

CHAPTER 150.

[Published March 16, 1869.]

AN ACT to amend chapter 79 of the general laws of 1862, relating to the registration of marriages.

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

SECTION 1. Chapter 79 of the general laws of 1862, relating to the registration of marriages is hereby amended, by adding to the first section thereof the following proviso: "*provided*, that such action shall not lie unless the same be brought before such certificate of marriage be actually delivered to the register of the proper county." Amended.

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

Approved March 10, 1869.

CHAPTER 151.

[Published March 16, 1869.]

AN ACT to codify the laws relating to normal schools, and to amend chapter 94 of the general laws of 1859, and chapter 116 of the general laws of 1866.

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

SECTION 1. All the provisions of law which direct the application and use of swamp and overflowed lands of this state, and of the lands selected in lieu of swamp and overflowed lands, and of the moneys received on sale of such swamp and selected lands, and of moneys received from the United States in lieu of swamp lands for the purpose of drainage, and for supporting common schools, normal schools and acad-

All laws repealed affecting disposition of swamp land fund.

mies, are hereby repealed, and all acts granting or offering to grant, or authorizing the conveyance of any such lands to any county, town, corporation, officer, board or to any person or persons, are hereby repealed; and such grants, offers and authority are revoked and annulled, except so far as the title to such granted lands may have been actually diverted under such acts: *provided*, that nothing herein contained shall impair the obligation of any contract heretofore made.

To constitute
the normal
school and
swamp land
funds.

SECTION 2. All the swamp and overflowed lands heretofore received by this state from the United States under and in pursuance of an act of congress, entitled "an act to enable the state of Arkansas and other states, to reclaim the swamp lands within their limits," approved September 28, A. D. 1850, and which are now owned by this state, and all lands now owned by this state which were selected in lieu of swamp and overflowed lands, as authorized by an act of congress, entitled an "act for the relief of purchasers and locators of swamp and overflowed lands," approved March 2, A. D. 1855, and all moneys received from the United States in lieu of swamp and overflowed lands, under the provisions of the act of congress last aforesaid, and all moneys received by this state as purchase money for swamp and overflowed lands, and for lands selected as aforesaid in lieu of swamp and overflowed lands, including the amounts loaned and invested, together with all sums due or to become due, as balance of purchase money on contracts for the sale of such swamp lands and selected lands, shall, after deducting the incidental expenses heretofore paid from said funds, and the losses sustained therefrom, as near as they can be conveniently ascertained, be divided into two equal parts, the one part to be denominated, "the normal school fund," and the other to be denominated, "the drainage fund." In making the partition between such funds, the swamp lands and moneys receivable on contracts for the sale of swamp lands, shall, as far as practicable, regard being had to the mode of distribution required by section six of this act, be set apart to the drainage fund; and the moneys received in lieu of, and in payment of lands as aforesaid, including the sums invested, and the lands selected in lieu of swamp lands, and the moneys receivable on contracts for the sale of such selected lands, shall, as far as practicable, be set

How fund shall
be divided.

apart to the normal school fund; and for the purpose of making such partition, one dollar shall be taken to be the equivalent of one acre of such land.

SECTION 3. All the swamp and overflowed lands which this state shall hereafter receive, pursuant to said act of congress, approved September 28, A. D. 1850, shall, on receipt thereof, be partitioned equally by counties, between the drainage fund and the normal school fund, and the part known as drainage fund, shall be set apart to the counties respectively, in which such lands lie, to be used and applied as the other drainage fund belonging to such counties is by this act directed to be used and applied. And all moneys which this state shall hereafter receive from the United States in lieu of swamp and overflowed lands, shall, on receipt thereof, be equally divided between the drainage fund and the normal school fund; and that part which is known as the drainage fund shall be distributed to the several counties in proportion to the number of acres of swamp land therein, and shall be used and applied as the other drainage fund belonging to such counties is by this act, directed to be used and applied.

Shall be partitioned by counties.

Moneys shall be equally divided.

SECTION 4. The land belonging to the normal school fund shall be sold, and the moneys arising from such sales, and all other moneys belonging to that fund, shall be invested in the same manner and by the same officers as are now provided by law for the sale and investment of the school fund.

How normal school fund invested.

SECTION 5. The income of the normal school fund shall be applied to establishing, supporting and maintaining normal schools, under the direction and management of the board of normal school regents: *provided*, that twenty-five per cent. of said income shall be annually transferred to the school fund income, until the annual income of the school fund shall reach the sum of two hundred thousand dollars.

How income applied.

SECTION 6. The drainage fund, constituted as provided in section two of this act, shall be apportioned by the commissioners of school and university lands among the several counties in this state, in proportion to the number of acres of swamp and overflowed lands, situated in such counties respectively; and from the amount so apportioned to each county, shall be deducted the amount heretofore paid to such county (if any,) or to any town or towns in said county, or for the bene-

How drainage fund apportioned.

fit of such county or town, or which has been granted to be used or expended in such county, (such grant not being revoked,) either in cash, as proceeds of swamp lands sold, or by transfer of swamp lands situated therein; and the balance so ascertained, shall represent the amount of drainage fund to which each of the several counties is entitled, and such amount or share shall be set apart to each of the counties respectively, in the manner following:

Commissioners shall set apart swamp lands to counties.

1st. The commissioners shall set apart to each county, out of the swamp lands so belonging to the state and situated in such county, a number of acres of swamp lands equal to its share of the drainage fund.

If not sufficient lands in any county, deficiency to be made up.

2d. If in any county there is not a sufficient quantity of such lands now belonging to the state, to make the share apportioned thereto, then the deficiency on such share shall be made from the lands in such county, which have been sold by the state on contracts on which there remains a balance unpaid, each dollar receivable from such contracts, to be taken as the equivalent of one dollar or one acre, in making up such deficiency.

When deficiency to be made up in money.

3d. If in any county the swamp lands now belonging to the state, together with the amount receivable on the contracts for the sale of swamp lands in such county, shall be insufficient to make the share apportioned thereto, then the deficiency on such apportioned share shall be made up in money as soon as practicable, from the first moneys received from the sale of swamp lands which is not otherwise appropriated. The selection of drainage lands to make the share from each county shall be made from the lists of swamp and overflowed lands in the office of the commissioners, and shall be so made that the drainage lands and the normal school lands shall be located alternately, as near as practicable, in proportion to the number of acres due to each fund, and so that the lands of both funds shall be proportionately distributed.

Lands to be held in trust by commissioners of school and university lands

SECTION 7. All the swamp and overflowed lands selected for the counties, respectively, in which such lands are located, in the manner provided in this act, shall be held by the commissioners of school and university lands and their successors in office, in trust for the counties respectively, in which such lands are situated. The lands so held by the commissioners and

their successors in office, shall be sold and conveyed by said commissioners exclusively for cash, in the same manner as now provided by law for the sale of swamp and overflowed lands.

SECTION 8. The commissioners of school and university lands shall, as soon as they have completed the division of the swamp and overflowed lands in the manner provided in this act, make out or cause to be made out, a full description of the drainage lands in each county wherein any such lands are situated, and transmit the same to the clerk of the board of supervisors of such county, who shall make out and transmit to the town clerk of each town, a list of such lands lying in such town, and such town clerk shall keep in his office such description of unsold swamp and overflowed lands in his town, for the inspection of the public.

They shall make out full description of lands, to be transmitted to town clerk.

SECTION 9. The commissioners of school and university lands shall, on the first Monday in June of each and every year, make out a statement of all swamp and overflowed lands sold by them in trust for the counties respectively, setting forth the description of all the lands sold in each county, the price of each tract and the total amount received by them for all such land sold in such county, and transmit a copy of such statement to the clerk of the board of supervisors of the proper county, who shall make and transmit to the clerk of each town a copy of that portion of such list which relates to lands lying in such town. They shall, at the same time, report to the clerk of the board of supervisors of the proper county, the amount of other moneys received by them which belongs to the drainage fund of such county, specifying in such report the sources from which such moneys are received, so as to enable such clerk to apportion the same to the several towns of his county, according to the provisions of this act.

Shall make out statement of all lands sold.

Shall report to clerk of board the amount of moneys received.

SECTION 10. All the money received by the commissioners of school and university lands from the sale of swamp and overflowed lands belonging to the respective counties wherein such lands so sold are situated, and all other moneys received by them belonging to the drainage fund of the respective counties, shall on the first Monday in June in each and every year, or as soon thereafter as the accounts can be made up, be paid

Moneys shall be paid over to county treasurer.

over to the county treasurers of the respective counties, except so much as may be required to pay the expenses incurred by said commissioners in discharging their duties under this act, in relation to such drainage fund.

Clerk of board shall apportion to towns.

SECTION 11. On receiving the statement and report as provided in section nine of this act, the clerk of the board of supervisors shall apportion the drainage moneys to the several towns of his county, as follows:

1st. He shall apportion to each town all the moneys, both principal and interest, which have been received during the then previous year, on account of lands situate in such town.

2d. All other drainage moneys he shall apportion among the several towns according to the number of acres of swamp lands situate in each. He shall transmit to the county treasurer a statement of the amount so apportioned to the several towns, who shall file the same in his office.

All income now unexpended may be apportioned to towns.

SECTION 12. All drainage fund income now remaining unexpended in the several counties, may be apportioned by the boards of supervisors of such counties to the several towns, in such shares as they shall deem equitable and just.

County treasurer shall execute bond.

SECTION 13. Each county treasurer, before receiving the moneys directed to be paid to him in the next preceding sections of this act or any part thereof, shall execute to the chairman of the county board of supervisors of such county, a bond with two or more sureties, to be approved by the said chairman, by endorsement over his official signature on said bond, in a penal sum not less than double the amount of such money as shall come into his hands, for disbursement to the respective towns in his county, by reason of this act, conditioned for the faithful disbursement of all such moneys, in such manner as shall be prescribed in this act, which bond he shall deliver to the clerk of the county board of supervisors of said county, to be filed in his office.

Shall give notice to town treasurers.

SECTION 14. It shall be the duty of the county treasurers respectively, immediately upon the receipt of the drainage moneys belonging to their respective counties, to give notice in writing to the treasurer of each town in such county, of the amount of money received by such county treasurer apportioned to such town. Each town treasurer before receiving the drain-

age moneys or any part thereof, belonging to the town of which he is treasurer, shall execute to the chairman of the town board of supervisors of such town a bond, with two or more sureties, to be approved by said chairman, by endorsement over his official signature on said bond, in a penal sum not less than double the amount of such moneys as shall come into his hands by reason of this act, conditioned for the faithful application and disbursement of all such moneys in such manner as shall be prescribed by this act, which said bond he shall deliver to the town clerk of said town to be filed in his office.

Town treasurer shall execute bond.

SECTION 15. The town clerk of said town on the receipt of such bond of the town treasurer, shall file the same and safely keep it in his office, and shall give to the said town treasurer a receipt, stating that he has filed the bond required by the preceding section of this act, which receipt the said town treasurer shall deliver to the county treasurer of his county, who shall, on the delivery thereof, pay over to said town treasurer the amount of such moneys belonging to his said town, and also the moneys, if any, apportioned to said town from the drainage income fund, as hereinbefore provided.

Town clerk shall file bond and give receipt therefor.

SECTION 16. The town treasurer shall receive and safely keep in his possession all such moneys, and shall pay out the same only upon the order of said town board of supervisors, duly signed by the chairman and countersigned by the town clerk, and the said town treasurer shall receive as compensation for the performance of the duties devolving upon him under this act, the sum of two per cent. upon all such moneys as shall pass through his hands by reason of this act.

Town treasurer shall pay out money only on order of town supervisors.

SECTION 17. The said moneys when so paid into the town treasury as provided in this act, shall constitute and be denominated the drainage fund of said town, and shall be under the control of the town board of supervisors of such town, and shall be expended under their direction in draining and reclaiming the swamp and overflowed lands in their town, and in constructing roads and building bridges over and through such lands in said town, when they shall deem such roads and bridges necessary; and in case any portion of said fund shall not be needed for the purposes afore-

Moneys to constitute drainage fund, and how to be used.

said, such portion may be applied to the support of common schools under the direction of the board of supervisors; and such shall not be expended for other purposes. The members of said town board of supervisors shall be entitled to the sum of one dollar and fifty cents per day for each and every day actually employed in the performance of the duties enjoined upon them by this act, to be paid out of the drainage fund of such town.

Laws for protection of school lands applicable to swamp lands.

SECTION 18. All laws that may be in force for the protection of school and university or other state lands, or punishing trespasses thereon or injuries thereto, are hereby extended and made applicable to the protection of the swamp and overflowed lands, mentioned or contemplated in this act, whether such lands belong to the normal school fund, or are held by the commissioners of school and university lands, in trust for the counties respectively, wherein such lands are situated. And any person may enter complaint, and it shall be the duty of any town officer to enter complaint before a justice of the peace, against any person or persons trespassing upon any swamp and overflowed lands, or other state lands, in the town wherein the complainant resides, whether such lands belong to the state, or are held in trust for the county as provided by this act.

Commissioners to graduate and reduce price of lands.

SECTION 19. The commissioners of school and university lands are hereby authorized and required, in the manner now provided by law, to graduate and reduce the price per acre for which the swamp and overflowed lands may be sold, whether such lands belong to the normal school fund, or are held in trust by said commissioners for the counties, as contemplated and authorized in this act: *provided*, none shall be sold for a less price than seventy-five cents per acre.

Town supervisors may lease lands.

SECTION 20. The town board of supervisors of any town wherein any swamp and overflowed lands are situated, may lease for the purpose of cutting grass or picking cranberries therefrom for the term of one year, any such lands upon which marsh hay may be cut or cranberries may be picked, for such price per acre as they may determine and agree upon. All moneys received by any town board of supervisors on any such leases shall be added to the drainage fund of their town. It shall not be lawful to cut any timber from lands leased as provided in this section.

SECTION 21. The terms, "swamp lands," and "swamp and overflowed lands," used in this act shall be construed to mean all the lands which may have been transferred to the state in pursuance of the act of congress, entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, 1850.

How terms "swamp lands," etc., to be construed.

SECTION 22. The commissioners of school and university lands, in lieu of all compensation for services rendered necessary by this act, shall be entitled each to receive fifty cents on every certificate, and fifty cents on every patent hereafter issued by them; and no revenue stamp need be affixed to such patents or certificates, anything in chapter 159 of the general laws of 1863 to the contrary notwithstanding.

Fees for commissioners for certificates.

SECTION 23. The division and partition of the lands and funds provided for in this act shall be made and be in force from and after the first day of June next, and in all other respects this act shall be in force from and after its passage and publication. And it shall be the duty of the commissioners of school and university lands to cause a sufficient number of copies of this act to be published from time to time, to furnish town clerks and the clerks of the boards of supervisors of the towns and counties, respectively, wherein any such swamp and overflowed lands are situated, with printed copies of this act; and they shall forward by mail or otherwise, printed copies of this act to all such town clerks and clerks of boards of supervisors, respectively, as soon as possible after the passage and publication of this act.

When division of land to be made.

SECTION 24. For the purpose of more fully carrying out the provisions of this chapter, there shall be a board of nine regents, to be called the "board of regents of normal schools." They shall be appointed by the governor, by and with the approval of the senate. The governor and the superintendent of public instruction shall be *ex officio* members of said board of regents. The governor shall have power to fill all vacancies which may occur by death, resignation or otherwise, until the next meeting of the legislature, or while the legislature is not in session, but the appointments thus made shall be confirmed by the senate during the next succeeding session of the legislature. The term of office of all members of the board of regents hereafter

Board of nine regents to be appointed by the governor.

Term of office.

Divided into three classes.

Officers of the board.

Annual meeting.

Quorum.

Special meetings.

Corporate rights and powers.

to be appointed (except when such appointment is for an unexpired term), shall commence on the first day of February, and shall continue for three years, and until others are appointed and confirmed as required by law. The board of regents shall be divided into three classes, so that the term of office of one class shall expire each year. As vacancies occur hereafter, appointments shall be made so that not more than two members of the board shall reside in any one congressional district. The officers of the board shall be a president, vice-president and secretary; they shall severally hold their offices for the term of one year, and, until their successors are elected, and shall perform the duties incident to their several offices. The board of regents shall hold an annual meeting at the capital of the state, on the second Wednesday of April in each year, or at such time as may hereafter be designated by said board.

SECTION 25. A majority of the board of regents shall constitute a quorum for the transaction of business but a less number may adjourn from time to time. Special meetings of the board of regents may be called by the governor or president of said board, on a petition signed for that purpose by any three members of the board. At all special meetings of the board, two-thirds of all the regents shall be necessary to constitute a quorum. Any regent may be removed from office for cause, by a vote of two-thirds of the board.

SECTION 26. The board of regents and their successors in office, are hereby constituted a body corporate, with the name and style of "the board of regents of normal schools of the state of Wisconsin;" and under that name and style shall have perpetual succession, with the right to purchase, have, hold, control, possess and enjoy to them and their successors in office, in trust for the state of Wisconsin, for educational purposes solely, any lands, tenements, hereditaments, goods, chattels and effects of whatsoever nature or description the same may be, which may be necessary and required for the legitimate purposes, objects and uses of the state normal schools authorized by this act, and none other, with full power to sell or dispose of such personal property, or any part thereof, when in their judgment it shall be for the interest of the state; to make all such contracts

and agreements as shall be necessary to carry into effect the purposes of this act; to sue and be sued, plead and be impleaded, in all courts of this state; to have and use a common seal, and the same to change, alter or renew at pleasure; to make such by-laws and regulations as they may deem proper for the well ordering and government of said corporation, and the transaction of its business: *provided*, that said board of regents shall not have power to sell, mortgage or dispose of, in any way, any real estate so held by them as aforesaid, without the express authority of the legislature of this state, nor have power to borrow money; nor shall the indebtedness contracted or liabilities incurred by said board of regents, ever at any time exceed in the aggregate the amount of money which under the provisions of law shall then be at their disposal, in the hands of the state treasurer; nor shall the said board of regents ever reduce the amount at their disposal, in the hands of the state treasurer, below the aggregate amount of their indebtedness or liability, except in payment of such indebtedness or liability; *and provided, further*, that the proceeds derived from the sale of any real or personal estate by said board of regents, shall be paid by them into the treasury, and shall become a part of the income of the normal school fund.

Not to dispose of lands or borrow money without authority of legislature.

SECTION 27. The said board of regents of normal schools shall have power and authority to demand and receive the sum or sums of money donated and subscribed by any persons, or any town, incorporated village, city or county of this state, to aid in the erection of the necessary buildings for normal schools, in such manner as said board may prescribe, and apply the same to the erection and completion of the required buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for the various other incidental expenses to be incurred by said board in pursuance of the provisions of this act; and if any surplus shall remain, to apply the same to the expenses of conducting said normal schools, and any deficit which may arise in the erection and completion of said buildings and purchases aforesaid, shall be paid out of the income of the normal school fund, not to exceed the sum of fifteen thousand dollars for the completion of the buildings of any one normal school, and for furniture

May receive donations to aid in erecting school buildings, etc.

How surplus applied.

Moneys to be paid to state treasurer.

and fixtures pertaining to the same. Such money shall be paid by the state treasurer from time to time, on the warrant of the secretary of state, to be drawn in pursuance of the certificate of the secretary of the board, and countersigned by the president, and such other evidence as the secretary of state shall require; and no such certificate shall be issued until the sum or sums donated and subscribed by any person or town, incorporated village, city or county, to aid in the erection of a normal school building, shall have been paid in full into the state treasury nor until work shall be done or services rendered, or buildings erected, or fixtures or furniture purchased for a normal school, under the direction of the board of regents of normal schools, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose. No member of the board of normal regents shall receive any pay for traveling or attendance at any meeting of the board, but for any specific service rendered under the direction of the board, other than attending the meetings thereof, such compensation may be allowed any member as the board shall deem just and reasonable, and such compensation, and all moneys actually and necessarily expended by any member in traveling, attending meetings or performing any other duty or service directed to be performed, shall be paid or refunded to him, on duly authenticated accounts presented to and audited by the board, and the amount thus audited shall be drawn from the state treasury only on the warrant of the secretary of state, in pursuance of the certificate of the board, signed by the president and secretary thereof.

Members of board not to receive pay except for specific services.

Board may designate location of schools.

Purposes of the school.

SECTION 28. State normal schools shall be established and continued at such places as the board of regents of normal schools may designate, upon sites selected by said board, the exclusive purposes of which shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education; also, to give instruction in agriculture, chemistry, in the arts of husbandry, the mechanic arts, the fundamental laws of the United States and this state, and in what regards the rights and duties of citizens.

SECTION 29. The said normal schools shall be under the direction and control of the "board of regents of normal schools," and shall be governed and supported as herein provided. Said board shall proceed to erect suitable buildings upon the sites selected by them, as soon as the title thereto is vested in them in fee, in trust as aforesaid, and the sums of money or United States bonds, or Wisconsin state bonds as security, donated and subscribed for the erection of the buildings, are paid into the state treasury, subject to be drawn only on the warrant of the secretary of state, as provided in section twenty-seven of this act; and they may procure suitable plans and specifications for buildings, and may employ persons to superintend the erection of said buildings.

Board shall direct schools and erect school buildings.

SECTION 30. Said "board of regents of normal schools" shall have power to appoint a principal and assistant and such other teachers and officers as may be required for each of said state normal schools, and to fix the salary of each person so employed and to prescribe their several duties. They shall also have power to remove either the principal, assistant or teachers, or any person employed by them, and to appoint others in their stead. They shall prescribe the various books to be used in the said state normal schools, and shall make all rules, regulations and by-laws necessary for the good government and management of the same; and no member of the said "board of regents of normal schools," shall during his continuance in office as member of said board, act as the agent of any publisher or publishers of school books or school library books, or be or become interested in the publication or sale of any such books, as agent or otherwise, on pain of expulsion by a majority vote of the board. The salaries of the teachers and officers appointed by the board shall be paid at such times as the board shall determine, in the same manner that the expenses of members are paid.

May appoint teachers, prescribe books, etc.

Salaries of teachers—how paid.

SECTION 31. Said board shall also establish a model school or schools for practice, in connection with each state normal school, and shall make all the regulations necessary to govern and support the same; and they may, in their discretion, admit pupils free of charge for tuition.

Shall establish model schools.

Superintendent
of public in-
struction to give
notice.

SECTION 32. As soon as any state normal school is prepared to receive pupils, the superintendent of public instruction shall give notice of the fact to each clerk of the board of supervisors for each county of the state, and the said board of regents of normal schools shall cause notice to be published in at least one newspaper in each congressional district.

Board of reg'nts
to make rules.

SECTION 33. The "board of regents of normal schools" shall make such rules and regulations for the admission of students to each normal school, as they may deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the board; and if it shall appear that the applicant is not a person of good moral character, or that he will not make an apt or good teacher, such application shall be rejected. The said board may in their discretion, require any applicant for admission to any state normal school, other than such as shall, prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this state, to pay or secure to be paid, such fees for tuition as to said board may seem proper and reasonable.

Admission of
applicants.

Visiting com-
mittees to be
appointed.

SECTION 34. After any state normal school shall have commenced its first term and at least once in each year thereafter, it shall be visited by three suitable persons, not members of the board, but to be appointed by the superintendent of public instruction, who shall examine thoroughly into the condition, organization and management of the school, and shall report to the superintendent of public instruction their views in regard to its success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually, and their report shall bear date of the 31st day of August, and cover the year preceding such date. The secretary of state shall audit the accounts of the visitors, for expenses actually incurred in examining the normal schools on the certificate of the superintendent of public instruction, of their appointment to that service, and the sums allowed shall be paid by the state treasurer out of the normal school fund income.

Secretary of
state shall audit
their accounts.

President of
board to make
report.

SECTION 35. The president of the board of regents of normal schools shall also make to the superintendent of public instruction, an annual report, bear-

ing date of the 31st day of August, which shall contain a full and detailed account of the doings of said board, and of all their expenditures and of all moneys received, and the prospect, progress and condition of said state normal schools, and such report together with the reports of the different boards of visitors shall be transmitted to the legislature by the superintendent of public instruction, as a part of his annual report, and in addition to what is now required by law.

SECTION 36. The state treasurer shall, by virtue of his office, be the treasurer of the board of regents of normal schools, but the said board shall have power to appoint suitable persons to receive and pay to the state treasurer any tuition fees or other moneys that may be due from any student or other person.

State treasurer
ex-officio treas-
urer of the
board.

SECTION 37. Lectures on chemistry, anatomy, physiology, astronomy, the mechanic arts, agriculture and on any other science or branch of literature that the said board may direct, may be delivered to those attending said schools, in such manner and on such terms and conditions as the said board may prescribe.

Lectures may
be delivered.

SECTION 38. The said board shall have power to grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted to any person who has not passed a thorough and satisfactory examination in the course of study prescribed by the board of regents of normal schools. Certificates of attendance upon the normal schools may be given on conditions to be fixed by said board. After any person has graduated at any state normal school, and has taught a public school in the state one year, the superintendent of public instruction shall have authority to countersign the diploma of such teacher, after such examination, as to moral character, learning and ability to teach, as to the said superintendent may seem proper and reasonable.

Board may
grant diplomas
and certificates
of attendance.

SECTION 39. Any person holding a diploma granted by the said board of regents of normal schools, certifying that the person holding the same is a graduate of a state normal school, and that he is qualified to teach a common school, shall, after the same has been countersigned by the superintendent of public instruction, as provided in section thirty-eight of this act, be deemed qualified, and such diploma shall be a certificate of qualification to teach in any common school of

Diploma shall
be certificate of
qualifications
for state at large

this state, and as such, shall have the full force and effect of a first grade certificate until annulled by the superintendent of public instruction.

May use income for conducting teachers' institutes.

SECTION 40. The board of regents of normal schools are authorized to use so much of the income of the normal school fund, not exceeding five thousand dollars per annum, as in their judgment may be necessary to defray the expenses of conducting teachers' institutes in different parts of the state; and such amount as the board may from time to time expend for such object is hereby appropriated from said income, and shall be drawn from the state treasury in the same manner and under the same restrictions as money for the support of state normal schools.

May give preference.

SECTION 41. It shall be the duty of said board in the discharge of the duties imposed by this act, in providing for holding teachers' institutes, to give the preference to those sections of the state that receive least direct benefit from the state normal schools.

May make rules for institutes.

SECTION 42. The said board, in order to carry out the object of this act, shall have power to make such rules and regulations as they may deem proper, and may employ an agent who shall organize and conduct teachers' institutes, deliver educational addresses, and perform such other work as the board may require him to do in connection with the state normal schools, and who shall, if the said board choose, act as their secretary. The said board may also employ other persons to aid in conducting teachers' institutes, but no person employed by said board in any position or capacity connected with normal schools or teachers' institutes, shall act as the agent of any author, bookseller or publisher.

District boards may allow teachers' time in attending institutes.

SECTION 43. The district board of any school district are hereby authorized in their discretion to give to the teachers employed by them, the whole or any part of the time spent by such teacher or teachers in attending any regular session or sessions of an institute in the county embracing the school district or any part thereof, without deducting anything from his or their wages for the time so spent: *provided*, such teacher or teachers shall furnish to the clerk of the district a certificate of regular attendance at such institute, signed by the person conducting the same; and whenever the report of the district clerk shows that the district school has been supported for the full term of five months

required by law, including the time spent by the teacher or teachers in their employ in attendance at such institute, and that the district board have given to the teacher or teachers the time of such absence, and have not deducted from his or their wages for the time so spent, such district shall be included in the annual apportionment of the income of the school fund: *provided always*, that such school district shall have complied with the laws in all other respects, and is entitled to share in such apportionment.

SECTION 44. It shall be the duty of the said board to co-operate with the superintendent of public instruction, so far as practicable, in holding and conducting teachers' institutes, as provided for by this act.

Board to co-operate with superintendent.

SECTION 45. All other acts and amendments thereto, shall be so construed as to enable the said board to carry out the provisions of this act, and all acts or parts of acts conflicting with this act are hereby repealed.

SECTION 46. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 152.

[*Published March 16, 1869.*]

AN ACT to codify the laws of this state relating to highways and bridges.

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

SECTION 1. The supervisors of the several towns in this state shall by virtue of their office, be the commissioners of highways in their respective towns, and shall have the care and superintendence of the highways and bridges therein; and it shall be their duty to give directions for the repairing of the roads and bridges within their respective towns; to regulate the roads already laid out, and to alter such of them as they shall deem inconvenient; to cause such of the roads used as highways as have been laid out, but not

Town supervisors to be commissioners of highways, and their duties.