

CHAPTER 323.

[Published March 23, 1875.]

AN ACT to authorize the establishment and aid in the maintenance of free high schools.

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

SECTION 1. Any town, incorporated village or city in this state, may establish and maintain not exceeding two free high schools whenever a majority of the legal voters voting upon that question at any regular annual meeting thereof, or at any special meeting legally called and held for that purpose, shall determine so to do. The vote upon the question of establishing such high school or schools, shall be taken Establishment of free high schools. viva voce, or by ballot, as may be determined by the proper authorities for calling and conducting such annual meeting; and the manner of taking such vote shall be specified in the notices for such meeting whereat such vote is to be taken; *provided*, that Vote to be taken—notice of same to be given. whenever it is determined by the proper authorities to take such vote viva voce, the notice thereof shall specify the hour of the day at which such vote shall be taken. *And provided further*, that the electors of any town, or incorporated city or village, may, at the time appointed to take such vote viva voce, order and determine that such vote shall be taken by ballot, and when such order shall be thus made, the vote shall be by ballot. The vote upon the question of establishing high schools in towns, incorporated villages and cities shall be canvassed and determined in the same manner as now provided by law for canvassing and determining votes upon other questions relating to such municipalities and special meetings for consideration of this matter shall be called and held in the same manner as now provided by law for calling and holding special meetings for other purposes. Provido. How vote to be taken.

SECTION 2. Two or more adjoining towns may unite in establishing and maintaining a free high school; and the vote to thus unite shall be taken in each town separately, as hereinbefore provided. So long as any town shall decline to avail itself of the provisions of this act, any school district, or two or more adjoining districts, whether located wholly in one or in different Joint free high schools—how same may be established.

towns, may establish and maintain a free high school, and the vote upon the establishment of such high school shall be taken in each district separately, at an annual or special meeting thereof, called and held in the manner now provided by law for calling and holding annual or special school district meetings. *provided*, that no more than two such free high schools shall be established in any town. *And provided further*, that whenever any school district or districts included in towns uniting to establish and maintain a free high school, shall, by itself, or themselves, establish and maintain a free high school in any town where no such school exists, such district shall be exempt from liability to taxation for the support of the high school maintained by the several towns in which such school district or districts may be included.

Proviso.

High schools may be maintained by donations and bequests.

Authority of towns, cities, villages, school districts, and counties in establishing and maintaining high schools.

SECTION 3. Towns, cities and villages shall receive in trust, and faithfully expend, donations and bequests made to aid in the maintenance of free high schools, and shall receive state aid in such cases, to the same extent and on the same conditions as if such schools had been established and maintained by taxation. Towns, cities and villages, school districts and counties, in case all the towns of any county unite in the establishment of one high school, shall have power to levy and collect taxes for the establishment and maintenance of free high schools in the same manner as they are now by law authorized to levy and collect taxes for other purposes; to determine the length of time such free high school shall be maintained during the year, and the amount that shall be expended in their establishment, equipment and management; to authorize the high school board hereinafter provided for, to locate the free high school permanently, or to provide that the terms of said high school be held alternately in such school districts embraced in the territory uniting in its support as it may designate; to authorize the said high school board to secure by purchase, lease, or otherwise, the necessary buildings, furniture, apparatus and text-books, for the use of such schools; to hire and contract with properly qualified teachers; to apportion equitably, the aggregate amount of taxes voted to be raised for the support of such high school, and for that purpose to equalize the assessment of real and personal property made by the different town assessors, and determine the amount to be

raised by each town, village, or school district uniting in the support of a free high school, and certify the same to the town or village clerk whose duty it is to assess the tax upon the taxable property therein.

SECTION 4. Whenever any town or towns, village, or village and town, or school district or districts shall determine to establish and maintain a free high school under the provisions of this act, the immediate supervision and management of such free high school shall be vested in a board known as the high school board, which shall be composed of three members chosen by a convention of the district officers of all the school districts composing the high school district, said convention and election to be held at such time and place as may be agreed upon by a majority of the said school officers, a notice of which meeting, signed by said majority, or by some person authorized by them so to do, shall be given to the clerk of each school district interested, whose duty it shall be to notify the other members of the board of which he is a member; *provided*, that when a single school district shall establish a high school in accordance with the provisions of this act, the district board of said district shall constitute the high school board. The term of office of the members of the high school board shall be three years, except that at the first election of members of such board, they shall be elected respectively for one, two and three years. Vacancies occurring in the board shall be filled in the same manner as now provided by law for filling vacancies in school district boards; *provided*, that when two or more towns unite to form a high school district, the county superintendent of the county in which the high school is located shall fill any vacancy that may have existed for more than ten days.

High school board—how chosen.

Proviso.

Terms of office.

Vacancies.

SECTION 5. Whenever any incorporated city in which the management of its schools is committed to a board of education, shall determine to establish and maintain a free high school, under the provisions of this act, the immediate supervision and management of such high school shall be vested in such board of education, and such board shall have the same power and authority in relation to such high school as is vested in high school boards, created by this act in other places.

In incorporated cities management of free high schools to be vested in boards of education.

SECTION 6. The high school board shall choose from their own number a president and secretary, but when all the members of the board shall be agreed

Officers of high school board.

thereto, the secretary chosen may be a person not a member of said board. When the high school district shall comprise more than a single school district, the treasurer of the high school board shall not be a member thereof, but the treasurer of the town wherein the high school is located shall be ex-officio the treasurer of the high school board.

Powers and authority of high school boards.

SECTION 7. The high school boards created by this act are hereby invested with the same power and authority, in connection with the high schools herein authorized to be established, as are now possessed by district boards in connection with the public schools of the state, and the duties of such high school boards and the officers thereof, shall be the same as are now imposed by law upon said school district boards and the officers thereof, so far as the same are applicable, and they shall be subject to the same provisions of law for neglect or malfeasance, with such restrictions and additions as are provided for in this act.

Board to determine amount to be raised by tax for support of high school.

SECTION 8. It shall be the duty of the high school boards, herein provided for, annually on or before the second Monday in July, in all cases where two or more towns, or two or more school districts constitute the territory uniting in the support of a free high school, or where a single town or school district empowers them so to do, or were no other provision is made for that purpose, to hold a meeting and determine upon the amount necessary to be raised by tax for the support of such high school for the year; and if such school is maintained by portions of more than one town, to determine what proportion of such amount shall be raised in that part of such high school district situated in each town; and when such determination is made, the clerk of said high school board shall certify to the town clerks of the towns wherein such territory is situated, the amount to be raised in their several towns respectively, designating by school districts the taxable property upon which such amount is to be assessed; and the said town clerks shall assess, and the town treasurer shall collect the same in the same manner as school district taxes are now assessed and collected; and such taxes when collected shall be paid upon demand to the treasurer of the high school board entitled to receive the same, and by him be paid out upon orders drawn by the secretary of the high school board, countersigned by the president thereof in pursuance of the vote of the said high school board and in no other manner.

How taxes to be levied and collected.

SECTION 9. The high school boards shall have the custody and control of all the property belonging to such high school districts, shall make all needful rules and regulations for the management of high schools; determine, with the advice and consent of the state superintendent of public instruction, the text-books, course of study and minimum standard of qualification for admission to the same, and establish rates of tuition for which non-residents of said high school district may be admitted thereto.

General powers of high school board.

SECTION 10. The secretary of every high school board shall annually, at the time now required by law for town clerks to report to county superintendents, report to the county superintendent of the county or district in which such high school is situated, upon blanks furnished by the state superintendent of public instruction for that purpose, such facts relating to such high school as said state superintendent may require, which shall include the number of weeks such high school has been maintained, the whole amount expended for its support, the amount paid for instruction therein, the number of pupils attending the same, and also the average attendance. And the several county and city superintendents of the state shall include such reports in their reports to the state superintendent in such form as he may require.

Secretary of board—his duties.

SECTION 11. Free high schools established and maintained under the provisions of this act shall be subject to the laws of the state relating to the common schools as far as applicable, except as herein provided. Any town may from year to year authorize its high school board to contract with, and pay the trustees of any academy or college having a preparatory department, in said town, for the tuition of scholars within such town, in the studies contemplated in this act, under the standard of scholarship hereinbefore provided to be established; and the expenditure of any town for tuition in such academy or college, shall be subject to the same conditions, and shall entitle said town to the same aid from the state as if said town had made such expenditure for a free high school. Any high school district may make use of any school house or other building within its boundaries for high school purposes, in whole or in part, adding thereto and equipping the same as may be necessary; *provided*, such use be with the consent of the district board of said district.

Laws relating to common schools to apply to high schools.

Towns may authorize high school boards to contract with academies, etc., for tuition.

Such expenses to entitle town to state aid.

School houses and buildings may be used.

State aid—
conditions upon
which it may
be received.

SECTION 12. When any free high school shall have been established and maintained as provided by this act, for at least thirteen weeks in any one year, such high school district on complying with the conditions herein set forth, shall be entitled to receive from the state one-half the amount actually expended for instruction in said school, not, however, exceeding five hundred dollars in any one year, to any one school, or to the two schools of one town, incorporated village or city; *provided, however*, that a high school district of a larger population than three thousand, shall be entitled to receive at the rate of one hundred dollars additional for each additional three thousand of such population; *and provided further*, that no high school district, town, incorporated village or city, shall be entitled to such aid unless the appropriation and expenditure for the high school or schools, on the part of such district, town, village or city, has been exclusive of the amounts required by law to be expended for common school purposes. Such state aid shall be paid from the state treasury on and after the first day of December of such year.

Proviso.

When state
aid to be paid.

State Superin-
tendent to de-
termine amount
of aid due from
state.

SECTION 13. It shall be the duty of the superintendent of public instruction carefully to examine the reports made to him annually by county and city superintendents, relating to high schools established and maintained under the provisions of this act, and the reports relative to the amount paid by towns to academies and colleges for tuition of pupils therein under the provisions of this act, and after fully satisfying himself with relation thereto, he shall make certificate to the secretary of state, showing what towns or districts are entitled to aid from the state under the provisions of this act, and the amount to which each such towns or districts are thus entitled; and it is hereby made the duty of the secretary of state, upon the receipt of such certificate, to issue his warrant upon the state treasurer, payable to the treasurer of the town or district entitled to receive the same for the sum thus certified as due and payable to each such town or district; and it shall be the further duty of the secretary of state annually to include in the state tax apportioned to the several counties of the state all amounts thus certified to him by the superintendent of public instruction as due and payable under the provisions of this act, which sum shall be assessed and collected in the same manner as other state taxes are collected.

Secretary of
State to issue
warrant for
same, and to
include amount
in state tax.

SECTION 14. There is hereby appropriated annually Appropriation. out of any money in the state treasury not otherwise appropriated a sum sufficient to meet the expenditures authorized by this act; *provided*, that not to exceed twenty-five thousand dollars shall be drawn from the state treasury for the purposes of this act during any one year.

SECTION 15. The term high school district where Definition of term high school district. used in this act, shall be deemed and held to mean and include the territory united in the maintenance of a free high school under the provisions of this act.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1875.

CHAPTER 324.

[*Published March 11, 1875.*]

AN ACT to authorize the common council of the city of Milwaukee to improve certain streets.

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

SECTION 1. The common council of the city of Milwaukee are hereby authorized and empowered to cause Spring street, from Fourth street to the city limits, in the Fourth Ward of the city of Milwaukee, to be graded to the established grade, and the sidewalks to be planked or paved where now planked or paved of less width than eight feet, and to cause the roadway thereof to be either paved with wood blocks or Macadamized. The common council may, if they deem it to the interest of the ward to do so, use the "Thilmany" process of preserving the wood to be used in the said street, or if they shall Macadamize the same or any part thereof, they shall well roll the surface with a heavy roller weighing not less than six tons in weight. The common council may divide the work to be let into three contracts to the lowest and best bidders giving satisfactory security to the satisfaction of the board of public works of the said city for its faithful performance. They may let the work at such times as they may think best; *provided*,

Authority of common council to improve Spring street.

May use Thilmany process.

How work shall be let.