

## CHAPTER 111.

[Published April 24, 1866.]

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

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

SECTION 1. Section 19 of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools," is hereby amended, so as to read as follows: "The inhabitants qualified by law to vote at a school district meeting, when assembled at the first and each annual meeting in their district, shall have power:

- "1st. To appoint a chairman for the time being. Chairman.
- "2d. To adjourn from time to time as occasion may require. Adjournment
- "3d. To choose a director, treasurer and clerk. Officers.
- "4th. To designate a site for a district school house. Site.
- "5th. To vote such tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, to build, hire or purchase such school house, and to keep in repair and furnish the same with the necessary fuel and appendages: *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall have power to levy and collect a tax for building, hiring or purchasing a school house, of more than six (6) hundred dollars in any one year, unless the supervisors of the town in which such school house is to be situated, shall certify in writing that in their opinion a larger sum should be raised, and shall specify such sum, in which case an amount not exceeding the sum specified may be raised: *provided, further*, that no district shall have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the supervisors shall certify as above set forth. Limit to tax.

- "6th. To vote a tax on the taxable property of the district of such sum as the meeting shall deem proper for the payment of teachers' wages in the district: *provided*, that no district containing a population of less than

than two hundred and fifty inhabitants, shall have power to levy and collect a tax for school purposes, other than for the purposes prescribed in the 5th subdivision of this section, in such district, of more than five hundred dollars in any one year.

Sale of school house, &c.

“7th. To authorize and direct the sale of any school house, site or other property belonging to the district, when the same shall be no longer needed for the use of the district.

Tax for liabilities.

“8th. To impose such a tax as may be necessary to discharge any debts or liabilities of the district, lawfully incurred.

Tax for maps, &c.

“9th. To vote a tax not exceeding seventy-five dollars in any one year, for the purchase of maps, black-boards and apparatus for illustrating the natural sciences.

Tax for library, &c.

“10th. To vote a tax on the district, not exceeding fifty dollars in any one year, for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase; said books to be selected under the advice of the state superintendent of public instruction.

May admit scholars not residing in district.

“11th. To authorize the district board to admit to the privileges of the school, persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and fix a fee for tuition per term, quarter or year, to be charged to the persons thus admitted.

Time school shall be taught.

“12th. To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than five months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the income of the school fund, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall determine the same. The above provisions in reference to the length of time that schools shall be taught, shall take effect August 31st, 1866.

Prosecutions.

“13th. To give such direction and make such provision as may be deemed necessary in relation to the

prosecution or defense of any action or proceeding in which the district may be a party, or may be interested

“14th. To alter, repeal and modify their proceedings, as occasion may require.”

SECTION 2. Section 40 of the aforesaid chapter of the general laws of 1863, is hereby amended, so as to read as follows: “It shall be the duty of the clerk to draw orders on the treasurer of the district for moneys in the hands of such treasurer, which have been apportioned to or raised by the district, to be applied to the payment of the wages of legally qualified teachers who have been employed by him, with the consent of the director or treasurer, to teach the school of such district, and also to draw orders on said treasurer for moneys in his hands, to be disbursed for any other purpose for which the same shall have been voted by the district, agreeably to the provisions of section 19 of this chapter: *provided*, that each order shall designate the object for which and the fund upon which it is drawn, and shall be countersigned by the director; *and provided, further*, that no order for the payment of teachers' wages shall be drawn, countersigned or paid, which is in favor of any person who has taught the school of said district, when not holding a certificate of qualification from the county superintendent, or (in case of appeal) from the state superintendent.”

SECTION 3. Section 42 of the chapter aforesaid, is hereby amended, so as to read as follows: “The clerk shall contract with and hire legally 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 indorsed thereon, and shall specify the wages per week or month, as agreed upon by the parties; and such contract so completed, shall be filed in his office, together with a copy of the certificate of the teacher with whom the contract is made.”

SECTION 4. Section 50 of the chapter aforesaid is hereby amended, so as to read as follows: “The said board shall have power to fill by appointment any vacancy that may occur in their own number, within ten days after such vacancy shall occur; and if such vacancy shall not be filled within ten days, as aforesaid, by said board, it shall be the duty of the town clerk to fill such vacancy by appointment. Any person appointed to fill a vacancy, upon being notified of such

appointment, shall be deemed to have accepted the same, unless he shall, within five days thereafter, file with the clerk or director a written refusal to serve; and any person appointed to fill a vacancy shall hold the office until the annual meeting succeeding such appointment."

*Board to select  
text books.*

SECTION 5. Section 53 of the aforesaid chapter is hereby amended, so as to read as follows: "The district board of each school district shall have power, and it shall be their duty, to determine, under the advice and recommendation of the state superintendent, what school and text books shall be used in the several branches taught in the school of such district, and a list of the books selected under the provisions of this section, shall be filed in the office of the district clerk, and securely posted in the school-room."

*Branches to be  
taught.*

SECTION 6. Section 55 of the chapter aforesaid is hereby amended, so as to read as follows: "Orthography, reading, writing, English grammar, geography and arithmetic shall be taught in every district school, and such other branches as may be determined upon by the district board: *provided*, that no branch of study shall be taught in any other than the English language."

*How tax to be  
collected.*

SECTION 7. Section 63 of the chapter aforesaid is hereby amended, so as to read as follows: "The town clerk shall assess said tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the next assessment roll of his town delivered to the town treasurer for collection, whenever such certificate of the district clerk shall be received by him in time therefor, although after the fourth Monday of November; and if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall in all respects be collected or returned delinquent like other taxes, and when collected, the money shall be paid over to the district treasurer:

*Delinquent taxes.*

*provided*, that if there shall be a deficiency of cash funds in the town treasury to pay all the charges thereon in any year, then the town treasurer shall set apart a sufficient amount of such funds to pay in full the amount of moneys levied and assessed for common school purposes, and returned taxes collected for any

*In case of de-  
ficiency.*

school district; *and provided, further,* that merchants' and manufacturers' stock shall be liable to assessment for school tax, only in the school district where the same is situated." Where certain property taxable

**SECTION 8.** Section 102 of the chapter aforesaid is hereby amended, so as to read as follows: "Every applicant for a certificate of the third grade, shall be examined in pronunciation, orthography, reading, penmanship, intellectual and written arithmetic, English grammar, geography, history of the United States, and the theory and art of teaching, and if found qualified, shall receive a certificate, which shall entitle the holder to teach in the town for which he applies, and which shall be in force for one year from the date thereof; and each county superintendent may issue limited third grade certificates for a less period than one year, and for a particular district, whenever, by examination, he is satisfied that the applicant is qualified to teach in such district, and is not qualified to teach in every district of the town for which he is licensed: *provided,* that no person shall receive a certificate of any grade who does not write and speak the English language with facility and correctness." Requisites for third grade certificate. Special district certificate.

**SECTION 9.** Section 136 of the chapter aforesaid is hereby amended, so as to read as follows: "Any clerk who shall draw an order upon the treasurer for the payment of wages to a teacher not legally qualified, or for any other purpose not authorized by law, and every director who shall countersign such order, shall be liable to a fine of not less than twenty nor more than one hundred dollars; and any elector may prosecute for the use and benefit of such district, for the recovery of the fine prescribed in this section." Penalty for drawing in hand counter-signing unauthorized orders.

**SECTION 10.** Section 138 of the aforesaid chapter is hereby amended, so as to read as follows: "Whenever any person designated by this chapter to prosecute a district or other school officer, for neglect of duty or for illegal action, shall fail or neglect to prosecute said officer for the space of ten days after being requested by any elector so to do, and in all cases not specially provided for, any elector of the district may prosecute such officer in the name and for the use and benefit of the district, for the recovery of the fine or the infliction of the penalty prescribed by law for the failure of such officer to perform his duty, or for the illegal action of

*Prosecutions, &c.*

said officer; and in case judgment shall be rendered against the defendant, the forfeiture recovered shall be applied in the first place to pay the necessary expenses of prosecution, and the balance, if any, shall be paid into the district treasury."

*E. Speal.*

SECTION 11. All laws and parts of laws inconsistent or conflicting with the provisions of this act, are hereby repealed.

SECTION 12. This act shall take effect and be in force from and after its passage and due publication.

Approved April 12, 1866.

## CHAPTER 112.

[Published April 24, 1866.]

AN ACT to regulate the mode of selecting jurors.

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

Town boards of supervisors, trustees of villages and aldermen of wards to make out lists of persons to serve as jurors, and forward same to clerks of boards.

SECTION 1. The board of supervisors in the several towns, the trustees of the several villages in which, at general elections, a poll separate and distinct from that of the town in which said village is located, shall be held according to law, and the aldermen in each ward of the several cities in this state, shall, within thirty days after the first Monday in May, in each year, make out from the last poll list of such town, village or ward, a list containing the names of not less than ten nor more than twenty persons, such as they shall believe to be qualified to act as jurors under the laws of this state, which list of names, when completed, shall be certified to by such town board, trustees or aldermen, as the case may be, making the same, and immediately forwarded, by mail or otherwise, to the clerk of the board of supervisors of the county within which such town, village or ward is situated, and upon the reception thereof, such clerk shall file and preserve the same in his office.

County boards to select jurors from such lists.

SECTION 2. Hereafter the board of supervisors in each county in this state, to which this act shall be applicable, in making up the jury list for such county,