PROCLAMATION FOR SPECIAL ELECTION.

Notice is hereby given that in compliance with ordinance No. sixty-three hundred and seven (6307) entitled "An ordinance providing for a special election upon proposed amendments to the charter of Kansas City, Missouri, and embodying such amendments," approved April 15, 1895, a special election is ordered to be held in Kansas City, Missouri, on Thursday, the 6th day of June, 1895, for the purpose of voting upon said proposed amendments as prescribed in said Ordinance.

Witness my hand and the seal of said Kansas City, Missouri, this 27th day of April, 1895.

WEBSTER DAVIS, Mayor.

Attest:
F. G. Graham, City Clerk, by W. R. Sullivan, Deputy.
(SEAL of Kansas City, Jackson county, Missouri.)

AN ORDINANCE providing for a special election upon proposed amendments to the charter of Kansas City, Missouri, and embodying such amendments.

Be It Ordained by the Common Council of Kansas City:

Section 1. That a special election be held in Kansas City, Missouri, on the 6th day of June, A. D. 1895, to submit to the qualified voters of said City, the amendments hereinafter set forth to the Charter of said City.

Section 2. Said election shall be held and the returns thereof made, according to the general statutes of the State governing State and municipal elections in this city.

Section 3. The said amendments are designated: Amendment Number I, Amendment Number II and Amendment Number III, hereinafter, and are presented for the approval of the qualified voters of said City, and may be voted on by them separately, and accepted or rejected separately, without prejudice to any other of such amendments.

Section 4. The ballots submitting such amendments shall have written or printed thereon the following:

Amendment Number I—Concerning water works.

Yes.
No.

Amendment Number II—Concerning Parks and Boulevards.

Yes.
No.

Amendment Number III—Reducing the minimum license fee.

Yes.
No.

Section 5. Those who depose one of the above ballots or any part thereof, with the word "No" erased after any proposed amendment shall be deemed to have voted for such amendment, and those depositing said ballot or any part thereof, with the word "Yes" erased after any proposed amendment, shall be deemed to have voted against said amendment.

Section 6. The Common Council and Mayor of Kansas City, Missouri, the law-making authorities of said City, hereby propose the following amendments to the Charter of said City:

Amendment Number I: To amend Article XIII of the City charter of Kansas City, Missouri, by repealing Sections 11, 14 and 18 of said Article XIII, and by adding immediately after Section 21 of said article, the following new Section, to be designated Section 18:

"Section 18. For the purpose of paying off and satisfying the judgment and decree rendered against the City by the United States Circuit Court for the Western Division of the Western District of Missouri, in the case of the National Water Works Company of New York, complainant, and against Kansas City, defendant, on the 26th day of November, 1894, and the full and entire amount thereof, as the same is now, or may hereafter be fixed and determined by said court in said case, and interest and costs thereto, said judgment and decree being in the matter of the purchase of the Water Works of said Company by said City, the City by Ordinance of the Common Council, may, after said decree shall have become final, and the amount thereof ascertained, cause to be prepared and sell its negotiable coupon bonds to such an amount as may be necessary, not exceeding the amount of said decree as the same is or may hereafter be determined by said court, in such amounts, each not less than $100, nor more than $1,000, payable to bearer at such time, or times, not exceeding twenty years from their date, at such place or places in the United States, in such lawful money of the United States, with interest as shown by coupons attached payable annually or semi-annually, at such rate, not exceeding six per cent per annum, as may be agreed upon by the parties, and such bonds shall be signed by the mayor and such bonds shall be under the seal of the city, signed by the Mayor, attested by the City Clerk, countersigned by the City Comptroller, and in all other matters and in such form and manner as may be prescribed by Ordinance.

"At any time after said decree shall have become final and the amount payable by said City may be ascertained, the Common Council, cause said bonds, when prepared and executed, to be placed in escrow with the Clerk of the United States Circuit Court for the Western Division of the Western District of Missouri, to be delivered to the purchaser or purchasers of the same, and then only to be issued and to become binding on the City when such purchaser or purchasers shall pay to said City the purchase price thereof, of, and the decree against the City in said case of the National Water Works Company against the City, shall be satisfied and cancelled, so that the City shall be released from said decree, both for the amount of said decree and upon the bonds, and so that the actual indebtedness of the City shall not be increased by the issue of such bonds.

"The city shall, at or before the issue of such bonds, provide by Ordinance of the Common Council, for the collection of an annual tax, which, together with all sums which shall be applicable to the payment of the principal and interest of said bonds, shall be sufficient to pay the interest of the bonds, as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years, and shall be kept invested and managed in the same manner as the other sinking funds of the City.

"Any bonds so issued and delivered, shall, in the hands of bona fide holders, be conclusively presumed and held to have been duly and regularly authorized and issued under this Section and the Ordinances passed in pursuance thereof, and shall be valid obligations of the City, negotiable by delivery, and shall be secured as securities negotiable by the law merchant.

"The City may, by Ordinance, make alterations in the prices or rates to be paid for the use of water from the Water Works of said City, which shall be allowed or fixed by any other principle or consideration than that of producing revenue, and exceptional discriminations in rates are for authorized. The Water Works of said City shall produce revenue enough to pay at least all running expenses, interest on the bonds aforesaid, and cost of all repairs, enlargements and extensions of the works, and the revenues and income derived from the water works, after paying salaries of officers and employees, running expenses and cost of repairs, enlargements and extensions, shall so far as may be necessary, to meet the same, be first applied to the payment of interest on said bonds, and the balance thereof shall go to the sinking fund aforesaid, to meet the principal of said bonds.

"Sections 11, 14 and 18 of Article XIII of the City Charter are hereby repealed."

Amendment Number II. To amend the Charter of Kansas City, Missouri, by repealing the Article of Article X, Board of Park Commissioners, and adopting in lieu thereof a new article, to be designated Article X, as follows:

ARTICLE X.

Section 1. There shall be established within the city all 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 skilled in the art of 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 next 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 board 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 who 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 duly elected 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 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 plan 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 purpose 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 to do and perform all the aforesaid 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 the 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 and sidewalks of 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 as long as said shall remain practicable, and 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 6304, and approved on the 4th day of March, 1895, which division of the city into park districts under the provision of said ordinance is hereby ratified and confirmed, the boundaries of which districts are as follows:

"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.

"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 northeast corner of said city; thence westwardly along the northern city limits to the place of beginning.

"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.

Sec. 8. The territory within the present city limits as long as said shall remain practicable, and 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 6304, and approved on the 4th day of March, 1895, which division of the city into park districts under the provision of said ordinance is hereby ratified and confirmed, the boundaries of which districts are as follows:

"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.

"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 northeastern city limits; thence westwardly along the northern city limits to the place of beginning.

"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.

Sec. 9. 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 such land within the city limits, and the purchase or otherwise obtaining of land without the city limits, for public parks, parkways and boulevards, and to establish the same, provided, that the acquisition of such land for such public parks, parkway 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, if it shall approve the same, 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 of park district, then the cost thereof may be assessed upon the real estate found benefited in such park districts or part or parts thereof.

Sec. 10. Whenever the common council, upon the recommendation of the Board of Park Commissioners, shall, by ordinance, 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 park way, 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 part thereof, 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, the 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 define 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 property shall be composed of one or more than the piece or parcel. Thereupon the City Engineer or his assistants, shall make out and deliver to the Board of Park Commissioners a statement of the taking of the property, 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 by such taking or damage.

The City Engineer and City Assessor, or their assistants, shall, when required, act as jurors of freeholders to put its verdict in project form; and such jurors shall be sworn, and keep 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 will be benefited to the same extent in relative 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, signed by the foreman, be reported and to 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 interested party, set aside the verdict, 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 freeholders to make a new appraisement or assessment, and fix a time and place for empaneling such other jury and for the ascertaining of the compensation to be paid: Provided, that the verdict of any common law jury therefore rendered in such proceeding fixing the compensation to be paid to any incorporated company shall be conclusively paid by such jury of freeholders as part of its finding.

Sec. 11. The verdict, unless set aside as aforesaid, shall be confirmed and judgment entered thereon that the city pay the damages and compensation assessed therefor, for the purpose specified in the ordinance providing for said improvement, and, in case of a verdict for damages 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 found benefited be assessed and charged with the verdict stand severally charged and be bound for the payment of the respective assessments and the interest that may accrue thereon; and if any such assessment, by the terms thereof, and of the ordinance, made payable in more than one installment, the judgment shall so recite. Such judgment shall be by the clerk docketed, and indexed as other judgments against the city, and shall be a lien against the property assessed, and shall be 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 delinquent 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 to authorize the sheriff to sell 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 shall command the sheriff to sell such tract or parcel of property described in said execution, or so much thereof as may be necessary to satisfy the assessment, interest and the costs of such execution and sale. And if 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 any party, 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 such special execution, he shall give 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 by the mayor and attested by the 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 any amounts at the rate of fifteen per cent per annum if any incorporated company, which may under the law of the land be entitled to a trial by a jury as aforesaid, shall, by such petition, file in the office of said court its verdict, such jury shall be empaneled for the trial of such claim, and the issue to be tried by such jury shall be the actual value of the property of such claimant when, 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 the land of such claimant in the same, and if any such property shall be taken, or damaged, by the public, from time to time, or shall cease to be taken, or, by, 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, at a term of court, at which the first of such claims shall be tried at the same time before one jury, and said causes or further proceedings in the same shall be continued from time to time the court may deem best, after all such claims have been determined by the verdict of said jury:

Provided, that any party to such issue which may feel aggrieved by the verdict of such jury may, within ten days after the rendition of the same, file its motion for a new trial and in arrest of judgment, and said motion or motions shall be heard without delay, and after hearing the same the court may overrule the motion, 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 taken therein until the final judgment or confirmation of the entire proceedings by the said court as hereinafter provided.

After the rendition of the verdict of such common law jury, or jury of freeholders, 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 expiration of ten days from the date of such jury verdict and notice aforesaid for empaneling a jury, or upon any day thereafter to which said cause may have been continued as aforesaid, the court shall examine the report of the jury of freeholders empaneled to try the same as set forth in the next succeeding section, and 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 be not interested 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 the property to be taken, 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 said jury, if so ordered by the court, to point 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 public use thereof may be such that the city need have only such possession and control as is incident to an easement, the damages, if any, 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 taking, including all that may 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 special assessments upon the property benefited by the land acquired is to be condemned or purchased, the jury of freeholders, to pay compensation for the land purchased, taken or damaged, shall assess the benefit to the property, if any, 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, parcel of land, and other property, exclusive 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 assessed to such 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 jury shall report that the work or improvement proposed shall be made, and shall assess the balance of the cost of such improvement against the several lots and parcels of private property so benefited, and each lot or parcel or 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 property thereby assessed.

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

First, a correct description of each piece or parcel of property so taken, if any, and the value thereof, and of each piece or parcel of private property damaged, and the amount of injury thereto, if any, to be paid to the owner or owners thereof, and the amount of benefits, if any, to be assessed to the city at large, and the amount of benefits assessed against each piece and parcel of private property found benefited by such taking or damage.

The City Engineer and City Assessor, or their assistants, shall, when required, act as jurors of freeholders to put its verdict in project form; and such jurors shall be sworn, and keep 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 will be benefited to the same extent in relative 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, signed by the foreman, be reported and to 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 interested party, set aside the verdict, 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 freeholders to make a new appraisement or assessment, and fix a time and place for empaneling such other jury and for ascertaining the compensation to be paid: Provided, that the verdict of any common law jury therefore rendered in such proceeding fixing the compensation to be paid to any incorporated company shall be conclusively paid by such 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 pay the damages and compensation assessed therefor, for the purpose specified in the ordinance providing for said improvement, and, in case of a verdict for damages 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 found benefited be assessed and charged with the verdict stand severally charged and be bound for the payment of the respective assessments and the interest that may accrue thereon; and if any such assessment, by the terms thereof and of the ordinance, made payable in more than one installment, the judgment shall so recite. Such judgment shall be by the clerk docketed, and indexed as other judgments against the city, and shall be a lien against the property assessed, 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 delinquent 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 to authorize the sheriff to sell 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 shall command the sheriff to sell such tract or parcel of property described in said execution, or so much thereof as may be necessary to satisfy the assessment, interest and the costs of such execution and sale. And if 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 any party, 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 such special execution, he shall give 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 by the mayor and attested by the 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 any amounts at the rate of fifteen per cent per annum and costs up to date of the redemption, no deed shall be given by the sheriff. The holder of said certificate of purchase, prior to the redemption of the property, shall not be the right to make improvements 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 receipts for taxes paid 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 at fifteen per cent per annum, and such payments as herein provided of any lot or parcel of land, and under such special execution, the sheriff shall give a certificate of redemption specifying said lot or parcel and acknowledging the payment of such 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 fees therefor shall be included in the cost of such redemption. If the lot or parcel of land and said judgment be redeemed as herein provided, a deed shall be given to the purchaser thereof, at the date of said sale by the sheriff to the holder of said certificate. Such deed may be given to the original holder of his assignee, and shall convey to the grantee all the right, title, interest and estate in and to 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 case of appeals in 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 finally adjudged in said 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 ten days after the rendition of the verdict of the jury 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 which said cause may be pending, and such judgment shall stand suspended until the appeal is disposed of, and no interest shall be allowed or collected on the judgment or on the portion thereof of which payment is stayed by appeal to 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 not 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 vacated.

Upon the final 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 shall be delivered to the City Treasurer and the one to the city auditor, and said assessments for benefits, if any, against private property shall be a lien from the date of the taking of such land, or the damage to property, for 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 shown by said verdict, and shall from the date of 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 for benefits shall be vacated or in any manner affecting any other assessment, or from the rendering of any other assessment invalid in whole or in part.

Such special 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, which 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 days of May of each successive year, which shall have been paid, with interest as provided by law provided, that assessments payable in one installment shall be payable without interest within ten days after the confirmation of said confirmation thereof, and if not so paid they shall bear interest at the rate of 15 per cent per annum from the date of the confirmation thereof, and execution may issue therefor, and if any such 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 same, and 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 thereafter shall be payable and bear interest annually on the thirty-first day of May each year. Provided, however, that the owner of the property charged with the payment of such assessment or any installment thereof, shall have the privilege of paying such assessment in full, or any installment thereof, at any time by paying all the interest thereon and a ratable proportion of the interest of such payment, except only as to an installment due within six months from the date of such payment, upon which installment interest shall be paid to the maturity thereof; 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 of assessments then due and payable, and 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 assessment or interest on any installments, be not paid at maturity and shall remain in default for three months thereafter, then all the unpaid installments shall become due and payable, 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 against the property for 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 such execution has issued against his land the amount of the installment or installments and interest in default with interest thereon at fifteen per cent per annum, and the costs accrued, and then due shall not be affected by such default.

Sec. 20. The city treasurer shall keep a record of all special assessments charged against lands and property. All assessments and interest thereon shall be payable at the office of the city treasurer at any time before special execution has issued therefor, and the city treasurer shall be authorized to receive payment of such assessments on part of any lot or piece of land charged with 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 of such payment, and shall give a receipt therefor, showing what lot or 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 give a receipt for the same, and the receipt therefor, but it shall be sufficient if the amount paid be shown and 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 which assessments, 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. 21. The City Treasurer shall collect said assessments and all interest thereon and hold all moneys collected therefrom, or from the 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 remaining 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 the same manner as the park fund is kept 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 the balance, if any, remaining, 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 for 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 such assessments were made; 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 moneys received from special assessments 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 to the city, 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 received 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. 22. After the confirmation by the Circuit Court, or Appellate Court on appeal, as herein before provided, of any verdict in any proceeding in which special benefits are assessed against real estate as security for the payment of the cost of park improvements, and for land purchased, taken or damaged, by the City Council, upon the recommendation of the Board of Park Commissioners, and for the purpose of raising money to satisfy such claims, 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 issued 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 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 semi-annually, 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 certificate shall be registered by the city auditor in the name of such owner, and transferred from time to time, and the auditor shall certify such registration to the notary.

All park fund certificates issued on account of special assessments growing out of the same confirmation or assessment proceeding, including supplemental proceedings, which shall be considered a part of the original proceeding, shall be issued in such denominations, not less than five nor more than one certificate, such certificates shall be numbered.

Each of such park fund certificates shall bear the certificate of the comptroller 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 certificates relate, and that the same are issued in lieu of the same, and the auditor shall keep a record of all certificates issued in such form and of all payments and dividends thereon, and shall publish the same in his annual statement, and such statement 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 certificate, the auditor 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 installments of assessments, and interest of such certificates have been fully collected so far as possible, with interest thereon, and all some collected have been distributed as aforesaid, such certificate shall be surrendered and cancelled, and, if not surrendered, shall nevertheless be void.

Sec. 23. The board of park commissioners may sell such park fund certificates for a price not less than the face value of the amount of special assessments, excluding interest, represented by such certificates, as may be obtained, and shall determine the manner and terms 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 for a park or 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 such purchase shall be used to fill shall accumulate for the use of the park district or districts; but such certificates may, by agreement, be issued directly in payment for land purchased, taken or damaged for parks or park purposes.

Sec. 24. It shall be the duty of the city treasurer and said board of park commissioners at any time when the park fund shall be insufficient for all means provided therefor, and said city treasurer shall pay all sums collected from special assessments as aforesaid to the holders of such certificates, pro rata, in manner