

[No. 12, A.]

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CHAPTER 7.

AN ACT to establish and maintain a public library in the city of Milwaukee.

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

Authority of city.

SECTION 1. The city of Milwaukee is hereby authorized to establish and maintain a public library therein, for the free use of the inhabitants thereof, and to receive, hold and manage any devise, bequest or donation for the establishment, increase and maintenance of such library, under such regulations as are herein contained, or as may hereafter be adopted, as provided in this act.

Library, part of educational department.

SECTION 2. The public library, established under this act, shall be considered a branch of the educational department of the city of Milwaukee, and shall be under the general management, control and supervision of a board, consisting of nine members, who shall be styled "The Board of Trustees of the Public Library of the City of Milwaukee."

Management and style of board of trustees.

Trustees.

SECTION 3. The president of the school board and the superintendent of public schools of said city, shall be *ex-officio* members of said board of trustees. William Frankfurth, Gustave C. Trumpff, Matthew Keenan and John Johnston, residents and tax payers of the city of Milwaukee, and three members of the common council of said city, to be appointed as hereinafter provided, together with said president of the school board and said superintendent of public schools, shall be and are hereby constituted the first board of trustees. The four trustees above designated by name shall serve for one, two, three and four years from the date of the organization of said board, so that the term of one of them shall expire each year. The respective terms of these four trustees shall be determined by lot at the first meeting of said board after the passage of this act, and their places shall be filled whenever a vacancy shall occur, by election by the board, from among the citizens at large; and annually, upon the expiration of the term of any such designated trustee, the board shall at their annual meeting, elect from among the citizens and tax payers of said city, his successor, to serve for the term of four years. The first three members from the common council shall be appointed by the mayor of said city at the first meeting of the common council

Terms of office of trustees.

Mayor to appoint.

held for organization after the charter election in 1878, from the members of the common council, to-wit: one from the three-year class of aldermen, one from the two-year class of aldermen, and one from the one-year class of aldermen, who shall serve as such trustees during their respective terms as such aldermen. And annually on the third Tuesday in April thereafter, at the expiration of the term of any such trustee, the mayor shall appoint his successor for the term of three years from the aldermen then having three years to serve. In case any person so appointed trustee shall vacate the office of alderman before the expiration of his term, he shall at the same time cease to be a member of said board of trustees, and the mayor shall appoint some other alderman of his class in his place, for the balance of his term. None of said trustees shall receive any compensation, from the city treasury or otherwise, for their services as such trustees. And no member of said board of trustees shall become, or cause himself to become interested, directly or indirectly, in any contract or job for the purchase of books, pamphlets or other matter pertaining to the library, or of fuel, furniture, stationery, or things necessary for the increase and maintenance of the library.

Vacancies.

Trustees not to receive compensation nor become interested in contracts, etc.

SECTION 4. The first annual meeting of the board of trustees shall be held on the sixth day of May, 1878, at which meeting the board shall organize, by the choice of one of their number as president, to serve for one year, and until his successor shall be chosen. And it shall be the duty of the city clerk of said city, as soon as practicable, after the appointment of the three trustees to be selected from the common council, to give at least three days' notice, in writing, of such meeting of organization, to be held at the office of said city clerk, on the said sixth day of May, 1878, to every member of said board. And all subsequent annual meetings of said board shall be held on the second Monday of May in each year, at which a president shall be chosen from their number, to serve for one year, and until his successor shall be chosen.

Annual meeting.

Duty of city clerk.

President to be chosen.

SECTION 5. The board of trustees shall have general care, control and supervision of the public library, its appurtenances, fixtures and furniture, and of the selection and purchase of books, pamphlets, maps, and other matters appertaining to a public library; and also of the disbursement of all the moneys appropriated for and belonging to the library fund, in the manner hereinafter provided. And said board shall adopt, and at

Powers of trustees.

their discretion modify, amend or repeal by-laws, rules and regulations for the management, care and use of the public library, and fix and enforce penalties for their violation, and generally shall adopt such measures as shall promote the public utility of the library: *provided*, that such by-laws, rules and regulations, shall not conflict with the provisions of this act.

Proviso. SECTION 6. The board of trustees shall, at their first meeting, on the sixth day of May, 1878, or thereafter as soon as practicable, and every five years thereafter, at an annual meeting, elect by ballot a person of suitable learning, ability and experience, for librarian, who shall also act and be *ex-officio* secretary of said board of trustees, who shall hold his office for five years from the time of said first annual meeting, unless previously removed, and who shall receive such compensation as may be hereafter fixed by the common council of the said city of Milwaukee. And said board of trustees shall also appoint such assistants and employes for said library as they may deem necessary and expedient, and shall fix their compensation, subject to the approval of the common council. All vacancies in the office of librariap, assistants and other employes, shall be filled by said board of trustees, and the person so elected or appointed, shall hold for the unexpired term.

Meetings of board of trustees.

Librarian to be appointed.

Vacancies, how filled.

Removals authorized. SECTION 7. The librarian elected under this act, may be removed from office for misdemeanor, incompetency, or inattention to the duties of his office, by a vote of two-thirds of the board of trustees; the assistants and other employes may be removed by the board for incompetency, or for any other cause.

Duties of trustees. SECTION 8. It shall be the duty of the board of trustees, within ten days after the appointment of the librarian and other salaried employes, to report and file with the city comptroller a duly certified list of the persons so appointed, with the salary allowed to each, and the time or times fixed for the payment thereof, and they shall also furnish such comptroller with a list of all accounts and bills which may be allowed by said board of trustees, stating the character of the materials or services for which the same were rendered, immediately after the meeting of said board at which such allowance shall be made. And said board of trustees shall also, on or before the first day of September in each year, make to the common council a report, made up to and including the thirty-first day of August of the said year, containing a statement of the cou-

dition of the library, the number of books added thereto, the number of books circulated, and the number of books not returned, or lost, together with such information, or suggestions, as they may deem important; and this report shall also contain an account of the moneys credited to the library fund, and expended on account of the same during the preceding year.

SECTION 9. The common council shall levy and collect annually, upon all the taxable property of the said city, at the same time and in the same manner as other city taxes are levied and collected by law, a special tax, not exceeding one-fifth of a mill upon each dollar of the assessed value of said taxable property, the amount of which shall be determined by said board of trustees, and certified to the common council at the time of making their annual report to said council, and the entire amount of said special tax shall be paid into, and held in, the city treasury, as a separate and distinct fund, to be known as the "Library Fund," and shall not be used or appropriated, directly or indirectly, for any other purpose than for the maintenance and increase of the public library, the payment of the salaries of the librarian, assistants and other employes of the library, the purchase of books, supplies and fuel, and the incidental repairs of the library room and furniture.

Common council to levy tax.

SECTION 10. The board of trustees shall erect, purchase, hire or lease buildings, lots, rooms and furniture, for the use and accommodation of said public library, and shall improve, enlarge and repair such library, rooms and furniture; but no lot or building shall be purchased, leased or erected for the purpose herein mentioned, without an ordinance or resolution of the common council of said city, and deeds of conveyance and leases, shall run to the city of Milwaukee.

Building, rooms, etc., to be provided.

SECTION 11. All moneys received by or raised in the city of Milwaukee for library purposes shall be paid over to the city treasurer, to be disbursed by him on the orders of the president and secretary of the board of trustees, countersigned by the city comptroller. Such orders shall be made payable to the order of the persons in whose favor they shall have been issued, and shall be the only vouchers of the city treasurer for the payments from the library fund. The said board of trustees shall provide for the purchase of books, supplies, fuel and other matters necessary for the maintenance of the library. *Provided, however,* that it shall not be lawful for said board of trustees to ex-

City treasurer to be custodian of library funds

Proviso.

pend, or contract a liability for any sum in excess of the amount levied in any one year for the library fund, on account of such fund.

City to accept gifts.

SECTION 12. In case the Young Men's Association of the city of Milwaukee shall donate and transfer to the city of Milwaukee, its library, fixtures, furniture and other property for the purposes of a free public library, it shall be lawful for said city to accept such donation and transfer, and the board of trustees herein created shall assume the charge and control of said property. It shall, also, be lawful for said city to receive money, books and other property by devise, bequest or gift from any person or corporation for library purposes, and to employ or invest the same for the use and benefit of the public library, so far as practicable, in conformity with the conditions and terms of such devise, bequest or gift.

Duty of mayor.

SECTION 13. In case said Young Men's Association shall make the transfer and donation mentioned in the preceding section, and said city shall accept the same before the date of the annual meeting, in May, 1878, as provided in this act, then immediately upon such transfer and acceptance, it shall be the duty of the mayor to appoint three aldermen, who, together with the trustees hereinbefore designated by name, and the president of the school board of said city, and the superintendent of public schools, shall constitute a temporary board of trustees, who, until the time of such annual meeting, shall be clothed with all the powers and responsibilities hereinbefore provided, and shall assume the charge, control and management of the property thus donated and accepted, and shall hold and manage the same as provided in this act.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved February 7, 1878.