

[No. 88, A.]

[Published March 4, 1879.]

## CHAPTER 121.

AN ACT to secure to children the benefits of an elementary education.

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

SECTION 1. Every parent, guardian, or other person in the state of Wisconsin, having charge or control of any child or children between the ages of seven and fifteen years, shall be required to send such child or children to a public or private school, for at least twelve weeks in each school year, commencing on the first day of September in the year one thousand eight hundred and seventy-nine, unless the school district board or board of education of the school district, village or city in which such parent or guardian shall reside, shall excuse, by physician's certificate or other good reason, such child from attendance, on its being shown to their satisfaction that the child's bodily or mental condition is such as to prevent its attendance at school, or application to study for the time required, or that its time and labor are essentially necessary for the support of an indigent parent, brother or sister, or that such child is being otherwise furnished with the means of education for a like period of time, or has already acquired a fair knowledge of the branches of learning ordinarily taught in the common schools of this state: *provided*, that in case the public school of the district in which such parent or guardian resides shall be distant more than two miles from his residence, by the nearest traveled road, he shall not be liable to the provisions of this act.

Duty of parents and guardians.

Exception.

SECTION 2. The school district board or board of education shall, in their respective districts, on the second Mondays of February and September, or within fifteen days thereafter, of each year, in such manner as they shall deem most expedient, ascertain the condition of all children between seven and fifteen years of age, who shall not be in attendance on any public or private school, and shall file with their clerk a record of each and every violation of this act, which record shall be open to the inspection of every qualified elector and taxpayer in said district.

Duty of school district boards.

SECTION 3. Such school books as may be necessary, shall be furnished for the children contemplated

School books to be furnished.

in this act, in the manner and under the conditions provided for in section four hundred and thirty-six of the revised statutes.

**Liability for violation of provisions of this law.**

SECTION 4. In case any parent, guardian or other person shall fail to comply with the provisions of this act, said parent, guardian or other person, shall be liable to a fine of not less than five nor more than ten dollars for the first offense, nor less than ten nor more than twenty dollars for each and every subsequent offense. Such fine shall be collected by the school district director or president of the board of education in the district, village or city in which the offense is committed, in the name of the state of Wisconsin, in an action before any justice of the peace or any court having competent jurisdiction. And the fine so collected shall be paid into the school fund.

**Duty of director of school district and president of board of education.**

SECTION 5. It shall be the duty of the director of any school district or president of the board of education of any incorporated village or city, to prosecute any offense occurring under this act, and such person neglecting to prosecute for such fine within fifteen days after a written notice has been served on him by any qualified elector or taxpayer within the district, village or city in which the offending party shall reside, shall be liable to a fine of not less than ten nor more than twenty dollars for each offense; such fine to be collected in the name of the state of Wisconsin in an action before a justice of the peace, or any court of competent jurisdiction, by any person feeling aggrieved thereby. Said fine shall be paid to the town, village or city treasurer, in accordance with section four of this act.

**Equivalent of one week at school.**

SECTION 6. Two weeks' attendance at half time or night school, shall be considered, within the meaning of this act, equivalent to an attendance of one week at a day school.

SECTION 7. This act shall take effect and be in force from and after the first day of September, 1879.

Approved February 28, 1879.