

SEC. 8. Each member of the board of county supervisors shall be allowed two dollars per day for each days actual attendance upon the session of the board and six cents per mile travel going to and returning from the place of meeting.

CHAPTER XIII.

SEC. 1. The term of all town officers now holding their office by virtue of territorial laws, shall expire as soon as the officers provided for in this act shall be elected and qualified.

SEC. 2. This act shall take effect from and after the first day of April A. D. 1849, and thereafter all acts and parts of acts contravening the provisions of this act shall be null and void.

N. E. WHITESIDE,
Speaker of the Assembly.

JOHN E. HOLMES,
Lieut. Governor and President of the Senate

Approved, August 21, 1848.

NELSON DEWEY.

AN ACT in relation to Public Schools.

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

SECTION 1. Whenever the supervisors of any town shall for a school district therein it shall be the duty of the clerk of such board to deliver to a taxable inhabitant of such district a notice in writing of the formation of such district describing its boundaries and specifying the time and place of the first meeting, which notice with the fact of its delivery shall be entered upon record by the clerk..

SEC. 2. The said clerk shall also direct such inhabitant to notify ev-

ery qualified voter of said district either personally or by leaving a written notice at his place of residence of the time and place of said meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the qualified voters of said district accordingly.

SEC. 3. The said inhabitant when he shall have notified the qualified voters as required in said notice, shall endorse thereon a return showing such notification with the date or dates thereof, and deliver such notice and return to the chairman of the meeting

SEC. 4. The chairman shall deliver such notice and return to the director chosen at such meeting, who shall record the same in a book to be provided by him at the expense of the district as a part of the records of such district.

SEC. 5. The qualified voters of such district when assembled pursuant to said previous notice, and also at each annual meeting shall choose a moderator, director and treasurer who shall within ten days after such meeting severally file with the director a written acceptance of the offices to which they shall have been respectively elected, which shall be recorded by the director.

SEC. 6. Every such school district shall be deemed duly organized when any two of the officers elected at the first meeting shall have filed their acceptance as aforesaid.

SEC. 7. In case the inhabitants of any district shall fail to organize the same in pursuance of such notice as aforesaid the said clerk shall give a new notice in the manner hereinbefore provided, and the same proceedings shall be had thereon as if no previous notice had been delivered.

SEC. 8. Every school district organized in pursuance of this chapter or which has been organized and continued under any previous law of the state 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 number (such number as shall be designated in the formation thereof by the supervisors) of (name of the township or townships in which the district is situated) and in that name shall be capable of suing and being sued, 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.

SEC. 9. The record made by the director as required in the fourth section of this chapter shall be prima facie evidence of the facts therein set forth and of the legality of all proceeding in the organization of the district

prior to the first district meeting. But nothing in this section contained shall be so construed as to impair the effect of the record kept by the superintendent as evidence.

SEC. 10. Every school district shall in all cases be considered as being legally organized when it shall have exercised the franchises and privileges of a district for the term of two years.

DISTRICT MEETINGS.

SEC. 11. The annual meeting of each school district shall be held on the last Monday of September in each year and the school year shall commence on that day. The hour of meeting shall be six o'clock in the afternoon unless otherwise provided by the by-laws of the district.

SEC. 12. Special meetings may be called by the district board or by any one of them on the written request of any five legal voters of the district by giving the notice required in the next succeeding section, and in all notices of special meeting the object of the meeting shall be stated.

SEC. 13. All notices of annual or special district meetings after the first meeting has been held as aforesaid, shall specify the day and hour and place of meeting, and shall be given at least six days previous to such meeting by posting up copies thereof in three of the most public places in the district, and in case of any special meeting called for the purpose of establishing or changing the site of a school house, such notice shall be given at least ten days previous thereto.

SEC. 14. No district 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.

SEC. 15. Every male inhabitant of the age of twenty-one years residing in the district and liable to pay a school district tax therein, shall be entitled to vote at any district meeting.

SEC. 16. 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 the challenge shall not be withdrawn, the said chairman shall tender him an oath in substance as follows: You do swear (or affirm) that you are twenty-one years of age, that you are an actual resident of this school district and liable to pay a school district tax therein; and every

person taking such oath shall be permitted to vote on all questions proposed at such meeting.

SEC. 17. If any person shall refuse to take such oath his vote shall be rejected, and any person who shall wilfully take a false oath or affirmation under the provisions of the preceding section shall be deemed guilty of perjury.

SEC. 18. When any question is taken in any other manner than by ballot a challenge immediately after his vote has been taken shall be deemed to be made when offering to vote and treated in the same manner as aforesaid.

SEC. 19. The qualified voters of such school district when lawfully assembled shall have power to adjourn from time to time, as may be necessary; to designate a site for a school house a majority of all the legal voters present and to change the same by a vote of two thirds of all legal voters present at any regular meeting.

SEC. 20. When no site can be established by such inhabitants as aforesaid the supervisors of the town or towns in which the district is situated shall determine where such site shall be, and their determination shall be certified to the director of the district and shall be final, subject to alteration afterwards by the supervisors only.

SEC. 21. The said qualified voters shall also have power at any such meeting to direct the purchasing or leasing of an appropriate site, and the building, hiring or purchasing of a school house and to impose such tax as may be sufficient for the payment thereof subject to the limitation contained in the succeeding section.

SEC. 22. The amount of taxes to be raised in any district for the purpose of purchasing or building a school house shall not exceed the sum of three hundred dollars in any one year unless there shall be more than thirty scholars residing therein between the ages of four and twenty years, and the amount thereof shall not exceed four hundred dollars in any one year unless there shall be more than fifty scholars residing in the district between the ages last aforesaid.

SEC. 23. Such qualified voters when assembled as aforesaid may from time to time impose such a tax as shall be necessary to keep their school house in repair and to provide the necessary appendages and to pay and discharge any debts or liabilities of the district lawfully incurred, and in districts containing more than fifty scholars between the ages of four and

twenty years may raise a sum not exceeding twenty dollars in any one year for the purchase of globes, outline maps, or any apparatus for illustrating the principles of agriculture, chemistry or the mechanic arts.

SEC. 24. They may also determine at each annual meeting the length of time a school shall be taught in their district the ensuing year, which shall not be less than three months, and whether by male or female teacher, or both. And whether the moneys apportioned for the support of the school therein shall be applied to the summer or winter term, or a certain portion to each.

SEC. 25. In case any of the matters in the preceding section are not determined at the annual meeting, the district board shall have power and it shall be their duty to determine the same.

SEC. 26. Said qualified voters may also at any regular meeting authorize and direct the sale of any school house, site, building, or any other property belonging to the district, when the same shall no longer be needed for the use of the district.

SEC. 27. They may also give such direction and make such provision as they shall deem necessary in relation to the prosecution or defence of any suit or proceeding in which the district may be a party or interested.

DISTRICT OFFICERS, THEIR POWERS AND DUTIES.

SEC. 28. The officers of each school district shall be a moderator, director and treasurer, who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors shall have been chosen and filed their acceptance. but not beyond ten days after the time of a second annual meeting after their election or appointment without being again elected or appointed.

MODERATOR.

SEC. 29. The moderator shall have power, and it shall be his duty to preside at all meetings of the district, to sign all warrants for the collection of tax bills after they shall have been prepared and signed by the director and to countersign all orders upon the treasurer for moneys to be disbursed by the district and all warrants of the director upon the township treasurer for moneys raised for district purposes or apportioned to the district by the town clerk. But if the moderator shall be absent from any

district meeting, the qualified voters may elect a suitable person to preside at the meeting.

SEC. 30. If at any district meeting any person shall conduct himself in a disorderly manner, and after notice from the person presiding, shall persist therein, the presiding officer may order him to withdraw from the meeting and on his refusal may order any constable or other person or persons, to take him into custody until the meeting shall be adjourned.

SEC. 31. Any person who shall refuse to withdraw from such meeting on being so ordered, as provided in the preceding section, or who shall wilfully disturb such meeting, shall for every such offence forfeit a sum not exceeding twenty dollars to be recovered by the district in an action of debt, before any justice of the peace of the proper county.

TREASURER.

SEC. 32. The treasurer shall pay over all moneys in his hands belonging to the district on the warrant of the director, countersigned by the moderator and shall collect all tax bills for tuition and fuel, in obedience to the command contained in the warrant annexed thereto.

SEC. 33. In case any person shall neglect or refuse to pay the amount on such tax bill for which he is liable on demand, the treasurer shall collect the same by distress and sale of any goods or chattels of such person wherever found within any county in which the district or any part thereof is situated.

SEC. 34. The treasurer shall give at least ten days notice of such sale by posting up written notice thereof in three public places in the town where such property shall be sold.

SEC. 35. At the expiration of his warrant the treasurer shall make a return thereof in writing with the tax bill attached, to the director stating the amount on said tax bill collected, the amount uncollected, and the names of the persons from whom collections have not been made.

SEC. 36. The treasurer shall appear for and on behalf of the district in all suits brought by and against the same. When no other direction shall be given by the qualified voters in district meeting except in suits in which he is interested adversely to the district, and in all such cases the director shall appear for such district if no other direction be given as aforesaid.

DIRECTOR.

SEC. 37. The director shall be the clerk of the district board and of all the 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 to the director to be by him recorded.

SEC. 38. The director shall record all the proceedings of the district in a book to be kept for that purpose and preserve copies of all reports made to the superintendent, and safely to preserve and keep all books and papers belonging to his office.

SEC. 39. By and with the advice and consent of the moderator and treasurer or one of them, the director 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 moderator or treasurer or both endorsed thereon, and shall specify the wages per week or month as agreed by the parties and a duplicate thereof shall be filed in his office.

SEC. 40. The director 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 shall keep an accurate account of all expenses incurred by him as director.

SEC. 41. He shall present said account for allowance to the qualified voters of the district at a regular meeting and the amount of said account so allowed by such meeting shall be assessed and collected in the same bill with other district taxes, but no such account shall be allowed at a special meeting unless the intention to present the same shall be expressed in the notice of such meeting.

SEC. 42. He shall give the prescribed notice of the annual district meeting and of all special meetings in accordance with the provisions of this chapter, one copy of which for each meeting shall be posted on the outer door of the district school house if there be one.

SEC. 43. The director shall draw from the town library the proportion of books to which his district shall be entitled and return the same to the town library at the expiration of three months, and shall continue to draw books in like manner, at the expiration of every three months, and to return the same as aforesaid.

SEC. 44. He shall distribute the books drawn out by him to the parents or guardians of the children of the district of the proper age, for the time and under the restrictions contained in the rules prescribed by the superintendent.

SEC. 45. He shall draw and sign all orders upon the treasurer for all moneys to be disbursed by the district, and all warrants upon the town treasurer for moneys raised for district purposes, or apportioned to the district by the town clerk, and present the same to the moderator to be countersigned by him.

SEC. 46. The director shall also at the end of each school year, deliver to the town clerk to be filed in his office a report of the superintendent of the town showing.

1st. The whole number of children belonging to the district between the ages of four and twenty years according to the census taken as aforesaid.

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

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

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

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

6th. The amount of money received from the town treasurer apportioned to the district by the town clerk.

7th. The amount raised by the district and the purposes for which it was raised.

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

9th. Such other facts and statistics in regard to schools and the subject of education as the superintendent of common schools shall direct.

DISTRICT BOARD.

SEC. 47. The moderator, director and treasurer shall constitute the district board.

SEC. 48. Said board shall between the last Monday of September and the second Monday of October in each year make out and deliver to the supervisors of each town in which any part of said district is situated a report in writing, under their hands, of all taxes which said board is au-

thorized to impose, to be levied on the taxable property within the district.

SEC. 49. Said board shall exempt from the payment of school tax all such persons residing in their district as in their opinion ought to be exempted and shall certify such exemption to the director, and the children of such persons shall be admitted to the district schools free of charge during the term of such exemption.

SEC. 50. 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 fund provided for that purpose, and make sale of any site or other property of the district when lawfully directed by the qualified voters of such district at an annual or special meeting: Provided, that the district board shall not in any case build a school house the cost of which shall exceed one hundred dollars, without first having obtained a title in fee for the same or a lease for ninety-nine years.

SEC. 51. The district board shall apply and pay over all school moneys belonging to the district in accordance with the law, regulating the same as may be directed by the district, but no school moneys apportioned to any district shall be appropriated to any other purpose than the payment of teachers wages, and no part thereof shall be paid to any teacher who shall not have received a certificate as required in this chapter before the commencement of his or her school.

SEC. 52. The moderator and director shall require of the treasurer and the treasurer shall execute to the district a bond in double the amount of money to come into his hands as treasurer during the year (as near as the same can be ascertained) with two sufficient sureties, to be approved by the moderator and director, conditioned for the faithful application of all monies that shall come into his hands by virtue of his office.

SEC. 53. Such bond shall be filed with the director, 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 paid into the town treasury, for the use of the district, subject to the order of proper district officers.

SEC. 54. Said board shall present to the district at each annual meeting a report in writing, containing an accurate statement of all moneys received by them or any of them, during the preceding year, and of the dis-

bursements made by them with the items of such receipts and disbursements.

SEC. 55. Such report shall also contain a statement of all taxes assessed upon the taxable property of the district during the preceeding year; the purposes for which said taxes were assessed, and the amount assessed for each particular purpose, and said report shall be recorded by the director.

SEC. 56. The said district board shall have the care and custody of the school house and other property of the district, except so far as the same shall be specially confided to the custody of the director, including all books purchased for the use of pupils admitted to the school free of charge.

SEC. 57. The said board shall have power to fill by appointment any vacancy that shall occur in their own number, and it shall be their duty to fill such vacancy within ten days after it shall occur.

SEC. 58. If the treasurer shall fail to give bonds as is required by this chapter, or from sickness or any other cause shall be unable to attend to the duty of collecting any district tax bill, the said board shall appoint an acting treasurer for that purpose, who shall possess all the powers of the district treasurer and shall before proceeding to the collection thereof give bonds to the district in double the amount to be collected, in the same manner and with the same effect as the district treasurer is required to give such bond.

TOWN BOARD OF SCHOOL INSPECTORS.

SEC. 59. The supervisors shall divide the town into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper. Each district shall be composed of contiguous territory, and be as compact as possible, but no land shall be taxed for building a school house unless some portion of said land shall be within two miles of the site of said school house.

SEC. 60. They may attach to a school district any person residing in the township, and not in any organized district, at his request, and for all district purposes except raising a tax for building a school house, such person shall be considered as residing in said district; but when set off to a new district, no sum shall be raised for such person as his proportion to the district property.

SEC. 61. The superintendent shall apply for and receive from the town

treasurer, all moneys appropriated for the town library of their town, and shall purchase the books and procure the necessary appendages for the town library, in connection with the superintendent of public instruction, and make such rules for the regulation thereof as he may deem proper.

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

SEC. 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 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.

SEC. 64. The amount of such proportion when so ascertained and determined, shall be certified by the town clerk to the supervisor of the town whose duty it shall be to assess the same upon the taxable property of the district, retaining the school house or other property of the former district in the same manner as if the same had been authorized by a vote of such district and the money so assessed shall be placed to the credit of the taxable property taken from the former district and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes.

SEC. 65. When collected, such amount shall be paid over to the treasurer of the new district to be applied to the use thereof in the same manner, under the direction of its proper officers, as if such sum had been voted and raised by said district for building a school house or other district purposes.

SEC. 66. Between the first and fifteenth days of October in each year the supervisors shall make out and deliver to the town clerk a report to the county clerk setting forth the whole number of districts in their town, the amount of money raised and received for the town library, together with the several particulars set forth in the reports of the school directors for the preceding year.

SEC. 67. The superintendent before making his annual report to the county clerk shall examine the record of teachers to whom certificates have been given by them; and if in any school district a school shall not have been taught for three months during the preceding school year by a qualified teacher no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught and it shall be the duty of the board to certify the facts in relation to any such district in their report to the county clerk.

SEC. 68. Whenever it shall be necessary or convenient to form a district from two or more adjoining towns, the supervisors may form such district, and direct which town clerk shall make and deliver the notice of the formation of the same to a taxable inhabitant thereof, and may regulate and alter such district as circumstances may render necessary and they shall also designate the town to which the director of such district shall make his annual report.

SEC. 69. The director of every district formed as provided in the preceding section shall also report to the clerk of each town in which the district is in part situated the number of children between the ages of four and twenty years in that part of the district lying in such town, and books shall be drawn from the library of each town for the use of such district, but the district shall have access to but one such library at the same time, and the said superintendent shall establish the order in which books shall be drawn from each town library.

SEC. 70. Such school district already formed from two or more towns shall continue to be governed by the regulations already established according to law in relation to the annual reports, and the drawing of books from town libraries, subject to such changes as may be made in respect thereto, by the said superintendent in conformity with the preceding provisions.

SEC. 71. The full amount of all taxes to be levied upon taxable property in such district shall be certified by the district board, to the supervisor of each of such towns, and each of said supervisors within whose town such district is in part situated, the amount of taxable property in that part of the district lying in his town and such supervisors shall respectively ascertain the proportion of such taxes to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district.

SEC. 72. It shall be the duty of the superintendent to examine annu-

all persons offering themselves as candidates as teachers of primary schools in their towns, 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 superintendent of public instruction; which certificate shall be in force for one year from the date thereof, unless annulled within the time, and no person shall be deemed a qualified teacher within the meaning of this act, who has not such a certificate in force.

SEC. 73. For the purpose of making such examination the superintendent shall meet on the second Saturday of April and first Saturday of November in each year at the office of the town clerk or at such other place as he shall designate, of which meetings the town clerk shall give at least ten days notice in writing by posting up the same in three public places in the town.

SEC. 74. The superintendent may make such examination at such other times as he may designate for that purpose, but shall make no charge against the town for examination of teachers at any other time than those specified in the preceding section.

SEC. 75. The examination of teachers shall be public, and no certificate shall be given by the superintendent unless he is satisfied that the applicant possesses a good moral character and a thorough and accurate knowledge of the several branches of study usually taught in primary schools, and is competent in all other respects to teach and govern a school.

SEC. 76. When a district is situated in two or more towns, the teachers for such district shall be examined by the superintendent of the town to which the director is required to make his annual report.

SEC. 77. Whenever the superintendent shall deem it necessary to re-examine any teacher of a primary school in their town they shall give five days notice to such teacher of the time and place of such re-examination, and of their intention to annul his certificate if they find him deficient in the requisite qualifications: and at the time and place specified in the notice if such teacher shall not appear and submit to such re-examination or if he be found deficient as aforesaid the superintendent shall annul the said certificate.

SEC. 78. Whenever the superintendent of any town shall deem that the interests of any of the schools will be best promoted by so doing he may form a single district out of any two or more districts therein, and classify

the pupils in such district into two or more classes according to their proficiency and advancement in learning, and require that such pupils be taught in district schools or departments as classified by them, and such district may have the same number of school houses, if necessary, and to raise the same amount of taxes which the original districts forming the same could raise if not united.

SEC. 79. The said superintendent may also on the application of the district board of any district, classify the pupils therein in the manner prescribed in the preceding section, and require that the pupils be taught in distinct departments whenever he shall judge that the interest of the school will best be promoted thereby, and in case of any such classification as is provided for in this or the preceding section, as many teachers may be employed for each district as there are departments in which teachers are required.

SEC. 80. It shall be the duty of the superintendent to render to the township board on the Tuesday next preceding the annual town meeting a full and true account of all monies received and disbursed by him as such superintendent during the year, which account shall be settled by said town board and such disbursements allowed if the proper vouchers are presented.

CERTAIN DUTIES OF TOWN CLERK.

SEC. 81. The town clerk on receiving notice from the county treasurer of the amount of school moneys apportioned to his town shall apportion the same among the several districts therein entitled to the same, in proportion to the number of children in each between four and twenty years of age, as the same shall be shown by the annual report of the director of each district for the school year last closed.

SEC. 82. Said clerk shall also apportion in like manner, on receiving notice of the amount from the town treasurer, all monies raised by town tax or received from other sources for the support of schools, and in all cases make out and deliver to the town treasurer a written statement of the number of children in each district drawing money, and the amount apportioned to each district, and record the apportionment in his office.

SEC. 83. He shall receive and keep a full report to the superintendent from the directors of the several school districts in his town, and all the

books and papers belonging to the superintendent and file such papers in his office.

SEC. 84. He shall receive all such communications as may be transmitted to him by the superintendent of common schools and dispose of the same in the manner directed therein.

SEC. 85. He shall transmit to the clerk of the board of supervisors of his county all such reports as may be delivered to him for that purpose by the superintendent within the time limited in this chapter.

SEC. 86. Each town clerk shall cause a map to be made of his town showing by distinct lines thereon the boundaries of each school district and parts of school districts therein, and shall regularly number the same thereon as established by the supervisors.

SEC. 87. One copy of such map shall be filed in said clerk's office, and one other copy he shall give to the supervisors of his town, and within one month after any division or alteration of a district or the organization of a new one in his town the said clerk shall file a new map and copy thereof as aforesaid showing the same.

SEC. 88. The clerk shall also certify to the supervisor the amount to be assessed upon the taxable property of any school district retaining the district school house or other property, on the division of the district as the same shall have been determined by the superintendent and he shall also certify the same to the director of such district and to the director of the district entitled thereto.

SEC. 89. Said clerk shall also be the town librarian and as such shall have custody of the town library, and he shall do and execute all such other acts and things pertaining to his office as may be required of him by the superintendent.

OF TAXES FOR SCHOOL PURPOSES.

SEC. 90. It shall be the duty of the supervisors of the towns in this state to assess the taxes voted by every school district in their town, and also all other taxes provided in this chapter chargeable against such district or town upon the taxable property of the district or town respectively, and to place the same on the town assessment roll, in the column of school taxes and the same shall be collected and returned by the town treasurer in the same manner and for the same compensation as town taxes.

SEC. 91. The supervisors of each town shall assess upon the taxable property of said town a sum not less than one half of the amount received by said town from the school fund of this state, and the same shall be collected and returned in the same manner as is provided in the preceding section and shall be apportioned to the several school districts in the town in proportion to the number of children in each district between the ages of four and twenty years for the support of schools therein.

SEC. 92. The supervisors shall also assess upon the taxable property of their township two and a half mills on each dollar of the valuation thereof in each year which shall be apportioned to the several school districts in the townships for the support of schools therein, and the same shall be levied, collected and returned in the same manner as provided in the preceding section.

SEC. 93. Each school district at any regularly called meeting of the legal voters of said district may raise an additional tax to defray the expenses of teachers wages and contingent expenses: and said tax shall be levied collected and returned as the town taxes provided for in this act: Provided, that when a tax shall be voted in any school district meeting, the notice for such meeting shall specify the object of raising such tax.

SEC. 94. The supervisors on delivery of the warrant for the collection of taxes to the town treasurer, shall also deliver to said treasurer a written statement of the amount of school taxes, the amount raised for district purposes on taxable property of each district in the town, the amount belonging to any new district on the division of the former district and the names of all persons having judgments assessed under the provisions of this chapter, upon the taxable property of any district with the amount payable to such person on account thereof.

SEC. 95. The town treasurer of each town shall retain in his hands out of the moneys collected by him the full amount of the school tax collected on the assessment roll, and hold the same subject to the order of the district treasurer.

SEC. 96. Said treasurer shall from time to time apply to the county treasurer for all school moneys belonging to his town or the districts thereof, and on the receipt of the moneys to be apportioned to the districts, he shall notify the town clerk of the amount to be apportioned.

CERTAIN DUTIES OF COUNTY CLERK.

SEC. 97. It shall be the duty of each clerk of the county board of supervisors to receive all such communications as may be directed to him by the superintendent of common schools and dispose of the same in the manner directed by him.

SEC. 98. The clerk of each county shall on or before the tenth day of November in each year, make and transmit to the superintendent of common schools 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 superintendent and containing an abstract of their reports.

SEC. 99. 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 between the ages of four and twenty years as shown by the superintendents 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.

LIBRARIES.

SEC. 100. So soon as the total annual income of the school fund in this state shall amount to a sum equal or exceeding the sum of sixty thousand dollars, it shall be the duty of the superintendent of the several towns to appropriate annually ten per cent. of all the moneys received by their respective towns to the purchase of books for a common school library, which shall be the property of the town and the parents and guardians of all children therein between the ages of four and twenty years, shall be permitted to use books from such library without charge, being responsible to the town for the safe return thereof, and for any injury done thereto, according to such rules and regulations as are or may be established by the superintendent of the town.

SEC. 101. The books in such library shall once in three months be distributed by the town librarian among the several school districts of the town, in proportion to the number of children in each between the ages aforesaid, as the same shall appear by the last report of the director thereof, and said books shall be drawn and returned by the several directors for their respective districts.

SEC. 102. In each district in which a district library shall be established, the director shall act as librarian for the district, distribute the books therein to the children of his district of the proper age, and shall collect from the parents or guardians of such children all such damage as they may respectively become liable to pay on account of any injury done to, or loss of, or neglect to return any of such books, or any books belonging to the town library, pursuant to such rules as shall be prescribed by the superintendent.

SEC. 103. If such damages shall have occurred to the town library, they shall be collected in the name of the town and paid into the town treasury for the benefit of such town library, and if the same shall have occurred to the district library, the same shall be collected in the name of the district for the benefit of the district library.

DISTRIBUTION OF INCOME OF THE SCHOOL FUND.

SEC. 104. The interest of the school fund shall be distributed on the first Monday of May, or as soon thereafter as is practicable, in each year for the support of common schools, in the several townships in this state, from which reports have been received by the superintendent of common schools in accordance with the provisions of this chapter, for the school year last closed, in proportion to the number of children in such town between the ages aforesaid and the same shall be payable on the warrant of the state treasurer to the treasurer of the several counties.

SEC. 105. The several county treasurers shall apply for and receive such moneys as shall have been apportioned to their respective counties, when the same shall become due, and each of said treasurers shall immediately give notice to the treasurer and clerk of each town in his county of the amount of moneys apportioned to his town, and shall hold the same subject to the order of the town treasurer.

SEC. 106. Whenever the clerk of the county board of supervisors of any county shall receive from the superintendent notice of the amount of moneys apportioned to the several towns in his county he shall file the same in his office and forthwith deliver a copy thereof to the county treasurer.

OF SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

SEC. 107. Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested when the amount claimed or matter in controversy shall not exceed one hundred dollars, and the parties shall have the same right of appeal as in other cases.

SEC. 108. When any suit shall be brought against any school district it shall be commenced by summons, a copy of which shall be left with the treasurer of the district, at least eight days before the return day thereof.

SEC. 109. 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.

SEC. 110. Whenever any final judgment shall be obtained against a school district, if the same shall not be removed to any other court, the treasurer of the district shall certify to the supervisors of the town and to the director of the district, the date and amount of such judgment with the name of the person in whose favor the same was rendered, and if the judgment shall be removed to another court, the treasurer shall certify the same as aforesaid, immediately after the final determination thereof against the district.

SEC. 111. If the treasurer shall fail to certify the judgment as is required in the preceding section it shall be lawful for the party obtaining the same his agent or attorney, to file with the supervisors the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified to by the treasurer.

SEC. 112. If the district against which judgment shall be rendered is situated in part in two or more towns, a certificate thereof shall be delivered as aforesaid to the supervisors of each town in which such district is in part situated.

SEC. 113. The supervisors receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof with interest from the date of judgment to the time when the warrant for the collection thereof will expire, upon the taxable of the district, placing the same on the next town assessment roll, in the column for school taxes and the same proceedings shall be had, and the same shall be collected and returned in the same manner as other district taxes.

PENALTIES AND LIABILITIES.

SEC. 114. 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.

SEC. 115. Every person duly elected to the office of moderator, director or treasurer of a 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 virtue of his office, shall forfeit the sum of ten dollars.

SEC. 116. Every person duly elected town superintendent who shall neglect or refuse without sufficient cause to qualify and serve as such, or who having entered upon the duties of his office shall neglect or refuse to perform any duty required of him by this act, shall forfeit the sum of ten dollars.

SEC. 117. If any superintendent shall neglect or refuse to make and deliver to the town clerk his annual report to the county clerk, as required in this chapter, within the time limited therefor, they shall be liable to pay the full amount of money lost by their failure, with interest thereon to be recovered by the town treasurer in the name of the town, in an action of debt or on the case.

SEC. 118. If any town clerk shall neglect or refuse to transmit the report mentioned in the preceding section to the county clerk, as required in this chapter, he shall be liable to pay the full amount lost by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

SEC. 119. 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 superintendent of public instruction, within the time therefor limited, shall be liable to pay to each township 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 last two preceding sections.

Sec. 120. All moneys collected or received by any town treasurer under the provisions of either of the three last preceding sections shall be apportioned and distributed to the school districts entitled thereto in the same manner and in the same proportion that the moneys lost by any neglect or refusal therein mentioned would according to the provisions of this chapter have been apportioned and distributed.

Sec. 121. The superintendent of each town shall have power, and is hereby required to remove from office upon satisfactory proof after at least five days notice to the party implicated, any town or district officer who shall have illegally used or disposed of any of the public moneys entrusted to his charge.

MISCELLANEOUS PROVISIONS.

Sec. 122. Any person paying taxes in a school district in which he does not reside may send schollars to any district school therein and such person shall for that purpose have and enjoy all the rights and privileges of a resident of said district except the right of voting therein, and shall be included in the census of such district and the apportionment of money, from the school fund schollars so sent and generally attending such schools shall be considered as belonging to such district.

Sec. 123. Whenever any portion of a school district shall be set off and annexed to any other district or organized into a new one after a tax for district purposes, other than the payment of any debt of the district shall have been levied upon the taxable property thereof but not collected, such tax shall be collected in the same manner as if no part of such district had been set off, and the said former district and the district to which the portion so set off may be annexed, or the new district organized from such portion shall each be entitled to such proportion of said tax as the amount of taxable property in each part thereof bears to the whole amount of taxable property on which such tax is levied.

Sec. 124. For the purpose of apportioning the income of the school fund among the several towns a district situated in part in two or more towns shall be considered as belonging to the town to which the annual report of the director is required to be made but money raised in any one of such towns for the support of schollars therein shall be apportioned to the districts and parts of districts therein according to the number of children of proper age in each.

SEC. 125. The qualified voters of any town may by vote, at the annual town meeting, raise by tax a sum not exceeding fifty cents for every scholar in the town between the ages of four and twenty years, for the support of common schools in the town, in addition to the taxes hereinbefore required to be raised for that purpose, and such tax shall be levied, collected and returned in the same manner as town taxes are levied collected and returned.

SEC. 126. Whenever the majority of the inhabitants of a school district at any regular meeting, shall express a preference to have other languages taught in connection with the English language, it shall be the privilege of the district board to employ a teacher qualified for that purpose and such district shall have their regular share of the public monies.

SEC. 127. All schools coming under the provisions of this act shall be free and without charge for tuition to all children between the ages of four and twenty years.

SEC. 128. That whenever any school district shall vote a tax under the provisions of this act the question shall be taken by yeas and nays, which shall be duly entered upon the records of the proceedings of said district.

SEC. 129. This act shall take effect immediately succeeding the next annual town meetings in this state and all other acts relating to common schools, inconsistent with the provisions of this act shall expire at that time.

N. E. WHITESIDE,
Speaker of the Assembly.
JOHN E. HOLM, S.

Lieutenant Governor and President of the Senate.

Approved, August 21, 1848.

NELSON DEWEY.