

shall not have maintained a common school taught by a qualified teacher, at a salary of not less than forty-five dollars per month, for at least eight months; unless the state superintendent shall be satisfied that such school was maintained and so taught for at least three months, and the failure to maintain and so teach it for eight months was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers. Time spent by the teacher or teachers of such district in attendance upon an institute in the county, shown by due reports to have been allowed by the district board without deduction from such teacher's wages shall be counted as part of such eight months.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 25, 1917.

No. 424, A.]

[Published May 29, 1917.

CHAPTER 285

AN ACT to amend section 439a of the statutes, relating to compulsory school attendance.

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

SECTION 1. Section 439a of the statutes is amended to read: Section 439a. 1. Any person having under his control any child between the ages of seven and fourteen years, or any child between the ages of fourteen and sixteen years not regularly and lawfully employed in any useful employment or service at home or elsewhere, shall cause such child to be enrolled in and to attend some public, parochial or private school regularly (regular attendance for the purpose of this statute shall be an attendance of twenty days in each school month, unless the child can furnish some legal excuse), in cities of the first class during the full period and hours of the calendar year (religious holidays excepted) that the public, parochial or private school in which such child is enrolled may be in session; in all other cities not less than eight school months; and in towns and villages not less than six school months in each year, and all children subject to the provisions of this act shall be enrolled in some public, parochial or private school within one school month after the commencement of the school term in the district in which such children reside, except that in cities of the first class such children shall be enrolled at the time of the opening of the school which they will attend (and the word "term," for the purposes of this act, shall be construed to mean the entire time

that school is maintained during the school year); provided that this section shall not apply to any child not in proper physical or mental condition to attend school, who shall present the certificate of a reputable physician in general practice to that effect, nor to any child who lives in country districts more than two miles by the nearest traveled road from the schoolhouse in the district where such child resides, *except that children between the ages of nine and fourteen living between two and three miles from school by the nearest traveled road shall attend school regularly at least sixty days during the year*; provided that if transportation is furnished by the district this exemption as to distance shall not apply, nor shall this section apply to any child who shall have completed the course of study for the common schools of this state or the first eight grades of work as taught in state graded or other graded schools of Wisconsin, and can furnish the proper diploma, certificate, or credential showing that he has completed one of said courses of study, or its equivalent. Instruction during the required period elsewhere than at school by a teacher or instructor selected by the person having control of such child shall be equivalent to school attendance, provided that such instruction received elsewhere than in school be at least substantially equivalent to instruction given to children of like ages in the public, parochial or private school where such children reside. Any person who shall violate the provisions of this section shall upon conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars, together with costs of prosecution, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court, for each offense. It shall be the duty of the district attorney and his assistants to prosecute in the name of the state all violations of the provisions of this section. Any person who shall be proceeded against under the provisions of this section may prove in defense that he is unable to compel the child under his control to attend school or to work, and he shall be thereupon discharged from liability, and such child shall be proceeded against as incorrigible, or otherwise, according to law, and in case of commitment, if the parents or person having control of such child desire it, such child shall be committed to a school or association controlled by persons of the same religious faith as such child, which is willing and able to receive and maintain it without compensation from the public treasury. When in any proceedings under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be

produced and filed in court. In case such certificates cannot be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child or first school enrollment to be found shall be admissible as evidence thereof.

2. Prosecutions for violation of this section may also be brought in the juvenile court in and for the county in which such violations occur, and said court is hereby granted full and concurrent jurisdiction thereof.

SECTION 2. This act shall take effect July 1, 1917.

Approved May 25, 1917.

No. 571, A.]

[Published May 29, 1917.]

CHAPTER 286

AN ACT to amend section 2226 of the statutes, relating to dower of insane wife.

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

SECTION 1. Section 2226 of the statutes is amended to read: Section 2226. The guardian so appointed shall ascertain as to the propriety and necessity of granting the prayer of the petition, and he and such wife shall have power to resist such application, and they or either of them may deny by answer any or all of the allegations of such petition and produce witnesses and take depositions to show the impropriety of granting the same, and may demand that the issues therein shall be tried by a jury. Upon the hearing of such petition the proofs shall in all cases be produced in open court; and if it shall appear that such wife is insane, and that the application is made in good faith, and that it will be for her benefit to grant the prayer of said petition the court shall make an order directing the petitioner or such other person as the court shall designate to execute in the name of such wife deeds of release to the proper parties of the dower or homestead right of such wife in or to any lands sold or to be sold, mortgaged or conveyed by such husband during her insanity, describing such lands in such order; provided, the court shall, as a condition of granting such order, require that there shall be secured, in such manner as the court shall direct, upon the estate of such husband, or out of the proceeds of the sales of such real estate, or by bond with sufficient sureties, conditioned for the support and maintenance of such wife, such sum for the use and benefit of such wife during her life as the court shall under all the circumstances deem just, regard being had to the station and condition in life of the said husband and wife. *If in any such proceedings it shall appear that the land*