

[Published March 22, 1860.]

CHAPTER 153.

CHAPTER 153.

AN ACT to amend an act, entitled, "An Act to reduce the law incorporating the city of Janesville," and the several acts amendatory thereof into one act, and to amend the same, approved March 25th, A. D. 1858, and all acts amendatory of said act.

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

SECTION 1. The Common Council shall appoint two assessors after the first day of May, and before the first day of June of each year, whose duty it shall be to assess the property of the city according to law. They shall each receive as compensation for their services, two dollars and fifty cents per day for thirty days only, which shall be in full for making such assessment, and taking the statistics as required by law.

Assessors to be appointed.

Compensation.

§ 2. The board of equalization of assessments for said city shall consist of the aldermen from each ward having the shortest time to serve, the mayor and assessors, and shall meet and conduct the equalization of assessments in all respects as provided by law, and in case the assessors shall not agree upon the sum at which any property shall be assessed, the sum at which each of said assessors shall appraise such property shall be set down in said assessment roll, and the board of equalization shall assess such property at such sums as they shall deem just. One of the assessors shall reside in the first or fourth ward, and one in the second or third ward in each year.

Board of equalization.

§ 3. Subdivision three, of section one of chapter five, is hereby amended by striking out the words "five thousand," in the sixth line of said subdivision, and inserting in lieu thereof the word "seven hundred."

Amendment of subdivision 3.

§ 4. Subdivision four, of section one, of chapter five, is hereby amended, by inserting after the word "due," and before the word "which," in the fourth line of said subdivision, the words "for the current year."

Amendment of sub-division 4.

§ 5. After the word "alley" in the second line of section eighteen, of chapter six, insert "or part of street, highway or alley," and in the ninth line of said section, strike out the word "road" and insert the word "ward."

Section 18, chapter 6 amended.

§ 6. Amend section one, of chapter six, by inserting the following, after the words "common council,"

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Additional powers to Common Council.

in the first line: "Shall have full control and power over, and management of all streets, alleys, lanes, and public grounds, in said city, and shall have power to accept by order or resolution, any street, lane, highway or alley in the original plat of the village of Jamesville; or any recorded addition thereto, and to establish the grades of all such streets, lanes, highways, alleys, or public grounds, and such acceptance shall, to all intents and purposes, make such street, lane, highway, or alley, a highway; and until the common council shall have accepted any street, lane, highway or alley, as hereinbefore provided, which has not been improved by the order of the common council, the city shall not be liable for any damages resulting from the unimproved condition of said streets, lane, highway, or alley and."

Value of improvements on lots to be ascertained.

§ 7. Amend subdivision one, of section nineteen, of chapter six, by adding after the words "assessment list," in the thirteenth line of said section, as follows: And shall also ascertain the value of any improvement which the owner or owners of any lot or lots, parcel or parcels of land have already made, of the same kind and character as the proposed improvement," and add to said section as follows: *Provided*, That the value of such improvements, as the owner or owners of any lot or lots, parcel or parcels of land, liable to assessment for said proposed improvements, have made respectively, shall be deducted from the amounts, assessed upon such lot or lots, parcel or parcels of land respectively, and the amount of assessment upon the lots and parcels of land liable to be assessed for such improvements, shall be sufficient to defray the whole expenses of such improvement, together with all the expense connected therewith, as hereinbefore provided, over and above the amount to be deducted for the value of improvements already made as aforesaid."

Value of improvements to be deducted.

Common Council not to contract indebtedness.

§ 8. The common council shall not contract indebtedness, or incur liability, or appropriate money in any one year, payable out of any fund authorized to be raised in said city, to a greater amount than the amount of such fund, so authorized to be raised in such year, and every member of the common council who shall vote to contract any indebtedness or incur any liability or to appropriate any money payable out of any fund, in any year after indebtedness has been contracted, liability incurred, or money appropriated, payable out of

such fund, to the amount of such fund authorized to be raised in such year, shall forfeit and pay the sum of fifty dollars, for each and every offence. CHAPTER 188.
Penalty.

§ 9. Every member of the common council who shall vote to draw any order on, or appropriate any money from any fund, for or on any claim or demand against the city not properly payable out of such fund, shall forfeit and pay the sum of fifty dollars for each and every offence. Penalty.

§ 10. The penalties given by the last two preceding sections may be sued for and recovered, in the name of the city, before any justice of the peace in said city and the proceeds shall be paid into the school fund of said city. Penalties—sued for and recovered.

§ 11. No member of the common council shall vote for the allowance of any claim against the city, in which he is interested, or in relation to which he has been employed, or retained as agent, attorney or counsel. Member of Common Council shall not vote for claim in which he is interested.

§ 12. Section one of chapter five, is amended by adding as subdivision five of said section, the following: "Fifth, to levy and collect a tax not to exceed one thousand dollars to purchase hose for fire engines, but shall raise no greater sum for that purpose, whether the same shall be raised in one or more years; and to levy, and collect a tax of five hundred dollars annually, to defray the current expenses of the fire department." Tax for purchase of hose etc.

§ 13. The treasurer of the city shall, in each year, and within ten days after he enters upon the duties of his office, file with the city clerk, a report, stating the amount of money in his hands belonging to the different funds, and a full statement of the situation of the treasury. If the treasurer shall refuse or neglect to make such report, within the time aforesaid, his office shall be deemed vacant, and the common council, shall proceed to elect his successor by ballot. Treasurer to make report of moneys in his hands.
Penalty for neglect.

§ 14. The treasurer shall, on the first Tuesday of April in each year, file a report in the city clerk's office which shall contain a full statement of all moneys received by him during the year, and the manner, [in which] the same has been disbursed, and a full and complete statement of the treasury, at the date of such report. And the reports mentioned in these last two sections (Nos. 13 and 14) shall be under oath, and shall be published by the common council in the city paper. And the reports required by sections 13 and 14, shall Treasurer to make report of moneys received by him, and disbursements.
Under oath and published.

CHAPTER 183. not be construed to dispense with the making of any reports now required to be made by the treasurer.

Penalty for refusal or neglect § 15. If the treasurer shall refuse or neglect to make his report, in accordance with the preceding section, he shall forfeit and pay for the use of said city, the sum of one hundred dollars; but the provision aforesaid shall not, in any way, affect his liability upon his official bond.

Common Council may purchase fire engines, etc. § 16. Section 2, of chapter 9, of the charter is hereby amended so as to read as follows: "The common council shall also have power to purchase fire-engine and other fire apparatus; and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due and proper support of the same, and to prescribe the duties of all such companies, and to make rules and regulations for their government; and to order such companies to be disbanded, their meetings to be prohibited and their apparatus to be delivered up to said city. Each company so formed shall not exceed in number seventy able bodied men, between the ages of eighteen and fifty years; and every member of each company hereby authorized to be formed, shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership, and any person having served for the term of seven years in either of said companies, shall be forever thereafter exempt from serving on juries, from poll tax, and from military duty, except in cases of insurrection or invasion.

Fire companies

Exemption of firemen.

CHAPTER EIGHT.

PUBLIC SCHOOLS.

School Commissioners to be elected. SECTION 1. Chapter eight of said act, and all acts amendatory thereof, are hereby consolidated and amended so as to read as follows: "Section 1. There shall be elected, at the next annual charter election of said city of Janesville, from each ward therein, one school commissioner, who shall be a resident of the ward for which he is elected, who shall, within ten days after his election, take the oath of office prescribed by the constitution of this State, and file the same with the clerk of said city. The term of office of the school commissioners, from the first and third wards in said city, shall expire on the third Monday in April, 1861, and

Term of office.

the term of office of the commissioner from the second and fourth wards, shall expire on the third Monday in April, 1862; and at each annual charter election after the one in the year 1860, there shall be elected two school commissioners for said city, from the wards in which the terms of office of said school commissioners elected as aforesaid, shall expire; and the said school commissioners then elected shall hold their office for two years and until their successors are elected and qualified.

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Two School Commissioners to be elected from each ward

§ 2. The said school commissioners so elected, shall constitute a board, to be styled the "Board of Education of the city of Janesville;" said board shall appoint and hold stated monthly meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year, the members thereof shall elect one of their number president, and whenever he shall be absent, a president *pro tem* may be appointed. They shall also appoint a clerk, and fix his compensation, which shall not exceed the sum of three hundred dollars per annum, and he shall hold his office during the pleasure of the board.—The said commissioners shall not receive any compensation for their services.

Board of Education.

Quorum.

President.

Clerk and compensation.

§ 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the president and clerk of said board, shall be received in all courts and places as *prima facie* [*facie*] evidence of the facts therein set forth, and such records and all the books and accounts of said board, shall, at all times, be subject to the inspection of the common council and of any committee thereof, duly appointed for that purpose; and the said board shall examine all teachers making application to teach in the public schools of said city; and all certificates to teachers, granted by said board, shall be substantially in the form prescribed by the State Superintendent of Schools. The clerk of said board shall visit all schools in said city, at least twice during each month, and report their condition to the "Board of Education," with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board, as he may deem necessary for improving and repairing school houses, grounds, fences, and appurtenances thereto belonging.

Duties of Clerk

Records—their force.

Examination of teachers.

Certificates.

Clerk to visit schools and make suggestions.

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Clerk to make report to Clerk of Supervisors.

§ 4. The clerk of said board shall, in each year, and at the time and in the manner now or hereafter to be required of town superintendents of schools, in the several towns of this State, make and transmit to the clerk of the board of supervisors, a report in writing, which report shall, in form, be such as is now required by law to be made annually by town superintendents of schools and transmitted to said clerk.

Common Council to pass ordinances in relation to school property.

§ 5. The common council of said city shall have power to pass such ordinances and regulations, as the board of education may report as necessary and proper for the protection and safe keeping, care and preservation of the school houses in said city, and lots and appurtenances to the schools, and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties authorized to be imposed by said council under said act as amended, are collected.

Penalties, how collected.

Title to property, where vested.

§ 6. The title of the school houses, sites, furniture, books, apparatus, and appurtenances, and all other property in this chapter mentioned, shall be vested in the city of Janesville, and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation, for any purpose whatever; and the said city shall be able to take, hold, and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise for the use of the schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any person or persons or body for the use of said schools.

Exemption.

City to take property devised to schools.

Duty and authority of Treasurer of city.

§ 7. The treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive, from the county treasurer for Rock county, all moneys appropriated for the use of schools in said city; and all other moneys in the possession of said county treasurer, at any time raised, appropriated or intended for the use and benefit of schools in said city, and the said county treasurer is hereby directed and required, on demand of the said city treasurer, to pay over to him the said moneys, without delay or set off; taking his receipt as such treasurer therefor; and all such moneys shall be placed to the credit of the school fund of said city, and shall only be drawn from the treasury in payment of teachers' wages.

Moneys to be placed to credit of school fund.

§ 8. The said board of education shall have power, CHAPTER 153.
and it shall be its duty:

1st. To establish and organize such and so many schools in the several wards of said city as they shall deem necessary and expedient, and to alter and discontinue the same. Establish and organize schools.

2d. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, to see that the ordinances and regulations of the common council in relation thereto are observed. Custody of all property, &c.

3d. To contract with and employ in behalf of the city, all teachers in the common and ward schools, and the high school, who shall have been licensed by said board, and at their pleasure to remove them. Contract with teachers.

4th. To have in all respects the superintendence, supervision and sole management of all the public schools in said city, and from time to time to adopt, alter, modify, and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction; for the reception of pupils and their transfer from one school to another; and generally for the promotion of their good order, prosperity and public utility. Superintendence and Supervision of schools.

5th. To cause all repairs to be made to school buildings, and other school property, in said city, and to contract for all things necessary or proper for the support and maintainance of the schools of said city, for the current year; and to have the exclusive management of, control, and disbursement of all moneys raised by tax, in, or received from any source by said city for school purposes, and to audit all accounts and indebtedness incurred for school purposes, in said city, and to draw orders on the treasurer for the same. Repairs, contracts, control and disbursement of money, &c.

6th. To prepare and report to the common council, such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of the school houses, lots, sites, and appurtenances, and all the property belonging to said city connected with or appertaining to the schools therein, and suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to the common council, at its first meeting in June of each year, the amount of money, in their opinion, necessary or proper to be raised, under subdivision two of section one of chapter five, of the act of which this is amendatory, specifying the sum required Report to Common Council ordinances, &c.

CHAPTER 163. for each of the purposes therein mentioned and the reason therefor; which sum shall not exceed sixty five hundred dollars.

How only contracts made, liability and indebtedness incurred in certain cases.

§ 9. No contract shall be made, or liability or indebtedness incurred, by said city for the sale or purchase of school house sites, or the construction of school houses by the common council of said city, except upon the recommendation in writing to said common council, by the board of education, and then only to the extent, and in the manner so recommended by said board of education, and all liability or indebtedness on the part of the city, incurred under the provisions of this section, shall be audited by, and paid on the order of the board of education and not otherwise: *Provided*, That no contract shall be made, or liability or indebtedness incurred, for either of the purposes specified in this section, without a vote of two-thirds of all the members of the common council.

Vote of two-thirds of Council necessary.

School moneys to be kept separate, and how only drawn.

§ 10. All moneys raised by tax in, or received by said city from any source, for school purposes, of every kind and description whatsoever, shall be kept by the city treasurer, separate from any other funds of said city, and also from the private funds of said treasurer, and shall only be drawn from the treasury upon the order of said board of education, signed by the president and clerk of said board, and if said treasurer shall fail to keep said fund separate as aforesaid, or shall misapply the same, or shall fail to pay the order of said board of education on demand, at any time before he shall have fully paid out all the moneys received by him for school purposes, the office of said treasurer shall be forfeited and immediately become vacant, and in addition to such treasurer's liability upon his official bond, he shall forfeit and pay to the city of Janesville, the sum of five hundred dollars for such failure or refusal to pay such order; to be sued for and recovered by said board of education in the name of the city of Janesville, for the use of the school fund of said city.

Penalty for violation of duty.

Duty of Treasurer to make report.

§ 11. The treasurer of the city of Janesville shall, at the end of each and every month, and oftener if required, render an account to said board of education, showing the condition of the school fund of said city, and the balance of moneys in his hands belonging to said fund, giving also a full and detailed account of all moneys received by him, belonging to said fund, and all expenditures therefrom since his last report to said

board; and if said treasurer shall neglect or fail to make such report, when required by said board of education, his office shall be forfeited and become and be vacant; and in addition to said treasurer's liability upon his official bond, he shall forfeit and pay to the city of Janesville the sum of five hundred dollars for such neglect or failure to make such report, to be sued for and recovered by said board of education in the name of the city of Janesville, for the use of the school fund of said city.

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Penalty for failure.

§ 12. The books and accounts of the treasurer of the city of Janesville shall be always subject to the inspection of the members of the board of education of said city, and of committees appointed by said board to inspect the same.

Books of Treasurer open to inspection.

§ 13. The said board of education shall have the power to allow the children of persons not residents of said city to attend any of the schools therein, under the care and control of said board, upon such terms as said board shall, by resolution, prescribe, fixing the tuition that shall be paid therefor. All moneys so received for tuition shall be paid into the treasury and credited to the school fund of said city.

Children from abroad may be received in the schools.

§ 14. It shall be the duty of said board of education to report to the common council at its first meeting, in the months of January and July, in each year, the condition of the several schools in said city, and the average number of pupils in attendance; the names and rate of compensation of the several teachers; the cost of supporting said schools, since their previous report, and the estimated cost thereof to the time of their next succeeding report, specifying the items thereof under their appropriate heads, together with such other matter as the common council shall require.

Board to report to Common Council.

§ 15. The board of education shall not contract indebtedness, incur liability, or appropriate money in any one year, to a greater amount than the amount of school funds to be raised by tax and received from other sources in such year, and every member of the board of education who shall vote to contract indebtedness, incur liability or appropriate money to a greater amount than the amount of such funds to be raised and received in such year, shall forfeit and pay the sum of fifty dollars, to be sued for and recovered in the name of the city for the use of the school funds.

Board limited in expenditures.

Penalty for voting excess of expenditures.

§ 16. The board of education shall report monthly

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Board to report
monthly to
Common Council.

Repeal.

to the common council all accounts audited, or orders drawn by them upon the school fund, and the same shall be published by the council in the official paper of the city.

§ 17. All acts and parts of acts, and all provisions of the law conflicting with this act are hereby repealed.

§ 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1860.

[Published March 23, 1860.]

CHAPTER 154:

AN ACT to authorize the trustees of the village of Sparta to renew the warrant for the collection of unpaid taxes of said village.

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

Trustees to re-
new warrant
for collection of
unpaid taxes.

SECTION 1. The trustees of the village of Sparta are hereby authorized and empowered to renew the warrant for the collection of the unpaid taxes of said village, which the said trustees determined to raise as the general tax of said village, for the year one thousand eight hundred and fifty-nine, or the said trustees may, at their discretion, issue a new warrant for the collection of said taxes.

Marshal to col-
lect taxes.

§ 2. The marshal of said village, upon receiving said warrant, shall proceed to collect the taxes named therein, and shall make return thereof, as now provided by law, to the treasurer of said village, who shall, thereupon, proceed to sell any real estate, and convey the same, to which any taxes shall stand charged and unpaid, in the manner now provided by law.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1860.