

Chap. 79.

AN ACT *concerning certain acts.*

Published, May 8, 1854.

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

§ 1. An act entitled an act to authorize the secretary of state to audit certain accounts, approved March 13th, 1854, and also an act amendatory to said act shall take effect and be in force from and after their passage.

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

Approved, April 1, 1854.

Chap. 80.

AN ACT *to amend chapter nineteen of the Revised Statutes, and to compile the School Laws of Wisconsin.*

Published, April 26, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

§ 1. Whenever a school district shall be formed in any town, it shall be the duty of the town superintendent, within twenty days thereafter, to prepare a notice in writing of the formation of such district, describing its boundaries, and appointing a time and place for the first district meeting, and to deliver such notice to a taxable inhabitant of the district. Notice to taxable inhabitants.

§ 2. The town superintendent shall, in such notice, direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at Notification of meeting.

his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the voters of such district, agreeably to the requirement of said notice, and endorse thereon a return containing the names of the persons by him notified; and said notice and return shall be recorded as a part of the record of the first meeting in such district.

Notice in case of neglect to hold meeting.

§ 3. In case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble, or form a district meeting, when so notified, or in case in [any] school district having been formed and organized, shall afterwards be dissolved so that no competent authority shall exist therein to call a special district meeting in the manner hereinafter provided, notice shall be given by the town superintendent and served in the manner prescribed in the preceding section.

§ 4. Whenever a district meeting shall be called in the manner prescribed in the preceding sections of this chapter, it shall be the duty of the electors of the district to assemble at the time and place mentioned in such notice.

§ 5. Every person shall be entitled to vote in any school district meeting of this state, who is qualified to vote at a general election for state and county officers, and who shall have resided for the last ten days in the district where he or they may offer to vote.

Oath upon challenging voters.

§ 6. If any person offering to vote at a school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter, and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be,) that you have been an actual resident of this school district for the last ten days, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation shall be permitted to vote on all questions proposed at such meeting, but if any person shall refuse to take such oath or affirmation, his vote shall be rejected.

§ 7. Every school district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof, shall have consented to serve for the

offices to which they have been respectively elected, by a written acceptance thereof filed with and recorded by the clerk; and every school district shall be considered as legally organized after it shall have exercised the franchises and privileges of a district for the term of two years.

When district shall be deemed duly organized.

§ 8. Every school district organized in pursuance of this chapter, or which has been organized under any previous law of the state or territory of Wisconsin, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School district number (such number as shall be designated by the town superintendent in the formation thereof,) of ———," (the name of the town or towns in which the district is situate,) and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

Name and style.

§ 9. The annual meeting of each school district shall be held on the last Monday of September in each year; the hour of such meeting shall be six o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting.

Annual meeting.

§ 10. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful and fraudulent.

No meeting illegal for want of notice.

§ 11. 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—

Powers of school district meetings.

1st. To appoint a chairman for the time being.

2d. To adjourn from time to time as occasion may require.

3d. To choose a director, treasurer, and clerk.

4th. To designate a site for a district school house.

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, and to build, hire, or purchase such school house, and to keep in repair and furnish the same with the necessary fuel and appendages.

6th. To vote a tax on the taxable property of the district of such sum as the meeting shall deem proper for the pay of teachers' wages in the district.

7th. To authorize and direct the sale of any school house, site, or other property belonging to the district,

when the same shall no longer be needful for the use of the district.

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

9th. To vote a tax not exceeding twenty dollars in any one year for the purchase of globes, black board, outline maps, or any apparatus for illustrating the principles of agriculture, chemistry, or the mechanic arts.

10th. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defence of any suit or proceeding in which the district may be a party or interested.

11th. To alter, repeal, and modify their proceedings as occasion may require.

Special meetings. § 12. Special district meetings may be called by the clerk, or in his absence by director or treasurer, on the written request of any five legal voters of the district, and the inhabitants qualified by law to vote, when lawfully assembled at a special meeting, shall have power to transact the same business as at the first and each annual meeting, except to choose district officers and to vote a tax.

Notification for special meetings. § 13. Whenever the time for holding an annual meeting in any district for the election of district officers shall pass without such election being held, the clerk, or in case of his absence, either the director or treasurer last elected, within twenty days after the time of holding such meeting shall have passed, may notify a special meeting for such election in the manner prescribed in the eleventh and twenty-ninth sections of this chapter; but if such meeting shall not be notified within twenty days as aforesaid, the town superintendent may order any taxable inhabitant of such district to notify such meeting in the manner provided in this chapter for the formation of a new district; and the officers chosen at such special meeting shall hold their offices until the time for holding the next annual meeting.

Maximum tax for building school houses, &c. § 14. No tax to be voted by a district meeting for building, hiring, or purchasing a school house, shall exceed the sum of three hundred dollars, unless the town superintendent of the town in which the school house is to be situated, shall certify in writing his opinion that a larger sum ought to be raised, and shall specify the sum, in

which case a sum not exceeding the sum specified may be raised; and in districts composed of parts of several towns, the certificate of a major part of the superintendents of said towns shall be necessary for such purpose.

§ 15. The qualified voters at each annual meeting may determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than three 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 common school fund and from the town, shall be applied to the support of the summer or winter term of the school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall have power and it shall be their duty to determine the same.

Regulations re-
grading time of
holding school.

§ 16. The officers of each school district shall be a director, treasurer, and clerk, who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors shall have been chosen, but not beyond ten days after the time for holding the second annual meeting after their election or appointment, without being again elected or appointed. Any person present at a school district meeting at which he shall be elected one of the district board, shall be deemed to be notified thereof, and any person so elected, and not present, shall be notified thereof by the clerk of such meeting within five days thereafter, and unless each person so elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same; and any person appointed to fill a vacancy shall file with the clerk his acceptance in writing before entering upon the duties of the office to which he has been appointed.

District officers.

Notification of
election.

§ 17. It shall be the duty of the director of each district to sign, together with the clerk, all orders drawn by the clerk upon the treasurer of the district for moneys received by him to be disbursed therein.

Duties of Direc-
tors.

§ 18. The director shall appear for and on behalf of the district, in all suits brought by or against the district, when no other direction shall be given by the qualified voters of such district at a district meeting.

Duties of treasurer. § 19. It shall be the duty of the treasurer of each district to apply for and receive from the town superintendent, all school moneys apportioned to his district, and pay over on the order of the clerk and director of such district, all moneys so received by him.

Annual report. § 20. The treasurer shall present to the district at each annual meeting a report in writing containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor; also a statement of all taxes assessed upon the taxable property of the district during the year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, which report shall be recorded by the clerk; and if it shall appear that any balance of moneys is in the hands of such treasurer at the time of making such report, he shall immediately pay over such balance to his successor in office.

Bond of treasurer. § 21. The treasurer shall within ten days after his election execute to the district a bond in double the amount of money, as near as can be ascertained, to come into his hands as treasurer, during the year, with sufficient sureties to be approved by the director and clerk, conditioned for the faithful discharge of the duties of his office; and if he shall fail so to do, his office shall be vacant.

Penalty for breach of conditions of bond. § 22. Such bond shall be filed with the clerk, and in case of any breach of the condition thereof, the director shall cause a suit to be commenced thereon in the name of the district, and the money, when collected, shall be applied by such director to the use of the district, as the same should have been applied by the treasurer.

In cases when Treasurer fails to give bond or declines. § 23. If the treasurer shall fail to give a bond as is required in this chapter, or shall decline to accept his office, the said board shall appoint a treasurer, who shall possess all the powers of the district treasurer, and shall, before entering upon the duties of his office, give a bond to the district in double the amount of moneys to come into his hands, as near as can be ascertained, in the same manner and with the same effect as the district treasurer is required to give.

Prosecutions for withholding balance. § 24. If such treasurer shall refuse or neglect to pay over any balance remaining in his hands, it shall be the duty of his successor in office to prosecute without delay his official bond for the recovery of such balance.

§ 25. It shall be the duty of the clerk of each district Duties of clerk. to record the proceedings of his district in a book to be provided by the district for that purpose; to enter therein copies of all reports made by him to the town superintendent, and to keep and preserve all records, books, and papers belonging to his office, and deliver the same to his successor in office.

§ 26. He shall be clerk of the district and of all district meetings when present, but if he shall not be present at any district meeting, the qualified voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district. Appointment of clerk pro tem.

§ 27. The clerk shall contract with and hire qualified teachers for and in the name of the district; which contract shall be in writing, and shall have the consent of either the director or treasurer, or both endorsed 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. Clerk to hire teachers &c.

§ 28. The district board shall provide the necessary appendages for the school house, and keep the same in good condition and repair during the time a school shall be taught therein; and they shall keep an accurate account of all expenses incurred by them, and present such account for allowance to the qualified voters at a regular district meeting; and the amount of such account as allowed by such meeting may be assessed and collected in the same manner as other district taxes; but no such account shall be allowed at a special district meeting unless the intention to present the same shall be specified in the notice for such meeting. Appendages for school house.

§ 29. It shall be the duty of the clerk to give at least six days previous notice of every annual and special district meeting, by posting up notices therefor in four or more public places in the district, one of which notices shall be affixed to the outer door of the school house. if there be one in the district; and he shall give the like notices for every adjourned district meeting, when such meeting shall have been adjourned for a longer period than one month; every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting which was not specified in such notice. Six days notice of annual or special meeting.

Report of clerk. § 30. It shall be the duty of the clerk, between the first and fifteenth days of September in each year, to make and transmit a report in writing, signed by him, to the town superintendent, dated on the first day of September, in the year in which it shall be transmitted, showing :

1st. The number of children, male and female, designated separately, residing in the district on the last day of August previous to the date of such report, over the age of four and under the age of twenty years.

2d. The number attending school during the year, under the age of four, and the number over the age of twenty years.

3d. The whole number that have attended school during the year.

4th. The length of time a school has been taught during the year by a qualified teacher; the name of each teacher, the length of time taught by each, and the wages paid to each.

5th. The average length of time scholars over the age of four and under the age of twenty-years, have attended school during the year.

6th. The amount of moneys received from the town superintendent within the year, and the manner in which the same has been applied.

7th. The amount raised by the district in such year, and the purpose for which it was raised.

8th. The kind of books used in the school.

9th. Such other facts and statistics in regard to the school and the subject of education, as the state superintendent may direct.

Clerk to draw orders on Treasury. § 31. It shall be the duty of the clerk to draw orders on the treasurer of the district for money, in the hands of such treasurer, which has been apportioned to or raised by the district, to be applied to the payment of teachers' wages, and apply said moneys to the payment of such teachers as shall have been employed by him in the name of the 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 this chapter: *Provided*, Said orders shall be signed by the director.

Proviso.

§ 32. The clerk of each school district shall furnish at the expense of the district a school register in the form prescribed by the state superintendent, in which every

teacher in the district shall be required to enter the names, School register. ages, and studies of all the scholars attending school, and daily, their attendance and absence; which register shall be deposited with the clerk at the end of each term; and any teacher who shall wilfully neglect or refuse to comply with the requirements of this section, shall forfeit his or her wages for teaching in such district.

§ 33. The clerk of each school district shall, on or before the fourth Monday of November in each year, deliver to the town clerk in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting or at the first meeting after the organization of the district, or both, as the case may require, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of the tax to be assessed in that part of the district within such town, together with in case of a joint district. a list of all persons and corporations liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuations contained in the last assessment rolls of the respective towns; and to enable the district clerk to ascertain the same, the town clerk of each such town, shall, on demand, at any time after he has received the equalized assessment roll of his town, deliver to the clerk of any such joint district a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.

§ 34. The town clerk shall assess such tax, or the due proportion thereof, upon the real and personal property Assessment of taxes by the town clerk. 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. And whenever any part and

not the whole, of the taxes for all purposes assessed in the assessment roll to any person or corporation, or upon any real estate, shall be collected by the town treasurer, he shall pay over the due proportion of the amount collected by him to the district treasurer.

The district board § 35. The director, treasurer, and clerk, shall constitute the district board.

Board to provide for a school house § 36. They shall purchase or lease such a site for a school house as shall have been designated by the district, in the corporate name thereof, and shall build, hire, or purchase such school house out of the funds provided for that purpose, and make sale of any school house, site, or other property belonging to the district, and if necessary execute a conveyance of the same in their name of office, when lawfully directed by the qualified voters of such district at any annual or special meeting.

To have the care of property belonging to the district. § 37. 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.

May fill vacancies § 38. The said board shall have power to fill by appointment any vacancy that shall 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 superintendent to fill such vacancy by appointment.

May purchase school books in certain cases. § 39. The district board may purchase at the expense of the district, when families or guardians may not be able to furnish the same, such school books as in their judgment may be necessary for the use of any children attending school in their district, and they may include the amount of such purchase in any tax to be collected in such district.

May determine what books shall be used. § 40. 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 school of such district.

Branches to be taught. § 41. In every district school there shall be taught, in the English language, orthography, reading, writing, English grammar, geography, and arithmetic, during the time such school shall be kept, and such other branches of education as may be determined upon by the board.

§ 42. It shall be the duty of the town superintendent of common schools, within ten days after he shall have been notified of his election or appointment, to execute to the chairman of supervisors of his town, and file with the town clerk, a bond with one or more sufficient surties, to be approved by the said chairman of supervisors, by endorsement over his signature on said bond, with a penalty, as near as can be ascertained, of double the amount of all the school moneys to come into his hands during the term of his office, and conditioned for the faithful application and legal disbursement of all such school moneys according to law, and for the faithful discharge of all the duties of his office, and in case such bond shall not be executed, approved, and filed within the time prescribed in this section, the office of such town superintendent shall be deemed vacant.

Town superintendent to file a bond.

§ 43. It shall be the duty of the town superintendent in each town—

Duties of the town superintendent.

1st. To divide the town into a convenient number of school districts, and to regulate and alter such districts as hereinafter provided.

2d. To describe and number the school districts, and to deliver the description thereof and numbers, in writing, to the town and district clerk, immediately after the formation or alteration thereof.

3d. To apply for and receive from the county treasurer, all moneys apportioned for the use of common schools in his town, and from the treasurer of the town, all the moneys therein for the same purpose.

4th. To apportion the school moneys received from the town and county treasurers, on the third Monday in March in each year, or as soon thereafter as he shall receive the same, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall have appeared from the last annual reports of their respective clerks.

5th. To see that the annual reports of the clerks of the several school districts in his town, are made correctly and in due time.

6th. To sue for and collect in his name of office, all penalties and forfeitures imposed in this chapter, which shall be incurred by any officer or inhabitant of his town, and in respect to which no other provision is made.

Superintendent to
make an annual
report.

§ 44. It shall be the duty of the town superintendent, between the first and fifteenth days of October in each year, to make and transmit to the clerk of the board of supervisors of the county, a report in writing, bearing date on the first day of October in the year of its transmission, stating:—

1st. The whole number of school districts separately set off within the town.

2d. The districts and parts of districts from which reports shall have been made to him or his immediate predecessor in office, within the time limited for that purpose.

3d. The length of time a school shall have been taught in each of such districts or parts of districts, distinguishing what portion of that time the school has been taught by qualified teachers.

4th. The amount of public moneys received in each of such districts and parts of districts.

5th. The number of children taught in each and the number of children over the age of four and under the age of twenty years, residing in each.

6th. The whole amount of moneys received by him from his predecessor in office, since the date of the last preceding report, distinguishing the amount received from the county treasurer, from the amount received from the town treasurer, and from other sources, if any.

7th. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause.

8th. The amount of money raised in the districts and paid for teachers' wages, in addition to the public money paid therefor; the amount of taxes raised for purchasing school house sites, for building, hiring, purchasing, repairing, and insuring school houses; for fuel, for district libraries, or for any other purpose allowed by law, in the districts or parts of districts from which reports have been received by him, or his predecessor, since the date of the last preceding report, with such other information as the state superintendent may from time to time require.

§ 45. No moneys shall be apportioned to any district or part of a district, unless it shall appear, by the report thereof, that a school has been taught therein, for at least three months during the year ending at the date of such report, by a qualified teacher, and that all school moneys received during that year from the school fund, have

Condition of ap-
portioning mon-
ey to districts.

been applied to the payment of the wages of such teacher; and no portion of the library money shall be apportioned to any district or part of a district, unless it shall appear from the last annual report thereof, that the library money received at the last preceding apportionment was duly expended according to law, before the first day of September subsequent to such apportionment, and that such district has complied with the regulations established by the state superintendent in relation to district libraries.

§ 46. The town superintendent in each town shall keep a just and true account of all school moneys received and expended by him during each year for which he shall have been chosen, and shall lay the same before the board of auditors of town accounts, at the annual meeting of such board in each year.

Superintendent to keep an account of moneys.

§ 47. The town superintendent of schools in each town shall within ten days after the termination of his office, render to his successor in office a just and true account in writing, of all school moneys received by him during the preceding year, and of the manner in which the same shall have been appropriated and expended by him; and the account so rendered shall be delivered by such successor in office to the town clerk, to be filed and recorded in his office.

Shall account to his successor.

§ 48. On rendering such account, if any balance shall be found remaining in the hands of such town superintendent, the same shall be immediately paid by him to his successor in office.

Shall pay over moneys to his successor.

§ 49. Such successor in office shall bring a suit upon the official bond of any previous town superintendent, for the recovery, with interest, of any unpaid balance of school moneys that shall appear to have been in his hands on leaving his office, either by the accounts rendered by such town superintendent, or by other sufficient proof.

Such successor may bring a suit to recover unpaid balance.

§ 50. The town superintendent in each town shall have the powers and privileges of a corporation, so far as to enable him to take and hold any property transferred to him for the use of common schools in such town.

Town superintendent to have powers of corporation.

§ 51. The town superintendent shall be entitled to receive one dollar per day for every day actually and necessarily devoted by him in his official capacity, to the service of the town for which he may be chosen, the same to be paid in like manner as other town officers are paid.

Corporation.

Mode of apportionment where districts have been altered or new ones formed.

§ 52. If after the time when the annual reports of the school districts are required to be dated, and before the apportionment of school moneys shall be made, a district shall be duly altered, or a new district [*shall be formed*] in the town, so as to render an apportionment founded on such annual reports, unjust as between two or more districts of the town, the town superintendent shall make an apportionment to such districts according to the number of children in each over the age of four and under the age of twenty years, ascertaining that number by the best evidence in his power.

Moneys not apportioned to be added to future apportionments.

§ 53. All moneys apportioned by the town superintendent to any district or part of a district, which shall have remained in the hands of said town superintendent for one year after such apportionment by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by such town superintendent, to the several districts and parts of districts in such town, and apportioned therewith.

Examination of teachers.

§ 54. It shall be the duty of the town superintendent to examine annually all persons offering themselves as candidates for teachers of common schools in his town, in regard to moral character, learning, and ability to teach school; and he shall deliver to each person examined and found qualified, a certificate signed by him, in such form as shall be prescribed by the state superintendent; which certificate shall be in force for one year from the date thereof, unless annulled within that time, and no person shall be deemed a qualified teacher within the meaning of this chapter, who has not such a certificate in force. A certificate granted by any town superintendent, as provided in this section, shall not be deemed a legal qualification of a teacher within the meaning of this chapter in joint school districts, except in cases where the school house is situated in the town for which the superintendent granting the certificate was chosen.

May annual certificate given to teachers.

§ 55. The town superintendent may annul any such certificate given by him or his predecessor in office, when he shall think proper, giving at least ten days' previous notice in writing to the teacher holding it, and to the district board of the district in which he may be employed, of his intention to annul the same.

§ 56. The annulling of a certificate shall not disqualify

the teacher to whom it is given, until a note containing Its effect, &c. ; the name of the teacher and the time when the certificate was annulled, shall be made by the town superintendent, and filed in the office of the town clerk.

§ 57. The town superintendent, whenever he shall deem May re-examine teachers. it necessary, may require a re-examination of all or any of the teachers in his town, for the purpose of ascertaining their qualifications to continue as such teachers.

§ 58. It shall be the duty of the town superintendent Shall visit schools. to visit all such common schools.

§ 59. At such visitation, the town superintendent shall Shall advise directors. examine into the state and condition of such schools, both as respects the progress of the scholars in learning, and the good order of the schools, and may give his advice and direction to the board of directors, and the teachers of such schools, as to the government thereof, and the course of studies to be pursued therein.

§ 60. Whenever the town superintendent shall contemplate an alteration of the boundaries of a school district, Notice to be given on altering the boundaries of a district. he shall give at least five days' notice in writing to the clerk of the district or districts to be affected thereby, stating in such notice the time and place, when and where he will be present to hear and decide upon such proposed alteration; and it shall be the duty of such clerk or clerks immediately to notify the other members of the board. In hearing and deciding upon the alteration of a school district, the district board of the district or districts to be affected by such alteration may apply to the chairman of the town board of supervisors and town clerk to be associated with the town superintendent, and a majority of the board so constituted shall be necessary to make any change in the boundaries of a school district, and their action shall be final unless duly appealed from.

§ 61. In all cases where an alteration of the boundaries of a school district shall be made, Notice of the alteration. the town superintendent shall, within three days thereafter, give notice thereof, by filing a copy of the order so altering the same with the clerk of the district or districts affected by such alteration; and no alteration of any school district, made without the consent of a majority of the district board endorsed on such order, shall take effect until three months after notice given as above specified, nor shall any altera-

tion of an organized school district be made to take effect between the first day of December in any one year, and the first day of April following.

**Formation of
new districts.**

§ 62. When a new district is formed, in whole or in part from one or more districts possessed of a school house, or entitled to other property, the town superintendent, at the time of forming such new district, shall ascertain and determine the proportion of the value of the school house and other property justly due to such new district.

**Valuation of
school house and
district property.**

§ 63. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the town superintendent; and such amount of any debt due from the former district, which would have been a charge upon the new had it remained in the former district, shall be deducted from such proportion.

**Raising tax on
district retaining
school house.**

§ 64. Such proportion, when ascertained, shall be raised and collected by tax upon the taxable property of the district, retaining the school house or other property of the former district, in the same manner as other district taxes are collected, and when collected shall be paid to the treasurer of the new district, to be applied towards procuring a school house for such district; and the money so paid to the new district shall be allowed to the credit of the taxable property taken from the former district, in reduction of any tax that may be imposed on said taxable property, in the new district, for the building of a school house.

**Joint school dis-
tricts.**

§ 65. Whenever it shall be necessary to form a district from two or more adjoining towns, the superintendents of such adjoining towns shall meet together and form such district, and deliver the notice of such formation to a taxable inhabitant of such district, whose duty it shall be to serve such notice, as provided in the second section of this chapter, and the clerk of the district so formed shall make such report to the superintendent of each such adjoining town, of such part of said district as may be situate in such town, as is prescribed in the thirtieth section of this chapter; and any district so formed may be altered or regulated by the superintendents of such adjoining towns as may be deemed necessary.

§ 66. Any person conceiving himself aggrieved in con-

sequence of any decision made by any school district meeting, or by the town superintendent, in forming or altering or refusing to form or alter any school district, or concerning any other matter under the provision of this chapter, may appeal to the state superintendent, who is hereby authorized and required to examine and decide the same, and such decision shall be final and conclusive: *Provided, however,* That the decision appealed from shall be operative until the state superintendent shall reverse or change the same.

Address of gen-
erals.

Provide...

§ 67. All taxes raised and collected in any school district for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

Kind of property
taxed.

§ 68. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the town clerk shall estimate the value of the same, in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

Town Clerk to
estimate value of
property in cer-
tain cases.

§ 69. Whenever a school district embraces a part of more than one town, the town superintendents of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed to enquire and determine whether the valuations of taxable property in the assessment rolls of such towns are just, as compared with each other, in respect to such district, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon the real estate of the parts of such district so lying in different towns, and shall certify the same to the town clerk of each town, and if received by him previous to making out the assessment roll for that year, he shall assess the school district tax according to such equalized valuation. In cases where two superintendents cannot agree as to such valuation, they shall summon a superintendent from an adjoining town, who shall unite in such inquiry and determination.

Equalizing taxes
in joint school
districts.

§ 70. It shall be the duty of the town clerk to receive and keep all reports made to the town superintendent, from clerks of school districts, and all books, maps, and

Town clerk to
keep all reports
to superintendent.

papers belonging to the town superintendent, when required, and file them in his office; and he shall record, in a book kept for that purpose, such description of school districts and organization or alteration thereof, as shall be transmitted to his office by the town superintendent.

Town clerk to receive and keep all documents transmitted to him by superintendent.

§ 71. It shall be the duty of the clerk of the county board of supervisors in each county, to receive all documents transmitted to him by the town superintendents of the several towns in his county, and all communications directed to him by the state superintendent, and keep the same in his office, or dispose of the same as directed by the state superintendent.

Clerk to report to state superintendent.

§ 72. The said clerk shall, on or before the tenth day of November in each year, make and transmit to the state superintendent a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been made to him by the town superintendents, and containing an abstract of their reports.

Shall deliver statement of whole number of children &c. to county treasurer.

§ 73. He shall also, within the time mentioned in the preceding section, make and deliver to the county treasurer a written statement of the whole number of children in each town in the county over the age of four, and under the age of twenty years, as shown by the town superintendent's reports, and the board of supervisors of each county shall allow to the clerk thereof such compensation as they may deem reasonable for the services required of him by the provisions of this chapter.

Money to purchase libraries.

§ 74. Each town superintendent may, in his discretion, set apart a sum not exceeding ten per cent. of the gross amount of the school money apportioned to any school district, which shall be applied by such districts to the purchase of school district libraries, which shall be the property of such districts; and any resident of a school district, and the parents and guardians of all the children therein, between the ages of four and twenty years, shall be permitted to use books from the school district library of said district without charge, being responsible to the district for the safe return thereof, and for any injury done thereto, according to such rules and regulations as may be established by the state superintendent. *Provided, however,* That for the city of Milwaukee ten per cent. only on the amount of money received from the state shall be apportioned for library purposes as prescribed herein.

Proviso.

Provided, That when the district board or school commissioners shall so determine, a portion of the library money not exceeding one-half the amount so appropriated, may be applied to the teaching of music in such schools.

§ 75. The taxable inhabitants of each school district shall have power, when lawfully assembled at any annual district meeting, to vote a tax on the district not exceeding thirty dollars in any one year, for a district library, consisting of such books as they may direct their district board or any other person, at such district meeting, to purchase; and such further sum as they may deem necessary for the purchase of a book case. Tax for libraries.

§ 76. The clerk of the district, or such other person as the taxable inhabitants may at any legal meeting appoint by a majority of votes, shall be the librarian of the district, and shall have the care and custody of the district library. Librarian.

§ 77. Every school district library, and the appurtenances thereunto belonging, shall be deemed to be vested in the district board of the district, so as to enable them to maintain any action for the same, or for the value thereof, or for the recovery of any fine or penalty for damage done to any book or books, or neglect to return, or loss of the same; and all such fines and penalties incurred in consequence of a violation of any regulation lawfully established in respect to district libraries, shall be sued for and collected in the name of such district board, and when so collected shall be applied for the benefit of such district library. Library vested in the district board. Fines and penalties.

§ 78. The legal voters in any two or more adjoining districts may, in such cases, as may be approved by the town superintendent, unite their libraries, and also their library moneys, as they shall be collected or received, and purchase a joint library for such districts, which shall be selected by the district boards thereof, or by such persons as they shall designate, and shall be under the charge of a librarian to be appointed by the district boards of such districts, and the provisions of this chapter shall be applicable to such joint libraries, except that the property in them, and their appurtenances, shall be deemed vested in all the district boards, for the time being, of the districts so united; and in case any such district shall desire to divide such library, such division shall be made by the directors of the districts whose libraries are so united, and Union of Libraries.

in case they cannot agree then such division shall be made by the town superintendent.

Justification of justices in cases where a school district is a party.

§ 79. Justices of the peace shall have jurisdiction in all cases, in which a school district is a party interested, when the amount claimed by the plaintiff shall not exceed one hundred dollars, and the party shall have the same right of appeal as in other cases; and when a suit shall be brought against any school district, it shall be commenced by a summons, a copy of which shall be left with the director of such district.

No execution to issue against school district.

§ 80. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon; but the same shall be collected in the manner prescribed in this chapter.

Director to certify to date and amount of judgment.

§ 81. Whenever any final judgment shall be obtained against any school district, if the same shall not be removed to any other court, the director of such district shall certify to the town clerk of the town, the date and amount of such judgment, with the name of the party in whose favor the same was rendered; and if such judgment shall be removed to another court, the director shall certify the same as aforesaid immediately after the final determination thereof against the district.

In case of fact to certify.

§ 82. If the director shall fail to certify such judgment, as required in the preceding section, it shall be lawful for the party obtaining the same, his agent or legal representatives, to file with the town clerk of the town, the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by such director.

Where district lies in two towns certificate of judgment to be given each town clerk.

§ 83. If the district against which any such judgment shall be rendered is situate in part of two or more towns, a certificate thereof shall be delivered as aforesaid to the town clerk of each town in which such district is part situated.

Town clerk to assess amount of judgment on taxable property of district.

§ 84. The town clerk receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said district, placing the same on the next town assessment roll in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned, in the same manner as other town taxes, and shall be paid

to the party entitled thereto. If such district be situated in two or more towns, the clerk of each town shall, on demand of any person interested, furnish for the clerk of every other town in which any part of the district is situated, a certificate showing the total amount of the valuations of taxable property in that part of the district situate in his town, according to the last assessment roll of said town, and the amount of the judgment shall be assessed upon the respective parts of the district within the several towns in proportion to such valuation. In all cases when for any reason, the clerk of any town has heretofore failed, or shall hereafter fail to assess the amount of any such judgment, or the proper proportion thereof, in the next assessment roll after the rendition of the judgment, it shall be his duty to assess the same in any subsequent assessment roll within two years thereafter, upon the taxable property within the district, or part of a district, situate within his town according to its limits at the time of making the assessment.

Mode of procedure in joint districts.

§ 85. Every taxable inhabitant, receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to serve and return said notice, and every chairman of the first district meeting in any district, who shall wilfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

Penalty for neglect or refusal to obey 1st and 2d sections.

§ 86. Every person duly elected to the office of director, treasurer, or clerk of any school district, who shall neglect or refuse without sufficient cause, to accept such office and serve therein, or who having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars.

Penalty for refusing to serve as district officers.

§ 87. Every town superintendent, who shall neglect or refuse to make and deliver to the clerk of the county board of supervisors his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the town treasurer in the name of the town.

Penalty for town superintendent neglecting to report.

§ 88. Every clerk of the county board of supervisors, who shall neglect or refuse to make the report required in this chapter to be made by him to the state superintendent, within the time therefor limited, shall be liable to

Penalty for neglect of clerk of county board to report to state superintendent.

pay to each town the full amount which such town, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

Apportionment of moneys.

§ 89. All moneys collected or received by any town treasurer, under the provisions of either of the last two preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportions, that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

Penalty for clerk of district signing a false report.

§ 90. Every clerk of a district, who shall wilfully sign a false report to the town superintendent of his town, with intent of causing such town superintendent to apportion to his district a larger sum than its just proportion of school moneys of the town, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Penalty for neglect or refusal to deliver records to successor.

§ 91. Every school district clerk who shall neglect or refuse to deliver to his successor in office, all records, books, and papers appertaining to such office, shall be subject to a fine not exceeding fifty dollars.

Suits to recover moneys withheld by town superintendent.

§ 92. It shall be competent for any legally organized school district in this state, to commence suit on the official bond of the town superintendent of common schools of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases where such town superintendent shall neglect or refuse, for the space of ten days from the time by law fixed therefor, to apportion and pay over to the proper officer of such district, the school moneys aforesaid.

Suit to compel the payment of school money.

§ 93. It shall also be competent for such school district, or the town superintendent of common schools, in case of default of the town treasurer or county treasurer to pay over to the town superintendent of the town in which such district is situated, the school moneys which by law should be paid over to such superintendent, to commence suit on the official bond of such town or county treasurer, for the recovery of such moneys.

§ 94. For the purpose of this act, the said school district, or the said superintendent, shall have full power and right

to commence suit in the name of the persons or officers to whom any bond as aforesaid shall be given, and to control and prosecute such suit without hindrance from the nominal plaintiffs to such suits, *Provided*, That such district or superintendent, as the case may be, shall be responsible for any costs that may be finally adjudged against the plaintiff.

May commence suit in name of the persons or officers to whom bond is given.

§ 95. In the prosecution of suits under this act, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required in law, in said suits. And any suits under this act, in which the sum claimed to be justly due shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any justice of the peace in the same manner as other cases.

Copy of bond to be proof.

§ 96. It shall be the duty of the town superintendent of each town, to make a map of all the school districts and parts of districts in his town, specifying the sections, parts of sections or other subdivisions therein embraced, and file the same with the town clerk on or before the first Monday of September next; and also a map of each district, in like manner, and file the same with the clerk of such district within the time above specified. And whenever thereafter any alteration shall be made in the boundaries of any school district, the town superintendent shall cause such alteration to be marked on the map and filed with the town clerk, and on the map of the district or districts affected by such alteration. In case of the formation of a new district, he shall furnish the clerk of such new district with a map thereof, and cause the same to be marked out on the map filed in the town clerk's office.

Map to be made by town superintendent.

§ 97. Whenever hereafter, any amendment shall be made to the provisions of this chapter, it shall be the duty of the state superintendent to furnish a copy of such amendment to every school district in the state.

Amendments to this act.

§ 98. Chapter nineteen of revised statutes "an act to amend chapter nineteen, title seven, part first, of revised statutes," approved March 6th, 1851;

"An act to confer certain powers upon organized school districts, and for other purposes;" approved March 11th, 1851;

Acts repealed.

“An act directing in what district personal property shall be taxed for school purposes,” approved April 9th, 1852;

“An act to amend chapter nineteen, section seventy-three of the revised statutes,” approved April 9th, 1852.

“An act to amend chapter nineteen of the revised statutes,” approved March 19th, 1853;

“An act to amend chapter nineteen of the revised statutes of this state,” approved March 29th, 1853;

“An act to amend chapter nineteen of the revised statutes,” approved March 14th, 1853;

“An act in relation to appeals from the decision of the town superintendents,” approved April 2d, 1853; and

“An act concerning school districts,” approved February 25th, 1854, are hereby repealed.

To be published
in pamphlet form

§ 99. The superintendent of public instruction is hereby instructed and directed to cause seven thousand copies of this act to be published in pamphlet form, including therein such rules, forms and regulations as he may deem necessary to carry into effect the provisions of this act; and when thus published it shall be the duty of the superintendent to distribute to each school district in this state one copy of the same, one copy to each town superintendent, one copy to the clerk of the board of supervisors of each county in the state, and one copy to each of the clerks of the several cities in the state.

§ 100 This act shall take effect and be in force from and after the first day of July, one thousand eight hundred and fifty-four.

Approved, April 1, 1854.

Chap. 81.

AN ACT to authorize a loan to the University of Wisconsin.

Published, April 25, 1854.

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

§ 1. The commissioners of the school and university lands shall loan to the University of Wisconsin, an amount not exceeding fifteen thousand dollars, out of any money

Amount to be loaned.