

whether for justices of the supreme court, judge of the circuit court, or county judge, or all of them, shall be counted, canvassed and returned in the same manner and shall have the same effect as if the said town of Aurora were fully organized.

SECTION 4. When such election shall have been held as herein provided, and the town officers required by law elected, and such officers have duly qualified as required by law, the said town of Aurora shall be deemed to be duly organized and shall possess all the rights, powers and liabilities of other towns in this state.

Town deemed fully organized after the election.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1897.

No. 261, S.]

[Published April 9, 1897.

CHAPTER 186.

AN ACT relating to school boards and common and high schools in cities of the first class, containing a population of one hundred and fifty thousand or more.

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

SECTION 1. The public schools in every city of the first class, meaning thereby every city in the state of Wisconsin, now or hereafter having a population of one hundred and fifty thousand or over, whether organized under special charter or under the general law, shall be under the general management, control and super-

Cities of 150,000 and over to have a board of school directors.

vision of a board of school directors, consisting of one director from each ward of such city, to be appointed pursuant to the provisions of the next following sections.

How appointments of board of school directors shall be made.

SECTION 2. All appointments of members of the board of school directors of such city shall be made by a commission, consisting of four citizens of suitable character and education, who shall be appointed by the mayor of the city, as hereinafter provided. Not more than two of the members of such commission, shall at the time of their appointment belong to the same political party; and no person holding any office in any political organization, or any lucrative city, county or state office, other than a judicial office, or that of notary public, shall be eligible to be a member of such commission or of such board of school directors.

The mayor to appoint four commissioners.

SECTION 3. The mayor of every such city of the first class shall, on the second Tuesday of April, in the year 1897, or in the year next following the first national or state census showing it to be a city of the first class as defined in the first section of this act, appoint four commissioners in accordance with the provisions of section two (2) of this act, designating one of such commissioners to hold office for a term of four years, one for three years, one for two years, and one for one year, from the date of appointment, and thereafter the mayor shall appoint annually one member of such commission to hold office during a term of four years. Any vacancies arising in such commission shall be filled by appointment by the mayor for the unexpired term.

Terms of office.

Duties of the board and secretary to divide the city into classes.

SECTION 4. The commission so appointed shall be known as the "School Board Commission," and the secretary of the board of school directors shall act as secretary of the commission, and shall keep a full and complete record of all its transactions. The commission shall meet at the secretary's office for the first time on the third Tuesday in April, in the year 1897, or the year of its appointment, and shall be or-

ganized by selecting one of its members as chairman who shall preside for one year, or until his successor is chosen, and said commission shall then proceed to divide the number of wards of the city of such commission into three classes, so that each class shall include as nearly as practicable the same number of wards, and so that the first class shall include the wards numbered consecutively one and upwards; the second class shall include the wards bearing the next following numbers, and the third class shall include the remaining wards bearing the higher numbers, and said commission shall then appoint one director to represent each ward in such city, those appointed to represent wards in the first class to serve for three years, those representing wards in the second class to serve for two years, and those representing wards in the third class to serve for one year, and thereafter the commission shall annually on the third Tuesday in April appoint successors to the directors whose terms expire, such successors to hold office for three years from the date of their appointment. All vacancies in said board of school directors caused by resignation, removal, death, or resulting from any other cause, shall be reported to the secretary, and the school board commission shall, upon notification by the secretary, immediately appoint a successor for the unexpired term. The members of every school board commission and board of school directors shall, before entering upon the duties of such office, take and subscribe the oath of office prescribed in the constitution of this state, and shall file the same, duly certified by the officer administering the same, with the city clerk.

Terms of office,
etc.

SECTION 5. The board of school directors so appointed shall meet on the first Tuesday in May in each year, and organize by the election of the proper officers. A president shall be elected from their own number by said board, to serve for one year or until his successor shall be chosen, and in his absence or during his dis-

When the
board of
school direct-
ors shall meet.

Vacancies and
absences.

ability, the board shall elect a president pro tempore. The seat of any member shall be declared vacant, and the vacancy shall be filled by appointment in the manner hereinbefore provided, if the board reports to the commission that said member has been absent for four successive meetings of the board, without a satisfactory reason. In case of the absence or inability, from any cause, of any officer appointed by said board, to perform the duties of his office, said board may appoint some suitable person to act in his place and stead during his absence or inability; and such person shall have and possess the same power or authority as the officer whose place he is appointed temporarily to fill.

Board of directors subject to law like members of the common council.

May be removed for cause by the school commissioners.

SECTION 6. The members of the board shall be subject to all the restrictions, disabilities, liabilities, punishments and limitations prescribed by law as to members of the common council in their city, and they shall be exempt from jury duty. The school board commission may remove any member of the board for causes for which members of the common council are removable. The board shall not in any one year contract any debt or incur any expense greater than the amount of the school funds subject to its order, without a previous ordinance or resolution of the common council. A majority of the members of the board who have duly qualified, shall constitute a quorum for the transaction of business, but a smaller number may adjourn. A majority of the whole board shall be necessary to elect any officer authorized to be elected by said board. Regular meetings of the board shall be held at least once each month at stated times to be fixed and published by the board in its rules, and special meetings may be called and held as shall be provided by the rules of the board, at which no other business shall be transacted than that specified in the notification thereof, which shall be given personally or mailed to each member, at least

twenty-four hours before the time of such meeting.

SECTION 7. The board of school directors of each city in which this act shall be applicable, is hereby authorized and required, subject to the approval of the common council, to establish and organize so many public schools, in addition to those already established in such city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of the state to instruction therein. The common council, upon recommendation and request of the said board as hereinafter provided, shall erect, purchase, hire or lease buildings, improve or enlarge the same, and purchase furniture and lots for the accommodation of such public schools of said city. The selection of sites for school buildings and the adoption of plans for the erection of school buildings, shall be determined, first, by the concurrent action of a committee consisting of the superintendent of schools, the president of the board of school directors, the building inspector of said city, the members of the board of public works, the chairman of the committee on schools of the common council, and the chairman of the committee on public buildings and grounds of common council, if any or all of such officers or committees there be, and if not, then by a committee consisting of such of said officers as there may be, and three members of the common council of such city to be appointed by the president thereof, and the decision of such committee so formed as aforesaid, shall be subject to the approval of the common council, and shall not be modified or amended by said common council, except as to the amount of money appropriated for the execution of the work, the purchase of sites, or the fulfillment of contracts involved in the adoption of such committee's recommendation; provided, that if such committee shall be divided in opinion, with a minority of at least three members, then the common council shall finally decide and may amend such report, and

Their power to establish public schools, selection of sites, etc.

adopt the same in such form as said common council shall deem best. The schoolhouse now erected, and the lots on which they are situated, and the lots now or hereafter purchased for school purposes, and the school houses thereon erected shall be the property of the city, and no lot shall be purchased or leased, nor shall any schoolhouse be erected without an ordinance or resolution duly passed by the common council. Deeds of conveyance and leases shall be made to the city. The said board shall also have the power to establish and define, from time to time, the boundaries of all common and high school districts, in such manner as they may deem best calculated to promote the interests of the schools. The board shall also have the power, subject to the powers and regulations of the city service commission, to employ all janitors necessary in the schoolhouses of their city and to fix their compensation; but the principal of each school shall be custodian of all buildings and rooms occupied by the school over which he presides, and shall have the general supervision over the same, and shall direct the janitor thereof in relation to the keeping and care of such buildings and rooms.

Employ janitors.

Power to adopt text-books.

SECTION 8. The board of school directors shall have the power to adopt for use in the several public schools of any such city, suitable text books, subject to the provisions of the next following section. Said text books shall be uniform in the various schools, and when the board shall have adopted, for use in the public schools of any such city, any text book or text books, the same shall not be changed by the board for five years next thereafter; and the board shall require that the system of instruction in the several schools under its control, shall be as nearly uniform as possible, and shall adopt at its discretion, and modify or repeal, by-laws, rules and regulations for its own government, and for the organization, discipline and management of the public schools under its control, and generally adopt such measures as shall promote the good

Uniform instruction.

Regulate discipline, etc.

order and public usefulness of said schools; provided, that such by-laws, rules and regulations shall not conflict with the constitution and laws of the state.

SECTION 9. The board of school directors shall elect by ballot on the first Tuesday of March next following the date of their first appointment, and every third year thereafter, a person of suitable learning and experience in the art of instruction, and practical familiarity with the most approved methods of organizing and conducting a system of schools, for superintendent of schools, and said superintendent shall hold his office for three years, or until his successor is elected, except in case of removal as hereinafter provided. The superintendent of schools shall, under the direction of the board, have a general supervision of the public schools in the cities aforesaid and of the manner of conducting and grading them, and of the teachers; and shall appoint, subject to confirmation by the board, an assistant superintendent, and such other assistants and supervisors of the several departments as may be authorized by the board; provided, that the creation of any new office or the increasing of any salary of any officer, teacher or employe, by the said board of school directors, shall, after the adoption of any resolution therefor by said board, be submitted to the mayor of any such city who may exercise the veto power with respect thereto, in the same manner and with like effect as he now may exercise such power with the respect to resolutions of the common council of any such city. Such superintendent shall, in connection with the assistant superintendent and the president of the board, and two members of the board to be appointed by the president, acting as a committee, examine, certificate, employ, classify, transfer and promote teachers for the several public schools of his city, on a strict basis of eligibility and fitness, subject to confirmation by the board; and he shall, together with said assistant superintendent and presi-

Superintendent of schools to be elected.

His duties and powers defined. Also the assistant superintendent.

dent, and two members of the board, select and determine courses of study in the schools under his supervision, and the text books to be used therein, subject to confirmation by the board, and he shall do and perform all such other duties as may be required by the board; provided, that in case of disagreement and failure of decision by a majority vote of said committee consisting of the superintendent, assistant superintendent and president, and two members of the board, the board may determine the matter by a majority vote of its qualified members; and he shall, also, in connection with the assistant superintendent and president, and two members acting as such committee, by a majority vote thereof, dismiss teachers and janitors for misconduct, incompetency, inefficiency or inattention to duty. Said superintendent shall receive a salary not exceeding four thousand dollars per annum, to be fixed by the board of school directors. The assistant superintendent and other assistants and supervisors hereinbefore referred to, shall hold their several positions during the term for which the superintendent is elected, except in case of removal by him. The salary of the assistant superintendent shall not exceed two thousand five hundred dollars per annum, and the other assistants and supervisors shall receive such compensation as the board may determine. The superintendent and assistants who may be in office at the time this act shall go into effect, in any city, shall continue in office until the election provided for by this section, subject to removal as in this act provided.

Salaries.

Board to appoint secretary. His duties defined.

SECTION 10. The board shall also appoint, as a vacancy shall occur, some suitable person to act as secretary of the board, who shall receive a salary not exceeding two thousand dollars per annum, to be fixed by such board. It shall be his duty to attend the meetings of the board, to keep a record of the proceedings, and a full and fair account of all receipts and expenditures of the board, and to do and perform such other

duties as shall be required of him by said board. The secretary of the board shall, before entering upon the duties of his office, execute a bond to the city for which such is appointed, in such form and penalty and with such conditions as the board shall prescribe, with sureties to be approved by said board, which bond shall be filed with and kept in the office of the city clerk of said city, and the board may require security to be given for the faithful performance of his duties by any officer or employe of said board, in such form and amount as the board shall deem best, and may at any time require of any officer or employe, additional bonds and sureties, in its discretion. The secretary of the board shall also take the annual enumeration of the children of school age in the city, required by law, and shall, at the same time, collect such further statistics and information relating to schools and to the population entitled to school privileges in said city, as may be directed and required by the board, and he shall receive for such service a compensation or fee of two cents per capita upon the entire enumeration of persons between the ages of four and twenty, residing in said city, to be audited by the board and paid out of the funds provided for the support of the schools.

SECTION 11. It shall be the duty of the secretary of the board, within thirty days after the appointment of teachers and other salaried employes, to report to and file with the city comptroller or other auditing officer of the city, a duly certified list of teachers and employes so appointed, with the salary allowed to each and a statement of the time or times fixed for the payment thereof. He shall also, as often as any action by said board changing the salaries of any of the officers of said board, or of any of such teachers or employes, or making a new election or appointment to any position entitling the person appointed to receive a stated salary, immediately after such action is had, in like manner, file with such comptroller or other

Secretary of the board to report and file a certified list of teachers and employes with the auditing officer.

auditing officer, a certified list and statement of all such changes and appointments. All claims and demands against the city or the board, before they are allowed by the board, shall be audited and adjusted by the comptroller or other auditing officer of such city, and immediately after the allowance by the board of any claim or account, it shall be the duty of the secretary of the board to furnish to such comptroller or other officer, a complete list of the same, together with the proper vouchers, stating the character of the material or service for which the same were rendered; and before a warrant shall be issued therefor, it shall be the duty of such comptroller or other officer to sign the same. And said secretary shall also make and file with the said comptroller or other auditing officer, quarterly statements of the condition of the fund for the support of schools and of the financial transactions of the board, during the three months next preceding such statement.

Superintendent of schools and secretary of board may be removed for misdemeanor, etc.

SECTION 12. The superintendent of schools, or the secretary of the board, may be removed from office for misdemeanor in office, incompetency or inattention to the duties of his office, by a vote of two thirds of the board; provided, that notice in writing of charges against him and of the time and place of hearing and acting upon the same, shall be served upon the accused at least five days before the time of hearing and before any action shall be taken by the board thereon. And the accused shall be heard by himself or counsel, and either party may produce witnesses who shall be sworn by the president of the board and give testimony subject to the pains and penalties of perjury.

High schools to be maintained.

SECTION 13. The board of school directors is hereby authorized, and it shall be their duty, to maintain the high schools now established in said cities, and to establish and maintain such other high schools as may from time to time be found necessary by them, and said board shall divide said cities into high school

districts, and said schools shall be open to students residing within said districts.

SECTION 14. The high schools shall be public schools, and as such, under the same supervision and control in respect to location, buildings, leases, furniture, teachers, text-books, and course of study, and all other matters, as is provided hereinbefore in the case of common schools.

High schools shall be public schools.

SECTION 15. The course of study in the high schools shall be liberal, and shall embrace such studies as said board and the superintendent may deem proper, and the board shall have power to grant diplomas in testimony of scholarship and literary acquirements.

Course of study in high schools to be liberal.

SECTION 16. The said board shall report to the common council of each city under this act, at or before the first meeting of the council in January in each year, the amount of money required for the next fiscal year for the support of all the public schools, including high schools in said city; and it shall be the duty of said common council to levy and collect a tax, in addition to the tax to be levied for general city purposes, upon all the taxable property of said city, at the same time and in the same manner as other taxes are levied and collected by law, which, with the other funds provided by law and placed at the disposal of said city for the same purpose, shall be equal to the amount of money required by said board for the support of said schools; provided, that the said common council may by the vote of two-thirds of all the members elect, levy a tax for a greater or less amount for such purpose. The said tax and the entire school fund of the city shall not be used or appropriated directly or indirectly for any other purposes than the payment of the salaries of the superintendent of schools and his legally authorized assistants, the secretary of the school board, the legally qualified teachers, whose appointments are confirmed by said board, and such other employes as the board

The board to report to common council amount of money required for fiscal year.

Duty of common council to levy a tax.

may deem necessary, and the necessary and current expenses of the schools, including the purchase of school supplies, apparatus, fuel, gas, electricity or electrical power and the ordinary and necessary repairs of school furniture. All moneys received by, or raised in such city for school purposes, shall be paid over to the city treasurer to be disbursed by him on the orders of the president and secretary of said board, countersigned by the city comptroller; provided, that the president instead of signing each order may certify upon the payrolls furnished by the secretary to the comptroller, to the fact that the amounts therein are correct as allowed by said board.

Fund for repair of school houses to be provided.

SECTION 17. The common council shall, in addition to the funds hereinbefore provided for the support and maintenance of the public schools, set aside from the general city fund a sufficient sum of money to be subject to the order of the board of school directors upon bills duly allowed, to defray the expense of urgent and necessary repairs of school buildings, including floors, interior wood work, plumbing, heating and ventilating apparatus, windows, plastering, roofs, fences and sidewalks, and such minor repairs as may be indispensable to the health and safety of the occupants of such school buildings.

Board to be governed by the school laws, and make a report.

SECTION 18. The board shall be governed in all things by the school laws of the state, except as they are altered or modified by this act. They shall report to the common council annually, the general proceedings and acts of said board, the number and condition of the public schools kept in said cities during the year, and the time they have severally been taught, the number and names of teachers; the number of children taught in said schools respectively, the result of the annual enumeration required by law; the extent of school accommodations in the several schools; the amount of school money raised or received during the year, distinguishing the amount re-

ceived from the state fund from the amounts derived from taxes levied by the county board of supervisors and by the common council respectively, and the accounts allowed by them against the school fund in detail, together with such other information as they may deem useful, or as the common council may require. A copy of said report shall be transmitted to the state superintendent of public instruction, and a like copy to the librarian of the state historical society at Madison.

SECTION 19. No member of the school board commission or board of school directors, superintendent, assistant superintendent, secretary of the board, other assistant, teacher of any common school or high school, or janitor or other employe of the board, shall be in any wise interested in any purchase or sale of any real or personal property by the city for the use or convenience of any of the schools, and no such contract made in violation of this provision, shall be valid, and any consideration paid by the city upon any such purchase or sale herein prohibited, may be recovered in an action at law in the name of the city aggrieved thereby, and any person so offending against the provisions of this act shall be removed from any position held by him under this act.

Members of school board commission, school directors and other officers shall not be interested in any purchase or sale of school property or supplies.

SECTION 20. The members of the school board of any city who may be in office at the time this act shall go into effect in such city, shall continue to act as such board until the date herein prescribed for the first meeting and organization of the board of school directors for such city to be appointed under this act, and their official term and authority shall then cease.

This act does not interfere with officers already in office.

SECTION 21. This act is not intended to affect the term of office of any person now serving in any capacity by virtue of an appointment heretofore made by the school board in any such city, but such officer shall continue to serve in the same capacity under the board of school directors hereby created for the term

This act does not affect term of present appointees.

for which he was so appointed; subject, nevertheless, to be removed from such office for the causes and in the manner mentioned in this act. Any vacancy for any cause occurring in any office, subject to the provisions of this act, shall be filled by appointment for the unexpired term.

his act is
mandatory of
certain city
charters.

SECTION 22. This act is amendatory of the charters of the various cities to which it applies or may hereafter become applicable, and any provisions of said charters inconsistent herewith are hereby modified, amended or repealed by this act to the extent necessary to give full force and effect to the intent hereof. All acts or parts of acts contravening 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 8, 1897.

No. 130, A.]

[Published April 9, 1897.

CHAPTER 187. ¹

AN ACT to prohibit pool selling and the receiving and transmitting of bets.

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

Pool selling,
and the receiv-
ing and trans-
mitting of bets
prohibited.

SECTION 1. It shall be unlawful for any person, company or corporation to engage in pool selling or book making, or to occupy any room, shed, tenement, tent or building, or any part thereof, or any place upon any public or private ground within this state, with books, apparatus or paraphernalia for the purpose of