

nal codified ordinance as signed by the mayor, which shall be a sufficient recording of the same, and no further recording of the same shall be required.

This act not to invalidate any legal act done heretofore.

SECTION 163. This act shall not invalidate any legal act done by the common council of the city of Racine or by its officers, nor divest their successors under this act of any rights of property or otherwise, or of any liability which may have accrued to or been created by said corporation prior to the passage of this act, and all ordinances now in force in said city not contravening the provisions of this act shall be and remain in force until altered or repealed by the common council.

All conflicting acts repealed.

SECTION 164. All acts or parts of acts contravening any of the provisions of this act are hereby repealed, in so far as they conflict with such provisions, but this act shall not effect chapter 42 of the private and local laws of 1871, relating to the readjustment of the corporate debt of said city, nor any acts relating to said city of Racine, of the year 1891.

SECTION 165. This act shall take effect and be in force from and after its passage.

Approved March 12, 1891.

No. 71, A.]

[Published March 19, 1891.

CHAPTER 42.

AN ACT to amend the city charter of the city of Merrill.

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

Amends chapter 32, laws of 1885, as amended.

Annual municipal election; special election.

SECTION 1. Section 7, of chapter 32, of the laws of 1885, as amended, is hereby further amended by striking out the word "March," and inserting in lieu thereof the word "April," so that said section, when so amended, shall read as follows: Section 7. The annual municipal election shall be on the first Tuesday in April of each year, at

such place in each ward as the common council shall designate. Not less than five days notice shall be given of the time and places of holding all elections and of the officers to be elected, by publication in the official newspaper of the city; provided, however, that the failure to give such notice shall in no way invalidate such election. The aldermen and supervisors of each ward shall be the inspectors of election for their respective wards, and may appoint clerks of election for such wards. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers, and the qualifications of voters shall be the same as at such general election, and that each elector shall reside in the city at least thirty days, and in his ward at least ten days prior to such election. In case a special election is to be held in the city other than for ward purposes, the council may order the number of polls for the entire city, and appoint the places where the election is to be held and the inspectors of election and the clerks therefor. No person shall be eligible to an office in said city who is not, at the time of his election, a citizen of the United States and of this state, and a resident elector of the city; nor shall any person be eligible to any ward office, unless he shall be at the time a resident elector and freeholder of the ward in which such office exists.

SECTION 2. The last clause of section 10, of chapter 32, of the laws of 1885, as amended, is hereby further amended so as to read as follows: The term of office of every officer elected or appointed under this act shall commence on the second Tuesday in April, of the year for which such officer is elected or appointed except that the term of office of the superintendent of schools shall commence on the second Tuesday of July next succeeding his election.

Amends chapter 32, laws of 1885, as amended; when terms of office commence.

SECTION 3. Section 20 of chapter 32 of the laws of 1885, is hereby amended by adding to the end of said section the following: The city clerk may appoint a deputy to aid him in the performance of his official duties for whose acts said clerk shall be responsible. Such deputy shall take and file the oath of office, and in case of the absence from his office or in case of the sickness or other disability of the clerk, shall perform his

Amends chapter 32, laws of 1885, as amended. Deputy city clerk.

duties, unless the city council shall appoint a person to act as clerk. Such deputy shall not receive any compensation from said city.

Lighting
streets, etc.

SECTION 4. The common council of the city of Merrill shall have power to provide by contract for a term of years, or otherwise, for lighting the streets and public places in said city, by electricity or other means and to direct the payment of the cost and expense thereof out of the general funds of said city if no sufficient special fund shall be provided for that purpose; and said common council shall also have power and authority to provide for and direct payment for street lighting and other lights heretofore furnished to said city, out of its general funds or by a tax levy therefor if necessary.

Amends chap-
ter 32, laws of
1885.

SECTION 5. Section 111, of said chapter 32, of the laws of 1885, is hereby amended by striking out the words at the end of said section "and shall be preserved by said clerk as a record in his office."

Amends chap-
ter 32, laws of
1885.

SECTION 6. Section 112, of said chapter 32, is hereby amended, by striking out the words in the first and second lines of said section "and preserved."

Amends chap-
ter 32, laws of
1885.

SECTION 7. Section 113, of said chapter 32, as amended, is hereby further amended so as to read as follows: Section 113. Immediately after making out the tax roll aforesaid, there shall be appended thereto a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said tax roll in the manner provided by law, and the said clerk shall, on or before the first day of December, of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery in his office.

Warrant for
collection of
tax. □

Amends chap-
ter 32, laws of
1885.

SECTION 8. Section 114, of said chapter 32, is hereby amended by striking out the word "duplicate," contained in the second line of said section.

Amends chap-
ter 32, laws of
1885.

SECTION 9. Section 131, of said chapter 32, as amended, is hereby further amended by striking out the last sentence containing the words "he shall be *ex officio* president of the board of education with a casting vote in all cases of tie."

SECTION 10. Section 135, of said chapter 32, as amended, is hereby further amended so as to read as follows: Section 135. The school commissioners and the city superintendent shall constitute a board to be styled "the board of education of the city of Merrill." They shall, at their first meeting after the annual charter election in each year, choose one of their number president. In the absence of the president, a president *pro tem.* may be appointed. Said board shall hold their meetings at the city clerk's office or at the room of the common council in said city. They shall hold stated meetings at such times as may be fixed by the board. Special meetings may be held upon a call or request of the majority of the board, notice of which meeting shall be given by the clerk, served on each member, either personally, or by copy left at his residence or place of business, at least twenty four hours prior to the time of holding such special meeting. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Said commissioners shall not receive any compensation for their services.

Amends chapter 32, laws of 1885.

Board of education, meetings etc.

SECTION 11. Section 137, of said chapter 32, as amended, is hereby further amended so as to read as follows: Section 137. The superintendent of schools shall, in each year, and at the time and in the manner now and hereafter to be required of town clerks, make and transmit to the state superintendent a report in writing, which report shall be such as is now or may hereafter be required by law to be made annually by town clerks and transmitted to county superintendents. He shall also make and submit to the board of education, before the end of his term of office, and not later than their regular meeting in July in each year, a statement of his work in the city schools, and of the condition and progress of the schools during the preceding year, the names and number of teachers employed in the several departments of such schools, the wages paid each, the number of pupils in attendance in each department during the year, the janitors employed in each building and the wages paid each, and such further statistical or other information as he may consider useful or which the board may require, together with such suggestions and recommendations as

Amends chapter 32, laws of 1885.

Reports of superintendent of schools.

he may deem important for the future conduct and management of the schools.

Amends chapter 32, laws of 1885.

SECTION 12. Subdivision 2, of section 141, of said chapter 32, is hereby amended so as to read as follows:

Board of education, custodian of school houses, etc.

2d. To have the custody and safe keeping of the school houses, out-houses, books, furniture and appendages, and generally to have supervision and control of all property belonging to the city used for school purposes, and to see that the ordinances and regulations of the common council in relation thereto are enforced and observed.

Amends chapter 32, laws of 1885.

SECTION 13. Subdivision 6, of said section 141, of said chapter 32, is hereby amended so as to read as follows:

Board of education to report to common council.

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 all school property belonging to the city, and to suggest proper penalties for the violation of such ordinances and regulations.

Amends chapter 32, laws of 1885.

SECTION 14. Subdivision 7, of said section 141, of said chapter 32, is hereby amended by adding thereto the following: But such repairs shall be construed to mean only such as are reasonably necessary to preserve such school houses and appendances and keep the same in suitable condition for use and occupancy by the schools.

Repair of school houses, etc.

Amends chapter 32, laws of 1885.

SECTION 15. Section 141, of said chapter 32, is hereby amended by adding to the foot of said section the following:

To lease or purchase necessary grounds and buildings for school purposes.

12th. By and with the consent of the common council, to erect, construct and purchase, or lease, buildings for school purposes, and the necessary grounds therefor and to make any necessary addition thereto.

Amends chapter 32, laws of 1885.

SECTION 16. Section 141, of said chapter 32, is hereby further amended by adding a thirteenth clause thereto as follows:

To purchase school supplies, etc.

13th. To purchase and supply the schools in said city with furniture, fixtures, books, records, maps, apparatus and supplies, needful and proper for the maintenance of the schools in said city.

Amends chapter 32, laws of 1885.

SECTION 17. Section 143, of said chapter 32, is hereby amended so as to read as follows: Section 143. It shall be the duty of the board of education to audit each and every indebtedness of said

Duties of board of education.

city for school purposes and upon the allowance thereof by said board, orders for the payment thereof shall be drawn on the city treasurer by the mayor, and countersigned by the city clerk. Orders on the city treasurer for the payment of salaries of teachers and janitors shall be drawn by the mayor and countersigned by the city clerk, upon the request of the board of education; and all moneys received by or raised in the city of Merrill for school purposes, shall be disbursed by the treasurer of said city, upon the orders of the mayor, countersigned by the city clerk, and in no other manner. The city treasurer shall keep all funds, received by him for school purposes, separate and distinct from all other funds belonging to said city, and such school funds shall be used for school purposes and for no other purpose whatever. Said treasurer shall keep an account of all such school funds, which shall show the several sources from which the same are received and the amount received from each source, and shall also show the amounts paid out by him and the purposes for which the same were paid and the amount paid for each purpose, which account shall at all times show the balance of such funds remaining in his hands. The city clerk, city treasurer and superintendent of schools shall make and submit to the board of education at their first meeting in October, in each year, a written statement showing receipts of money for school purposes from all sources and disbursements of the same, during the year ending on the last day of September next preceding, in which statement shall be given under separate heads:

First. The amount in the treasury at the beginning of such year.

Second. The amount received from the several sources, specifying the amount received from each source.

Third. The manner in which such funds have been expended, specifying the amount paid under each general head of expenditures.

Fourth. The amount on hand at the end of such year.

The board of education shall at its first meeting in October, in each year, make an estimate in writing, to be entered in the minutes, of the

amount of money in their opinion needed to be used for school purposes for the current year, specifying the amount required for each of the purposes therein mentioned, and specifying also the amount needed to be raised by taxation for said purposes and the estimated amounts which may be expected to be received during such year from the state, county and other sources. It shall be the duty of the city clerk to present to the common council, at its first meeting thereafter, the aforesaid statement of receipts and disbursements, together with the aforesaid estimates of the board of education, which statement and estimates shall afterwards be filed and preserved in his office; but no failure to make such statement or estimates, or to present the same to the common council, shall in any way invalidate the levy of taxes for school purposes made by the common council.

Amends chapter 32, laws of 1885.

Permits to non-resident pupils to enter schools; tuition fee.

SECTION 18. Section 144, of said chapter 32, is hereby amended by striking out the clause near the middle of said section, commencing with the words "it shall be the duty of the board of education to report," etc, and ending with the words "or the council may require," so that said section as amended shall read as follows: Section 144. The said board of education shall have power to permit the children of persons not residents of said city, to attend in either 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 which shall be paid therefor. Permits to so enter the school shall be issued by the city superintendent, but no such permits shall be issued which shall interfere with the proper instruction of resident pupils. He shall report his action under this section to the board of education, as often as may be required, and he shall not issue any greater number of permits than may be authorized or sanctioned by the board of education. All permits shall specify the amount to be paid by such non resident pupils, and no such pupil shall be admitted to any school of the city until he has exhibited the receipt of the city treasurer, that the amount specified in such permit has been paid to him. At the end of each term and at such other times as may be required by the

board, every teacher who has admitted to the school under his charge any non-resident pupil under the city superintendent's permit, shall return to the board of education the permit, under which the pupil was admitted. All moneys so received for tuition shall become a part of the school fund of said city. Nothing in this act contained shall be deemed to authorize said board of education, or the common council, or both, to appropriate, contract or expend for school purposes in any one year any greater sum than is provided for in this charter, in addition to the school moneys derived by said city from the state and county school funds, and such fines, forfeitures, penalties and tuition moneys as may properly belong to the city school fund, unless first authorized thereto by a vote of two-thirds of the legal voters of said city.

SECTION 19. Section 145, of said chapter 32, is hereby amended so as to read as follows: Section

Amends chapter 32, laws of 1886.

145. The council of the city of Merrill, on the application of the board of education, may borrow money for the erection and completion of school houses, and for the purchase of school house sites in said city, not exceeding in amount the sum of five thousand dollars *per annum*, and may issue the bonds of said city for the payment of the same, bearing an interest not exceeding seven *per cent. per annum*, payable annually or semi-annually, and becoming due within ten years or less, as the council may by ordinance prescribe. In case said bonds are issued, the council of said city shall annually levy and collect a tax on the taxable property of said city, as other taxes are levied and collected, sufficient to pay the interest and principal of said bonds as the same may become due; and the money thus raised shall be applied to the purpose for which it was raised and no other; provided, however, that no bonds issued in pursuance to this section shall be sold for less than their par value.

Common council may borrow money for school purposes.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1891.