

CHAPTER 320.

[Published April 26, 1860.]

AN ACT to locate and establish School House sites.

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

SECTION 1. The chairman of the town board of supervisors, the town superintendent of schools, and the town clerk of each town, shall constitute a board for the purpose of locating and establishing school house sites. Board constituted.

SEC. 2. Whenever the electors of any school district, either at their annual meeting, or at any special meeting legally called for that purpose, shall make application to the board constituted by the first section of this act, in their respective towns, the said board, upon satisfactory proof being made to them, by the certificate of the district clerk, or otherwise, that the notices required in the next section have been duly given, shall proceed to establish a school house site for said district; *Provided*, that such school house site shall not exceed one acre of land; *And provided further*, that such land, when it shall cease to be used as a school house site, shall revert to the original owner, his heirs and assigns. When board shall establish school house site.  
Limit of site.  
Reversion.

SEC. 3. Upon application made by any school district, by vote as aforesaid, such board shall make out and sign a notice in writing, and fix therein a time and place when and where they will meet and decide upon such application, which said notice shall also contain a brief description of the land upon which it is proposed to locate such school house site, which said notice shall be served by the district clerk of said district, upon all the owners and occupants of the land upon which it is proposed to locate such site, at least six days previous to the day appointed for such meeting. Such notice shall be served by delivering to each such owner and occupant of such land who may be residents of this State, by leaving the same at their respective residences, with some person of suitable age and understanding. And if there be no occupant of such land, and the owner or owners thereof be unknown to the said board, or shall reside without this State, then such notice may be served by publishing the same in the newspaper published nearest said land, once in each week, for six successive weeks, next before the said day of meeting. Board to give notice of time and place of meeting to fix site.  
Nature of notice.  
How notice served.  
Non-resident land.

How compensation fixed to owners of land

Certificates of action of board to be made out &c.

Proviso.

Board may adjourn.

Money to be paid or tendered to owner of land.

What land may be taken.

Appeal may be taken to circuit court.

Mode of appeal.

SEC. 4. Whenever the said board shall locate and establish any school house site, they shall cause an accurate survey and description of the same to be made out, and shall fix and award the compensation to be made to the owner or owners for such site, together with all damages sustained by such owner or owners of all lands so taken. They shall also, within ten days after agreeing thereupon, make out and sign duplicate certificates, containing their action upon such application, a description of the land so taken, and the amount of compensation and damages so awarded to each of such owner or owners, one of which shall be delivered to the occupant or occupants of the land so taken for such school house site, and the other to the clerk of said district, who shall cause the same to be recorded in the office of the register of deeds of the proper county: *Provided*, that the said certificate shall also contain the survey and description required to be made in this section: *And provided, further*, that in case the said board shall deem it advisable, they may, before agreeing upon their said award, adjourn from time to time, not to exceed in all ten days, and that any two of said board may act in the absence of the other.

SEC. 5. The sum of money so awarded by the said board, shall be paid to the owner of the land upon which such site is located, or in case the owner is a non-resident, or refuses to accept the money, it shall be deposited with the treasurer of the district, to the order of the owner of said land, and it shall not be lawful for said district to occupy said land without the consent of the owner thereof, until such money shall be paid, tendered, or deposited, as aforesaid.

SEC. 6. No land shall be taken for a school house site, except by consent of the owner, that may not be taken for highway purposes, according to section fifty-four, chapter nineteen, of the Revised Statutes.

SEC. 7. Any person aggrieved by the decision of the above board in the award of damages, may appeal therefrom to the circuit court for any county in which such site is situated, by filing with the clerk of such district a notice of such appeal, which notice shall specify all the grounds of such appeal, within twenty days after the receipt of the duplicate certificate, mentioned in section four of this act, and paying to the said district clerk one dollar, for the State tax on the appeal, and one dollar for making the return thereto; and thereupon the clerk of

such district shall, within twenty days thereafter, file with the clerk of said circuit court, a certified copy of such certificate, together with such notice of appeal, and the date of service thereof, and shall pay to such clerk of the circuit court one dollar for the tax on the appeal, and thereupon the clerk of such court shall enter an action therein, in which the appellant shall be plaintiff, and the school district shall be defendant. The issues in such action shall be, the legality of all the proceedings of said board under this act, and the amount of compensation and damages to which the plaintiff is entitled, by reason of the taking of his lands for a school house site as aforesaid. And the issue shall be tried without further pleadings, in the same manner as other issues of fact are tried in such court, and either party shall be entitled to a jury, and the judgment therein shall be enforced in the same manner as other judgments in personal actions rendered by said circuit court; *Provided*, that in all cases where the question of damages is the only issue, and the plaintiff does not recover a larger sum than was awarded him by such board, he shall recover no costs.

The issues in action.

How tried.

Costs in certain cases.

SEC. 8. Whenever the district is situated in two or more towns, the board shall consist of the chairman of the town board of supervisors, the town superintendent of schools, and the town clerk of each of the towns in which such district is situated.

When district is in two or more towns.

SEC. 9. This act shall take effect from and after its passage and publication.

Approved March 31, 1860.

## CHAPTER 321.

[Published April 26, 1860.]

AN ACT to amend chapter 121, of the Revised Statutes, entitled "Of the jurisdiction of justices in criminal cases, and of the proceedings therein,

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

SECTION 1. Section thirty, of chapter one hundred and twenty-one, of the Revised Statutes of this State, is hereby amended so as to read as follows, to wit: "In all cases of conviction under the provisions of this chapter, Justice to enter judgment and commit defendant in certain cases.