

CHAPTER 41.

[Published March 8, 1871.]

AN ACT to amend section 8, chapter 138, general laws of 1870, entitled "an act for the destruction of lynxes, wolves and wild cats."

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

Amended.

Shall file certificate of residence.

SECTION 1. Section 8, chapter one hundred and thirty-eight, general laws of 1870, is hereby amended by adding thereto the following: Said applicant shall also file with the clerk of the board a certificate of a justice of the peace of the town in which he resides, that he, the applicant, is a resident of said town, and has been for thirty days next preceding the application; and no bounty as provided for in sections one and two of chapter 138, general laws of 1870, shall be paid to a person not a lawful resident of this state, satisfactory evidence of which residence shall be furnished before such payment.

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

Approved March 2, 1871.

CHAPTER 42.

[Published March 8, 1870.]

AN ACT to authorize the commissioners of school and university lands to loan the trust funds to school districts for the purpose of building school buildings therein.

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

May loan school funds.

SECTION 1. The commissioners of school and university lands are hereby authorized to loan to any school district in the state, for the purpose of erecting

school buildings, and for no other purpose, out of the school, university or normal school funds in their charge and under their control, and for such term or terms of time, not exceeding ten years, as may be agreed upon, a sum of money which, together with all the other indebtedness of said district, shall not exceed five per cent. of the assessed valuation of the real property in any such school district, and not exceeding in any case ten thousand dollars, at the legal rate of interest of seven per cent. per annum, and upon such evidence of indebtedness as said commissioners shall prescribe and require, and all such loans shall be made payable in equal annual instalments, from and after the time fixed by said commissioners, with interest payable annually thereon in advance.

SECTION 2. The commissioners shall make no loan to any school districts on the application of any person or persons, unless such application be authorized by a vote of a majority of the legal voters of said district voting upon such question, and if at a special meeting, the object of such meeting shall be clearly stated in the notice thereof, and the certificate of the clerk of any school district applying for a loan, shall be conclusive evidence of all the facts stated therein, which certificate shall be deposited with the said commissioners and kept on file in their office.

Loans must be authorized by vote.

SECTION 3. The commissioners shall not make such loan until such district shall have voted to raise by tax to be used in erecting a school building or buildings in said district, in addition to such loan, a sum equal to at least one-half the amount of the loan applied for, such tax to be levied and collected within two years after the application, and it shall not be lawful for said district afterwards to rescind said tax, reconsider such vote or in any wise hinder, delay or postpone the levy and collection of the tax so voted.

Not to be made till a tax is voted.

SECTION 4. Any district obtaining a loan, as hereinbefore provided, shall annually, during the continuance of said loan, raise by tax upon the taxable property of said district, a sum of money sufficient to pay the annual instalments, with interest on the loan, as provided in section 1 of this act, and the clerk of said district is hereby authorized and directed in each and every year, during the continuance of said loan, to certify to the town clerk of said town, in the same

Annual tax to be levied to pay interest and principal.

manner as districts are now required by section ninety-two of chapter eighty-one of the general laws of 1869, to certify to town clerks all school district taxes, an amount sufficient to liquidate annually the interest and principal aforesaid, which amount when so certified and the amount of any tax voted to be collected that year as provided in section three of this chapter shall be inserted in the tax roll of said town, and collected as other school district taxes are collected, and when so collected, shall be applied to the object herein specified, and no other, and any school district clerk who shall wilfully neglect to make the certificate as provided in this section, shall be deemed guilty of misdemeanor, and on conviction thereof, by any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the state prison not less than one year nor more than five years in the discretion of the court.

All property within district to stand charged for payment of loan, and boundaries not to be changed.

SECTION 5. All the taxable property in any school district obtaining a loan under the provisions of this act, shall stand charged for the payment of said loan and the interest thereon at the time and in the manner hereinbefore specified, and the boundaries of said school district shall not be so altered as to exclude therefrom any land included therein, at the time of making said loan until the loan hereby authorized shall be fully paid, and it shall be the duty of the town clerk of any town in which a joint school district obtaining a loan as aforesaid shall be situated, on or before the second Monday in September in each year during the continuance of said loan, to make and transmit to the secretary of state a certified statement of the valuation of real and personal property belonging to that part of any such joint school district lying within his town, according to the last assessment roll of said town, and it shall be the duty of the secretary of state at the time he shall certify to the clerk of the board of supervisors the amount of state taxes, also to certify to the town clerk of any town in which any school district or part of district shall be situated, having obtained a loan of money under the provisions of this act, the amount that shall be due or to become due for the year, of principal and interest of said loan, and the town clerk of said town shall thereupon insert

the amount so certified in the assessment rolls of said town, as a tax upon said school district or part of district without any further or other authority, to be collected and paid over to the town treasurer of the town where the school house is situated, out of the first money collected by him belonging to said district or part of district, and by said town treasurer paid to the county treasurer, and by the county treasurer paid to the state treasurer upon said loan.

SECTION 6. In case any officer shall neglect or refuse to perform any duty required of him by law in relation to the levy and collection of any tax required to be raised pursuant to the provisions of this chapter, to make any payment of principal or interest, it shall be the duty of the attorney general forthwith to apply to the supreme court for the issuance of a mandamus to compel the performance of such duty: *provided*, that the provisions of this section shall apply to each and every special act which does now or may hereafter authorize such loan to any school district.

If officers neglect to levy tax, attorney general shall serve mandamus.

SECTION 7. Application for the loan of school moneys under the provisions of this act, shall be made by the school boards of the respective school districts in writing, stating the amount required, and the total assessed valuation of the property of said district, together with a correct map or plat of said district, which shall be recorded in the office of the secretary of state, and said application shall be acted upon by the commissioners of school and university lands, in the order of time in which said applications are made and filed: *provided*, that bills now pending before the legislature, or which may be introduced prior to this bill becoming a law, shall have precedence in the order introduced upon application of such school districts, filed with the school land commissioners within thirty (30) days after the passage of this act.

How application to be made

SECTION 8. Any officer who shall receive under the provisions of this act, or under the provisions of any special act authorizing a loan to any school district of any money from the trust funds of the state, any money to be paid to the state treasurer, as payment of the principal or interest of any such loan, or any part thereof, and shall neglect or refuse to pay the same to the officer designated by this act to receive said moneys,

Declared embezzlement.

within twenty days after receiving the same, shall be deemed guilty of embezzlement.

Penalty for neglect of district clerk.

SECTION 9. Any school district clerk who shall wilfully neglect or refuse to certify an amount sufficient to liquidate annually the interest and principal as they become due from his school district, under the provisions of any special act upon any loan from the trust funds of the state, as required by this act authorizing such loan, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars, or more than five hundred dollars, or by imprisonment in the state prison not less than one year nor more than five years, in the discretion of the court.

Duty of attorney general.

SECTION 10. It shall be the duty of the attorney general to prosecute without delay, all offenses arising under this act, and of all district attorneys when called upon by him, to render him all needed assistance in such prosecution.

Duty of secretary of state.

SECTION 11. It is hereby made the duty of the secretary of state, and he is hereby authorized, in case of the neglect of any officer of the town or school district to do any duty required of him in this act, to do the same.

SECTION 12. This act shall take effect from and after its passage.

Approved March 3, 1871.

CHAPTER 43.

[Published March 6, 1871.]

AN ACT relating to and amendatory of section six of chapter 160 of the general laws of 1859, entitled "an act to prescribe and limit the rate of interest."

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

SECTION 1. The provisions of section six of chapter one hundred and sixty of the general laws of 1859, entitled "an act to prescribe and limit the rate of in-

Not to apply to contracts made since April 28, 1866.