

CHAPTER 153.

[Published March 25, 1873.]

AN ACT to provide for binding the British patent reports, and for other purposes.

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

Shall bind patent reports.

SECTION 1. That the state printers be, and they are hereby directed to bind, in half calf binding, with paper sides, the British patent reports received, and those which may hereafter be received, by the State Historical Society; said binding to be done under the direction of the library committee of the Historical Society, with the approval of the governor.

Transfer of books.

SECTION 2. That the state librarian be and he is hereby directed to transfer from the State Library to the State Historical Society, the partial set of Silliman's Journal of Science, in order that the Historical Society may complete and continue the same.

Approved March 13, 1873.

CHAPTER 154.

[Published March 21, 1873.]

AN ACT to amend an act to incorporate the city of Grand Rapids, approved March 6th, 1869, being chapter two hundred and forty-seven, private and local laws.

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

Amended.

SECTION 1. The act to which this is amendatory is hereby amended by inserting therein, between chapters eight and nine, the following chapter, to-wit :

CHAPTER IX.

EDUCATION.

Declared separate school district.

SECTION 1. So much of the county of Wood as is or may hereafter be included within the corporate limits of the city of Grand Rapids, is hereby declared to

be a separate school district, the government of which shall be as hereinafter provided.

SECTION 2. On the third Monday of March next, there shall be elected by the legal voters of said district, one commissioner of common schools from each ward in said city, who shall hold his office for one year and until his successor is elected and qualified. There shall also be elected on said day, and annually thereafter, by the legal voters of said district, one commissioner of common schools from each ward in said city, who shall hold his office two years and until his successor is elected and qualified. The meeting for the election of said commissioners shall be held at the school house, situate in the second ward. The hour of said meeting shall be seven o'clock in the afternoon of said day. The persons so elected shall, within ten days after their election, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk.

Election of school commissioners.

SECTION 3. At the first meeting of said commissioners after their election, to be held on the second Saturday of April in each year, they shall elect by ballot from their own number a president and treasurer, and at the same time they shall elect by ballot a superintendent of schools, who shall be ex-officio clerk of the board of education of said city. The president, treasurer and superintendent shall each hold his office for the term of one year and until his successor is elected and qualified.

Election of officers of the school board.

SECTION 4. The superintendent shall, within ten days after his election, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk.

Shall take oath.

SECTION 5. No person in the city of Grand Rapids that holds any office under the city government shall be eligible to the office of commissioner of common schools, and no commissioner shall have or receive any compensation for his services as such commissioner or as a member of the board of education.

Office holders ineligible.

SECTION 6. Said commissioners shall, at their annual meeting in each year, to be held on the second Saturday of April, fix the salary of the superintendent for the ensuing year, and also to fix the amount of the official bond of the treasurer, which said bond must be executed with two sureties and approved by the said commissioners, before he enters upon the duties of his office.

Shall fix salary of superintendent and amount of bond.

SECTION 7. Whenever any vacancy shall occur in

vacancy.

the board of education, the same shall be filled by said board.

Power of removal.

SECTION 8. The board of education shall have power to remove from office the superintendent or treasurer for official misconduct or negligence, by a vote of two-thirds of its members, exceeding [excluding] the vote of the party on trial; but no member shall be so removed without due notice, and a full and impartial hearing.

Shall constitute board of education.

SECTION 9. The said commissioners of common schools with said superintendent shall be a body corporate by the name of the "Board of Education of the city of Grand Rapids" 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.

Duties of clerk of the board.

SECTION 10. 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 said 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.

Shall take census.

All school moneys to be paid to treasurer of the board.

SECTION 11. 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 moneys as is the treasurer of said city.

SECTION 12. The board of education may cause a May prosecute suits. 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.

SECTION 13. The superintendent of schools shall Special duties of the superintendent. examine all teachers making application for schools (examinations to be public;) shall grant certificates to such persons so examined as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to the common schools. He shall also be specially charged with the care and custody of the several school houses of the city, and under the direction of the board shall superintend the building, enlarging, improving, furnishing and repairing of all the school houses ordered to be erected by them, and making of all repairs and improvements on and around the same. In addition to the foregoing duties, he shall visit the common schools of the city at least three times during each term, and report their condition to the board with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign him. The amount of his compensation shall be determined by the board of education, and the manner of its payment.

SECTION 14. It shall be the duty of the superintendent, between the first and fifteenth days of October in each year, to make and transmit to the clerk of the board of supervisors of the county, a report in writing, bearing date on the first day of October, in the year of its transmission, stating:

1st. The number of schools taught within the city, and the length of time they have been taught by qualified teachers. Number of schools.

2d. The total amount of public moneys received for the use and benefit of such schools. Amount of moneys.

3d. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years. Number of children.

4th. The manner in which the public moneys have been expended, and whether any and what part remains unexpended, and for what cause. Expenditure of moneys.

5th. The amount of money raised in the city, and paid for teachers' wages in addition to the public mon- Amount of money for specific purposes.

eys raised therefor; the amount of taxes raised for the purchase of school house sites, for building, hiring, purchasing, repairing and insuring school houses, for fuel, for district libraries, or for any purpose allowed by law in said city, since the date of the last preceding report, with such other information as the state superintendent may from time to time require.

Expenditures restricted.

SECTION 15. It shall be the duty of said board in all their expenditures and contracts, to have reference to the amount of moneys that shall be subject to their order during the then current year, for the particular expenditure in question, and not to exceed such amount.

Record to be kept, and to be evidence.

SECTION 16. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record or a transcript thereof, certified by the superintendent and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth, and such records and all the books and accounts of said board shall at all times be subject to the inspection of the city council and of any committee thereof.

School moneys to be raised by tax, and for what purposes.

SECTION 17. The city council of said city shall have the power, and it shall be their duty to raise from time to time by tax upon the real and personal estate of said city which shall be liable to taxation to the amount of school moneys now or hereinafter appropriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary or proper for any or all of the following purposes:

For sites.

1st. To purchase, lease or improve sites for school houses.

For buildings and repairs.

2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out-houses and appurtenances.

For apparatus, etc.

3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall be denied to the furnishing of class or text books for any scholar whose parents or guardian shall be able to furnish the same.

For-fuel, etc.

4th. To procure fuel and defray the contingent expenses of the district library of said city.

For teachers' wages.

5th. To pay the wages of teachers due after the application of the public moneys which may by law be appropriated and provided for that purpose: *provided, nevertheless*, that no tax shall be laid for such purposes oftener than once in each year.

Powers of the board.

SECTION 18. The said board shall have the power, and it shall be their duty:

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. Organize schools.

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. Provide school houses.

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. To build the same.

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. Purchase apparatus.

5th. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, and see that the ordinances of the city in relation thereto are observed. Custody of school property.

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. Contract with teachers.

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. Pay their wages

8th. To defray the necessary contingent expenses of the board, including the salary of the clerk, treasurer and superintendent. Defray contingent expenses.

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 from one school to another, and generally for the promotion of their good order, propriety and public utility. Have management and superintendence of schools.

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

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 To report ordinances, amount of money needed, etc., to the council.

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 schools established or maintained under the provisions of this act shall be free and without charge to all 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.

Schools to be free.

May receive non-residents.

SECTION 19. Said board of education shall have power to allow the children of persons not residing within the city to attend any of the schools in said city, upon such terms as said board shall by resolution prescribe.

Shall be trustees of library—their duties as such.

SECTION 20. 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 the 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 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.

Shall publish report.

SECTION 21. It shall be the duty of the said board, in the month of March of each year, to publish a full report of their doings for the preceding year.

Subject to rules and regulations

SECTION 22. The said board shall be subject to the rules and regulations which have been or may be made by the state superintendent of public schools, so far as the same may be applicable to them and not inconsistent with the provisions of this act.

Employment of teachers, and powers of the council, in relation to schools.

SECTION 23. The said board shall have power to employ teachers without any certificate of qualification from the town or county superintendent. The com-

mon council of the city of Grand Rapids 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.

SECTION 24. The title of the school houses, sites, lots, furniture, books, 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, 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.

Title to school property vested in the board.

SECTION 25. Whenever any of the school property of said district shall be sold by said board, the proceeds 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.

Disposition of proceeds of sales.

SECTION 26. Said board of education is hereby authorized and empowered to raise by tax a sum not to exceed ten thousand dollars for the purpose of erecting and equipping a suitable building for a high school for said city, and to be expended for that purpose in connection with a sum of money hereinafter named, proposed to be given to said city in trust. The said school board shall be empowered to receive in trust, in behalf of the city, from John Lovington and Thomas B. Scott, executors of Lyman Howe, deceased, late of east St.

Amount to be raised by tax for high school house.

May receive bequest.

Louis, of the state of Illinois, the sum of ten thousand dollars and such interest as may have accrued thereon, donated by said Howe to the city of Grand Rapids, and to apply the same to the purposes hereinbefore named, and to enjoy the benefit of said fund so long as a high school shall be maintained in said city, and no longer, and said high school shall be called the Howe High School.

General provisions to be applicable.

SECTION 27. 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 superintendent shall not have power to alter the limits of said district.

County delinquent tax to be paid over.

SECTION 28. Whenever any money, orders or tax certificates shall be delivered to the city of Grand Rapids by the county, 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 received which may be due the board of education, to the treasurer of said board.

Amended—city limits, and powers of the corporation defined.

SECTION 29. Section one of chapter one of the act to which this act is amendatory is hereby amended so as to read as follows: Section 1. That from and after the first Tuesday of April next, all that district of country included in sections four, eight, west half of the northwest quarter of section nine, and sections seventeen and eighteen in township number twenty-two and section thirty-four of township number twenty-three, all north, of range number six east of the fourth principal meridian, which lies east of the Wisconsin river, in the county of Wood, shall be known and designated as the city of Grand Rapids, and by that name shall be capable of contracting and being contracted with, and suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places and in all matters whatever; with power of purchasing, receiving, holding, occupying and conveying real estate and personal estate; and shall be competent to exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to a municipal corporation.

Amended.

SECTION 30. Section two of chapter one of said act is hereby amended by inserting after the words, "to-wit," in the third line of said section, the following: "That part of section thirty-four in township twenty-three and section four, and the west half of the northwest quarter of section nine, in township number

twenty-two, all in range number six east, lying east of the Wisconsin river, and.”

SECTION 31. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 32. This act shall take effect and be in force from and after its passage.

Approved March 13, 1873.

CHAPTER 155.

AN ACT to legalize the official acts of the trustees of the Baptist church in the village of Randolph, in the counties of Columbia and Dodge.

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

SECTION 1. The official acts and proceedings of R. ^{Official acts as} Hsley, R. H. Walker and Abial Stark, as trustees of ^{trustees legal-} the Baptist church of the village of Randolph, in the counties of Columbia and Dodge, in selling and conveying certain real estate belonging to said church, in the year 1868, without application to and obtaining leave from the court, are hereby fully legalized and confirmed, and the deeds executed by said persons during said year 1868, as trustees, are hereby declared to be valid and binding, notwithstanding the provisions of the statutes in reference to the sale of church property may not have been complied with.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1873.