

## AN ACT in relation to common schools in the city of Milwaukee.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. The several common schools which are now, or hereafter may be established within the corporate limits of the city of Milwaukee, shall be under the general control and supervision of a board of commissioners consisting of three persons from each ward of said city, to be appointed by the mayor and common council thereof.

SEC. 2. Within one week after the appointment of such board of commissioners, it shall be the duty of the individuals so appointed, to meet and organize, by the selection of president and secretary, and to divide themselves by lot into three equal classes, the terms of office of the first class to expire within one year from the date of appointment; those of the second class to expire in two years, and those of the third class to expire in three years from such date.

SEC. 3. It shall be the duty of the mayor and common council of the city of Milwaukee annually, to supply by appointment, the vacancies occasioned in the board of school commissioners by the expiration of the terms of office, and the persons so appointed shall hold their offices for three years, unless sooner removed for misconduct or other sufficient cause, by a vote of two-thirds of the appointing board.

SEC. 4. It shall likewise be the duty of the mayor and common council of the city of Milwaukee, to supply by appointment any vacancies which may occur from time to time in the board of school commissioners, by resignation or otherwise.

SEC. 5. The board of school commissioners are authorized and required,

1st. To establish and organize such and so many common schools within the corporate limits of the city of Milwaukee (including those now in operation) as they may deem requisite and expedient, and to alter or discontinue the same in their discretion;

2nd. To contract with and employ all teachers in the *common* schools, to remove any teacher for manifest incompetency, neglect of duty, or violation of contract and out of the moneys appropriated and provided for school purposes, to pay the teacher's wages, to purchase or hire school houses and to improve the same, as they may deem proper, to purchase or lease suitable sites of lots, and to erect thereon good school houses, and to enlarge, alter, or repair such school houses and their appurtenances as their judgment may dictate: *Provided*, That in no one year shall the sums expended for the various purposes exceed the amount raised and appropriated in that year, for the support and benefit of common schools.

3rd. To select and introduce into the several schools, uniform text books, to purchase, exchange or repair necessary school apparatus, to furnish fuel and to defray the contingent expenses of (of) the school.

4th. To fix the rate of tuition fees in said schools, which rate shall not exceed one dollar and fifty cents per quarter of eleven weeks, for each scholar, and to exempt, from the payment of such fees, or any portion of them, such persons as they may deem entitled to exemption by reason of their indigence, or for other sufficient cause.

5th. To defray the necessary contingent expenses of the board including the annual salary to the clerk which shall not exceed one hundred dollars: *Provided*, That the account of such expenses shall first be audited and allowed by the mayor and common council of the city.

6th. At the end of each term or quarter, to make out rate bills containing the name of each person liable to pay tuition fees and the amount for which such person is liable, and to deliver such rate bill with a warrant attached for its collection, drawn by the mayor, to a collector or constable, designated by the board, who shall execute the same in like manner and with like effect with other warrants for the collection of taxes, and who shall previously execute to the board of commissioners, in their corporate capacity, a bond with one or more sureties to be approved by said commissioners, or a majority of them, conditioned for the faithful performance of his duty.

7th. To sue and recover, in their corporate capacity, the amount of the penalty prescribed in said bond, for the faithful per-

formance of the duties of the collector, in case of any neglect or malfeasance on his part.

8th. To have in all respects, the superintendence and management of the common schools of the city; to adopt, and in their discretion, modify or repeal such by-laws, rules and regulations for their own government, and for the organization and management of the schools under their charge, and generally to adopt all such measures as shall be calculated to promote the good order, prosperity and public utility of the common schools: *Provided*, That such by-laws, rules and regulations shall not conflict with the laws of the United States and of the Territory of Wisconsin, or with the ordinances of the corporation of the city of Milwaukee, and *Provided further*, That such by-laws, rules and regulations, before going into effect, shall be submitted to, and approved by the corporate authorities of the city of Milwaukee.

9th. To visit the several schools, individually or as a board, as Ib. often as once a quarter, to hold stated meetings of the board once a month or oftener if by them deemed advisable, to require at the quarterly or semi-annual meetings of the board, the presence and reports of all the principal teachers; to make an annual report on the first day of April, to the mayor and common council of the city of Milwaukee, of the proceedings and acts of the board of commissioners, and of the number and condition of all the common schools kept in said city during the year, the time they have severally been taught, the number of children taught in said schools respectively, and the number between the ages of 5 and 16, residing in the city on the first day of January preceding; the amount of school moneys raised or received during the year distinguishing the amount raised by taxes, and the amount received from rate bills, the manner in which such moneys have been expended, and whether any portion remains unexpended, together with such other information as they may deem useful, or the common council may require at their hands; and annually to determine and certify to the said common council the sums in their opinion necessary or proper to be raised for the purchase, lease, improvement of the sites of school houses, the building, purchase, lease, or repair of school houses and their appurtenances; the purchase or improvement of school furniture, fixtures, books and apparatus, the payment of teacher's wages; the procurement of fuel and the

disposal of the contingent expenses of the several schools, distinguishing and specifying the sums required for each object.

**Title in whom vested.** SEC. 6. The title to the school houses, sites, lots, furniture, books, apparatus, appurtenances, and all other school property, shall be vested in the corporate authorities of the city, and while used or appropriated to school purposes such property shall not be liable to levy or sale under any warrant or execution nor to taxation, or assignment for any purpose.

**Duty of mayor &c.** SEC. 7. It shall be the duty of the mayor, and common council of the city of Milwaukee, to raise annually by tax on all the real and personal property of the city, such sums of money as the board of commissioners shall certify to be necessary for the support and maintenance of the common schools in said city during such year, and in their discretion, such further sums as said board of commissioners may certify to be required for the purchase, erection, alteration, repair or furniture of school houses: *Provided*, that the aggregate amount so received by tax for school purposes shall not exceed, in any one year, one fourth of one per cent. upon all the taxable property in the city.

**Money to be paid over to treasurer.** SEC. 8. All moneys raised by tax for school purposes and all moneys received for tuition fees, shall be paid over to the treasurer of the city of Milwaukee, to be disbursed by him on the order of the board of commissioners, duly certified by their chairman and clerk, and no moneys so raised or received for common schools, shall be used or appropriated for any other purpose whatever.

SEC. 9. It shall be the duty of the clerk of the board of school commissioners to keep a record of the proceedings of said board, and to perform such other duties as they may from time to time prescribe.

**Schools how entitled to money.** SEC. 10. No school which is now, or may hereafter be established within the limits of the city, shall be entitled to any share of the moneys raised or received for school purposes, unless there shall be an actual average daily attendance of thirty scholars, nor unless the English language be taught therein as a branch of education and such school conform in all respects to the rules and regulations which may be adopted by the board of commissioners for the government of the common schools of the city.

SEC. 11. The board of school commissioners shall, in their discretion declare any school already established, or which may hereafter be established by any portion of the citizens within the

corporate limits of the city, and in which not less than thirty children are taught, a common school: *Provided*, the teacher in said school should after examination by the commissioners be found qualified and shall keep his school according to the provisions of this act, and in conformity with the rules and regulations established by the board, and such school shall receive the same benefit from the funds raised for school purposes as any of the other schools authorized by this act.

SEC. 12. All laws or parts of laws, which are inconsistent with the provisions of this act are hereby repealed.

SEC. 13. The first appointment of commissioners under this act shall be made within ninety days after it shall have become a law.

SEC. 14. This act shall take effect immediately after its passage.

APPROVED February 3, 1846.

## AN ACT authorizing proceedings in chancery against corporations.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION 1. That hereafter proceedings by bill in courts of equity may be instituted and maintained by the Attorney General against any corporation; and such courts shall have power to restrain by injunction any corporation from assuming or exercising [any] franchise, liberty, or privilege, or transacting any business not allowed by the charter of such corporation. And if any corporation shall have directly or indirectly exercised any franchise or privilege, or done any act or thing not authorized by its charter, or shall have become insolvent, or shall have violated its charter, or any law of this Territory, by misuse or nonuser, it shall

Proceedings  
against corporations.