

## CHAPTER 176.

[Published March 16, 1869.]

AN ACT to amend chapter one hundred and fifty-three of the revised statutes, entitled "of the lien of mechanics and others."

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

May amend  
complaint.

SECTION 1. In all actions which shall hereafter be commenced, and in all actions which have been commenced and are now pending to enforce a lien under the provisions of this chapter, when it shall appear on the trial that the party defendant is not the owner of the premises against which a lien is claimed, but that the premises are owned either by the husband or wife of the defendant, the plaintiff shall be allowed to amend his complaint, and also his petition for a lien, by making the party claiming to own the premises a party defendant, and in case a continuance of said cause is necessary in consequence of said amendment, it shall be continued without costs to the plaintiff.

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

Approved March 11, 1869.

## CHAPTER 177.

[Published March 16, 1869.]

AN ACT to amend sections 95 and 96 of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools."

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

Section 95  
amended.

SECTION 1. Section 95 of chapter 155 of the general laws of 1863 is hereby amended so as to read as fol-

lows: The compensation of the county superintendent of schools shall be fixed by the county board of supervisors, and shall be paid quarterly in cash by the county treasurer; and the supervisors may decide whether said compensation shall be an annual salary or a *per diem*, to be estimated and prescribed by said supervisors as follows: In counties and districts containing more than five thousand and less than ten thousand inhabitants, if the compensation be an annual salary, it shall not be less than five hundred dollars nor more than eight hundred dollars; and in counties and districts containing more than ten thousand inhabitants, it shall not be more than fifteen hundred dollars nor less than eight hundred dollars. If the supervisors of any county shall decide that the compensation of the superintendent shall be a *per diem*, they shall fix the same at not less than three dollars nor more than five dollars; and they may limit the number of days service to be rendered by the superintendent so that the whole sum to be paid him in any one year, in a county containing more than five thousand and less than ten thousand inhabitants, shall not exceed eight hundred dollars nor be less than five hundred dollars, and in a county containing more than ten thousand inhabitants, shall not exceed fifteen hundred dollars nor be less than eight hundred dollars: *provided*, that each superintendent serving for a *per diem*, shall present to the clerk of the board of supervisors, quarterly, before receiving the compensation due him, a sworn statement showing the number of days actually and necessarily spent by him in the discharge of his duties during the preceding quarter; and no compensation shall be allowed him for any other than the days thus specified. The board of supervisors shall allow for stationery, postage and printing, such amount as the county superintendent shall certify to be actually necessary, not exceeding one hundred dollars in counties and districts containing less than five thousand inhabitants, and two hundred dollars in counties and districts containing more than five thousand.

Compensation  
of school super-  
intendent.

SECTION 2. Section 96 of said chapter 155 is hereby amended so as to read as follows: Every incorporated city having a board of education, a superintendent of schools, or other board or officer with power to examine and license teachers, and supervise and manage

Section 96  
amended.  
Cities may be  
exempt.

the schools, shall be exempt from the provisions of this act relating to county superintendents of schools, except in the matter of making reports to the superintendent of the district in which such city is situated. The electors of such city shall have no voice in electing a county superintendent, nor shall the members of the county board of supervisors from said city have any voice in determining or providing for the compensation of such county superintendent, or in any other matter relating to such officer; nor shall any tax be levied on said city to pay the salary or *per diem* of such superintendent, nor shall the population of such city be enumerated or counted with the other inhabitants of the county by the board of supervisors in estimating or determining the compensation of such superintendent.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

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## CHAPTER 178.

[Published March 23, 1869.]

AN ACT to protect insect-devouring birds near cities in the state of Wisconsin.

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

Not to destroy  
insect-devouring  
birds.

SECTION 1. It shall not be lawful for any person to destroy, or kill by any device whatsoever, brown thrushes, blue birds, martin, swallow, wren, cat-bird or any other insect-eating bird of any kind: *provided*, the same shall be within two miles of any incorporated city of this state.

Penalty.

SECTION 2. And any person who shall violate in any manner the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than five dollars nor more than twenty-five dollars. Justices of the peace shall have concurrent jurisdiction of the offense mentioned in this act: *provided*, that any person