

deliver said bonds to said company, its successors or assigns, upon the completion of said railroad to the city of Fond du Lac. CHAPTER 295.

SECTION 13. This act is hereby declared to be a public act, for all purposes of notice of the contract of freight hereinbefore provided, to any company, its successors or assigns, person or persons, or body corporate, who may have, or may hereafter acquire, possess or enjoy the franchises of the Sheboygann & M. R. R. Co., or any part thereof, or who may build, or may thereafter own, occupy or enjoy the railway so built, or to be built, from Sheboygan to Fond du Lac or to Ripon as aforesaid, or any part thereof.

SECTION 14. This act shall take effect and be in force from and after its passage.

Approved April 13, 1861.

CHAPTER 295.

[Published April 30, 1861.]

AN ACT to amend and consolidate chapter 49 of the private laws of 1855, entitled "an act to incorporate the village of Madison into a separate school district," and all the acts amendatory thereof.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of the county of Dane, as is or may hereafter be included within the corporate limits of the city of Madison, is hereby declared to be a separate school district, the government of which shall be as hereinafter provided. City to constitute a separate school district.

SECTION 2. On the first day of December next, or within ten days thereof, and annually thereafter, the common council of the city of Madison shall elect two members of the board of education, whose term of office shall commence on the first day of January next ensuing, and continue for the term of three years, and until their successors are elected. Annual appointment of two members of the board of education.

SECTION 3. The persons elected in accordance with the preceding section, shall be notified thereof by the city clerk within three days after their election, and Notification—oath.

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within twenty days after their election, they shall take the oath prescribed by the constitution of this state, and file the same with the city clerk.

Election of officers.

SECTION 4. On the first day of January, or within ten days thereof, and annually thereafter, the board of education shall elect by ballot, from their own body, a president, treasurer and clerk, and at the same time, and every two years thereafter, the board shall elect by ballot a superintendent of schools, who shall be a resident of said school district, and shall hold his office for the term of two years. The president, treasurer and clerk, shall each hold his office for the term of one year, and until his successor is elected and qualified.

Term of office.

Vacancies—how filled.

SECTION 5. Whenever any vacancy shall occur in the board of education, the clerk shall notify the common council, who shall thereupon elect a person to fill such vacancy.

Powers of board.

SECTION 6. The board shall have power to remove from office the superintendent, clerk or treasurer, for official misconduct or negligence, by a vote of two-thirds of its members, excluding the vote of the party on trial; but no member shall be so removed without due notice, and a full and impartial hearing.

Board to be a body corporate.

SECTION 7. Said board shall be a body corporate, by the name of "the board of education of the city of Madison," in relation to all powers and duties conferred upon them by virtue of this act, as well also as those conferred by any law of the state relating to common schools. A majority of the same shall constitute a quorum. Said board shall at each annual meeting decide what compensation shall be allowed their superintendent, treasurer and clerk, for the ensuing year, and also decide the amount of the security it shall be the duty of the treasurer to give, prior to entering upon the duties of this office.

Compensation of officers, &c.

Clerk—his duties.

SECTION 8. The clerk shall keep a record of the proceedings of said board, and all the records and papers belonging thereto, which records, or a transcript thereof, certified by the president and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such record and all the books and accounts of said board shall be always subject to the proper inspection of any elector of said city; and the said books, records and accounts, shall be the property of said board and their successors in

office. Between the first and fifteenth days of July in each year, the clerk shall cause to be taken a census of all children residing in said district between the ages of four and twenty years, and report the same to the state superintendent of public instruction, as provided by section thirty of chapter twenty-three of the revised statutes, and he shall perform such other duties as the board may prescribe. He shall also have power and authority to administer oaths and affirmations. CHAPTER 295.

SECTION 9. At the time and in the manner provided by the city charter, the common council shall levy the amount of money required for the current and contingent expenses of the common schools of the city, not exceeding six thousand dollars in any one year. The common council may also levy a special tax, not exceeding four thousand dollars in any one year, for any or all the following purposes: 1st. To purchase, lease or improve sites for school houses; 2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their appurtenances; 3d. To pay any interest which may be due, or coming due on any of said purchases, alterations, building or repairs; whenever that sum or any portion thereof may be determined upon and certified to them by the said board of education, to be necessary for building purposes. And no such special tax shall be used or applied for any other purpose whatever. No city order of any kind shall be received in payment of school or school house tax, but the same shall be paid in money, or in the orders of the board of education, and shall be paid over by the city treasurer to the treasurer of said board, upon the order of the president and the clerk thereof. Expenses of schools.

SECTION 10. All moneys to be raised pursuant to the provisions of this act, and all school moneys, by law appropriated to or provided for said city, shall be paid to the treasurer of said board, who shall give his receipt therefor to the proper officer, and who, together with the sureties upon his bond as treasurer, shall be accountable therefor, in the same manner as the treasurer of said city is liable for moneys coming into his hands as treasurer; and the said treasurer shall also be liable to the same penalties for any official misconduct in relation to the said money, as is the treasurer of said city. Special tax.

Application.

School tax payable in money only.

All moneys to be paid to treasurer &c.

- CHAPTER 295.** **SECTION 11.** The said board of education may cause a suit or suits to be prosecuted in their own name upon the official bond of their treasurer, for any default, delinquency or official misconduct, in relation to the collection, safe keeping or payment of any money mentioned in this act.
- Treasurer may be prosecuted.**
- Power of board.** **SECTION 12.** The said board shall have the power, and it shall be their duty :
- Establish schools.** 1st. To establish and organize such and so many schools, in different parts of the city, as they shall deem requisite and expedient, and to allow and discontinue the same.
- Purchase sites, &c.** 2d. To purchase or hire school houses and rooms, and lots and sites for school houses, and to fence and improve them as they may deem proper.
- Build school houses, &c.** 3d. Upon such lots, and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school houses, out-houses and appurtenances, as they may deem advisable.
- Books, &c.** 4th. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools, and to defray their contingent expenses, and the expense of the library.
- Custody of school houses, &c.** 5th. To have the custody and safe keeping of the school houses, out-houses, books, furniture and appendages, and to see that the ordinances of the city in relation thereto are observed.
- Hire teachers &c.** 6th. To contract with all teachers for said district, from the number of those who shall have been licensed as herein provided, and at their pleasure to remove them.
- Pay teachers, &c.** 7th. To pay the wages of such teachers out of the school money which shall be provided for said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section eleven of this act, by tax upon the city.
- Expenses of board.** 8th. To defray the necessary contingent expenses of the board, including the salary of the clerk, treasurer and superintendent.
- General superintendence of schools, &c.** 9th. To have in all respects the superintendence, supervision and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for the organization, government, instruction and reception of pupils, and their transfer

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from one school to another, and, generally, for the promotion of their 'good order, propriety and public utility: *provided, however*, that they shall have no power to exclude the child of any resident of said city for any cause except immorality, or on the ground of health.

Proviso.

10th. To sell, whenever in the opinion of the board it may be advisable, any of the school houses, lots or sites, or any of the school property, now or hereafter belonging to the district.

Sell school houses, &c.

11th. 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 school houses, lots and sites and appurtenances, and all the property belonging to the district connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations, and annually, on or before the first day of July, to determine and certify to said common council, the sums in their opinion required or proper to be raised under the ninth section of this act. The school established or maintained under the provisions of this act, shall be free and without charge to all the children between the ages of six and twenty years, residing in the district, subject to such reasonable and proper classification as the board may order.

Report ordinances, &c.

School to be free.

SECTION 13. Said board of education shall have power to allow the children of persons not resident within the city, to attend any of the schools in said city, upon such terms as said board shall by resolution prescribe.

Non-resident children.

SECTION 14. The said board of education shall be trustees of the district library in said city, and all the provisions of law, which now are or hereafter may be passed, relating to district school libraries, shall apply to the said board in the same manner as if they were trustees of an ordinary school district. They shall also be vested with the discretion, as to the disposition of the money appropriated by any law of the state for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty, whenever they shall deem it advisable, to provide a library room and all the necessary furniture therefor, to appoint a librarian, to make all purchases of books for the said library, and from time to time to

District school library, &c.

- CHAPTER 295.** exchange, or cause to be repaired, the damaged books belonging thereto. They may also sell any books they may deem useless or of an improper character, and apply the proceeds to the purchase of other books.
- Annual report.** SECTION 15. It shall be the duty of the said board in the month of January of each year, to publish a full report of their doings for the preceding year.
- Subject to rules of state superintendent.** SECTION 16. The said board shall be subject to the rules and regulations which have been or may be made by the state superintendent of schools, so far as the same may be applicable to them, and not inconsistent with the provisions of this act.
- Teachers having no certificates.** SECTION 17. The said board shall have power to employ teachers without any certificate of qualification from the town or county superintendent.
- Common council to pass such ordinances, &c. as the board may report.** SECTION 18. The common council of the city of Madison shall have the power, and it shall be their duty, to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances, and all the property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city; and all such penalties shall be collected in the same manner in which the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education, in the same manner as other money raised pursuant to the provisions of this act.
- Collection of penalties.** SECTION 19. The title of the school houses, sites, lots, furniture, books, apparatus, appurtenances and all other property in this act mentioned, shall be vested in the said board, and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, not [nor] be subject to taxation for any purpose whatever. And the said board in its corporate capacity shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of the common schools of the said city.
- School houses, &c. not subject to taxation.** SECTION 20. Whenever any of the school property of said district shall be sold by said board, the pro-
- All moneys paid treasurer subject to orders of board.**

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ceeds shall be paid to their treasurer, and shall be subject to their order, to be expended by them for the use of said district; and all moneys to which the said district may be entitled, shall in like manner be paid over by the proper officer to the treasurer of the board on his presenting an order therefor, signed by the president and clerk of the board, and the same shall be disbursed by him to persons who may present similar orders from said board to him.

SECTION 21. It shall be the duty of the said board of education, and they shall have the power, to procure a site, and cause to be erected thereon a suitable edifice for a union school, and cause a statement of the probable cost of said site and building to be laid before the mayor and common council of said city, who shall have the power, and it shall be their duty, to levy a tax at the time and in the manner provided by the city charter, or to borrow a sum of money not exceeding ten thousand dollars, for the payment of any amount or amounts contracted to be paid by said board of education, for the erection of said high school edifice, and to execute bonds therefor under the common seal of said city, and the signatures of the mayor and clerk thereof. The loan of the sum hereby authorized shall be for a term of not less than ten years, and the interest thereon shall be paid annually; and the said common council are hereby authorized, and it shall be their duty, to raise by tax, in manner as specified in the ninth section of this act, the annual interest of the above mentioned loan, and to pay over the same in discharge of such interest, and also to raise, by [levy] and collect in the same manner, any sum or sums necessary to meet the conditions of said law, and to pay over the same in discharge thereof.

Union school.

SECTION 22. The provisions of the laws of this state relative to common schools, and which are not inconsistent with this act, shall apply to the district hereby established, but the town superintendent shall not have power to alter the limits of said district.

Application of laws.

SECTION 23. Whenever any money, orders or tax certificates shall be delivered to the city of Madison by the county of Dane, in payment of the taxes returned on the city delinquent list, it shall be the duty of the city treasurer to pay over that proportion of each of the money, orders or tax certificates so re-

Duty of city treasurer.

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ceived, which may be due the board of education, to the treasurer of said board.

Repeal.

SECTION 24. All acts or portions of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 25. This act shall take effect and be in force from and after its passage.

Approved April 13, 1861.

CHAPTER 296.

[Published April 29, 1861.]

AN ACT to consolidate and amend the act to incorporate the village of Waterloo, and the several acts amendatory thereof.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Territory of village of Waterloo

SECTION 1. All that section of country included in the south-west quarter of section five, in town eight, north of range thirteen east, in the town of Waterloo, county of Jefferson, and state of Wisconsin, and the south-east quarter of section six, in said town, and the north-east quarter of section seven, in said town, and the north-west quarter of section eight, in said town, shall hereafter be known and distinguished as the village of Waterloo, and by that name they and their successors forever hereafter may have perpetual succession, and shall be a person in law capable of contracting and being contracted with, and of suing and being sued in all courts and places.

Style.

Elective officers.

SECTION 2. The elective officers of said village shall be a president, who shall be *ex officio* a trustee, four trustees, one assessor, a clerk, a treasurer, a marshal, a superintendent of schools, and two justices of the peace.

Annual election.

SECTION 3. On the first Tuesday of April in each year, there shall be an annual election of the officers of said village, and the clerk shall give at least one week's notice of the time and place of holding the same, and the trustees, or any three of them, shall be inspectors of such elections. All officers shall be elected by ballot, as the law provides for the election of officers of towns.