

mitted to the legal voters of said county at an annual spring election, or at a special election to be called for the purpose of submitting the question of issuing such bonds to such electors; nor unless a majority of the votes cast upon the subject at such election shall be in favor of the issue of such bonds, and the votes cast upon the subject shall be by separate ballots, and shall have written or printed upon them the words, "for the road bonds," or "against the road bonds." If the majority of the ballots so cast are for the road bonds, then said bonds shall issue as in the first section of this act provided, but not otherwise. The ballots so cast shall be canvassed and returned in the same manner as the votes cast at a general election for county officers.

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

Approved February 24, 1875.

CHAPTER 52.

[*Published February 26, 1875.*]

AN ACT to amend chapter 151, of the local laws of 1873, entitled, "An act to incorporate the city of Neenah," approved March 13th, 1873, and the several acts amendatory thereto.

CHAPTER L

Amended. SECTION 1. Section two (2) and three (3) of chapter one (1) of said act, approved March 13th, 1873, is hereby amended so as to read as follows:

Corporate limits. SECTION 2. The territory lying in the county of Winnebago, and being all of the south half of sections twenty-three (23) and twenty-two (22), all of the southeast quarter and the east half of the southwest quarter of section twenty-one (21), all of sections twenty-six (26) and twenty-seven (27), all of the east half, and the east half of the northwest quarter, and the east half of the southwest quarter, of section twenty-eight (28), all in township twenty (20), range seventeen (17) east, shall comprise the territory and corporate limits of the city of Neenah.

Division of city. SECTION 3. The city shall be divided into four (4) wards as follows:

I. Ward.—The first ward of said city shall contain all that portion lying south of the center line of the south channel of Fox river, and east of the center line of Cedar street and La Grange avenue.

II. Ward.—The second ward of said city shall contain all that portion lying south of the center line of the south channel of Fox river and Little Lake Buttes des Mortes, and west of the center line of Cedar street and La Grange avenue, and east of the east line of L. B. Brien's addition and Cronkhite and Sherry's addition, and including Sherry's second addition to Sherrytown, and the east half of the east half of the southeast quarter of section 28, town 20, range 17 east.

III. Ward.—The third ward of said city shall contain all that portion lying north and east of the centre line of the south channel of Fox river and Little Lake Buttes des Mortes.

IV. Ward.—The fourth ward of said city shall contain all that lying south and west of the centre line of little lake Buttes des Morts, and west of the east line of L. B. Briens and Cronkhite and Sherry's and Sherry's 2d addition to Sherrytown, and all that portion lying west of the east half of the east half of the southeast quarter of section 28, town 20, range 17 east.

SECTION 4. Section one (1) of chapter two (2) of said act approved March 13th, 1873, is hereby amended so as to read as follows:

Amended.

ELECTIONS.

The municipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each ward. The other officers shall consist of city clerk, city treasurer, city attorney, city surveyor, chief of police, street commissioner, one assessor from each ward, one justice of the peace at large for the city, one superintendent of schools, the last two named to be ineligible to hold any other municipal office; also one justice of the peace for each ward, one chief engineer of the fire department, and such other officers and agents as may be provided for by this act, and such as the common council may from time to time appoint. The elective officers of said city shall be a mayor, treasurer, two aldermen from each ward, justice of the peace at large for the city, one justice of the peace for each

Elections.

Elective officers.

ward, one assessor from each ward, a county supervisor from each ward, and a superintendent of schools; all other officers necessary for the proper management of the affairs of said city shall, unless herein otherwise provided, be appointed by the mayor, by and with the consent of the common council. All elective officers except mayor, treasurer, assessor and county supervisors, shall, unless otherwise provided, hold their respective offices for two years and until their successors are elected and qualified. The mayor, treasurer, assessors and county supervisors, shall hold their respective offices for one year, and until their successors are elected and qualified: *Provided*, that at the first charter election held in said city after the creation of any new ward thereof there shall be elected in any such new ward that may have been so constructed or provided for, since the last charter election, one alderman from such ward for one year, and one alderman from such ward for two years; that the aldermen, justices of the peace, county supervisors, and assessors shall be residents and qualified voters in, and be elected by their respective wards, and the mayor, treasurer, city superintendent of schools and justices of the peace at large, shall be residents of and qualified voters in said city,

**Elections—
how conducted.**

SECTION 5. It shall be the duty of the common council of said city, and they are hereby required to provide by appointment, at their last meeting before such election, required to be held in such new ward created in said city, three inspectors and one clerk, residents and qualified electors in such new ward so created, to conduct such election, and the common council shall also designate within said ward the place where such election shall be held, notice of such appointment and the place of holding such election to be published in the official paper of said city, if there be such, at least four days before the time of holding such election; such inspectors and clerks shall proceed in all respects in like manner and have like powers in conducting such elections as is now conferred upon the alderman of said city.

Amended.

SECTION 6. Section three (3) of sub-chapter four (4) of chapter one hundred and fifty-one (151) of the laws of 1873, entitled "an act to incorporate the city of Neenah," is hereby amended by adding after "clause thirty-one (31)" of said section three as follows:

**Powers of
council.**

32nd. The common council shall have power to

open or discontinue any highways, streets, lanes, or alleys, and keep them free from incumbrance and protect them from injury, to alter or change the name of any street or alley within the city, to alter or change, or sub-divide the recorded plat of the city or any part thereof surveyed, platted or recorded in the office of the register of deeds of Winnebago county, such change to represent subdivisions made by deed subsequent to the date of the plat; to cause all out and in lots within said city, containing ten acres or less, that have not been platted and recorded by the authority of the common council, the adoption by the common council of a map embracing such changing and platting to be considered prima facie evidence of the grant of such authority, to approve or adopt by resolution all plats of private individuals made within the city, such approval or adoption to have reference only to the control of the common council, over the width and general direction of streets and alleys, and any person neglecting or refusing to present such plat for approval, shall forfeit and pay a sum not less than one hundred dollars, nor more than one thousand dollars, and the register of deeds who shall record such plat, without such resolution of adoption or approval duly certified by the clerk of the city, shall forfeit and pay a sum not less than fifty dollars nor more than one thousand dollars.

33rd. The common council shall have power to authorize or adopt any general survey of the city and to cause to be recorded in the office of the register of deeds, of Winnebago county, any map embracing such survey as the recorded map of said city.

General survey.

34th. The common council of said city shall have power to regulate boards of health, provide hospitals, to purchase or hold in whole or jointly with the town of Neenah, cemetery grounds within or without the corporate limits of said city, improve, fence and platt the same, dispose of burial lots therein at such price per lot as shall be established by said common council; to make conveyances therefor in the name of said city, such conveyances to be signed by the mayor and clerk of said city, to assume control jointly with the town of Neenah over cemetery grounds formerly belonging to said town of Neenah, of which said city formed a part thereof, and provide for the care of the same; to construct and keep in repair any sidewalk over any public highway leading from the corporate limits of said city to any such cemetery grounds.

Boards of health.

Cemetery grounds.

Amended.

Premises to
be taken.

SECTION 7. Section 5, of sub-chapter 5, of said chapter 151, is hereby amended so as to read as follows: Section 5. The said jurors shall thereupon choose a foreman of their number, and agree upon a time when they will proceed in a body to view the premises in question, of which time, place, and purpose of said "view," said foreman shall cause a notice to be given to each owner of the premises proposed to be taken, if known, and a resident of said city, or, if the owner or owners thereof shall be unknown, or non-resident of said city, and said premises shall be occupied or in the possession, or care of any one, then such notice may be given to the occupant, or person in possession thereof, or to such agent of such owner; or if such owner shall be a non-resident of said city, and have no known agents therein, and said premises shall not be occupied or in the possession of any one, then such notice may be given by depositing in the post office in a sealed envelope, postage-paid, and directed to such owner or owners at his or their last known place of residence, a written notice, signed by said foreman, of the time, place and purpose of said "view," (in which case the time therein stated shall be such as will give such owner a reasonable time to be present at the assembling of said jury at said premises), and at the time so agreed upon, or such other time as a majority of said jury shall adjourn to, (of which time notice as aforesaid shall be given), said jurors shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of said jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses. Section 3, of sub-chapter 4, of said chapter 151, is hereby amended by striking out of the last part of sub-division 1st of said section 3, the following words, "and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within the year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license," so that the proviso in said sub-division 1st as amended will read as follows: "provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of

Amended.

License.

the state;" and provided further, that nothing in this act shall interfere with licenses already granted by said city.

CHAPTER 12.

EDUCATION.

SECTION 1. All the territory lying and being incorporated, or which may hereafter be incorporated in the city of Neenah, shall constitute one School District, for the better regulation and management of the Public Schools of said city.

SECTION 2. The Public Schools of the city of Neenah, from and after the second Monday in July next, shall be under the general management, control and supervision of a Board of Education, consisting of one Commissioner from each ward, who shall be appointed by the Aldermen of such ward, subject to confirmation by the Common Council of said city, and a superintendent of schools, who shall be elected by the legal voters of said city, at the next municipal election, in the same manner as other elective officers of said city are elected.

SECTION 3. The Commissioners selected under the provisions of this act shall hold their offices for two years, unless sooner removed for misconduct or other sufficient cause by a two-thirds vote of all the members of the common council of said city, except as hereinafter provided.

SECTION 4. The superintendent of schools of said city shall not be eligible to any other office connected with said city, and shall be *ex-officio* President of the Board of Education of said city, and shall hold his office for two years, unless sooner removed for misconduct or other sufficient cause by a two-thirds vote of all the members of the common council of said city.

SECTION 5. The Commissioners and Superintendent selected under the provisions of this act, shall form the Board of Education of the city of Neenah, and a majority of said Board shall constitute a quorum for the transaction of business. It shall be the duty of the common council of said city to supply by appointment any vacancy which may occur in said Board, and in case a vacancy shall occur in the office of Superintendent, the common council shall supply such vacancy by appointment only until the next suc-

ceeding municipal election, and the said commissioners and superintendent, before entering upon the duties of their offices, and within ten days after their election, shall take the oath of office prescribed by the constitution, and file the same with the city clerk of said city.

Terms of office. SECTION 6. The terms of office of the board of education shall commence and expire on the first Monday in July, and the commissioners first selected, under the provisions of this act, from the first and third wards of said city, shall hold their office for one year only; but after such time they shall hold their office for two years, as provided in section three (3) of this chapter.

Clerk of board. SECTION 7. The board of education of the city of Neenah, at its first annual meeting in July, shall elect by ballot some suitable person, an elector and resident of said city, not of their own number, to act as clerk of said board, who shall hold his office for one year, unless sooner removed for misconduct, incompetency or other sufficient cause, by a two-thirds vote of all the members of said board. Said board shall also, at their first annual meeting, determine the salary of said clerk, which shall not be increased nor diminished during his term of office.

His duties. SECTION 8. The clerk of said board of education shall keep a full and correct record of the proceedings of said board, and all records and papers belonging thereto, which record, or a transcript thereof, certified to by the clerk and president of said board, shall be received in all courts as *prima facie* evidence of the fact therein set forth, and such records 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 of education and their successors in office.

Shall take census. SECTION 9. Between the first and tenth days of September in each year the said clerk shall take or cause to be taken a census of all the children residing in said city on the last day of August of such year, between the ages of four, and twenty years, and report the same to the state superintendent of public instruction as provided in section thirty (30) of chapter twenty-three (23) of the Revised Statutes, and he shall perform such other duties as the board may prescribe, and shall have power to administer oaths and affirmations.

SECTION 10. The president of board of education shall preside at all meetings of the board when present, and in his absence one of their number shall be selected as president pro tem. He shall preserve order and decorum and decide all questions of order, subject to an appeal to the board; he shall sign all orders drawn by the clerk for the payment of teachers' and janitors' wages, and all other incidental expenses which may have been allowed by said board, (not including the salary of superintendent, or for their own services), and in all suits brought by or against the school district he shall appear in behalf of said district unless otherwise provided by the board of education. He shall declare the result of all questions coming before the board and upon all questions requiring the appropriation of moneys or adoption of text books; the ayes and noes shall be necessary to determine, and in case of a tie, said president shall have the casting vote. Any member of said board may require the ayes and noes upon any question submitted to them.

Duties of president of board.

SECTION 11. The board of education shall have at least one regular meeting in each month, at such time and place as shall be designated by them, and they may hold special meetings at such other times as they may deem necessary, or when called together by the president of said board; but no such special meeting shall be legal unless each member of said board shall have first been served with notice in writing of the time and place of such meeting.

Board shall meet once in each month.

Written notices to be served.

SECTION 12. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year by the mayor and common council of said city.

Salary.

SECTION 13. The duties of the board of education shall be as follows:

Duties of board.

1st. To decide upon the number of teachers to be employed, the grade of schools to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with teachers, and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the president of said board of education or by some member thereof, designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk

To hire teachers.

of the board of education and the other copy delivered to the said teacher.

Vacations. 2nd. To arrange and determine terms and vacations in all public schools in said city, to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt and reject text-books at will.

Text books.
To establish rules. 3d. To establish rules and regulations for the public schools of said city, not in conflict with the constitution and laws of this state; but the mayor and common council of said city may, in their discretion, do away with, amend, or abrogate any such rule or regulation by a majority vote of all the members of the common council of said city.

To make contracts. 4th. To make contracts for fuel, stationery and articles of furniture, required for the use of the schools, to make all necessary repairs in school-houses, to provide for building and lighting fires, sweeping and care of school-rooms, and all such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school funds of said city, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board.

Shall submit statement. 5th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and common council of said city, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the said board, and for that purpose they shall cause a record to be made in a book or books, provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall at the same time submit for the consideration of the common council, a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items, separately and specifically; nothing in this section contained, however, shall prevent the mayor and common council from taking into consideration in the levy of school taxes, the amount to be received from

the state, from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

SECTION 14. Whenever repairs to a larger amount than one hundred dollars shall in the opinion of the board of education be required for any one school house, they shall cause a statement to be made showing the repairs required and an estimate of the costs thereof, which statement and estimate shall be laid before the mayor and common council of said city at their next meeting, and whenever in their opinion another school house shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings together with the estimates of the cost of the same, to be made by some persons of competent ability and experience, and shall submit the same for the consideration of the mayor and common council of said city, who shall forthwith proceed to provide by tax or otherwise for the amount necessary to defray the cost of such repairs, or the erection of such building or buildings and the purchase of such site or sites, unless there shall be a two-thirds majority of all the members of the common council of said city against such appropriations and improvement, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or buildings be erected. But if a two-thirds majority of said council be not opposed to such improvements and appropriations, it shall be the duty of said board of education, to enter into contracts for making such repairs as [or] for the erection of such buildings as [or] for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and common council of said city.

Repairs.

When additional school-house shall be required.

SECTION 15. It shall be the duty of the president and clerk of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages, and all other appropriations and expenditures authorized by this act.

Duty of president.

SECTION 16. No member of the board of education shall have any interest, directly or indirectly, in any contract made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

No member shall be interested in contract.

SECTION 17. The duties of the city superintendent shall be as follows:

Duties of city superintendent

- To examine teachers.** 1st. To examine all applicants for a license to teach in the public schools of said city, and if approved to grant certificates therefor.
- May annul certificates.** 2d. To annul teachers' certificates whenever he may think proper, provided that such teacher shall have the right to appeal to the board of education.
- To visit schools.** 3d. To visit each school or school department in said city at least once during each month.
- To report text books.** 4th. To report, for the consideration of the board of education, such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time as he may think most beneficial for the schools of said city.
- To report condition of schools.** 5th. To report to the board of education, at such regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall, in his judgment, conduce to their welfare, and perform such other duties as may be required of him by the said board of education.
- Shall report number of children.** 6th. He shall, between the first and tenth days of September in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, enumerated by words, residing in the city on the last day of August previous to the day of such report, and shall on or before the tenth day of October in each year make and transmit to the state superintendent a report containing the facts set forth in section forty-three of the general school laws, a copy of which report he shall present to the board of education at their first meeting thereafter.
- Shall attend meetings of board.** 7th. He shall attend all the meetings of the board of education, and make such suggestions as he may think advisable, relative to the government of the schools in said city.
- Property to be vested in board.** SECTION 18. The real and personal property of school districts number one and number two, of the city of Neenah and any portion of any joint school district lying and being within the corporate limits of said city, shall be and hereby is vested in the board of education of said city of Neenah, and the district clerk of any and all such school districts, shall on or before the third Monday of July next, turn over all books, papers or other property belonging to his district, to the city board of education, of the said city

of Neenah, and the president of the said board of education shall receipt to any and every such district clerk for all property so received by said board; and the school district treasurers of all such districts shall in like manner turn over to the city treasurer of said city of Neenah, all the moneys, books and vouchers in his hands belonging to said district, and the said city treasurer shall in like manner receipt to said treasurers and each of them for all such money, books or papers so received by him, and the school board of said districts or joint districts, lying and being within the corporate limits of said city of Neenah aforesaid, shall on or before the third Monday in July next, execute and convey all the real property of their districts lying within said city, to the said board of education.

SECTION 19. Nothing in this act shall prevent the present board of said school districts from receiving and disbursing the county school moneys belonging to said districts, before the expiration of their term of office under this act.

May receive
and disburse
money.

SECTION 20. All moneys received or collected for school purposes in said city, shall be disbursed by the city treasurer of said city, only upon orders duly signed by the president and clerk of the board of education of said city, and the said city treasurer and his sureties shall be held accountable to said board of education, for all moneys which may come into his hands belonging to the school fund of said city, in the same manner as he is liable for moneys coming into his hands as city treasurer.

How money
shall be dis-
bursed.

SECTION 21. Said board of education shall have power to allow 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.

Children not
resident may
attend schools.

SECTION 22. 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 neces-

Board to be
trustees of li-
brary.

Duties as
such.

sary furniture therefore, to appoint a librarian, to make all purchases of books for 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 23. It shall be the duty of the said board, in the month of July of each year, to publish in the official paper of said city, if there be such, a full report of their doings for the preceding year.

Shall be subject to rules of state superintendent.

SECTION 24. The said board shall be subject to the rules and regulations which have been or may be made by the state superintendent of public instruction, so far as the same may be applicable to them and not inconsistent with the provisions of this act.

Exempt from jurisdiction.

SECTION 25. The territory embraced within the city limits is hereby declared to be and is independent of the jurisdiction of the county superintendent of schools of Winnebago county, and exempt from all taxation for his support and salary.

Repealed.

SECTION 26. All acts or parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 27. This act shall take effect and be force from and after its passage and publication.

Approved February 24, 1875.

CHAPTER 53.

[Published March 1, 1875.]

AN ACT to re-enact section nine (9) of chapter one hundred and twenty-three (123) of the Revised Statutes, entitled, "Of the place of trial in civil actions," and to amend said section nine (9), and to prevent abuses in changing of venue.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

Re-enacted.

SECTION 1. Section nine (9,) of chapter one hundred and twenty-three (123,) of the Revised Statutes, entitled, "Of the place of trial," is hereby re-enacted and is amended to be and read as follows: "When the place of trial is changed as provided in this chapter, (to-wit: said chapter one hundred and twenty-three (123,) of the Revised Statutes) it shall be changed to some county where the causes complained of do not

Of change of venue.