

## Chap 293

An Act to exempt school property from taxation.

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

**Act amended.** SECTION 1. The fourth subdivision of section four of chapter fifteen of the revised statutes is hereby so amended as to read as follows:

The personal property of all literary, benevolent, charitable, and scientific institutions within this state, and such real estate belonging to such institution as shall be actually occupied by them for the purposes for which they have been or shall be organized.

J. McM. SHAFER,  
*Speaker of the Assembly.*

E. B. DEAN, JR.  
*President pro tem. of the Senate.*

Approved, April 14, 1852

LEONARD J. FARWELL.

[Published May 12, 1852.]

## Chap 294

An Act in relation to Public Schools in the City of Racine.

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

**Districts consolidated.** SECTION 1. The school districts and parts of districts within the corporate limits of the city of Racine, are hereby consolidated, and shall hereafter constitute one district for the better regulation and management of the public schools in said city.

**Commissioners to be appointed.** SEC. 2. There shall be appointed by the mayor and common council of the city of Racine, on the first Monday in May, 1852, from each ward in said city, two commissioners of common schools for the said city, who shall be residents of the ward for which they are appointed. The persons so appointed shall, within ten days after their appointment, take the oath of office prescribed by the constitution of this state, and file the same with the city clerk.

**How classified.** SEC. 3. Within ten days after their appointment as in the last section mentioned, said commissioners shall meet at the room of the common council in said city, and cause the said commissioners so chosen, to be divided into two classes, to be denominated "first" and "second" classes. The term of office of the first class shall expire at the end of one year from the first Tuesday in April, 1852; of the second class at the end of two years thereafter.

**Annual election.** SEC. 4. There shall in like manner, in each year thereafter, at the annual charter election in said city, be elected

one commissioner of schools in each ward of said city, to supply the places of those whose term of office is about to expire; they shall hold their offices for two years, and until their successors are elected and have taken the oath of office. There shall also be elected annually, as now provided by law, a superintendent of schools for said city, whose term of office, as also that of the commissioners, shall commence on the first Monday after their election.

Commissioners to be elected.

SEC. 5. The city council of said city may make appointments of commissioners of common schools to fill vacancies which may occur from any cause other than the expiration of the term of office of those elected. The commissioners so appointed shall hold their office for the unexpired term of those, to supply whose places they were appointed.

May fill vacancies.

SEC. 6. Any commissioner of common schools in said city may be removed from office for official misconduct, by the city council thereof, by a vote of two-thirds of the members thereof; but said commissioner shall be granted a full and fair hearing before removal.

How removed.

SEC. 7. The commissioners of common schools in said city, and the superintendent thereof, shall constitute a board, to be styled the "Board of Education of the City of Racine," which shall be a corporate body in relation to all the powers and duties conferred on them by virtue of this act; a majority of the board shall form a quorum. At their first meeting after an election they shall elect one of their number president; and whenever he shall be absent a president *pro tem.* may be appointed, but such president shall have only a casting vote. They shall also appoint a clerk from their own body, and fix his compensation, and he shall hold his office during the pleasure of the board. The said commissioners shall receive no compensation for their services.

Board of education.

SEC. 8. 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 president 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 the said board, shall at all times be subject to the inspection of the city council, and of any committee thereof.

Clerk to keep records.

SEC. 9. The city council of the 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 in said city which shall be liable to taxation for the ordinary city taxes, or

For what purpose tax may be levied.

for city or county charges, in addition to the amount of school moneys now or hereafter 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 :

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

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

3. To purchase, exchange, improve, and repair school apparatus, books, furniture, and appendages ; but the power herein granted shall not be deemed to the furnishing of class or text books for any scholar whose parent or guardian shall be able to furnish the same.

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

5. 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 purpose oftener than once in each year : *And provided also,* That the amount to be raised for teachers' wages, and for contingent expenses in any one year shall in no case exceed twice the amount of public moneys received during the previous year, nor less than one-half the amount received by said city for school purposes, from the income of the school fund ; and that the amount to be raised in any one year for buying sites and erecting and repairing school houses and the appurtenances, shall not exceed one thousand dollars, save as excepted in the twenty seventh section of this act.

**Proviso.**

**SEC. 10.** The city council shall cause the tax or taxes herein provided for, to be levied and collected annually on all such real and personal property or capital of any kind within said city, as is subject to taxation by the laws for levying taxes for the state, for the time being ; said taxes to be levied and collected in the same manner as annual taxes are levied and collected in said city.

**How tax levied.**

**SEC. 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 city, who, together with the sureties upon his official bond, shall be accountable therefor in the same manner as for other moneys of the said city. The said

**Moneys to be paid to treasurer**

treasurer shall also be liable to the same penalties for any official misconduct in relation to the said moneys as for any similar misconduct in relation to other moneys of the city.

SEC. 12. After the passage of this act the treasurer of said city shall not pay out any moneys in his hands received by the said city, either as school moneys or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him and signed by the president and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board.

How moneys to be paid out.

SEC. 13. The said board may cause a suit or suits to be prosecuted in the name of the city of Racine upon the official bond of the treasurer or of any collector for said city, for any default, delinquency, or official misconduct in relation to the collection, safe keeping, or payment of any moneys in this act mentioned.

May bring suits

SEC. 14. The said board shall have power and it shall be their duty,

Powers of board.

1. To establish and organize such and so many schools in the several wards of said city, (including the common schools now existing therein,) as they shall deem requisite and expedient, and to alter and discontinue the same.

Schools.

2. To purchase or hire school houses and rooms, and lots or sites for school houses, and to fence and improve them as they deem proper.

School houses

3. 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.

4. To purchase, exchange, improve, and repair school apparatus, books for indigent pupils, furniture, and appendages, and to provide fuel for the schools and defray their contingent expenses and the expenses of the district library.

Apparatus.

5. 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 council in relation thereto, are observed.

Custody of property.

6. To contract with and employ all teachers in the common schools and the high school, who shall have been licensed by the superintendent, and at their pleasure to remove them.

Teachers.

7. To pay the wages of such teachers out of the school moneys which shall be appropriated and provided in said city, so far as the same shall be sufficient, and the residue

Payment of teachers.

thereof from the money authorized to be raised for that purpose by section nine of this act, by tax upon the city.

**Expenses** .8. To defray the necessary contingent expenses of the board, including the salary of the clerk: *Provided*, That the account of such expenses shall first be audited and allowed by the city council.

**Superintendence of schools.** 9. 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, by and with the advice and concurrence of the superintendent, as they may deem expedient, rules and regulations for their organization, government, and instruction, for the reception of pupils, and their transfer from one school to another, and generally, for the promotion of their good order, prosperity, and public utility.

**To make reports** 10. Whenever in the opinion of the board it may be advisable to sell any of the school houses, lots, or sites, or any of the school property now or hereafter belonging to the city, to report the same to the city council.

11. To prepare and report to the city 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 city, connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually to determine and certify to said city council the sums in their opinion necessary or proper to be raised, under the ninth section of this act, specifying the sums required for each of the purposes therein mentioned, and the reasons therefor.

**To pay portion of money to adjoining district.** 12. To provide for the payment to any adjoining school district the proper amount to which it may be entitled on account of such district, in whole or in part, having been connected with territory now included in said city.

**Non resident children.** SEC. 15. The said board of education shall have power to allow the children of persons not resident within the city, to attend any of the schools of said city under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition that shall be paid therefor.

**Amount of expenditures.** SEC. 16. It shall be the duty of the 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.

SEC. 17. The said board of education shall be trustee

of the district library in said city, and all the provisions of <sup>Library.</sup> law which now are or may hereafter 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 moneys 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 to provide a library room, and the necessary furniture therefor, and 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.

Sec. 18. It shall be the duty of the said board, at least <sup>To make state-</sup> fifteen days before the annual election for commissioners, <sup>ment.</sup> in each year, to prepare and report to the city council a true and correct statement of the receipts and disbursements of moneys under and in pursuance of the provisions of this <sup>Statement what</sup> act, during the preceding year; in which account shall be <sup>to contain.</sup> stated under appropriate heads,

1. The moneys received by the city council under the ninth section of this act.

2. The school moneys received by the treasurer of the city from the county treasurer.

3. The moneys received by direct tax.

4. All other moneys received by the treasurer, subject to the order of the board, specifying the sources.

5. The manner in which sums of money shall have been expended, specifying the amount paid under each head of expenditure.

And the city council shall, ten days before such election, <sup>To be published.</sup> cause the same to be published in at least two of the newspapers published in said city.

Sec. 19. The said board shall be subject, from time to time, to the rules and regulations made by the state super- <sup>Subject to regu-</sup> intendent of common schools, so far as the same may be <sup>lations of state</sup> applicable to them, and not inconsistent with the provi- <sup>superintendent.</sup> sions of this act.

Sec. 20. The city superintendent shall be the executive <sup>City superinten-</sup> officer of the board of education; shall examine all teach- <sup>dent.</sup> ers making applications for schools, (examinations to be public and in the presence of the board;) 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 the 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 twice 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 of such schools as the board may assign to him. The amount of his compensation shall be determined by the city council, and the manner of its payment.

**To make report.** Sec. 21. It shall be the duty of the city 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,

**Report what to contain.**

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

2. The whole amount of public moneys received for the use and benefit of such schools.

3. 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.

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

5. The amount of money raised in the city and paid for teachers' wages in addition to the public money paid 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 the said city, since the date of the last preceding report, with such other information as the state superintendent may from time to time require.

**Powers of city council.**

SEC. 22. The city council of the said city 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 necessary 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 that 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 moneys raised pursuant to the provisions of this act.

SEC. 23. Whenever the said board shall report to the city council that it is advisable to sell any of the school houses, lots, or sites, or any of the school property now or hereafter belonging to the city, it shall be the duty of the city council to sell the same without unreasonable delay, and upon such terms as the said city council may deem advisable. The proceeds of all such sales shall be paid to the city treasurer, and shall be subject to the order of the said board, to be expended by them in the purchase, leasing, repairs, or improvements of other school houses, lots, school furniture, apparatus, or appurtenances.

SEC. 24. The title of the school houses, sites, lots, furniture, books, apparatus, and appurtenances, and all other property in this act mentioned, shall be vested in the city of Racine; 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 city 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, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any other designation, or to any person or persons, or body, for the use of said schools.

SEC. 25. All moneys required to be raised by virtue of this act, on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of the said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board by drafts drawn by the president and countersigned by the clerk of said board, payable to the order of the person or persons entitled to receive such moneys; and said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may by law be authorized to receive.

To sell school houses.

Title of school property vested in city of Racine

Disposition of school funds.



**SEC. 26.** It shall be the duty of the said board of education to ascertain and report to the city council of said city the amount of any and all indebtedness of each of the present school districts within said city, and to whom due, and when and how payable; and the said city council shall have the power, and it shall be their duty, in each year that any such indebtedness shall become due, or any portion thereof, to cause the amount so becoming due from any of said districts to be assessed upon and collected from the taxable property within the said city, in the same manner as the taxes for contingent expenses are assessed and collected, for the use of said board of education in the payment of such indebtedness.

**SEC. 27.** It shall be the duty of the said board of education, and they shall have the power to procure a site in a central part of the city of Racine, and cause to be erected thereon a suitable and proper edifice for a union or high school, at as early a day as practicable, and cause a statement of the cost of said site and building to be laid before said city council of said city, who shall have the power, and it shall be their duty to borrow a sum of money, not exceeding six thousand dollars, for the payment of any amount or amounts contracted to be paid by said board of education for the erection of said union or 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 exceeding ten years, and shall be paid in manner stipulated by said city council, and the interest thereon shall be paid annually; and the said city 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, levy, and collect in the same manner any sum or sums necessary to meet the conditions of said loan, and to pay over the same in discharge thereof.

**SEC. 28.** It shall be the duty of the clerk of the city, immediately after the election of any person as a commissioner of common schools, or as city superintendent, personally to notify him of his election; and if any such person shall not within ten days after receiving such personal notice of his election, take and subscribe the constitutional oath, and file the same with the clerk of the said city, the city council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal.

**SEC. 29.** The present school officers of the several di s

tricts referred to in the first section of this act, shall continue in office until the unfinished business of said districts shall have been closed up and settled, with all the powers and duties now by law imposed upon them, for the purpose of closing up such unfinished business, which shall be done with as little delay as possible.

Term of present officers.

SEC. 30. This act shall take effect immediately.

J. McM. SHAFTER.

*Speaker of the Assembly.*

E. B. DEAN, JR.

*President pro tem. of the Senate.*

Approved April 14, 1852.

LEONARD J. FARWELL.

[*Published, June 3, 1852.*]

An Act to incorporate a Fire Department in the Village of Janesville

Chap 295

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

SECTION 1. That the following named persons, William L. Mitchell, William Kempe, A. G. Allen, Henry O. Clark, H. Miltmore, William Shelton, H. Jackman, J. N. Kaiser, S. W. Smith, Isaac Houland, Samuel Doolittle, Nathaniel Parker, J. W. Hobson, C. P. Sears, and their successors shall be and hereby are ordained, constituted, and declared to be and continue a body politic and corporate in fact and in name, under the name and style of the "Fire Department of the Village of Janesville;" by which name they and their successors may and shall have perpetual succession, and shall be known in law, capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended, in all suits, complaints, matters, causes, courts, and places whatsoever, both in law and equity; and capable of having a common seal, of acquiring by purchase, gift, devise, or otherwise, and of holding and conveying any real, personal, or mixed estate, necessary, proper, or expedient for the object of this incorporation: *Provided*, That the amount of said estate shall at no time exceed the sum of fifty thousand dollars.

Created a body corporate.

Proviso.

SEC. 2. The officers of said department by this act incorporated, shall be a president, vice president, secretary, and treasurer; and said officers shall, together with the chairman, of the town board of supervisors and the delegates to be elected or appointed pursuant to the constitution and by-laws of said department, constitute a board of trustees, a majority of whom shall be a quorum for the

Officers.