

six, town twenty-nine, range seven east, as far south as the lower dividing boom on section thirty-five, not including the grand (guard) locks.

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

Approved March 16, 1881.

[No. 205, S.]

[Published March 17, 1881.]

CHAPTER 98.

AN ACT to provide for a consolidation of joint school districts, numbers two and five, of the city and town of Ripon, and to provide for the support and management of public schools therein.

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

Boundaries of union school district.

SECTION 1. The territory within the limits of joint school districts numbers five and two of the town and city of Ripon, in Fond du Lac county, Wisconsin, shall constitute one district, for the better regulation and management of all the public schools thereof, to be known and designated as union school district of the city and town of Ripon.

Commissioners of public schools.

SECTION 2. There shall be elected in each ward of said city of Ripon, at the time of holding the charter election in the city of Ripon in April, 1881, three (3) commissioners of public schools by the qualified electors within the territorial limits of said union school district, one of which commissioners shall be elected in each ward for the term of one year, one for two years, and one for three years; and at each succeeding annual charter election thereafter, there shall be elected in each ward, one commissioner for the term of three years; said commissioners to receive no salary for their services. The electors residing in the town of Ripon within the limits of joint school district number two aforesaid, shall be eligible to the office of commissioner, and shall vote for such commissioners in the second ward of said city; and the electors residing in the town of Ripon within the limits of joint district number five aforesaid, shall, in like manner, be eligible to said office, and shall vote for such commissioners in the first ward of said city.

Organization of board of education.

SECTION 3. The commissioners of public schools in said union school district shall constitute a board of education of union school district of the city and town of Ripon, which shall be a corporate body in relation to all the powers and duties conferred on them by this

act. A majority of the board shall form a quorum. At their first meeting after their appointment and after each annual charter election, said board shall elect one of their number president, who shall preside at the meetings of said board, and in his absence a president pro tempore may be appointed, and at the same meeting said board shall elect a clerk of the board by ballot, whose term of office shall continue until the next charter election thereafter of said city, and it shall require a majority of said board to elect such clerk. The salary of said clerk shall be fixed by said board, not exceeding one hundred dollars per annum, and at the same meeting said board shall elect a superintendent of schools, whose term of office shall continue until the next charter election thereafter of said city, and until the election and qualification of his successor. In the election of such superintendent, the members of said board shall vote viva voce, and it shall require a majority of all of the members of said board to elect; and the clerk of said board shall record in the journal of the board the result of such election, and also enter therein for whom each member voted on the final vote.

Salary of clerk.

SECTION 4. The common council of the city of Ripon may make appointments of commissioners of public schools from the portion of said union school district in each ward of said city to fill vacancies which may exist or occur from any cause other than the expiration of the term of office of those elected. The commissioners so appointed shall hold their office until the next annual charter election of said city. The said superintendent of schools shall have a casting vote in said board in case of a tie, upon all questions, excepting the election of superintendent, and shall perform all the duties and shall have the same rights and powers within said district, and be subject to the same liabilities as superintendent of schools of counties, and shall give a bond which shall be approved by the said board, except as otherwise provided in this act.

Council may appoint to fill vacancies.

SECTION 5. Immediately after the passage and publication of this act, the common council of the city of Ripon may appoint said commissioners, who shall hold their office until the next charter election of said city and until their successors are elected and qualified, and no member of the common council of said city shall at the same time be a member of said board of education.

Appointment of first board.

Removal for
misconduct.

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

Record of pro-
ceedings.

SECTION 7. 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 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 the said board shall at all times be subject to the inspection of the common council, and of any committee thereof.

Duty of city and
town clerks.

SECTION 8. On or before the third Monday in November of each year, the clerk of the city of Ripon shall furnish the clerk of the board of education a statement showing the value of the real and personal property in said city, lying in said union school district, the same to be ascertained by said city clerk from the last equalized assessment roll of said city, and the clerk of the town of Ripon shall also, on or before the third Monday of November of each year, deliver to the said clerk of said board of education, a statement showing the value of the real and personal property in said town of Ripon, lying in that part of said school district in said town, as ascertained by the last equalized assessment roll of said town, and it shall be the duty of said clerk of said board of education to report to said clerk of the city of Ripon the amount of taxes to be raised in said school district for school purposes, and the proportion of said tax that shall be apportioned to that part of said district lying in said city. The clerk of the said board of education shall also report to the clerk of the town of Ripon the amount of taxes to be raised for school purposes in said school district, and the proportion of said tax apportioned to that part of the town of Ripon lying in said school district.

Duty of clerk of
board.

School tax.

SECTION 9. The common council of the said city shall have the power, and it shall be its duty to raise from time to time, by tax upon the real and personal estate within the territorial limits of said union school district, in said city, which shall be liable to taxation for the ordinary city taxes or for the city and county charges, in addition to the amount of school moneys now or hereafter appropriated or provided by law for

public schools in said district, such proportion, as arrived at under the provisions of the preceding section, of 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: 1st. To purchase, lease or improve sites for school houses. 2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out-houses and appurtenances. 3d. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to include the furnishing of class or text books for any pupils whose parents or guardians shall be able to furnish the same. 4th. To procure fuel and defray the contingent expenses of the public schools. 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 levied for such purpose oftener than once in each year: *and provided also*, that the amount to be raised for teachers' wages and contingent expenses in any one year shall in no case exceed six dollars for each person that draws public money in said school district, nor less than two dollars; that the amount to be raised in any one year, excepting the first, for buying sites, and erecting and building school houses and the appurtenances, shall not exceed one thousand dollars.

Application of same.

Tax per capita for teachers' wages.

SECTION 10. The board of supervisors of the town of Ripon shall have the power and it shall be its duty to raise from time to time, by tax upon the real and personal estate within the territorial limits of said union school district within said town, which shall be liable to taxation for the ordinary town taxes or for the town or county charges, in addition to the amount of school moneys now or hereafter appropriated or provided by law for public schools in said district, such proportion as arrived at under the provisions of the preceding section, of 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 foregoing purposes.

Tax to be raised by town board.

SECTION 11. The common council shall cause the tax or taxes herein provided for (to be raised by tax upon the real and personal estate in said union school district in said city) to be levied and collected annually on all such real and personal property or capital of any kind within said district in said city, as is subject to taxation by the laws for levying taxes for the state for

Duty of common council and town board.

the time being; said taxes to be levied and collected in the same manner as usual taxes are levied and collected in said city; and the board of supervisors of the town of Ripon shall cause the tax or taxes herein provided for (to be raised by tax upon the real and personal estate in said union school district in said town) to be levied and collected annually on all such real and personal property or capital of any kind within said district in said town, 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 usual taxes are levied and collected in said town; and no tax shall be levied on the property of said union school district to pay any part of the compensation or allowance of the county superintendent of schools.

Power and duty
of city treasurer.

SECTION 12. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said union school district, shall be paid to the treasurer of said city of Ripon, who, together with the sureties of his official bond, shall be accountable therefor in the same manner as for other moneys of said city. The said treasurer shall also be liable to the same penalties for any official misconduct in relation to said moneys as for any similar misconduct in relation to the other moneys of the city.

Remedy for default
of city treasurer.

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

Powers and
duties of board
of education.

SECTION 14. The board of education shall have power and it shall be its duty: 1st. To establish and organize such schools in said union school district as it may deem expedient and necessary, and in its discretion to discontinue the same. 2d. To purchase or lease school houses or lots or sites for school houses, and to improve the same as it may deem proper, upon such lots and upon any sites now or hereafter owned by said union school district, to build, enlarge, improve and repair school houses, out houses and their appurtenances, as it may deem proper: provided no purchase of school house sites or real estate shall be made without the approval of the common council. 3d. To purchase, exchange, repair or improve school apparatus,

furniture, books for indigent pupils, and to provide fuel for the schools and to defray their contingent expenses. 4th. To employ and contract with all teachers in the public schools, to whom the necessary certificates may have been given by the superintendent, and at its pleasure to remove them: provided that no contract for the employment of teachers shall extend beyond the first day of July next succeeding the date of such contract; to have in all respects the supervision and management of the public schools in said district, and from time to time to make, alter, modify and repeal, as it may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils from other districts and the transfer of pupils from one department to another, and generally for their good order and utility. 5th. To make such orders and regulations in regard to the examination of teachers as it may deem proper, and in accordance with law, provided that such examination shall be conducted by the superintendent or in his presence, and none but the superintendent shall be authorized to issue and give certificates of qualification. 6th. To take proper care, control and charge of all the school property of said union school district.

SECTION 15. The said board shall be subject from time to time to the rules and regulations made by the state superintendent of public schools, as far as the same may be applicable to them, and not inconsistent with the provisions of this act.

Board subject to rules made by state superintendent.

SECTION 16. The superintendent of schools shall examine all teachers making application for schools as said board may direct, examination to be public and in the presence of the board; shall grant certificates to said persons so examined, as shall be found by him 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 public schools. In addition to the foregoing duties, he shall visit the public schools of the city as the board may direct, 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 to him. The amount of his compensation shall be determined by the school board, and shall not exceed one hundred dollars per annum.

Examination of teachers.

SECTION 17. It shall be the duty of the clerk of such board to make the reports required by law to the

Clerk's report.

state superintendent and to the clerk of the board of supervisors of the county.

Powers and duties of common council.

SECTION 18. The city council of said city shall have the power, and it shall be its 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 and connected with the schools in said district, 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.

Title to vest in union school district.

SECTION 19. The title and ownership of the school houses, sites, lots, furniture, books, apparatus and appurtenances, and all papers, evidences of title, records and all other property in this act mentioned or in any manner used for school purposes within the limits of said union school district, and heretofore owned or used by either of said districts numbers two and five, shall be vested in said union school district, 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.

Payment of money.

SECTION 20. All moneys required to be raised by virtue of this act, or, being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of said board of education, and shall be drawn out only in pursuance of a resolution or resolutions of said board, by drafts drawn by the superintendent and countersigned by the president of said board, payable to the person or persons entitled to receive such moneys, and the 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.

Notification of election.

SECTION 21. It shall be the duty of the clerk of the city, immediately after the election of any person as commissioner of public schools, 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 said city, the common council may consider it a refusal to serve, and proceed to supply the vacancy occasioned by such refusal.

SECTION 22. No person in said union school district in the city of Ripon, engaged in teaching any of the public schools therein, shall be eligible to the office of commissioner of public schools or superintendent of schools, and no member of the board of education shall be employed to teach any of the public schools of said district. Qualification of commissioner.

SECTION 23. The action of the school meeting had in said school district number five, on the sixteenth day of February, 1881, in voting a tax of seven hundred dollars on the property of said district and to pay the sum of eleven hundred dollars by said district to the treasurer of district number two, on account of the union of said district number five with said district number two, which is done by the provisions of this act, is hereby in all respects made legal and binding upon the said district number five, and on or before the second Monday in July, 1881, the said district number five shall pay to the treasurer of the city of Ripon the sum of four hundred dollars, and the balance of said eleven hundred dollars shall be levied and collected upon the real and personal property in said district number five as constituted before the passage and publication of this act, in the same manner as the school moneys of said district number five were levied and collected the past year. Said seven hundred dollars, so levied and collected, to be in addition to the proportion of the tax thereon to be raised by the other provisions of this act, and when so collected by the treasurer of the said city, the same, together with said four hundred dollars, to belong to the school fund of said union school district. Acts legalized.

SECTION 24. The provisions of this act shall not affect the contracts made or the liabilities assumed by either of said districts prior hereto; and at the end of the present school year, the treasurer of each said school district shall pay over to the said city treasurer all moneys in his hands after settling up all demands against him properly chargeable to said districts on account of any contracts or liabilities heretofore by said districts made or assumed, the same to be by said city treasurer placed to the credit of said board of education, and for school purposes; and it is further provided that the balance of the moneys on hand belonging Existing contracts not affected.

to said union school districts, derived from insurance on buildings lately burned in said district number two, and from said amount paid by said district number five, after the close of the present school year, may be used by the board of education toward the construction of a public school building upon lots thirty-nine and forty of the southwest quarter of section twenty-one, in said city of Ripon, and an additional amount of money may be raised upon the real and personal property of said union school district the present year, in the manner provided in this act, for the purpose of constructing said public school building, which, together with the said insurance balance and said amount so paid by said district number five, money in hand, shall not exceed the sum of ten thousand dollars.

Public act.

SECTION 25. All acts or parts of acts or amendments thereof of the general law of this state, or as comprised in the charter of the city of Ripon, conflicting with any of the provisions of this act, shall be hereafter inoperative so far as relates to said union school district of the city of Ripon. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from after its passage and publication.

Approved March 16, 1881.

[No. 229, A.]

[Published March 19, 1881.]

CHAPTER 99.

AN ACT to amend section two thousand three hundred and forty-five, of the revised statutes, giving married women the right to sue and maintain an action.

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

May sue in her own name as to her sole property.

SECTION 1. Section two thousand three hundred and forty-five of chapter one hundred and eight of the revised statutes, is hereby amended by adding thereto the following: "And any married woman may bring and maintain an action in her own name for any injury to her person or character the same as if she were sole, and any judgment recorded in such action shall be the separate property and estate of such married woman, provided that nothing herein contained shall affect the right of the husband to maintain a separate action for any such injuries as now provided by law.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.