

ing fifteen dollars per day, in addition to traveling and other necessary expenses.

Unexpended
balance to re-
vert to the
general fund.

SECTION 3. Any part of the money appropriated by this act which shall not have been expended before the first day of February, 1897, shall then revert to the general treasury of the state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1895.

No. 311, S.]

[Published April 29, 1895.

CHAPTER 313.

AN ACT to regulate the civil service of cities.

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

City service
commissioners
may be ap-
pointed by the
mayor.

SECTION 1. The mayor of each city in this state, of the first class or of the second class, as defined by section 1, of chapter 312, of the general laws of Wisconsin, enacted in 1893, whether such city be incorporated by special act of the legislature or under the general laws of the state, shall, before the fifteenth day of June, A. D. 1895, or the fifteenth day of June in the year next following the first state or national census, showing such city to belong to either said first or said second class, appoint four persons, citizens and residents of said city, who shall constitute and be known as the board of city service commissioners of such city, and shall designate one of the persons so appointed to serve for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year, from the first Monday of July in the year of their appointment

and until their respective successors are appointed and qualified; and in each and every year after such first appointment, the mayor shall in like manner, in the month of June, appoint one person as the successor of the commissioner whose term shall expire in that year, to serve as such commissioner for four years from the first Monday of July then next ensuing and until his successor is appointed and qualified. Three commissioners shall constitute a quorum necessary for the transaction of business. Any vacancy in the office of commissioner occurring during the term shall be filled for the unexpired term by appointment by the mayor, and all appointments, both original and to fill vacancies, shall be so made that not more than two commissioners shall at the time of any appointment be members of the same political party. Said commissioners shall hold no lucrative office or employment under the United States, the state of Wisconsin, or any municipal corporation or political division thereof, and each commissioner shall, before entering upon the discharge [of the duties] of his office and within ten days after receiving notice of his appointment, take and subscribe the oath of office prescribed by the constitution of this state, and file the same, duly certified by the officer administering it, with the clerk of his city, and no salary or other compensation for his services shall be paid to any such commissioner.

Qualifications
of commis-
sioners defined.

SECTION 2. The said commissioners shall make rules adapted to carry out the purposes of the act and not inconsistent with its provisions, for the examination and selection of persons to fill offices and positions in the service of their respective cities, which are required to be filled by appointment, and for the selection of persons to be employed in the service of such city. All rules so made shall be subject to the approval of the mayor of the city, and they may with like approval be from time to time altered or rescinded by said commissioners. The said commissioners shall supervise the administration of

Shall make
rules adapted
to carry out the
purposes of the
law.

the rules so established, and they shall, on or before the fifteenth day of March in every year, report to the mayor their doings during the preceding year, including any rules adopted under the provisions of this section.

Rules.

SECTION 3. The rules mentioned in section 2 of this act may be made from time to time:

For examination of applicants for office.

1st. For open, competitive and other examinations by which to test applicants for office or for employment as to their practical fitness to discharge the duties of the positions which they desire to fill, which examinations shall be public and free to all citizens of the United States, with proper limitations as to residence, age, health, sex, habits and moral character.

Filling vacancies.

2d. For the filling of vacancies in offices and places of employment in accordance with the results of such examinations, and for the selection of persons for public employment in accordance with such results, or otherwise, as may seem most desirable to carry out the provisions of this act.

For promotions in office.

3rd. For promotions in office or position on the basis of ascertained merit and seniority in service and examination as may seem desirable.

For a period of probation.

4th. For a period of probation before an appointment or employment is made permanent.

Rules to be printed.

All rules made as provided in this act and all changes therein shall forthwith be printed for distribution by said board.

All appointments to be made in conformity with rules adopted.

SECTION 4. From and after the adoption of such rules, all appointments to subordinate offices, positions and employments in the several departments of the service of such city which are subject to such rules, shall be made by the respective heads of such departments under and in conformity with the provisions of such rules, and such heads of departments shall respectively have power to remove or discharge at pleasure any person holding any subordinate office, position or employment in their respective departments.

All applicants shall be subject to examination.

SECTION 5. All applicants for offices, places or employments in the civil service of such city, except those mentioned in section 6, shall be

subject to examination under and in accordance with the rules so made by said commissioners. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the particular service to which they seek to be appointed, and shall include tests of physical qualifications and health, and, when appropriate, of manual skill. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment or selection to an office or for employment within the scope of the rules established as aforesaid, shall be in any manner affected or influenced by such opinions or affiliations.

SECTION 6. Officers who are elected by the people, or who by statute are required to be elected by the city council, inspectors and clerks of election, members of any board of education, the superintendents and teachers of schools, heads of any principal department of the city, all members of the law, fire and police departments, officers and clerks for the faithful discharge of whose duties a superior officer is required to give bond, one private secretary of the mayor, and any other officers, clerks or employes in the service of the city whose positions, in the judgment of the said city service commissioners cannot, for the time being, be subjected, with advantage to the public service, to the general rules prepared under this act, shall not be affected as to their election, selection or appointment, by such rules made by said commissioners.

Officers and others who are exempted from the rules.

SECTION 7. Every application, in order to entitle the applicant to appear for examination or to be examined, must state the facts under oath on the following subjects: (1) Full name, residence and postoffice address; (2) citizenship; (3) age; (4) place of birth; (5) health and physical capacity for the public service; (6) previous employment in the public service; (7) business or employment and residence for the previous five years; (8) education. Such other information

What the application shall contain.

shall be furnished by the applicant as may reasonably be required by the board touching the applicant's fitness for the public service.

Appointment
of chief ex-
aminer and his
duties.

SECTION 8. The said board shall appoint a chief examiner whose duty it shall be, under their direction, to superintend any examinations held in such city under this act, and who shall perform such other duties as the board shall prescribe. Such chief examiner shall be ex-officio secretary of said board, and under the direction of such board he, as such secretary, shall keep minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the board may from time to time prescribe. Such chief examiner shall receive a salary to be fixed by said board at a sum not exceeding fifteen hundred dollars a year, which shall be paid monthly by the city on the certificate of the president of said board. He shall be subject to removal at any time by the board. The said board of commissioners may also incur such expenses, not exceeding five hundred dollars a year, as it may deem necessary, for printing and stationery and other incidental matters.

Board shall
control all ex-
aminations.

SECTION 9. The board shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official services of the city, to be examiners, and it shall be the duty of such examiners, and, if in the service of the city, it shall be a part of their official duty, without extra compensation, to conduct examinations as the board may direct, and make return or report thereof to such board; and the board may at any time substitute any other person, whether or not in such service, in the place of any one so selected, and the board may themselves at any time act as such examiners and without appointing examiners. The examiners at any examination shall not all be members of the same political party, and no person shall serve in an examination of candidates for office under the provisions of this act in case

of a relative or connection by marriage within the degree of first cousin.

SECTION 10. Notice of the time, place and general scope of every examination shall be given by the board by publication for two weeks preceding such examination, in one or more daily newspapers of general circulation published in such city, and such notice shall also be posted by said board in a conspicuous place in their office two weeks before such examination. Such further notice of examinations may be given as the board shall prescribe.

Notice of examination shall be given by publication.

SECTION 11. From the returns or reports of the examiners, or from the examinations made by the board, the board shall prepare and keep a register for each grade or class of position in the service of such city, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such board, and who are otherwise eligible; and such person shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

Register of each grade or class to be kept.

SECTION 12. Immediate notice in writing shall be given by the appointing power to said board of commissioners of all appointments, permanent or temporary, made in those branches or departments of the civil service of such city which are subject to this act and the rules of said board, and of all transfers, promotions, resignations or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by said board. When any office or place of employment subject to such rules is created or abolished, or the compensation attached thereto is altered, the officer or board making such change shall immediately report in writing to said board of commissioners.

Immediate notice of appointment shall be given.

SECTION 13. Said board of commissioners shall, on or before the fifteenth day of March in each year, make to the mayor for transmission to the city council, a report showing its

Board to make annual report to the mayor.

own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. The mayor may require a report from said board at any other time.

Officers of the city to aid the board in all proper ways.

SECTION 14. All officers of any such city shall aid said board in all proper ways in carrying out the provisions of this act, and, at any place where examinations are to be held, shall allow the reasonable use of the public buildings for holding such examinations. The mayor of each city shall cause suitable rooms to be provided for said board at the expense of such city; and a sufficient sum of money shall be appropriated each year by each city to carry out the provisions of this act in such city.

Corrupt or unfair examinations prohibited.

SECTION 15. No person or officer shall willfully and corruptly, by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing or willfully or corruptly make any false representations concerning the same or concerning the person examined, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted.

No account to be allowed unless lawfully incurred.

SECTION 16. No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this act.

Shall certify all appointments to the city comptroller.

SECTION 17. The board of city service commissioners shall certify to the comptroller all appointments to offices and places in the civil service of the city, subject to their rules, and all vacancies occurring therein, whether by dismissal, resignation or death. No comptroller of any such city shall approve the payment of or

be in any manner concerned in paying any salary or wages to any person, subject to such rules, for services as an officer or employe of such city, before the appointment of such person to the city service has been certified by the board to the comptroller, nor after the vacation of such person's office or employment shall have been so certified.

SECTION 18. No paymaster, treasurer or other officer or agent of such city shall willfully pay, or be in any manner concerned in paying, any person subject to the rules adopted by said commissioners under this act, any salary or wages for services as an officer or employe of such city, before the appointment of such person to the civil service of such city has been certified by the board to the comptroller, nor after the vacation of such person's office or employment shall have been so certified.

Cannot receive pay until appointment has been certified by the city comptroller.

SECTION 19. Any person who shall willfully, or through culpable negligence, violate any provision of this act or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than fifty dollars, and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

People violating the law shall be guilty of a misdemeanor.

SECTION 20. If any person shall be convicted under the next preceding section, any public office which such person may hold shall, by force of such conviction, be rendered vacant, and such persons shall be incapable of holding office for the period of five years from the date of such conviction.

In case of conviction office declared vacant.

SECTION 21. Prosecutions for violations of this act may be instituted either by the attorney-general, the state's attorney for the county in which the offense is alleged to have been committed, or by the board acting through special counsel. Such prosecutions shall be conducted and controlled by the prosecuting offi-

How prosecutions may be instituted.

cers who institute them, unless they request the aid of other prosecuting officers.

SECTION 22. All acts and parts of acts, including all provisions of any city charter, so far as they conflict or are inconsistent with the provisions of this act are hereby repealed.

SECTION 23. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1895.

No. 335, S.]

[Published April 29, 1895.

CHAPTER 314.

AN ACT to promote the establishment and efficiency of free public libraries in the state of Wisconsin.

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

State library commission created.

SECTION 1. The governor shall appoint two persons who, with the president of the university of Wisconsin, the state superintendent, and the corresponding secretary of the state historical society, shall constitute a state library commission. One of the members appointed by the governor shall be appointed for a term of five years and the other shall be appointed for a term of four years. All subsequent appointments shall be for terms of five years each, except appointments to fill vacancies. The commission shall annually elect a chairman and a secretary.

Commission to give advice and counsel to all free libraries.

SECTION 2. The commission shall give advice and counsel to all free libraries in the state, and to all communities which may propose to