

LAW S OF WISCONSIN.

No. 1.

AN ACT to amend an act, entitled an act to provide for the support of
Common Schools, and for other purposes.

*Be it enacted by the Council and House of Representatives of
the Territory of Wisconsin:*

SEC. 1. That so much of the first section of said act, as makes it compulsory on the county commissioners to add to the tax lists for the maintenance of common schools, such sum as may be equal to one fourth of one per cent upon the assessment roll in each year, is hereby repealed; and hereafter the commissioners in each county may, in their discretion, assess for school purposes, some certain sum not exceeding one fourth of one per cent on the dollar, upon the assessment roll in each year, for the purposes aforesaid.

An assessm't
for school pur-
poses—what.

SEC. 2. That the school commissioners shall have full power to change and alter the different school districts, or form new ones, from time to time, as the convenience of the inhabitants may require, upon filing a plat thereof, as provided in the third section of said act.

School dis-
tricts may be
altered.

SEC. 3. No tax voted by any district meeting, for building, hiring or purchasing a school house, shall exceed the sum of two hundred dollars, unless the commissioners of common schools of such town shall certify in writing that in their opinion a larger amount ought to be raised, and shall certify the sum; in which case, a sum not exceeding the sum so certified, shall be raised: *Provided, also,* That said tax shall in no case exceed three per cent on all taxable property in said district. And no tax for the payment of the teacher of any school district, shall

A district may
vote moneys
to build school
houses,

And payment
of teachers.

be raised by any such district, unless three fourths of the legal voters resident in such district, shall vote to raise such last named tax: *Provided, also,* That said last named tax shall in no case exceed two per cent on the assessed value of all the taxable property in said district.

Duty of district clerk.

SEC. 4. Whenever a district shall vote a tax for building a school house, or for any other purpose, the clerk of the district shall apply to the clerk of the board of county commissioners, who shall furnish such district clerk with an abstract of all the taxable property within said district; and the trustees, together with the clerk of said district, shall proceed to levy upon such property the amount of tax so agreed upon by the district.

District collector--how to proceed in collecting taxes.

SEC. 5. That the district collector, to whom a tax duplicate shall have been delivered by the trustees, shall, within the time prescribed for the payment of such tax, personally demand the same of the persons charged therewith, if they be found within his township; and if such tax be not paid before the expiration of the term so prescribed, such district collector shall then collect the same by distress and sale of personal property, in the same manner as county collectors are authorised to collect county taxes; and if the tax so assessed on real property shall remain unpaid for the space of three months after the expiration of the time prescribed as aforesaid for the payment thereof, provided sufficient personal property cannot be found on which to levy the same, the district collector shall report the list of such delinquent taxes to the clerk of the board of county commissioners; and such clerk, on being satisfied of the correctness of the proceedings, shall, in making the duplicate of county taxes next thereafter, enter such delinquent taxes in a separate column of such duplicates, to be collected in the same manner as other taxes; and said taxes, when so collected, shall be paid over to the district collector of the proper district for the use of his district.

How to act when sale of land becomes necessary.

SEC. 6. It shall be the duty of the trustees of every school district, and they shall have the power:

Powers and duties of trustees.

- I. To call special meetings of the inhabitants of such districts, whenever they shall deem it necessary and proper;
- II. To make out a tax list of their district, containing the

names of all the taxable inhabitants residing in the district at the time of making out the list, together with a list of all taxable property within such district, and the amount of tax payable by each inhabitant, and upon such property, set opposite the name of such owner, and of such property;

- III. To annex to such list a warrant directed to the collector of the district for the collection of the sums in such list mentioned, with five cents on each dollar thereof for his fees; Same subject.
- IV. To purchase or lease a site for the district school house, as designated by a vote of each district, and to build, hire, or purchase, keep in repair and furnish such school house, with necessary fuel and appendages out of the funds collected and paid to them for such purposes;
- V. To have the custody and safe keeping of the school house and furniture;
- VI. To contract with, and employ all teachers in the district;
- VII. To pay the wages of such teachers out of the moneys belonging to such district, as the same shall be drawn by the commissioners of common schools, or by them, from the county treasury, so far as such moneys shall be sufficient for that purpose; and to collect the residue of such wages, excepting such sums as may have been collected by the teacher, from all persons liable therefor;
- VIII. To divide the public moneys received by them, whenever authorised by a vote of their district, into not exceeding four portions for each year; to assign and apply one of such portions to each quarter or term during which a school shall be kept in such district, for the teacher's wages during such quarter or term, and to collect the residue of such wages, not paid by the proportion of public money allotted for that purpose, from the persons liable therefor, as above provided;
- IX. To exempt from the payment of the wages of teachers such indigent persons within the district as they shall think proper;

- Same subject.** X. To certify such exemptions, and deliver the certificate thereof to the clerk of the district, to be kept on file in his office;
- XI. To ascertain, by examination of the school lists kept by such teachers, the number of days for which each person not so exempted shall be liable to pay for instruction, and the amount paid by each person;
- XII. To make out a rate bill containing the name of each person so liable, and the amount for which he is liable, adding thereto five cents on each dollar of the sum due from him, for collector's fees, and to annex thereto a warrant for the collection thereof;
- XIII. To deliver such rate bill, with the warrant annexed to the collector of the district, who shall execute the same in like manner with other warrants directed to him by them.

Legal voters. SEC. 7. No person shall be entitled to vote in any school district meetings, who is not a freeholder or householder in said district, or has not paid a county tax within the preceding year.

Money apportioned to districts where no school is kept, shall be retained in county treasury. SEC. 8. Whenever a district shall be organized, and the returns made agreeably to the seventh section of the act to which this is amendatory, and no school shall be kept in said district, the money apportioned to said district by the county commissioners, shall be retained in the county treasury for the use of said district, two years; and in case the said district has not then complied with the provisions of the law entitling it to its apportionment of the school fund, then the same shall be apportioned with other moneys to the several schools in the county entitled by law to the same. And every county, where the commissioners have not made an apportionment of the school money, such funds shall come within the provisions of this section.

Bond of collector. SEC. 9. Any district collector elected in pursuance of the provisions of this act, and of the act of which this act is amendatory, shall, within ten days after receiving notice of his election, file a bond with the district clerk, in such penal sum as shall be required and approved by the trustees of the proper

district, conditioned for the faithful discharge of the duties of his office.

SEC. 10. No person shall commence teaching any district school, without first obtaining a certificate of qualification from the commissioners of common schools; and no teacher shall be entitled to any compensation for the time he may have taught previous to obtaining such certificate.

Teachers to have certificate.

SEC. 11. The commissioners of schools of two or more towns in the same or adjoining counties, on application of persons interested, may meet and form school districts from parts of adjoining counties, as they may deem for the public good: *Provided*, A plat of said district shall be filed in all the counties of which the districts are formed agreeably to law; the clerk of which district thus formed, shall make returns to the clerk of the board of county commissioners of each county, any part of which is included within such district; and each portion of the district thus formed, shall be entitled to its portion of school money from the county within which it lies, the same as if it was an entire district.

Districts may be formed from two or more towns.

SEC. 12. It shall be the duty of the clerk of the board of county commissioners, of each organised county in the territory, to report to the secretary of the territory, by or before the first day of each annual session of the Legislative Assembly, a full statistical account of all returns made to his office during the preceding year, of schools; and also of the amount of money collected and paid out for the same purpose: and the said secretary is hereby required to report all such returns made to him, to the said Assembly, within the first week of its annual sessions.

Reports to be made to secretary by clerks of the county comm'rs.

SEC. 13. When a new district shall be formed from one or more districts possessed of a school house, and in cases where any district from which such new district shall be in whole or in part formed, shall be entitled to other property than its school house, then the commissioners of common schools, at the time of forming such new district, shall ascertain and determine the amount justly due to such new district from any district out of which it may have been in whole or in part formed, as the proportion of such new district, of the value of the school house and

Property to be assigned to the new districts.

other property belonging to the former district at the time of such division.

Sec. 14. Such proportion shall be ascertained according to
Same subject. the taxable property of the inhabitants of the respective parts of such former district, at the time of building such house and acquiring such property, by the best evidence in the power of the commissioners, and deduction shall be made therein for any debts due the former district.

Sec. 15. Such proportion, when ascertained, shall be levied,
Same subject. raised, and collected, by the trustees of the district, retaining the school house or other property of the former district, upon the taxable inhabitants of their district, in the same manner as if the same had been authorised by a vote of their district, for the building of a school house; and when collected, shall be paid to the trustees of the district, to be applied by them towards procuring a new school house for their district; and the moneys so paid to the new district shall be allowed to the credit of those who were taxed to build such house or acquire such property, in liquidation or reduction of any tax that may be imposed for erecting a school house.

Sec. 16. The legal voters in each county in this territory,
Three school com'rs. to be elected where no towns are organised. Their duty. which is not divided into towns, shall annually, at the general election in said counties, elect three school commissioners, who shall perform all the duties, and be subject to all the penalties of the commissioners of common schools in the several towns in this territory.

Sec. 17. So much of the act to which this act is amendatory,
Repealing section. and all other acts and parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 18. This act shall be in force and take effect from and after its passage.

Approved, February 18th, 1841.