AMENDMENT TO THE CITY CHARTER IN RELATION TO
PARKS AND BOULEVARDS, ADOPTED JUNE 6, 1895.

ARTICLE X.

SECTION 1. There is hereby established within the city an executive department to be known as "Board of Park Commissioners," which Board shall be composed of five persons, freeholders and electors of the city, well known for their intelligence and integrity, who shall have resided in the territory embraced within the city limits at the time of their appointment for a period of at least five years before the date of their appointment, and who shall be appointed by the Mayor without confirmation, and whose term of office shall continue for a period of two years; provided, that the first appointment of such Commissioners hereunder shall be for a term ending at the end of the fiscal year of 1896. Said Commissioners shall serve without compensation, and any one of said Commissioners shall be held to have vacated his office in the event of his accepting a nomination or appointment to, or becoming a candidate for, any political office.

No more than three members of said Board shall belong to the same political party. One of the members of the Board shall be designated in the appointment as president thereof; and vacancies in said Board shall be filled by appointment by the Mayor for the unexpired term only. Any member of said Board may be suspended or removed in the same manner and for like causes as other appointive city officers.

SEC. 2. The president of said Board shall give a bond to the city in the sum of ten thousand dollars, and each of the other members shall give a bond to the city in the sum of five thousand dollars for the faithful performance of his duties as such Park Commissioner. All bonds required to be given by the provisions of this article shall be approved by the City Comptroller.

SEC. 3. Said Board of Park Commissioners shall keep a record of its proceedings; shall adopt a common seal, and shall appoint a secretary, who shall not be a member of the Board, and who shall hold office at the will of the Board, and shall receive such salary as the Board may determine, and shall give bond to the city for the faithful performance of his duties in the sum of five thousand dollars. In the absence or disability of the secretary, the Board may designate one of its members to act as secretary pro tempore.
Sec. 4. The president, and in his absence or disability any other Park Commissioner appointed president pro tempore by resolution of the Board, is authorized to sign, execute and acknowledge, in the name of the Board, all maps, plats, contracts, warrants or documents of any character required or authorized by this article; and three members of said Board shall constitute a quorum for the transaction of business, and an affirmative vote of a majority of the members of the Board shall be sufficient to authorize any act of said board.

Sec. 5. Said Board of Park Commissioners shall have power, and it shall be its duty, to devise and adopt a system of public parks, parkways and boulevards, for the use of the city and its inhabitants, and to select and designate lands to be used and appropriated for such purposes, within or without the city limits, and to select routes and streets for boulevards, and to cause the same to be opened and widened as hereinafter set forth, and, by and with the approval and authority, by ordinance, of the Common Council, to lease, purchase, condemn or otherwise acquire, in the name of the city, land for parks, parkways, boulevards, or public squares, and, by and with the approval and authority, by ordinance, of the Common Council, to establish, change or re-establish the grade of any boulevard or parkway, and to require any railway upon or across such boulevard or parkway to be brought to the grade so established, changed or re-established.

Sec. 6. Said Board of Park Commissioners shall also have power to superintend, control and manage any and all parks, parkways and boulevards belonging to or under control of the city, and such other public grounds and thoroughfares as may, by ordinance of the Common Council, be placed under the control and management of said Board, and to improve, adorn and regulate the same in such manner as it may deem best, and to establish the width of sidewalks on all boulevards and parkways. And the Common Council shall have power, and it shall be its duty, upon the recommendation of the Board of Park Commissioners, to pass ordinances for the regulation and orderly government of such parks, parkways and boulevards, and to prescribe fines and penalties for the violation of such ordinances.

Sec. 7. The territory within the present city limits, so long as said limits remain unchanged, and until such park districts may be changed as herein provided, is hereby divided into three park districts, to be known as "West Park District," "North Park District," and "South Park District," whose boundaries shall be the
same as those heretofore established by ordinance of the Common Council, numbered 4910, and approved on the 4th day of March, 1893; which division of the city into park districts under the provisions of said ordinance is hereby ratified and confirmed, the boundaries of which districts are as follows:

Of the West Park District: Beginning at the intersection of the western city limits with the northern city limits; thence eastwardly along the northern city limits to the intersection of said northern city limits with the center line of Delaware Street projected northerly; thence in a southerly direction along the center line of Delaware Street to the intersection with the center line of Ninth Street; thence eastwardly along the center line of Ninth Street to the intersection with the center line of Main Street south of Junction of Main and Delaware Streets; thence in a southerly direction along the center of said Main Street to the southern city limits; thence westwardly along the southern city limits to the western city limits; thence northwardly along the western city limits to the place of beginning.

Of the North Park District: Beginning at the northeast corner of the West Park District, as herein defined, that is, the intersection between the center line of Delaware Street projected northerly with the northern city limits; thence in a southerly direction along the eastern boundary line of the said West Park District to the center line of Fifteenth Street; thence eastwardly along the center line of Fifteenth Street to the eastern city limits; thence in a northerly direction along the eastern city limits to the northern city limits; thence westwardly along the northern city limits to the place of beginning.

Of the South Park District: Beginning at the southwest corner of the North Park District, as herein defined, thence in a southerly direction along the eastern boundary line of the West Park District, as herein defined, to the southern city limits; thence eastwardly along the southern city limits to the eastern city limits; thence in a northerly direction along the eastern city limits to the center line of Fifteenth Street; thence westwardly along the center line of Fifteenth Street to the place of beginning.

Whenever and so often as the city shall extend or change its limits, the Common Council shall have power by ordinance, upon recommendation of the Board of Park Commissioners, to divide the added territory into new park districts, or to add the same to the districts already established, or to divide the whole territory
within the city limits as extended or changed into two or more park districts.

Sec. 8. It shall be the duty of the Board of Park Commissioners to provide at least one park in each park district, and to purchase or otherwise acquire with the concurrence of the Common Council, as herein provided, real estate therefor; and the Common Council is hereby authorized and empowered to provide by ordinance for the purchase, condemnation, or otherwise obtaining of land within the city limits, and for the purchase or otherwise of land without the city limits, for public parks, parkways and boulevards, and to establish the same, provided the acquisition of such land for such public parks, parkways and boulevards and the establishment of the same be first recommended by the Board of Park Commissioners. And whenever said Board shall select and recommend to the Common Council any acquisition of any land for parks, public squares, parkways or boulevards, it shall be the duty of the Common Council, upon such recommendation, to proceed forthwith, by ordinance, to provide for the establishment and acquisition by purchase, condemnation or otherwise, as it may deem best, of such lands for parks, parkways or boulevards as may be selected by said Board of Park Commissioners. Payment for any such land so selected and acquired, whether within or without the city limits, may be made out of the general fund, or by the issue and sale of bonds of the city as may be provided by ordinance of the Common Council subject to the constitution and laws of the State; or payment for land so selected and acquired for such purposes within the city limits may be made as hereinafter provided.

Sec. 9. The parks, parkways, public squares and boulevards, established in any park district or districts within the city limits, whether acquired by purchase or condemnation, may be paid for by special assessments upon the real estate situated therein found benefited thereby as hereinafter authorized. Such special assessments may be made payable in such manner and at such time or times as may be provided by ordinance of the Common Council upon the recommendation of the Board of Park Commissioners.

If the Common Council, with the concurrence of the Board of Park Commissioners, shall, by ordinance, find and determine that the establishing of any park, parkway or boulevard is a benefit to more than one park district or part or parts thereof, the cost thereof may be assessed upon the real estate found benefited in such park districts or parts thereof.
SEC. 10. Whenever the Common Council, upon the recommendation of the Board of Park Commissioners, shall provide by ordinance for the purchase or condemnation of any real estate selected for a park, or for the opening, widening or extending of any boulevard or parkway, or part thereof, or for constructing and maintaining any viaduct or bridge for public use on any parkway or boulevard, or for establishing, opening, widening, extending or altering any route or right of way for a sewer or a channel of any watercourse necessary to the maintenance of a park or park system in whole or in part, and it becomes necessary to take or damage any private property for any such purpose, said Common Council shall, by ordinance, describe the private property to be purchased, taken or damaged; and in case the same is to be paid for by special assessments upon real estate, shall designate the time and mode of payment of such assessments, and shall also prescribe the limits within which private property shall be deemed benefited by the proposed improvement, and be assessed and charged to pay compensation therefor, which benefit district may include one or more park districts, or part or parts of such district or districts. And in said ordinance, separate descriptions of each piece or parcel of property shall not be required, but it shall be a sufficient description of the property to be purchased, taken or damaged, to give a description of the entire tract by metes and bounds, whether the same shall be composed of one or more than one piece or parcel. Thereupon the City Engineer, or his assistants, shall make out and deliver to the Board of Park Commissioners a statement by map, plat or otherwise, containing a correct description of the several lots or parcels of private property to be purchased, taken or damaged, and containing also the names of the owners, so far as known, of such lots or parcels of land, if any, to be taken or damaged, or of any estate or interest therein, who may be such at the time of the taking effect of the ordinance providing for the taking or damaging of such private property. The proceedings for the taking or damaging of such private property for public use as herein provided and the assessments of benefits to pay for the property so purchased, taken or damaged, if the same is to be paid for by special assessments upon real estate, shall be heard and determined by the Circuit Court of Jackson County, Missouri, at Kansas City.

SEC. 11. When the Board of Park Commissioners shall file or cause to be filed a certified copy of such ordinance referred to in the preceding section, in the Circuit Court, or with the clerk thereof,
such court shall thereupon, by order, appoint a day and place for empaneling a jury to ascertain the compensation for the property taken or damaged, and, if the same is to be paid for by special assessments upon real estate, to make assessments to pay for the property to be taken, purchased or damaged, as the case may be; which order shall recite such ordinance, or the substance thereof, and shall be directed to all persons whom it may concern, without naming them, notifying them of the day and place fixed for the empaneling of a jury, and for the ascertaining of the compensation to be paid for the property to be taken or damaged and the amount of benefits, if any, to be assessed to pay therefor or for the property purchased.

A copy of such order shall be published in a newspaper at the time doing the city printing, for four successive weeks, the last insertion to be not more than one week prior to the day so fixed for said hearing. The court may, at the time of making such order, or at any time before the hearing, further order that the parties owning or having an interest in the real estate proposed to be taken or damaged, be served with a copy of said order, either by delivering to each of such owners or parties interested at any time before the day fixed therein for the hearing, a copy of the order or by leaving such copy at their usual place of abode with some member of their respective families over the age of fifteen years; and, in case of corporations, by delivering a copy to the president, secretary, or some managing officer thereof, or to any agent of such corporation in charge of any office or place of business of such corporation.

If service of such notice can not be made on any or all of such parties as above described, within said city, when personal service is ordered by said court, the return on such notice shall so state, and thereupon an alias order specifying a different date may be made by said court, if deemed advisable, notifying such unserved parties of the facts as in case of the original notice above provided. Said cause may be continued or postponed from time to time as in civil causes in said court. It shall not be required in any case to bring in any person other than the owners of the property or those interested therein, who were such at the time of the taking effect of such ordinance; and the parties claiming or holding through or under such owners or parties interested, or any of them, shall be bound by the proceedings as fully as if they were brought in; but any persons having an interest in the real estate to be affected by said proceedings may, upon application and entering their appearance, be
made parties thereto; but no notice of said proceedings shall, in any case, be necessary to the validity thereof, except the publication of the order as herein provided. Notice so given by publication shall be sufficient to authorize the court to hear and determine the cause and to make any finding or order or render any judgment therein as fully as though all the parties interested at the time of the taking effect of such ordinance, or thereafter, had been sued by their proper names and had been personally served.

Affidavit by the publisher, manager, or any person connected with the newspaper in which such order was published, accompanied with a printed copy of the notice, shall be prima facie evidence of the publication of such order as herein required.

The service of such notice or order, when so ordered by the court, may be made by a policeman of the city, or by any constable or officer authorized to serve judicial writs; and any return of service by a policeman, constable or other officer shall be evidence of the facts therein stated.

Sec. 12. If any incorporated company, which may be interested in the whole or in any part of the land to be taken or damaged by the said proceeding, be entitled, under the law of the land, to trial of its claim for compensation therefor by a common law jury of twelve men, it may at any time prior to the day fixed as herein provided for empaneling a jury, file in the office of the clerk of said court a petition, in which it shall state the description of the property owned or claimed by it so to be taken or damaged and the amount and nature of its claim therefor, and may further state that it demands a trial before a common law jury of twelve men of its claim for compensation therefor; and if any such incorporated company shall not so file such petition before such date, it shall be deemed and taken to have waived its right of trial by a jury as aforesaid of such issue. And if any incorporated company, which may under the law of the land be entitled to a trial by a jury as aforesaid, shall file such petition, then the court shall cause such jury to be empaneled for the trial of such claim; and the issue to be tried by such jury shall be the actual value of the land of such claimant taken, if any, and the amount of damage to the land of such claimant not taken, by the public use thereof, and by the use of the land taken for the purposes for which it is taken, including all that the city may, from time to time, do or cause to be done in, with or upon the private property so taken or damaged. If two or more such incorporated companies interested in land to be taken or damaged as aforesaid be entitled to trial by a common law jury as
aforesaid, and shall make demand therefor as aforesaid, the court
may, in its discretion, as may appear expedient, order that all such
claims shall be tried at the same time before one jury; and said
cause or further proceedings in the same shall be continued from
time to time by the court until such issue or issues shall have been
determined by the verdict of said jury:

Provided, that any party to such issue which may feel aggrieved
by the verdict of said jury may, within four days after the rendi-
tion of the same, file its motion for a new trial and in arrest of judg-
ment, and said motion or motions shall be heard without delay,
and after hearing the same the court may overrule the same or may
order a new trial of such issue or issues on good cause shown; but
no appeal from the judgment of the court overruling such motions
shall be had therein until the final judgment of confirmation of the
entire proceedings by the said court as hereinafter provided.

After the rendition of the verdict of such common law jury of
twelve men, and after the hearing of the exceptions thereto on the
motions for new trial or in arrest of judgment, if any there be, or if
no such jury trial be demanded, then upon the day fixed by the
order and notice aforesaid for empaneling a jury, or upon any day
thereafter to which said cause may have been continued as afores-
said, the court shall empanel a jury of six freeholders and the cause
shall proceed before such jury of freeholders empaneled to try the
same as set forth in the next succeeding section.

Sec. 13. Said court shall, upon the day fixed therefor, or upon
some subsequent day to which said cause may have been continued,
empanel a jury of six freeholders of the city, who shall not be inter-
ested in the property to be taken, purchased or damaged, who shall
receive the same compensation as other jurors in said court; and
said jurors, upon entering upon their duties as such, shall make
oath before the clerk of said court that they will faithfully and
impartially ascertain the actual damages or just compensation
to be paid in each case separately, as well as the benefits, if any, to be assessed, under such instructions as shall, after
hearing the parties, be given them by the court. The parties inter-
ested may submit evidence to said jury of freeholders, and such
jury may examine personally each piece of property described on
such map or plat furnished as aforesaid by said City Engineer, or
his assistants, to the Board of Park Commissioners, and all property
claimed to be damaged; and such jury may examine personally the
property, if any, to be assessed with benefits, and the City Engineer,
or one of his assistants, may accompany such jury for the purpose
of pointing out the property aforesaid; and the court may continue
the proceedings from day to day, or adjourn to a future day. The
party owning any property taken may remove any improvements
thereon.

Sec. 14. The jury shall ascertain the just compensation, to be
paid as follows:

First, for each piece of private property taken, when the pub-
ic use thereof shall be such that the city must have exclusive pos-
session and control thereof, as in case of a public park, public square,
parkway or boulevard, the actual value of the property taken;
provided, that in case any claim for compensation shall have been
tried and ascertained by a common law jury as provided in Section
12 of this article, any jury of freeholders in said proceeding
shall accept and adopt the valuation or assessment of damages for
any land taken or damaged as assessed by said common law jury,
and shall so recite the same in and as a part of any verdict thereafter
rendered by any such jury of freeholders.

Second, for each piece of private property taken when the pub-
ic use thereof may be such that the city need have only such pos-
session and control as shall not wholly exclude the beneficial use
thereof by the owner or owners, as in the case of a viaduct, bridge
or route for a sewer, and right of way therefor, the actual damage
from the public uses specified in the ordinance.

Third, for all damages to each piece of private property not
actually taken so as to give the city possession or control of the
same, the actual amount of damages such private property may
sustain from the use of the private property taken for the public
use for which it may be taken, including all that the city may from
time to time do or cause to be done in, with or upon the property
so taken.

Sec. 15. If the land to be purchased, taken or damaged as
aforesaid is to be paid for by the assessment of benefits upon real
estate, whether the land acquired is to be condemned or purchased,
the jury of freeholders, to pay compensation for the land purchased,
taken or damaged, shall estimate the amount of benefit to the city
at large, inclusive of any benefit to the property of the city, and
shall estimate the value of the benefit of the proposed improvement
to each and every lot, piece and parcel of private property, exclu-
sive of the buildings and improvements thereon, within the benefit
district, if any benefit is found to accrue thereto; and in case the
total of such benefits, including the benefits assessed to the city at
large, equals or exceeds the compensation assessed, or to be paid for the property purchased, taken or damaged, then said jurors shall assess against the city the amount of benefits to the city as aforesaid, and shall assess the balance of the cost of such improvement against the several lots and parcels of private property found benefited, each lot or parcel of ground to be assessed with an amount bearing the same ratio to such balance as the benefit to each lot or parcel bears to the whole benefit to all the private property assessed.

SEC. 16. The jury of freeholders shall render a verdict which shall show:

First, a correct description of each piece or parcel of private property taken, if any, and the value thereof, and of each piece or parcel of private property damaged, and the amount of injury thereto; and in case the property to be taken or damaged is to be paid for out of the general fund, or out of the funds belonging to the park district in which the same is situated, or from the issue and sale of bonds of the city, and not by the assessment of benefits against real estate, no further finding of the jury shall be necessary.

Second, if the property purchased, taken or damaged is to be paid for by the assessment of benefits upon real estate, the verdict of said jury shall also show, in compensation for the property purchased, taken or damaged, the amount, if any, assessed against the city, which shall stand as a judgment against the city, and shall show the amount of benefits assessed against each piece and parcel of private property found benefited within the benefit district.

The City Engineer and City Assessor, or their assistants, shall, when required, aid said jury of freeholders to put its verdict in proper form; and said jury may use the books, plats and records in the office of the City Assessor for such purpose, and if the jury shall find that any number of tracts or parcels of land within the benefit district are benefited ratably in proportion to the assessed value thereof as shown by the books of said Assessor, they may so assess the same; and said jury shall not be discharged until its verdict shall have been reviewed by the court and is correct in form. Said verdict shall be signed by each of said jurors, and the verdict of said jury may be reviewed by said court, and said jury may be required by the court to correct any errors of description or other clerical errors; and the court may on its own motion, or may on the motion of the city, or of any party interested in the proceedings, filed within four days after the rendition of the verdict, for good cause, set aside the verdict of said jury of freeholders, and thereupon, without further notice, may appoint a new jury of free-
holders to make a new appraisement or assessment, and fix a time and place for empaneling such other jury and for a rehearing of the whole matter; provided, that the verdict of any common law jury theretofore rendered in such proceeding fixing the compensation to be paid to any incorporated company shall be accepted by such new jury of freeholders as part of its finding.

Sec. 17. The verdict, unless set aside as aforesaid, shall be confirmed and judgment entered thereon that the city have and hold the property sought to be taken upon payment of the compensation assessed therefor, for the purpose specified in the ordinance providing for said improvement, and that the city pay the benefits assessed against said city, that the city recover the respective amount assessed against the private property, and that the several lots and parcels of private property so assessed to pay compensation by the verdict stand severally charged and be bound for the payment of the respective assessments and the interest that may accrue thereon; and if said assessments are, by the ordinance aforesaid, made payable in more than one installment, the judgment shall so recite. Such judgment shall be by the clerk docketed and indexed in the books used for that purpose. And if such assessment, or any portion thereof, against any tract or parcel assessed, or any portion thereof, be not paid and discharged when the same becomes due or collectible, and shall be in default as hereinafter provided, the collection of the same may be enforced by special execution or executions against the lot, tract or parcel of land charged with the lien thereof; and such execution or executions shall issue upon the filing of a statement of the City Treasurer with the clerk of the court, showing what assessments are unpaid and collectible, and against what lots or parcels of land and the amount or amounts due and collectible thereon.

The proceedings under such special execution or executions shall, as far as practicable, conform to the proceedings under special executions on ordinary judgments foreclosing liens on lands, and any such execution herein authorized shall be deemed sufficient if it recites the date of the judgment, the amount assessed remaining unpaid against the tract or tracts described in such execution, states that such tract or tracts were assessed to pay compensation for private property purchased, taken or damaged for public use as provided in the ordinance ordering such improvement, giving the title and date of the taking effect of such ordinance, and commands the Sheriff to sell each tract or parcel of property described in said execution, or so much thereof as may be necessary to satisfy the assess-
ment, interest and the costs of such execution and sale. And any number of tracts and parcels included in one judgment may be sold under one and the same execution and at the same time and in pursuance of one notice of sale; in which case the costs of such execution and sale shall be apportioned against the several tracts and parcels in proportion to the number of the same included in such execution; but on any such judgment execution may, at the instance of the city, issue against one or more tracts separately at different times, or two or more tracts may be included in one execution.

Upon sales made by the Sheriff under any such special execution he shall issue to the purchaser a certificate of purchase setting forth the substance of such special execution so far as it relates to the property described in such certificate, the date of sale, the purchaser, the property sold and the amount bid. Such certificate of purchase shall be delivered by the Sheriff to the purchaser on payment of the amount bid, which certificate shall be executed and acknowledged by such Sheriff before some officer authorized to take acknowledgments of instruments affecting real estate, and shall be filed for record in the office of the Recorder of Deeds of Jackson County at Kansas City, within six months after the date of the same. If the property so sold be redeemed within one year from the date of such sale by the owner of or a party interested in said property by payment to the Sheriff of the amount due on said judgment, together with any taxes that may have been paid by the purchaser after such sale and before redemption, including interest on said amounts at the rate of fifteen per cent per annum and costs up to the date of the redemption, no deed shall be given by the Sheriff. The holder of said certificate of purchase, prior to the redemption thereof, shall have the right to pay general and special taxes and special assessments against the property described in said certificate of purchase when the same are due and payable, and shall deliver the receipt or receipts therefor to the Sheriff, and any redemption by the owner or party interested in such property shall include the amount of such payments with interest thereon as above provided. Upon such redemption as herein provided of any lot or parcel of land sold under such special execution, the Sheriff shall give a certificate of redemption describing said lot or parcel and acknowledging receipt in full of said judgment, interest and costs, which shall be executed and acknowledged by such Sheriff before some officer authorized to take acknowledgments of deeds to real estate, and the cost thereof shall be included in the cost of such redemption. If
the lot or parcel of land so sold be not redeemed as herein provided, a deed shall be given at the end of one year from the date of said sale by the Sheriff to the holder of said certificate. Such deed may be given to the original holder or his assignee, and shall vest in the grantee all the right, title, interest and estate in the lot or parcel so sold.

Sec. 18. Any party aggrieved by any verdict and judgment aforesaid may take an appeal therefrom by filing such affidavit as is required in the appealing of civil cases and filing a bond in such sum and with such security as may be approved by the Circuit Court or judge thereof, conditioned that the party appealing, should the judgment be affirmed by the Appellate Court, or such appeal be dismissed, pay all the costs of such appeal. The bond and affidavit for such appeal, however, shall be filed within twenty days from the rendition of the judgment of confirmation of the verdict, and the appeal shall be perfected within sixty days from the date of said judgment, unless further time be granted by the court. In case of appeal, the judgment shall stand suspended until the appeal is disposed of, and no interest shall be allowed or collected on the judgment or on the assessments until such judgment be affirmed or appeal be dismissed. No writ of error shall be allowed. The clerk of the Appellate Court shall put such case on the docket for hearing at the next term of that court after the appeal is allowed. No error nor defect not affecting the rights of the appellant shall work a reversal of the judgment.

Sec. 19. The Common Council shall have the power with the concurrence of the Board of Park Commissioners, at any time before any of the parties assessed with benefits shall have paid the amount so assessed, to repeal the ordinance ordering the proposed improvement, if such repeal be deemed for the best interests of the city; and in such event the judgment for compensation and benefits shall be void.

Sec. 20. After the judgment of confirmation of such verdict and proceedings, the clerk of said court shall certify, under the seal of said court, to two copies of said verdict, one of which copies he shall deliver to the City Treasurer and one to the City Auditor; and said assessments and benefits, if any, against private property shall be a lien from the date of the taking effect of the ordinance in pursuance of which said assessments are made and said proceedings instituted, and shall attach to the several lots, or parcels of land so assessed with benefits as aforesaid; and said lien shall continue
against each lot or parcel assessed until the assessment against such lot or parcel has been paid or collected in full, both principal and interest. No assessment shall be defeated or affected by any irregularity affecting any other assessment or from the rendering of any other assessment invalid in whole or in part.

SEC. 21. Said assessments shall be payable in one installment, or in such number of annual installments as may be determined by the Common Council upon the recommendation of the Board of Park Commissioners, such determination to be declared in the ordinance of the Common Council under which said proceedings are instituted. All assessments confirmed by the Circuit Court during any year ending with the thirty-first day of March, if payable in more than one installment, shall have their first installment due on the thirty-first day of May next following, and the successive installments shall be due on the thirty-first day of each succeeding May, until all shall have been paid, with interest, as provided by law; provided, that assessments payable in one installment shall be payable without interest within sixty days after said judgment of confirmation thereof, and if not so paid shall bear interest at the rate of fifteen per cent per annum from the date of the confirmation thereof, and execution may issue thereon. Installments of all assessments payable in more than one installment may be paid without interest within sixty days after the date of the judgment of confirmation of the verdict of the jury making said assessment; but if not so paid they shall bear interest at the rate of seven per cent per annum from the date of said judgment of confirmation thereof until maturity, and such interest shall be due and payable annually on the thirty-first day of May of each year; provided, however, that the owner of the property charged with the payment of such assessment or any installment thereof, or the owner of any interest therein, shall have the privilege of paying such assessment in full, or any installment thereof, at any time, by paying all the interest thereon to a date six months after the date of such payment, except only as to any installment due within six months from the date of such payment, upon which installment interest shall be paid to maturity thereof; and on and after the tenth day of May of each year any statements made by the City Treasurer of taxes due or payable on any real estate shall include all assessments or installments thereof, or interest thereon, due on the thirty-first day of May of said year, and the City Treasurer shall receive payment thereof at the same time with the payment of city taxes.
All installments of assessments and interest on any such installments, if not paid at maturity, shall bear interest thereon at the rate of fifteen per cent per annum until paid; and if any installment of any assessment payable in more than one installment, or if interest on any installments, be not paid at maturity and shall remain in default for three months thereafter, then all the unpaid installments and interest shall be collectible, together with interest thereon at the rate of fifteen per cent per annum from the date of the maturity of said interest or installment in default, and special execution or executions may issue as aforesaid for the collection of all the installments and interest unpaid and the costs of such collection. Provided, that the owner or party interested may pay to the City Treasurer at any time before special execution has issued against his land, the amount of the installment or installments and interest in default with interest thereon at fifteen per cent as aforesaid, in which case the installments not then due shall not be affected by such default.

Sec. 22. The City Treasurer shall keep a record of all special assessments charged against lands hereunder. All assessments and interest thereon shall be payable at the office of the City Treasurer at any time before special execution has issued thereon, and thereafter they shall be payable to the Sheriff, with costs at any time before the date of sale.

The City Treasurer shall receive payment of assessments on part of any lot, parcel or piece of land, or, on the whole, in the same manner and to the same extent as in the case of the payment of city taxes or special tax bills, and shall make entry on his books accordingly, showing on what lot, piece or parcel of land payment has been made. When any person shall pay an assessment or installment, or part thereof, it shall be the duty of the City Treasurer to sign a receipt and duplicate receipt therefor; but it shall be sufficient if the amount paid be shown as stated in the receipt given for city taxes. The Treasurer shall immediately deliver all such receipts to the City Auditor, whose duty it shall be to countersign and deliver the original receipt to the payor and retain the duplicate, from which he shall from day to day make a perfect record and account showing what sums have been received by the Treasurer for each park district and on account of what improvement. And it shall be the duty of the City Treasurer to include in any statement of taxes due on any real estate any special assessments or installments thereof or interest thereon which may be due on said real estate.
SEC. 23. The City Treasurer shall collect said assessments and all interest thereon and hold all moneys collected therefrom, or by sale of lands under execution as aforesaid, upon special trust to apply the same in payment of land purchased, taken or damaged as aforesaid, or in payment of park fund certificates as hereinafter provided; and any balance or surplus resulting after all such payments, shall accumulate for the use of the park district or districts, and may be applied and used by the Board of Park Commissioners in its discretion. It shall be his duty to keep a separate and full account for each list of special assessments growing out of a separate proceeding as aforesaid, of all moneys received and paid out, and of all park fund certificates, if any, issued thereon, and of the payment and cancellation of the same, and of the distribution of dividends made thereon as hereinafter set forth; and he shall make report thereof each year as part of his annual report to said city, and shall publish the same with his annual statement.

Any moneys received from special assessments upon which no park fund certificates have been issued, shall be applied directly to the purposes for which said assessments were made; but the City Treasurer shall hold all funds collected from special assessments with interest thereon, if any, including annual assessments for maintenance of parks and boulevards within each park district until the same are applied to the purposes for which said assessments were made; and he shall be responsible for the safe keeping of said funds to the same extent as for other city funds, and shall keep separate accounts for each park district, and all interest accruing on daily balances shall be credited to such funds for each district; and for any breach of duty by the Treasurer or by the Auditor, prescribed in this article, they shall respectively be liable for a breach of duty as in respect to other city funds; and the bond required of the Treasurer for the faithful discharge of his duties shall be held to cover also the duties regarding all moneys collected from special assessments as aforesaid, and his duties as trustee hereunder, and his bondsmen shall be liable for any breach of said trust or said duty.

SEC. 24. After the confirmation by the Circuit Court, or Appellate Court on appeal, as heretofore provided, of any verdict in any proceeding in which special benefits are assessed against real estate as compensation for property purchased, taken or damaged for park purposes, the Common Council, upon the recommendation of the Board of Park Commissioners, and for the purpose of raising money in advance of dates when assessments are due, to pay for land purchased, taken or damaged, may provide by ordinance that
the City Treasurer shall issue park fund certificates in amount not to exceed the total amount of assessments against the private property shown in any such verdict and unpaid at the expiration of the said sixty days from the confirmation thereof as aforesaid. Such certificates shall be in such form and for such sums as may be provided by ordinance, and shall be either payable to the order of the registered holder or be payable to bearer. Any such certificate shall entitle the owner or holder thereof to his proportionate share as shown by such certificate, of the special assessments and the interest thereon, as the same are collected, upon which such certificates are issued, and shall so specify.

Distribution of the amounts collected upon said special assessments, including interest, shall be made to the holder or holders of such certificates pro rata at least semiannually, at such specified dates as may be provided in the ordinance authorizing the issue of the same, and the holder shall receipt for such payments; and the city shall be liable on such certificates to the holders thereof for the sums collected from the special assessments upon which said certificates are issued, and not otherwise.

Should the purchaser or holder elect, said certificates shall be registered by the City Auditor in the name of the owner and his assigns from time to time, and the Auditor shall certify such registration to the holder.

All park fund certificates issued on account of special assessments growing out of the same condemnation or assessment proceeding, including supplemental proceedings, which shall be considered a part of the original proceeding, shall be designated as a series; and if any series comprises more than one certificate, such certificates shall be numbered.

Each of such park fund certificates shall bear the certificate of the City Treasurer and the attestation of the City Auditor that the same is one of a series of certificates issued on account of certain special assessments to which such series relates, and that such series is not in excess of the same; and the Auditor shall keep a record of all certificates issued in each series, and of all payments and dividends thereon, and shall publish the same in his annual statement, and also statements of the amounts received by the City Treasurer from assessments; and shall, at the request of the holder of any park fund certificate, certify to such holder the amount that has been collected and paid on the same from special assessments, both principal and interest.
Immediately upon full payment and surrender of any park fund certificates, the Treasurer shall cancel the same and keep a record thereof and deliver the same to the Auditor, who shall give the Treasurer a receipt therefor; but when all the special assessments represented by a series of such certificates have been fully collected so far as possible, with interest thereon, and all sums collected have been distributed as aforesaid, such certificates shall be surrendered and cancelled, and if not surrendered, shall nevertheless be void.

Sec. 25. The Board of Park Commissioners may sell such park fund certificates at such price not less than the face value of the amount of special assessments, excluding interest, represented by said certificates, as may be obtainable, and shall determine the manner and means of such sale. Such certificates shall be delivered by the City Treasurer to the purchaser, upon payment therefor, upon the order of the Board of Park Commissioners, specifying the price, which order shall be countersigned by the Comptroller, who shall keep a record thereof; and the proceeds of such certificates so sold shall be used for payment for land purchased or condemned for a park or for park purposes, for the establishment of which the special assessments were made on which such certificates are issued; and any surplus remaining after all such payments are made in full shall accumulate for the use of the park district or districts; but such certificate may, by agreement, be issued directly in payment for land purchased, taken or damaged for parks or park purposes.

Sec. 26. It shall be the duty of the City Treasurer and said Board of Park Commissioners at all times to protect such park fund certificates by all means provided therefor, and said City Treasurer shall pay all sums collected from special assessments as aforesaid to the holders of such certificates issued thereon, and shall pay the same promptly on demand on the dates fixed for the distribution thereof as provided by ordinance.

Sec. 27. When, by reason of any error, defect or omission in any proceedings that may be instituted under the provisions of this article, a portion of the private property sought to be taken, or some interest therein, cannot be acquired, or an assessment is made against private property which cannot be enforced or collected, said Board of Park Commissioners may, and, in case park fund certificates have been issued, shall, institute, carry on and maintain supplemental proceedings to acquire the right and title to such property or interest therein, intended to be taken by the first proceeding, but which cannot on account of such defect, error or
omission, be acquired thereunder, or to properly assess against any
piece or parcel of private property against which an assessment
was in the first proceeding erroneously made, or omitted to be
made, the proper amount such private property, exclusive of the
improvements thereon, is benefited by the proposed park or other
improvements, to be determined by the verdict of the jury in such
supplemental proceedings; and the original assessments may be
revised, corrected, increased or diminished as may be necessary or
equitable under the provisions of this article for the original pro-
ceedings. Such supplemental proceedings shall be instituted and
conducted as to the particular piece or pieces of private property
sought to be acquired or assessed in like manner and with like
effect as in the original proceedings, and shall be known and
described as supplemental proceedings for the purposes specified
in the original ordinance; and a supplemental verdict and assess-
ment shall be made, confirmed, and two copies of the original ver-
dict certified in every particular as in the original proceedings; and
the assessments as established and corrected by such supplemental
verdict shall be collected by the City Treasurer in the same manner
and under like conditions and restrictions, powers and duties as in
the case of original proceedings, and remain and be pledged for the
payment of park fund certificates, if any, that have been issued or
may be issued thereon.

Sec. 28. The city shall not be entitled to the possession of any
lot or parcel of property taken under the provisions of this article
until full payment of the compensation therefor, as determined, be
made or paid into court for the use of the persons in whose favor
such judgment may have been rendered, or who may be lawfully
entitled to the same; and upon such payment as aforesaid, such
Circuit Court, or judge thereof, in which proceedings were had,
shall immediately order, adjudge and decree that the title in fee to,
and every other interest in, the land so condemned and taken
for such park, road, boulevard, avenue or public use be divested
out of such owner and other persons interested and vested forever
in the city to the use of such park district or districts: and the court
shall thereupon, without delay, put the city in the possession
thereof.

And subsequent legal proceedings shall not affect the title or
possession of the city to said property so acquired, but shall only
affect the question of damages and assessments for benefits, and the
value to be fixed in such subsequent proceedings, if any, shall be as
of the date of the original proceedings, and no improvements of the
property made in the meantime shall be considered. If the title to
any property taken be in controversy, the right to the compensa-
tion therefor shall be determined in a suit between the parties
claiming the same, in which none of the costs of litigation shall be
borne by the city unless the city is one of the claimants, and during
such controversy such compensation shall remain in the possession
of the court; but the title and the possession of the city to the
property taken shall not be in any manner affected by such contro-
versy.

Sec. 29. The lands which may be selected and obtained under
the provisions of this article shall remain forever for parks, park-
ways and boulevards for the use of all the inhabitants of said city sub-
ject to such rules and regulations as may be prescribed by ordinance
of the Common Council upon the recommendation of the Board
of Park Commissioners.

Sec. 30. The city shall pay all costs of proceedings under this
article to take or damage private property or to levy assessments
for benefits in payment of land purchased as herein provided, ex-
cept costs of proceedings for collecting overdue assessments and
tax bills, which shall be taxed against the real estate upon which
said assessments are levied or said tax bills are issued, and except
the costs upon appeal, which shall be paid by the party unsuccess-
fully prosecuting the same; and the City Counsellor shall, at the
request of the Board of Park Commissioners and as a part of his
duties as such City Counsellor, conduct or assist in conducting all
proceedings for condemnation and assessments under this article.

If the city fail to collect any assessments in whole or in part, it
may pay the amount not so collected out of the city treasury.

Sec. 31. The Board of Park Commissioners shall have power
to cause any road, parkway, boulevard or avenue, or part thereof,
which may be under its control or management, to be graded,
regraded, paved, repaved, guttered, reguttered, or otherwise im-
proved or repaired, including the construction and repair of bridges,
viaducts and sidewalks in such manner and at such time and with
such material as said board may determine, and may pay for such
work or improvements or any part thereof out of the funds not
otherwise appropriated belonging to the park district in which such
work or improvement is made, or out of the general park fund;
provided, however, that if the Board of Park Commissioners shall
recommend to the Common Council that any such work be done
and the payment of the whole, or any portion thereof, be made in
special tax bills, it shall be the duty of the Common Council, by
ordinance, without petition of the property-owners therefor, or right of remonstrance, to order such work to be done, in which case the Board of Public Works of said city shall apportion, or cause to be apportioned, the cost of said work or improvement, and issue special tax bills therefor, or for any portion thereof so ordered to be paid in special tax bills, in the same manner and with the same effect as the cost of similar work or improvements is apportioned, and the tax bills in payment therefor issued, in such city for public improvements upon streets not under the control or management of such Board of Park Commissioners. Provided, further, that when any parkway or boulevard has been constructed, paved, guttered and otherwise improved at the expense of the adjoining property, such parkway or boulevard shall thereafter be maintained at the expense of the park district in which the same is situated, or out of the general park fund.

The contract for doing the work of construction and furnishing material for any such improvement shall be let by the said Board of Park Commissioners in such manner as shall be provided by ordinance, and such work shall be done under the supervision and control of the Board of Park Commissioners.

Before any road, parkway, boulevard or avenue, or part thereof, which may be under the control and management of the Board of Park Commissioners, shall be graded, or regraded, if the property-owners to be disturbed or damaged thereby shall not have waived all rights or claims to compensation for damages, proceedings shall be had for the ascertainment of the damages and benefits to arise from such grading or regrading of said road, parkway, boulevard or avenue, in the manner provided by sections two (2) and following of article eight (VIII) of the City Charter, and it shall be the duty of the Mayor and Common Council, upon the recommendation of the Board of Park Commissioners, to institute such proceedings and conduct the same to a conclusion without delay.

No petition or remonstrance of property-owners shall affect the power of the Board of Park Commissioners and the Common Council hereinbefore granted, to establish, change or re-establish the grade of any parkway or boulevard.

Sec. 32. When any work is done, improvement made or land purchased, and payment therefor is to be made in special tax bills or in special assessments, as provided in this article, the city shall in no event, nor in any manner whatever, be liable for or on account of such work done, or improvement made, or land purchased, by reason of the invalidity or error, in any such tax bill or special
assessment, nor liable in any manner for the payment of the same.

Sec. 33. The real estate, exclusive of improvements thereon, in each park district may, upon recommendation of the Board of Park Commissioners, be assessed annually for maintaining, adorning, constructing, repairing and otherwise improving the park or parks, parkways, road or roads, boulevard or boulevards, avenue or avenues, or portions thereof, located therein, which are under the control and management of the Board of Park Commissioners; and such assessment may be made according to the valuation and assessment of real estate in each park district made for city purposes.

Every such assessment shall be made and collected as provided by ordinance of the Common Council.

Sec. 34. All other sums used for improving any public park or parks, parkways, road or roads, boulevard or boulevards, avenue or avenues, or portions thereof, which are under the control and management of the Board of Park Commissioners, shall be paid out of appropriations from the general fund of the city, except as otherwise herein provided. It shall be the duty of the Mayor and Common Council of the city, within the first month of each fiscal year of the city, and from time to time thereafter, to include in the apportionment of the revenue of the city an appropriation for the purpose of acquiring, establishing, maintaining, adorning and otherwise improving parks, parkways and boulevards, and maintaining and improving such other roads, avenues or public squares as may be under the management and control of the Board of Park Commissioners, and for the general expenses of such board, and for other park purposes; and the said Board of Park Commissioners shall have power, by warrant upon the city treasury, signed by the president and countersigned by the secretary of said board, to expend the money collected, appropriated, or otherwise obtained for the use of parks, parkways and boulevards, and for other park purposes as aforesaid, and for the general expenses of such board but it shall not appropriate the money of one park district for use in any other park district. The Auditor shall make a record of all warrants of said board paid by the Treasurer.

Sec. 35. Said board shall make an annual report to the Common Council of the acts of said board and all its expenditures, showing the condition of all affairs under its control. The Common Council may require a report from said board at any time; and the records, books, papers and accounts of the said board shall at all times be subject to inspection by the Mayor, Comptroller, or any
committee appointed by either house of the Common Council for that purpose.

Sec. 36. No roads or streets shall be laid out or constructed through any park except said Board of Park Commissioners shall lay out and construct or permit the laying out and construction of the same; and any road, highway, street, or alley (excepting railroads) or part thereof which may pass through or into or divide or separate any lands now used or condemned, or that may hereafter be acquired or condemned, for parks, shall, upon recommendation of said Board of Park Commissioners, with the consent of the Common Council of such city, be by said Common Council vacated and closed up and made a part of such park. And no railway shall be built into, through or over any park, parkway or boulevard without the consent of said Board of Park Commissioners; nor shall any telegraph, telephone or electric light wires or other wires, or posts, or supports thereof, be erected or placed in, upon, through or over any park without the consent of said Board of Park Commissioners; and said board shall have full power and authority to designate the place or places for and manner of erecting, placing and maintaining the same in or upon any park or boulevard; and may cause the place and manner of maintaining the same, whether herebefore or hereafter erected or placed, to be altered at such times and in such manner as it shall deem best for the interests of the city, and may require such wires in any park, parkway or boulevard to be laid under ground.

Sec. 37. Real or personal property may be granted, bequeathed, devised or conveyed to the city for the purpose of the improvement or ornamentation of parks, parkways or boulevards, or for the establishment or maintenance, in any park, of museums, zoological or other gardens, collections of natural history, observatories, libraries, monuments or works of art, upon such trusts and conditions as may be prescribed by the grantees or devisors thereof, and agreed to by the Common Council and Board of Park Commissioners. All property so devised, granted, bequeathed or conveyed, and the rents, issues, profits, and income thereof, shall be subject to the management and control of said Board of Park Commissioners.

Real estate may also be devised or conveyed to the city for the purpose of parks, parkways or boulevards, or additions thereto, upon such conditions, including exemption from payment of benefits or assessments for such improvements, as may be prescribed by the grantees or devisors thereof; provided that the location of such
Sec. 38. The Board of Park Commissioners shall have power to make by-laws, rules, and regulations for the orderly transaction and conduct of its business, and to make and enforce contracts in the name of the city, to carry out the purposes expressed in this article; and copies of the records of the Board of Park and Boulevard Commissioners, as heretofore constituted, kept by the secretary of said board, as well as copies of the records of the Board of Park Commissioners hereby created, kept by the secretary of said board when certified by the secretary of the Board of Park Commissioners, shall be presumptive evidence of their due enactment.

Said Board of Park Commissioners may appoint, employ and dismiss such engineers, surveyors, attorneys, agents, clerks and employees as it may deem necessary, who shall serve during the pleasure of said board, and it shall fix the duties and compensation of all its appointees and employees, who shall be paid by order of said board upon the City Treasurer of the fund annually appropriated or levied for park purposes; and it may require any of its appointees or employees to give security to the city for the faithful performance of their duties.

Sec. 39. When any ordinance of the Common Council shall be passed upon the recommendation of the Board of Park Commissioners, as herein provided, it shall not be necessary for said ordinance to recite at length the resolution of the Board of Park Commissioners recommending the same; but it shall be sufficient to recite the fact of such recommendation by said board; and if the Common Council shall find and recite in such ordinance that said action of the Common Council has been recommended by the Board of Park Commissioners, no special tax bill nor park fund certificate that may be issued, nor special assessments that may be made for work done or for property purchased, taken or damaged, shall be held invalid or affected after the issuance of such special tax bill or park fund certificate, or after judgment of confirmation of such special assessment by the Circuit Court or Appellate Court on appeal, on the ground that such recommendation of the Board of Park Commissioners was not properly made.

Sec. 40. Nothing in this article shall be deemed to impair or invalidate any of the actions or proceedings of the Board of Park and Boulevard Commissioners of this city prior to the adoption of this article, and in all pending matters where the provisions of this
article can so apply without injury to the interests of said city, the same shall apply as to unfinished proceedings and unexpended moneys collected or appropriated for park and boulevard purposes; and the members of the Board of Park and Boulevard Commissioners, as constituted at the time of the adoption of this article shall continue as members of the Board of Park Commissioners under this article until their successors are appointed and qualified; provided, that the terms of office of any such Commissioners shall in any event expire at the end of the fiscal year of 1896.