences or buildings on such lands, or for necessary firewood for the household use of the persons actually occupying the same, or when done in good faith for the actual and fair improvement of such land for cultivation.

(3) But no such cutting shall be deemed to have been done for the purposes of cultivation unless the entire surface from which such wood and timber is cut shall have been at the time further prepared therefor by thoroughly clearing it of all brush and growing wood of every kind thereon, * * * *except* that shade or ornamental trees on not more than ten adjoining acres selected for building purposes, and trees valuable for saw or rail timber, not to exceed twenty upon each acre, may be left standing. Any wood, timber or mineral otherwise cut, dug out or removed from any such land shall be and remain the property of the state.

SECTION 28. Section 221 of the statutes is renumbered to be section 24.25.

SECTION 29. Section 222 of the statutes is renumbered to be section 24.26 and is amended by inserting immediately before the first word of said section, namely, "Any," the following words: "Except as provided otherwise by section 24.11"; and is further amended by striking therefrom the word "mineral."

SECTION 30. Section 223 of the statutes is renumbered to be section 24.27 and is amended by striking therefrom the figures "17" and by inserting in place thereof the figures "25."

THE FORFEITURE, REDEMPTION AND RESALE OF LANDS.

SECTION 31. Section 224 of the statutes is renumbered to be section 24.28 and is amended to read:

24.28 FORFEITURE. * * * In the case of the non-payment of interest when due according to the terms of the certificate of sale, or of any taxes which before said annual interest is paid shall have been returned to * * * *the state treasurer* by the * * * *county treasurer* as due and unpaid upon such land, or of the principal when required by said commissioners, such certificate shall become void from the time of such failure, and the purchaser, his heirs and assigns shall forfeit all right and interest in the lands described in such certificate; and the said commissioners may take immediate possession thereof and may resell the same as hereinafter provided.

SECTION 32. Section 225 of the statutes is renumbered to be section 24.29 and is amended to read:

24.29 REDEMPTION; SURPLUS ON RESALE. * * * At any time before *the* five days next preceding the * * * *reoffering* of such land at public sale, the former purchaser or his assigns or legal representatives may, by the payment of the sum due with interest, and all taxes returned *thereon* to * * * *the state treasurer* which are still unpaid, and all costs occasioned by the delay, together with three per cent damages on the whole sum owing for such land, * * * prevent such resale and revive the original contract. * * * If, on a resale of such land, the same shall produce more than sufficient to pay the sum owing therefor, with interest, taxes and costs and three per cent damages on the amount of purchase money unpaid, the residue, when collected, shall be paid over to the former purchaser or his legal representatives.

SECTION 33. Section 226 of the statutes is renumbered to be section 24.30 and is amended to read:

24.30 LIABILITY OF FORMER PURCHASER. * * * In case of such forfeiture the former purchaser of such land shall be liable * * * for any waste or unnecessary injury which he may have done to the same, or to the timber or mineral thereon; and any action therefor may be prosecuted by the commissioners in the name of the state.

SECTION 34. Section 227 of the statutes is renumbered to be section 24.31 and is amended to read:

24.31 ADVERTISEMENT AND RESALE OF FOR-

FEITED LANDS. * * * Whenever any public lands shall have been forfeited for the nonpayment of either principal or interest or taxes, and shall have remained forfeited for three months, * * * said commissioners shall *first cause such lands to be appraised in the manner provided by section 24.08 and shall thereupon* advertise such land for sale * * * *in the manner provided by section 24.09, and shall further state in the notice that the lands have been forfeited and give the names of the former purchasers.* Such sale shall be made either in the county where the lands lie or at the capitol on some day not less than three months nor more than six months after the first publication of said notice. * * * Said commissioners * * * shall further give notice of the sale * * * by advertising in the official state paper, for six weeks successively, the time when and the place where such sale will be held and the county in which such lands are situated, but omitting * * * any description of such lands; * * * the last *publication* of which * * * *notice shall be* * * * at least one week previous to the time of commencing such sale. * * *

SECTION 35. Section 228 of the statutes is renumbered to be section 24.32 and is amended to read:

24.32 **RESALE AND REDEMPTION.** (1) * * * Unless such resale be prevented by payment as hereinbefore provided by section 24.29, such lands shall be offered for sale at public auction to the highest bidder, in the manner and upon the terms * * * provided, *for original sales*, and if not then sold shall be subject to private entry thereafter.

(2) Every such tract may be redeemed by the * * * former purchaser thereof, *his assigns or legal representatives* at any time before the * * * *thirtieth day of* * * * *June* next following the date of such * * * *resale*, upon presenting to the commissioners satisfactory proof, which shall be filed and preserved by * * * *them*, that such tract was, at the time of * * * *resale*, in whole or in part under cultivation or adjoining a tract partly cultivated, belonging to such former * * * purchaser, *his assigns or legal representatives* and used in connection therewith, and upon depositing with the state treasurer, for the use of the purchaser at such * * * *resale* the amount paid by him for such land, together with twenty-five per cent of the amount of such taxes, interest and costs in addition thereto; and every certificate issued upon any such * * * *resale* * * * shall be subject to the right of redemption whether it be expressed in such certificate or not. And no patent shall be issued on any such * * * *resale* until the expiration of such redemption *period*.

(3) Upon such redemption the commissioners shall cancel such certificate, and shall make and deliver to the party so redeeming a certificate thereof, and shall also record the same in a book to be kept in their office for that purpose.

SECTION 36. Section 229 of the statutes is renumbered to be section 24.33 and is amended by inserting the word "last" immediately before the word "purchaser" in the last sentence.

SECTION 37. Section 230 of the statutes is renumbered to be section 24.34.

SECTION 38. Section 231 of the statutes is renumbered to be section 24.35 and is amended to read:

24.35 ANNULMENT OF CERTIFICATES AND PATENTS. * * * Whenever the said commissioners shall have erroneously or improperly issued any certificate or patent for any public lands, whereby wrong or injustice may be or may have been done, they may, upon the written application of such purchaser, his heirs or assigns, revoke and annul such certificate or patent by their order, which with such application shall be filed and recorded in their office. A certified copy of such order may be recorded in the office of the register of deeds for the county where such lands lie, and thereupon such certificate or patent shall be absolutely null and void. When such order is so recorded there shall be paid out of the state treasury, from the fund to which it has been credited, to such purchaser, his heirs or assigns, the amount paid the state for such certificate or patent with interest from the time of such payment. All such claims * * * shall * * * become barred unless made within five years from the time of such payment.

SECTION 39. Section 232 of the statutes is repealed.

SECTION 40. Section 233 of the statutes is renumbered to be section 24.36.

SECTION 41. Section 234 of the statutes is repealed.

SECTION 42. Section 235 of the statutes is renumbered to be section 24.37.

SECTION 43. Section 236 of the statutes is renumbered to be section 24.38.

SECTION 44. Section 237m of the statutes is repealed.

SECTION 45. A new section is added to the statutes to read:

Leases, Licenses and Sales of Damaged Timber.

24.39 LEASES, ETC. (1) The commissioners of the public lands are empowered to grant leases of parts or parcels of any public lands except state park lands and state forest lands: to grant licenses to prospect for ore or other minerals upon any

of said lands; and to sell timber thereon damaged by fire or wind. Such leases, licenses and sales shall conform to the requirements, so far as applicable, prescribed by chapter 282 laws of 1917 for the exercise by the conservation commission of similar powers affecting state park lands and state forest lands.

(2) In negotiating for such leases, licenses or sales, and in exercising the other powers conferred by this section the commissioners of the public lands shall, so far as they find it desirable and practicable, request and make proper use of such services and information as the conservation commission may be able to furnish.

SECTION 46. Chapter 22 of Wisconsin session laws of 1867, chapter 345 of Wisconsin session laws of 1899, chapter 458 of Wisconsin session laws of 1901, chapters 184 and 322 of Wisconsin session laws of 1905, chapters 143 and 407 of Wisconsin session laws of 1907, chapter 374 of Wisconsin session laws of 1909, chapters 184 and 452 of Wisconsin session laws of 1911 and chapter 597 of Wisconsin session laws of 1913 are added to section 4978 of the statutes at appropriate places according to their numbers and dates as further acts repealed by said section.

SECTION 47. This act shall take effect upon passage and publication.

Approved June '21, 1917.

No. 477, S.]

[Published June 25, 1917.]

CHAPTER 455

AN ACT to amend section 952—52m of the statutes, relating to ornamental street lights.

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

SECTION 1. Section 959—52m of the statutes is amended to read: Section 959—52m. 1. Upon petition of the owners of * * * *one-half or more of the taxable frontage* * * * *on any* * * * *street or part thereof designated by the council of any city or village board of any village as an ornamental lighting district, praying for the installation and maintenance and lighting of an ornamental lighting system therein, the common council of* * * * *such city* * * * *or the village board of* * * * *such village is empowered to provide, by ordinance, for and may contract for the installation of ornamental posts, standards, or brackets along said* * * * *street or part thereof and for the lighting and maintenance of the*