

CHAPTER 110.

[Published April 10, 1867.]

AN ACT to amend chapter 12 of the revised statutes, entitled
“of notaries public.”

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

SECTION 1. Section two of chapter twelve of the revised statutes is hereby amended, so that the same shall read as follows: “Section 2. Every notary public, before he enters upon the duties of his office, shall take and subscribe the oath prescribed by the constitution of this state, and shall give a bond to the governor in the penal sum of five hundred dollars, with sufficient surety, to be approved by the county judge or clerk of the circuit court of his county, conditioned for the faithful discharge of the duties of his office. He shall also provide an official seal, which shall make a distinct and legible impression on paper, giving his name, office and county, and shall deposit an impression of the same, together with said oath and bond, in the office of the secretary of state. He shall also at the same time pay to the governor the sum of two dollars.”

Notary to take
oath of office,
give bond, pro-
vide seal, and
pay governor
\$2.

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

Approved April 10, 1867.

CHAPTER 111.

[Published April 15, 1867.]

AN ACT to amend certain sections of chapter 155 of the general laws of 1863, entitled “an act to codify the laws of the state relating to common schools.”

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

SECTION 1. Section one of chapter 155 of the general laws of 1863 is hereby amended, so as to read as follows: “Section 1. The board of supervisors in each

Supervisors to
form school dis-
tricts.

town in this state shall have power to form and alter school districts in the manner hereinafter set forth: *provided*, that no school district shall embrace more than one township of land, and no part of any district shall be more than five miles from the center of said district."

Proviso.

Clerk to contract with and hire teachers—contracts to be indorsed by director or treasurer.

SECTION 2. Section 42 of chapter 155 as aforesaid is hereby amended, so as to read as follows: "Section 42. The clerk shall contract with and hire duly qualified teachers for and in the name of the district, which contract shall be in writing, and shall have the consent of the director or treasurer, or both, indorsed thereon, and shall specify the wages per week, month or year, as agreed upon by the parties; and said contract so completed shall be filed in the office of the district clerk, with a certificate of the teacher so employed attached thereto, and a copy of such contract shall be furnished by the clerk to the teacher: *provided*, that a majority of the board may by an order filed with the clerk, or a memorandum in the district record book, said order or memorandum being subscribed by them, fix the time when the several terms of the school, or any of said terms, shall open; and if the clerk shall fail to hire a suitable teacher before the time so fixed, then the district board shall hire and contract with a qualified teacher, and a majority of the board shall constitute a quorum for the transaction of business."

When terms to open.

Annual report—what to show.

SECTION 3. Section 43 of chapter 155 aforesaid is hereby amended, so as to read as follows: "Section 43. It shall be the duty of the clerk, between the first and tenth days of September, in each year, to make and transmit to the town, city or village clerk a written report, dated on the first day of September of the year in which it shall be transmitted, signed by the said district clerk and verified by his affidavit, showing:

Children in district.

"First. The number of children, male and female designated separately, over the age of four and under the age of twenty years, residing in the district on the last day of August previous to the making of such report, and the names of the parents or other persons with whom such children did respectively reside on the thirty-first day of August preceding such report.

Number attending school.

"Second. The whole number of children, male and female, each designated separately, taught in the district school during the year for which such report is made,

by teachers duly qualified, and the sums of the days' attendance of all such children upon the school.

"Third. The number attending school (male and female being designated separately) during the year, under the age of four and the number over the age of twenty years, and the sum of the days' attendance of all such children upon the school.

Ditto between certain ages.

"Fourth. The whole time in days any common school has been taught in the district, including holidays, and the whole number of days, including holidays, such school has been taught by teachers qualified according to law, during the year ending on the thirty-first day of August preceding the making of such report.

Time school has been taught.

"Fifth. The names of all teachers employed during the year covered by the report, the number of days taught by each, including holidays, and the monthly wages paid to each.

Names of teachers, &c.

"Sixth. The amount of money received from the town treasurer, the amount received from district taxes, and the amount received from all other sources during the year ending on the thirty-first day of August preceding the date of the report, and the manner in which the same has been expended.

Amount of school money.

"Seventh. The kind of books used in the school.

Books used.

"Eighth. Such other facts and statistics in relation to the schools, public or private, in such district as the superintendent of public instruction may from time to time require."

Other statistics.

SECTION 4. Section 44 of chapter 155 as aforesaid is hereby amended, so as to read as follows: "Section 44. The clerk of each joint school district shall report to the town clerk of each town a part of which is embraced in such district, the number of children residing in such part, in the manner set forth in the preceding section, and the number of days a school has been taught in the district by a qualified teacher, and the remainder of the items specified in the preceding section shall be embraced in the report made to the clerk of the town in which the school-house is situated."

Report of joint district clerk.

SECTION 5. Section 45 of chapter 155 as aforesaid is hereby amended, so as to read as follows: "Section 45. The clerk of each school district shall furnish, at the expense of the district, a school register, in the form prescribed by the superintendent of public instruc-

School register—what to contain.

tion, in which every teacher employed by the district board shall be required to enter the names, ages and studies of all scholars attending school, and daily their attendance and absence, and such other facts as the county superintendent or state superintendent may require, which register the teacher shall deliver to the clerk at the time he shall cease to be employed by such district, or at any other time when the same may be required for the use of the district board; and the teacher shall make in writing and transmit to the district board, or to the county superintendent, a report concerning any matter relating to his school, in such form and manner as the board or superintendent may prescribe."

Care of school-house, purchase of books, stationery, &c.

SECTION 6. Section 48 of chapter 155 of the general laws aforesaid is hereby amended, so as to read as follows: "Section 48. The said board shall have the care and keeping of the school-house and other property belonging to the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the district for the use of any children; and the said district board shall have power to purchase a record book, in which the proceedings of the meetings of the district and of the district board shall be recorded, and a book for keeping in proper form the treasurer's accounts, together with such blanks and stationery as are necessary for doing the business of the district in an orderly and businesslike manner, and the clerk of such district may include the amount of such purchase, including the cost of the school register, in any tax to be collected in such district."

Board to select text-books.

SECTION 7. Section 53 of section 155 aforesaid is hereby amended, so as to read as follows: "Section 53. The board in each school district shall have power, under the advice of the superintendent of public instruction, to determine what school and text-books shall be used in the several branches taught in the schools of such district. They shall make out a list of books to be used in each branch of study pursued in such school, and shall file a copy of such list with the district clerk, and put up one copy in the school-house of such district; and when said list of books is adopted, it shall not be changed for the term of three years."

SECTION 8. Section 59 of chapter 155 aforesaid is hereby amended, so as to read as follows: "Section 59. No money shall be apportioned to any district or part of a district, unless it shall appear by the report thereof, verified by the affidavit of the clerk of said district or part of a district, that a school has been taught therein, by a duly qualified teacher, for at least five months during the year ending at the date of such report, and that all school moneys received during that year from the income of the school fund, have been applied to the payment of the wages of a legally qualified teacher."

No money to be apportioned, unless school has been taught five months.

SECTION 9. Section 87 of the chapter aforesaid is hereby amended, so as to read as follows: "Section 87. The laws regulating the election of and canvassing the votes for other county officers, shall apply to the election of county superintendents. A county superintendent may at any time vacate his office, by filing his resignation with the clerk of the board of supervisors of his county. His removal from the county, or his acceptance of the office of county supervisor, shall vacate his office."

County superintendent—his election, &c.

SECTION 10. Section 89 of the chapter aforesaid is hereby amended, so as to read as follows: "Section 89. The clerk of the board of supervisors, as soon as he has official or other notice of the existence of a vacancy in the office of county superintendent, shall give notice thereof to the superintendent of public instruction, who shall appoint a county superintendent to fill such vacancy, and the person so appointed shall hold his office until the first day of January succeeding the general election next occurring after such appointment is made."

Vacancy—how filled.

SECTION 11. Section 91 of said chapter is hereby amended, so as to read as follows: "Section 91. Any person or persons petitioning for the removal from office of any county superintendent of schools, shall cause a certified copy of such petition, together with a full statement of (of) all charges preferred against him, to be served upon such superintendent at least thirty days prior to the hearing before the judge of the circuit court. No county superintendent shall act as an agent for any author, publisher or bookseller, or receive any fee or reward for acting as such agent, and

Copy of petition for his removal to be served on superintendent.

Superintendent not to act as agent for publishers, &c.

a violation of this provision by any county superintendent, shall subject him to removal from office."

Powers of superintendent.

SECTION 12. Section 92 of the chapter aforesaid is hereby amended, so as to read as follows: "Section 92. Every county superintendent shall have power, and it shall be his duty:

To examine and license teachers.

"First. To examine and license teachers, and to annul certificates as hereinafter provided.

To visit schools, inquire into their management, advise boards, &c.

"Second. To visit and examine all the schools and school districts within his jurisdiction as often in each year as shall be practicable; to inquire into all matters relating to the management, the course of study and mode of instruction, and the text-books and discipline of such schools, and the condition of the school-houses, sites, outbuildings and appendages, and of the district generally; to advise with and counsel the district boards in relation to their duties, and particularly in relation to the construction, warming and ventilation of school-houses, and the improving and adorning of the school-grounds connected therewith, and to recommend to school officers and teachers the proper studies, discipline and management of the schools.

To direct alterations and repairs, the abatement of nuisances, &c.

"Third. To direct, after proper examination, the district board to make any alteration and repairs which shall in his opinion be necessary to the health, comfort or progress of the pupils, and to abate any nuisance in or upon the premises: *providing*, the same can be done at an expense not exceeding twenty-five dollars.

To declare school-houses unfit for school purposes, &c.

"Fourth. To make an order in concurrence with the chairman of the board of supervisors of the town in which any school-house is situated, which is unfit for school purposes, reciting the reasons, if they deem it unfit for further use and not worth repairing, and to deliver the order to the clerk of the district in which such building is situated, and to transmit one copy of said order to the clerk of the town, and another to the superintendent of public instruction; and such order shall take effect from and after the date mentioned therein, unless for causes shown within thirty days after said order is delivered to the district clerk, it shall be overruled by the superintendent of public instruction; and from the time the said order shall take effect, the district shall not be entitled to share in any appropriation of the income of the school fund for any

school kept in said building so declared unfit for school purposes.

"Fifth. To examine any charge affecting the moral character or ability to teach of any teacher within his county or district, first giving such teacher reasonable notice of the charge, and an opportunity to defend himself therefrom; and if he finds the charge sustained, to annul his certificate, by whomsoever granted, and if the teacher so declared unfit to teach, holds a certificate from the superintendent of public instruction, or a diploma of a state normal school, then to notify the state superintendent of such annulment without delay.

To examine charges against teachers.

"Sixth. To report annually to the board of supervisors of his county the condition and prospects of the schools under his supervision; to receive from the town, city or village clerks abstracts of the reports of the several district clerks, and to transmit the same, as required by law, to the state superintendent, as also annually, before the first day of May, the name and postoffice address of each town clerk of his county or district, and to report from time to time such other facts relating to education as the state superintendent may require or the laws may prescribe.

To report annually to county supervisors and state superintendent.

"Seventh. To organize and conduct at least one institute for the instruction of teachers in each year, and to advise in all questions arising under the operations of the school laws in his county or district."

To organize teachers' institutes.

SECTION 13. Section 95 of the aforesaid chapter is hereby amended, so as to read as follows: "Section 95. The compensation of the county superintendent of schools shall be fixed by the county board of supervisors, and shall be paid quarterly, in cash, by the county: *provided*, that for counties and districts containing more than ten thousand inhabitants, according to the last preceding census, the compensation shall not be less than eight hundred dollars per annum, and for counties and districts containing more than five thousand inhabitants, it shall not be less than five hundred dollars per annum; *and provided, further*, that the board of supervisors shall allow for stationery, postage and printing such amount as the county superintendent shall certify to be actually necessary, not exceeding one hundred dollars in counties and districts containing less than five thousand inhabitants, and

Compensation.

Minimum fixed.

To be allowed for stationery.

two hundred dollars in counties and districts containing less than ten thousand inhabitants and more than five thousand."

Repealed.

SECTION 14. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 15. This act shall take effect and be in force from and after its passage.

Approved April 10, 1867.

CHAPTER 112.

[Published April 16, 1867.]

AN ACT for the limitation of tax certificates.

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

Tax deed to issue within six years from time of sale.

SECTION 1. From and after six years from the day of sale of any lands or lots heretofore sold or hereafter to be sold for the non-payment of taxes by any officer of any county, city or village, no deed shall be issued on the certificate or certificates of sale issued on such sale, and no action, either at law or in equity, shall be commenced on such certificate after the expiration of six years from the said day of sale: *provided*, that the provisions of this section shall not apply to certificates owned by counties or municipal corporations, or by their assignees, until the expiration of six years from the date of assignment of any such certificate.

Proviso.

Actions not to be maintained on certain certificates after six years.

SECTION 2. From and after six years from the date of any street commissioner's certificate, or controller's certificate, or other special tax certificate, issued or to be issued by the proper officer or officers of any city or village in this state, and denoting a charge against any lot or parcel of land in such city or village for a special tax, or assessment thereon, no action either at law or in equity shall be maintained on such certificate.

SECTION 3. This act shall take effect from and after the first day of January, 1868.

Approved April 10, 1867.