

[No. 370, A.]

[Published March 26, 1881.]

## CHAPTER 186.

AN ACT authorizing the governor to execute and deliver patents to the Chicago, Saint Paul, Minneapolis and Omaha railway company, its successors and assigns.

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

SECTION 1. The governor is hereby authorized and empowered to execute and deliver to the Chicago, Saint Paul, Minneapolis and Omaha railway company (a corporation created by due consolidation, under the laws of Wisconsin, of the North Wisconsin and Chicago, Saint Paul and Minneapolis railway companies), its successors and assigns, a patent or patents for any and all lands earned (and not the subject of litigation or adverse claim) by the West Wisconsin railway company, by the construction of its railway to the lake Saint Croix, and to which the said Chicago, Saint Paul, Minneapolis and Omaha railway company is or may be entitled as the successor of said West Wisconsin railway company.

Patents for lands to be issued by governor.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1881.

[No. 345, A.]

[Published March 29, 1881.]

## CHAPTER 187.

AN ACT to establish a public school system in the city of Appleton, and amendatory of chapter forty-seven of the laws of 1876, entitled an act to codify, consolidate and amend an act to incorporate the city of Appleton, and the several acts amendatory thereof.

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

SECTION 1. All territory within the present corporate limits of the city of Appleton, and all territory which may hereafter become attached to and incorporated in the limits of said city, shall constitute one school district.

School district.

SECTION 2. There shall be elected by the qualified electors in each ward of said city of Appleton, on the third Monday of June, 1881, two school commissioners, who shall be residents of the ward in which they are elected one of whom shall be elected for one year and one for two years, and there shall be elected

Two school commissioners in each ward.

on the third Monday in June, in each and every year thereafter, in each ward of said city, one school commissioner who shall hold his office for the term of two years, and such commissioners shall, within ten days after their election, take the oath of office prescribed by law, and shall hold their offices until their successors are elected and qualified.

Where election  
to take place.

Inspectors and  
clerks.

Ballots.

Term of school  
commissioners.

SECTION 3. The election of such commissioners shall be held in the oldest school house in each ward of said city, on the evening of the third Monday of June, in each year. The polls shall be opened at seven o'clock and closed at nine o'clock P. M. The inspectors and clerks of such election shall be the same persons as constituted the board of inspectors at the last preceding charter election in each of the wards of said city, and it shall be the duty of said inspectors and clerks to be present at such election of school commissioners, and perform the duties herein required of them. And in case of their absence or a vacancy in their number, the same may be filled by the other member or members present from among the electors of said ward. And such inspectors shall, before entering upon their duties, take the customary oath as required by law, and such election shall be conducted in the same manner as the charter elections of said city. The voting shall be by ballot, on which shall be written or printed the name or names of the persons voted for, for such commissioners; and at such first election, the names and terms of office of the persons voted for. And when the polls are closed at nine o'clock P. M., the ballots shall be publicly counted and canvassed in the usual manner, and the result of such election declared, and said inspectors shall certify the names of the persons voted for, and the number of votes received by each, and the person or persons by them declared elected. And such certificate shall be filed in the office of the city clerk of the city of Appleton; and such inspectors and clerks shall each be entitled to receive the sum of one dollar for their services, to be paid out of the school fund of said city. Due notice of such election shall be given by the said city clerk by posting at least ten notices of such election in ten of the most conspicuous places in each of the wards of said city, at least ten days prior to such election.

SECTION 4. The term of office of said commissioners of common schools shall commence on the first Monday of July of each year. Said commissioners shall meet on that day, and elect one of their number president for

one year; and they shall also at their first meeting elect a superintendent of common schools for said city, and a clerk, who may be one and the same person, but neither of whom shall be a commissioner; and they shall hold their offices for two years, and until their successors shall be elected and qualified, and who shall take the oath of office prescribed by law.

Election of school superintendent.

SECTION 5. The commissioners of common schools herein named shall be styled the board of education of the city of Appleton, a majority of whom shall constitute a quorum and authorized to do business; and they shall hold monthly meetings on the first Tuesday of each and every month. The said commissioners shall receive no compensation for their services.

Board of education.

SECTION 6. The president of the board of education shall preside at all meetings of the board when present, and in case of his absence the board shall elect one of its number to preside, who shall be acting president pro tem.

President of board.

SECTION 7. The superintendent shall examine all teachers making application for schools, such examinations to be public, and he shall grant certificates to such person as may be entitled to receive the same, under such rules and regulations as the board of education may prescribe. He shall visit each of the common schools of said city at least once a month and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board of education and the common council of said city may require, and it shall be his duty to take the census of the children of said city as the law requires.

Duties of school superintendent.

SECTION 8. The clerk of said board of education shall keep a record of the proceedings thereof, and perform such duties as the board may prescribe. He shall keep a record of the examination of all teachers and make out the certificates granted to teachers, and such record, duly certified by the president of the board and clerk, shall be received in all courts as prima facie evidence of the facts therein set forth; and such record and the books and accounts of said board shall at all times be subject to examination and inspection of the city council or a committee appointed by them for that purpose.

Duties of clerk of board.

SECTION 9. It shall be the duty of the city clerk immediately after the election of any person as a commissioner of common schools, to notify him either per-

Duty of city clerk.

sonally or in writing, of his election, and if such person shall not within ten days after receiving such notice, take and subscribe the constitutional oath and file the same with the clerk of said city, the common council may consider it a refusal to serve, and proceed to fill said vacancy by appointing some suitable person in the ward from which such person was elected who refused to qualify, who shall hold his office until the next school election.

Duty of common council.

SECTION 10. It shall be the duty of the common council of said city to pass such ordinances and regulations as the board of education may report to them as necessary and proper for the preservation and protection of the school houses, sites and all other property belonging to and connected with the public schools of said city, and impose proper penalties for the violation thereof; and all such penalties shall be collected in the same manner as penalties for the violation of other city ordinances, and shall be paid to the city treasurer, and be subject to the order of the board of education, and shall be expended by said board for the use of the schools of said city.

Title of school property to vest in city.

SECTION 11. The title to all the school houses, sites, furniture, books and apparatus shall become and be vested in the city of Appleton, and the same while used 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 whatsoever.

School houses and sites may be sold.

SECTION 12. Whenever said board of education shall report to the common council that it is advisable to sell any of the school houses or sites now or hereafter, belonging to said city, it shall be the duty of said common council to dispose of the same; but no such conveyance of real estate shall be made except upon the recommendation of said board of education, nor shall any school houses or sites for school houses belonging to said city for school purposes, be sold or used for any other purpose, without the consent of said board of education.

Appointment of commissioners to fill vacancies

SECTION 13. The mayor and common council of said city are authorized and required to make appointments of commissioners of common schools to fill vacancies which may occur from any other cause than the expiration of the term of office for which they were elected, and such appointees shall hold their offices until the next regular school election when such vacancy shall be filled by election.

Removal for

SECTION 14. Any commissioner of common schools

in said city, and the superintendent of said schools, may be removed from office for official misconduct, by the common council by a vote of two-thirds thereof, but in all cases shall be granted a full and fair hearing before removal.

SECTION 15. The said board of education shall have power, and it shall be its duty: 1. To establish, organize and maintain such, and so many schools, in such places in the said city of Appleton, as it may deem expedient and necessary, and to discontinue the same. 2. To purchase or lease school houses and school house sites, and to fence and otherwise improve the same as it may think proper. 3. Upon such school house sites as are now owned, or that may hereafter be purchased by said city, to build, enlarge, improve and repair school houses and outhouses as it may think proper. 4. To purchase, exchange, repair or improve school apparatus, furniture, and school library and text books for indigent pupils, and to provide fuel for the schools, and defray all expenses connected with and in the care and management of the same. 5. To establish and maintain such night or evening schools for the accommodation of the children of the city who are unable to attend the day schools. 6. To have the custody and safe keeping of the school houses, outhouses, books, apparatus, belonging to the schools in said city, and see that the ordinances of the common council relating thereto are strictly observed. 7. To employ and contract with all teachers in the common schools to whom the necessary certificates may have been given by the superintendent, and at its pleasure to remove them for sufficient cause: provided, that no contract for the employment of teachers shall be extended beyond the first day of July, succeeding the date of such contract. 8. To have, in all respects, the supervision and management of the common schools in said city, and from time to time to make, alter, modify and repeal, by and with the advice and concurrence of the superintendent, as it may deem expedient, such rules and regulations for the organization, government and instruction of the common schools of said city as it may think necessary, and to make all such rules for the reception of pupils from other districts, and the transferring of pupils from one department to another and promoting the advanced pupil to the higher grades, and generally make all such rules and regulations for the general prosperity and utility of said schools. 9. To establish such a uniform system of grading said schools

official misconduct.

Power and duties of board of education.

as shall promote the advancement of the pupils therein.  
 10. To make all such rules and regulations in regard to the examination of teachers as it may deem proper: provided that such examinations shall always be conducted by the superintendent, or in case of his absence or inability, some competent person appointed by the board in its presence, or in the presence of a committee appointed by the board.

Non-resident students.

SECTION 16. The said board of education shall have power to allow children of parents not residents of the city to attend any of the schools of the city, and to fix the amount of tuition to be paid by them, and the terms upon which they may attend school.

School library.

SECTION 17. The said board shall have power to order money to be raised for school library purposes, and for the purchase of school apparatus: provided that the amount raised in any one year shall not exceed one mill on a dollar on the valuation of the property of the city as shown by the last assessment, and it shall be trustees for said school library, and shall provide rules and regulations for the management of the same, and shall expend all money appropriated by law or gifts for enlarging and establishing the same.

Statement of receipts and disbursements.

SECTION 18. The said board shall each year prepare a correct statement of all receipts and disbursements of school moneys during the preceding year, specifying from what source received and for what purpose expended, which statement shall be published at least one week in some weekly newspaper published in the city of Appleton, as soon as practicable after the close of the school year.

School tax.

SECTION 19. The said board of education shall have power to cause such sums of money to be levied annually upon the taxable property of said city as it may deem necessary for defraying the current expenses of the public schools of the city, but such sum shall not exceed in any one year the sum of one thousand dollars, over and above the current expenses of the schools of said city, levied for the previous year, without the consent of the common council shall be first obtained.

Tax for school houses and sites

SECTION 20. The said board of education shall also have power to cause such sums of money to be levied annually upon the taxable property of said city, as it may deem necessary, for the purchase of school house sites, or for building of school houses: provided, that the amount so ordered to be levied shall not exceed in any one year the sum of one thousand dollars; but in case a greater sum than one thousand dollars shall at

any time be voted to be raised by the said board of education for school house sites or for building school houses, a petition particularly setting forth the amount which it is desired to raise and the purpose for which the same is to be used, shall be presented to the common council of said city at any regular meeting of said council, and if a majority of said council shall approve of the purposes for which the same is to be used, and the amount to be raised, then said sum so ordered to be levied shall be placed upon the assessment roll of said city and collected with the other school taxes.

SECTION 21. All moneys levied and raised for either School fund. the purchase of sites for school houses, or the building of the same, or for the purpose of defraying the current expenses of the public schools, shall, after the same shall be collected, constitute one fund, subject to the control of the board of education.

SECTION 22. It shall be the duty of the board of education to file with the city clerk of said city of Appleton, on or before the first day of November of each year, a certificate in writing, stating the amount of money to be raised, as lawfully determined by said board, either for general current expenses, or for school house sites and for building school houses, under such limitations and restrictions hereinbefore specified, which certificate shall be signed by the president and clerk of said board of education, and it shall be the duty of the city clerk to place the same in the tax roll for that year and the same shall be collected in the same manner as other city taxes, and shall also file with said city clerk on or before the said first day of November each and every year a report particularly setting forth the sums expended the preceding year, under their appropriate heads, for teachers' wages, current expenses, and for building and repairing school houses, and also all sums that may have been received by said board of education.

SECTION 23. All moneys raised by this act for school City treasurer accountable. purposes shall be held by the city treasurer, who shall be accountable therefor in the same manner as for other moneys of the city.

SECTION 24. All moneys coming into the hands of Duty of city treasurer. the city treasurer by any provisions of law, by gift or otherwise, for the use and benefit of the public schools of said city, shall be placed by him to the credit of said board of education, and such moneys shall not be paid out by him except upon orders drawn upon him by the president of the board of education, and countersigned by the clerk; and no such orders shall be drawn ex-

cept by resolution of said board of education, and shall be made payable to the persons entitled to receive the same.

**Salaries.**

SECTION 25. The common council shall have power, and it shall be its duty upon the recommendation of the board of education, from time to time, to fix the salaries of the superintendent of common schools of said city, and the clerk of the said board of education; said salaries shall be fixed at the first meeting of the common council after the election of said superintendent and clerk.

**Suits upon official bond of treasurer.**

SECTION 26. The said board of education may cause a suit or suits to be commenced and prosecuted in the name of the city of Appleton, upon the official bond of the treasurer of said city for any default, delinquency or official misconduct in relation to the collection and safe keeping and disbursements of any school money that may come into his hands.

**Common seal.**

SECTION 27. The board of education shall have power, and it shall be its duty, to procure a common seal for the use of said board of education.

**Offices of superintendent and clerk.**

SECTION 28. The office of superintendent of common schools and clerk of the board of education shall be held by one and the same person until otherwise provided by the board of education.

**School bonds.**

SECTION 29. In case the board of education of said city shall, at any time, deem it necessary to raise a greater sum of money for purchasing school house sites, or for building school houses, than it would be thought advisable to raise by tax in any one year, it may, by and with the consent of the common council of said city, issue bonds for a sum not exceeding in any one year ten thousand dollars, and at a rate of interest not exceeding seven per cent. per annum, and running not more than ten years, and said bonds shall not be sold for less than the face of the same. Said bonds shall be signed by the president of the board of education, and countersigned by the clerk.

**Appraisement and valuation of school property.**

SECTION 30. It shall be the duty of the board of education, immediately after the first meeting and the organization of the board, to examine into and make an appraisement and valuation of the school property belonging to each of the school districts in said city; and in case it finds that any district or districts have a larger amount of property in proportion to the assessed valuation of property in said district, then said board shall equalize the same, and charge up to the district having the least property an amount sufficient to

equalize it with the other districts, and in those districts possessing the most school property it shall credit an amount sufficient to equalize the same with the other districts; and in making such adjustment it shall take into account all indebtedness of any district in equalizing said school property, and upon the final equalization and adjustment of all the property of said districts, it shall report the same to the common council, which shall apportion the same on the next tax roll of said city, and the city of Appleton shall assume and pay all indebtedness of any of said school districts. And in case any school district shall be dissatisfied with such appraisement and adjustment by said board of education, and shall file a remonstrance against the same, as being unjust with the common council of said city, then said common council may appoint two disinterested freeholders of said city, who shall not be residents or property holders in such district, and they shall reappraise and readjust the school property of such district or districts and report the same to the common council, and such report shall be final and conclusive upon such district.

SECTION 31. The present school officers in the several school districts of the city of Appleton shall hold and execute their respective offices until the first Monday of June next, when each and all shall deposit with the said board of education all the books, papers and effects of every name and kind in their custody, and pertaining to their respective offices, and the treasurers of said districts shall deposit with the treasurer of the city of Appleton all funds in their hands belonging to their respective districts, and take his receipt therefor, and file the same with the said board of education.

Term of present school officers.

SECTION 32. No money shall be appropriated from the school fund and paid out to maintain a high school, until the question shall have been submitted to the qualified voters of said city, at the regular charter election, and adopted.

High school.

SECTION 33. This act shall not take effect or be in force until after the same shall have been submitted to a vote of the electors of the city of Appleton, at the charter election of said city, appointed to be held on the first Tuesday of April, 1881. All ballots cast at said election in favor of this act shall have written or printed on them, "for union schools," and all ballots cast against it shall have written or printed on them, "against union schools," and in case a majority

This act not to take effect unless approved by vote of electors.

of such ballots cast relating to this law at said election shall be for union schools, then, and in that case, this act shall immediately take effect and be in force. All such ballots cast shall be counted and canvassed by the several boards of inspectors of election of said city, in the same manner as the other votes cast at said election, and the same shall be returned by the said inspectors to the city clerk, and the common council of said city shall, within the time appointed by law, canvass the same and declare the result.

Repealed. SECTION 34. So much of all acts or parts of acts as conflict with the provisions of this act, are hereby repealed.

SECTION 35. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1881.

[No. 394, A.]

[Published March 29, 1881.]

#### CHAPTER 188.

AN ACT to amend section three, chapter five hundred and eighty-six, private and local laws of 1867, in relation to dams.

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

When tolls may be charged.

SECTION 1. Section three of chapter five hundred and eighty-six, laws of 1867, is hereby amended so as to read as follows: When the said James Meiklejohn, his associates and assigns, shall have completed the said dam and slide as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of all rafts, lumber, logs, timber and other material passing over such slide, as a compensation for maintaining and keeping in repair such slide, the tolls hereinafter specified, to-wit: Two cents for each thousand feet of sawed lumber, or lumber in logs, scale measure, or in lieu thereof, one-fifth of one cent for every log not over twenty feet long, and one-half cent for every log over twenty feet long, which shall be paid the said James Meiklejohn, his associates or assigns, after the logs are rafted, and the amount shall be ascertained, either by the scale, or by count of the superintendent of the Wolf river boom company, and the said James Meiklejohn shall hold a lien on all logs or lumber run over said dam for the amount above specified, which lien may be enforced in the same manner as the lien of laborers on logs: provided that he shall at all times

Tolls.