

SECTION 2. The tourniquets thus furnished shall not be considered the private property of the soldiers, but shall be accounted for to the quartermaster of the regiments to which said troops belong.

Not to be considered private property.

SECTION 3. There is hereby appropriated out of any money in the treasury belonging to the war fund, not otherwise appropriated, a sum of money sufficient to enable the governor to carry out the provisions of section one of this act.

Appropriation.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1863.

CHAPTER 155.

[Published April 3, 1863.]

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:

ORGANIZATION OF SCHOOL DISTRICTS.

SECTION 1. The board of supervisors in each town in this state shall have power to form and alter school districts in the manner hereinafter set forth.

Supervisors to form and alter districts.

SECTION 2. The formation of a school district shall be by written order of the board of supervisors, describing the territory embraced in such district, which order shall be filed with the town clerk, and it shall be the duty of the supervisors, within twenty days thereafter, to deliver to a taxable inhabitant of the district a notice in writing, describing its boundaries and appointing a time and place for the first district meeting.

How districts shall be formed.

SECTION 3. The supervisors shall, in such notice, direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the voters of such district, agreeably to the requirements of said notice, and endorse thereon a return containing the names of the persons by him notified; and said notice and return shall be recorded

Notice for first meeting—how given

as a part of the record of the first meeting in such district.

Notice when meeting is not held.

SECTION 4. In case such notice shall not be given, or the inhabitants of a district shall neglect or refuse to assemble or form a district meeting when so notified, or in case any school district having been formed or organized shall afterwards be dissolved, so that no competent authority shall exist therein to call a special district meeting in the manner hereinafter provided, notice shall be given by the town supervisors, and served in the manner prescribed in the preceding section.

Duty of electors to meet.

SECTION 5. Whenever a district meeting shall be called in the manner prescribed in the preceding sections of this chapter, it shall be the duty of the electors of the district to assemble at the time and place mentioned in such notice.

Districts—when to be deemed organized.

SECTION 6. Every school district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof shall have consented to serve in the offices to which they have been respectively elected, by a written acceptance thereof, filed with the clerk and recorded by him; and every school district shall be considered as legally organized, after it shall have exercised the franchises and privileges of a district for the term of two years.

School district a body corporate.

SECTION 7. Every school district organized in pursuance of this chapter, or which has been organized under any previous law of the state or territory 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 district number—," (such number as shall be designated by the town supervisors in the formation thereof,) of—, (the name of the town or towns in which the district is situated,) and in that name shall sue and be sued, and be capable of contracting and being contracted with, 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.

May contract and be contracted with.

QUALIFICATIONS OF VOTERS.

Persons entitled to vote.

SECTION 8. Every person shall be entitled to vote in any school district meeting of this state, who is qualified to vote at a general election for state and county officers, and who shall have resided for the last ten days in the district where he may offer to vote.

SECTION 9. 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 if such challenge shall not be withdrawn, the chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be,) that you have been an actual resident of this school district for the last ten days, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation, shall be permitted to vote on all questions proposed at such meeting; but if the person shall refuse to take such oath or affirmation, his vote shall be rejected.

Proceeding when a vote is challenged.

ALTERATION OF DISTRICTS.

SECTION 10. Whenever the town supervisors shall contemplate an alteration of the boundaries of a school district, they shall give at least five days' notice in writing to the clerk of the district or districts to be affected thereby, stating in such notice the time and place when and where they will be present to hear and decide upon such proposed alteration; and it shall be the duty of such clerk or clerks immediately to notify the other members of the board.

Notice of alteration of districts.

SECTION 11. In all cases where an alteration of the boundaries of a school district shall be made, the town supervisors shall, within three days thereafter, give notice thereof, by filing a copy of the order so altering the same, with the town clerk, and with the clerk of the district or districts affected by such alteration; and no alteration of any school district, made without the consent of a majority of the district board endorsed on such order, shall take effect until three months after notice given as above specified; nor shall any alteration of an organized school district be made to take effect between the first day of December in any one year, and the first day of April following.

When alterations cannot take immediate effect.

SECTION 12. 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 town supervisors, at the time of forming such new district, shall ascertain and determine the proportion of the

Supervisors to determine same the new districts.

value of the school house and other property justly due to such new district.

Disposition of property belonging to old district.

SECTION 13. 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 within the reach of the town supervisors; 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.

Amount to be paid to new district—how certified.

SECTION 14. The supervisors shall certify to the district clerk of the district retaining the school house or other property, the amount ascertained by them as the proportion to be paid to the new district, and such amount shall be embodied in the statement of taxes required by section sixty-two of this chapter to be made by the district clerk to the town clerk, on the fourth Monday in November, in each year, and when collected shall be paid to the treasurer of the new district, to be applied towards procuring a school house for such district; and the money so paid to the new district shall be allowed to the credit of the taxable property taken from the former district, in reduction of any tax that may be imposed on said taxable property in the new district for the building of a school house: *provided*, that in case the new district shall have raised a tax and erected or provided for itself a school house, before the former district shall have raised and paid over to the treasurer of the new district the amount in this section provided to be raised and paid over, it shall be the duty of the treasurer of the new district, in whose hands said amount so paid over may at any remain, to pay over, on demand, the sum so paid him or his predecessor by the former district, to the individuals to whose credit the same would have gone had said sum been raised and paid over by the former district before the said school house was erected or provided by the new district; and should such treasurer refuse, on demand by any party entitled thereto, to pay over to him his just proportion of said amount, the same may be collected in a suit at law by said party, upon the official bond of such treasurer.

When school house has been built.

Districts formed from two or more towns.

SECTION 15. Whenever it shall be necessary to form a district from two or more adjoining towns, the supervisors of such adjoining towns shall meet together and

form such district, and deliver the notice of formation to a taxable inhabitant of such district, whose duty it shall be to serve such notice as provided in the third section of this chapter; and any district so formed may be altered or regulated by the joint action of the supervisors of all the towns forming such district, in the same manner that other districts are altered and regulated.

SECTION 16. Whenever any district shall become disorganized by the operation of the law in relation to the alteration of districts, the supervisors shall take charge of the property belonging to the district at the time of its disorganization, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the balance, if any, to the treasurers of the districts to which the territory has been attached, in proportion to the valuation of the property so attached to each, as appears from the last assessment roll of the town.

Supervisors to take charge of disorganized districts.

DISTRICT MEETINGS.

SECTION 17. The annual meeting of each school district shall be held on the last Monday of September, in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting: *provided*, that at the annual meeting of any school district held after the passage of this act, a majority of the electors of said district may determine that the annual meeting of such district shall be held upon the last Monday in August, in each year; said determination to take effect when a copy of the proceedings of said annual meeting shall have been filed with the town clerk of the town in which said district, (or in case of a joint district, in which the school house of such district) is situated, and to remain in force until rescinded by a vote of a majority of the electors of said district; the meeting held in pursuance of such determination to be deemed the legal annual meeting of said district, the same as if held upon the last Monday of September, in each year.

Annual meeting—when held.

May be held on last Monday of August.

SECTION 18. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful [willful] and fraudulent.

Not illegal for want of notice.

Powers of electors at annual meeting.

SECTION 19. The inhabitants qualified by law to vote at a school district meeting when assembled at the first and each annual meeting in their district, shall have power :

Chairman.

1st. To appoint a chairman for the time being.

Adjournment.

2d. To adjourn from time to time as occasion may require.

Officers.

3d. To choose a director, treasurer and clerk.

Site.

4th. To designate a site for a district school house.

Tax for site, &c.

5th. To vote such tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, to build, hire or purchase such school house, and to keep in repair and furnish the same with the necessary fuel and appendages: *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall have power to levy or collect a tax for building, hiring or purchasing a school house, of more than three hundred dollars in any one year, unless the supervisors of the town in which such school house is to be situated, shall certify in writing that in their opinion a larger sum should be raised, and shall specify such sum in which case an amount not exceeding the sum specified may be raised; *and provided, further*, that no district shall have power to raise or collect in any one year for the purposes above specified, more than five hundred dollars, unless the supervisors shall certify as above set forth.

Teachers' wages.

6th. To vote a tax on the taxable property of the district, of such sum as the meeting shall deem proper for the payment of teachers' wages in the district: *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall hereafter have power to levy and collect a tax for school purposes in such district, of more than three hundred dollars in any one year.

Limit.

Sale of school house, &c.

7th. To authorize and direct the sale of any school house, site or other property belonging to the district, when the same shall be no longer needed for the use of the district.

Tax for liabilities.

8th. To impose such tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

Tax for globes, &c.

9th. To vote a tax not exceeding fifty dollars in any one year, for the purchase of globes, black-boards, out-

line maps, or any apparatus for illustrating the principles of agriculture, chemistry or the mechanic arts.

10th. To vote a tax on the district, not exceeding Tax for library. thirty dollars in any one year, for a district library, consisting of such books as they may direct their district board, or any other person, at a district meeting, to purchase, and such further sum as they may deem necessary for the purchase of a book-case.

11th. To authorize the district board to admit to the May admit scholars not residing in district. privileges of the school, persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter or year, to be charged the person thus admitted.

12th. To determine the length of time a school shall Time school shall be taught. be taught in their district the then ensuing year, which shall not be less than three months and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the common school fund, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall have power and it shall be their duty to determine the same.

13th. To give such direction, and make such provision Prosecutions. as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or be interested.

14th. To alter, repeal and modify their proceedings Alter proceedings. as occasion may require.

SECTION 20. It shall be the duty of the clerk to Six days' notice to be given. give at least six days' previous notice of every annual district meeting, by posting notices therefor in four or more public places in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district; and he shall give the like notices for every adjourned district meeting, when such meeting shall have been adjourned for a longer period than one month.

SECTION 21. Special district meetings may be called How special meetings may be called. by the clerk, or in his absence by the director or treasurer, on the written request of five legal voters of the district, in the manner prescribed for calling an annual meeting, and the inhabitants qualified by law to

Business at
special meetings.

vote, when lawfully assembled at a special meeting, shall have power to transact the same business as [at] the first and each annual meeting, except the election of officers: *provided*, that the business to be transacted shall have been particularly specified in the notices calling the same; *and provided, further*, that no tax shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified either personally or by leaving a written notice at their places of residence, stating the time, place and objects of the meeting, at least six days before the time appointed therefor.

UNION OR HIGH SCHOOL DISTRICTS.

How to form
union districts.

SECTION 22. Whenever two-thirds of the legal voters of any two or more adjoining school districts shall, at any annual meeting, by vote, determine to form a union district for high school purposes, it shall be the duty of the clerks of the districts so voting to furnish the town supervisors a certified copy of the minutes of said meeting, together with the names of those voting for and against said proposition. Upon receiving such notice it shall be the duty of the town supervisors to determine and establish the boundaries of said union district, and file a copy of such order with the town clerk. They may also, upon application, include persons and lands in adjoining districts in said union districts, according to their discretion.

Board of union
district.

SECTION 23. The control of such union district shall be vested in a board consisting of director, treasurer and clerk, who shall be elected in the same manner and hold the offices the same as officers of common school district boards, subject to the same rules and penalties: *provided*, that the town supervisors shall have power to appoint the first board of such union district.

First board.

Taxes—how levied
and collected.

SECTION 24. The expenses of said union school district incurred in purchasing or leasing school houses or sites, in building or repairing school houses, out houses, fences, &c., in hiring teachers, and in establishing and carrying on said high school, shall be defrayed by a tax upon the real and personal property of said union district, to be called the union high school tax. Said tax shall be voted by said union district, at its annual or special meetings, and shall be levied and collected in the manner hereinafter provided for the assessment and

collection of district taxes. No fee for tuition shall be charged or collected except from scholars not residing in the union district, who may be required to pay such fee as shall be prescribed by the board, which fee or fees shall go into the general fund of said union district.

Tuition fee.

SECTION 25. The board of said union district shall determine the standard of qualification necessary for admission, the branches to be taught, and the books and apparatus to be used in said high school; and shall have and exercise all the powers granted by law to the boards of common school districts.

Powers of union district board.

SECTION 26. The annual meeting of the union school districts shall be held on the Wednesday after the last Monday in September, in each year, and such meeting shall have power to transact all business, as prescribed in section nineteen of this chapter.

Annual meeting in September.

SECTION 27. Special meetings may be held as provided in section twenty-one of this chapter.

Special meetings.

SECTION 28. When it is proposed to form union districts of territory lying in two or more adjacent towns, then the respective supervisors of those towns shall act in concert in the formation of such union district, as required in the formation of joint common school districts.

Joint union districts.

SECTION 29. The boundaries of any union school district, formed in accordance with the provisions of this chapter, may be altered in the same manner that the boundaries of common school districts are altered; and the provisions of law governing the action of town supervisors in relation to the alteration of common school districts, shall, so far as the same are applicable, be applied in the alteration of union school districts: *provided*, that no union school district shall be disorganized, unless a majority of the electors shall, at an annual meeting, vote for such disorganization.

How boundaries may be altered.

Disorganization.

SECTION 30. Nothing in this act relating to union school districts shall be so construed as to impair or affect the organization of primary districts within such union district.

Primary districts not affected.

DISTRICT OFFICERS.

SECTION 31. The officers of each school district shall be a director, treasurer and clerk, who shall hold their respective offices for three years, and until their successors shall have been chosen or appointed, but not

Officers of school districts.

How chosen. beyond ten days after the expiration of their term of office, without being again elected or appointed: *provided*, that at the first election of such officers, in any newly organized district, the clerk shall be chosen for one year, the treasurer for two years, and the director for three years; and thereafter, each officer shall be

Notification and acceptance. chosen for three years. Any person present at a school district meeting, at which he shall be elected one of the district board, shall be deemed to be notified thereof, and any person so elected, and not present, shall be notified thereof by the clerk of said meeting, within five days thereafter; and unless each person elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same.

DIRECTORS.

Director to countersign orders. SECTION 32. It shall be the duty of the director of each district to countersign all orders legally drawn by the clerk upon the treasurer of the district.

To appear for district. SECTION 33. The director shall appear for and on behalf of the district, in all actions brought by or against the district, when no other direction shall be given by the qualified voters of such district, at a district meeting.

To prosecute treasurer. SECTION 34. In case of any breach of the condition of the treasurer's bond, the director shall cause an action to be commenced thereon, in the name of the district, and the money, when collected, shall be applied by such director to the use of the district, as the same should have been applied by the treasurer.

TREASURER.

Treasurer to give bond. SECTION 35. The treasurer of each district shall, within ten days after his election, execute to the district and file with the clerk, a bond in double the amount of money, as near as can be ascertained, to come into his hands as treasurer, with sufficient sureties, to be approved by the director and clerk, conditioned for the faithful discharge of the duties of his office, and if he shall fail to do so, his office shall be vacant, and the board shall thereupon appoint a treasurer, who shall be subject to the same conditions and possess the same powers as if elected to that office.

Additional security may be demanded. SECTION 36. Whenever the director and clerk of any school district shall deem the security upon the bond of

the treasurer insufficient, they shall have the right to demand additional security, and the refusal or neglect of the treasurer to furnish such additional security, within ten days thereafter, shall vacate his office.

SECTION 37. It shall be the duty of the treasurer of each school district to apply for and receive from the town treasurer all school moneys apportioned to the district or collected for the same by the said town treasurer, and to pay over on the order of the clerk and director of such district, all moneys received by him.

Treasurer to receive and pay over moneys.

SECTION 38. The treasurer shall keep a book in which he shall enter all the moneys received and disbursed by him, specifying particularly the sources from which money has been received, and the person [persons] to whom and the objects for which the same has been paid out. He shall present to the district at each annual meeting a report in writing, containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor; and at the close of his term of office, shall settle with the district board, and shall hand over to his successor said book, and all receipts, vouchers, orders and papers coming into his hands as treasurer of the district, together with all moneys remaining in his hands as such treasurer.

To enter receipts and disbursements.

To report annually.

CLERK.

SECTION 39. It shall be the duty of the clerk of each school district, within ten days after the election or appointment of any school district officer, to report the names and postoffice address of such officers to the town clerk of his town, or, in case it be a joint district, to the town clerk of each town in which any part of the district is situated; to record the proceedings of the district board, and of each district meeting, in a book to be provided by the district for that purpose; to enter therein copies of all reports made by him to the town clerk; to make therein, or in some suitable book provided for the purpose, an accurate record of all orders drawn upon the treasurer, and to keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office.

Clerk to report names of district officers.

To make and keep records

To draw orders
on treasurer.

SECTION 40. It shall be the duty of the clerk to draw orders on the treasurer of the district for moneys in the hands of such treasurer, which has been apportioned to or raised by the district, to be applied to the payment of teachers' wages, and apply such moneys to the payment of such teachers as shall have been employed by him in the name of the district, and also to draw orders on said treasurer for moneys in his hands to be disbursed for any other purpose for which the same shall have been voted by the district, agreeably to the provisions of this chapter: *provided*, each order shall designate the object for which it is drawn, and shall be countersigned by the director.

When temporary clerk may be appointed.

SECTION 41. He shall be the clerk of the district, and of all district meetings, but if he shall not be present at any district meeting, the qualified voters may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.

Clerk to contract with and hire teachers.

SECTION 42. The clerk 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 the director or treasurer, or both, endorsed thereon, and shall specify the wages per week or month as agreed upon by the parties, and such contract, so completed, shall be filed in his office.

Annual report—
what to show.

SECTION 43. It shall be the duty of the clerk, between the first and tenth days of September, in each year, to make and transmit to the town, city or village clerk, a written report, dated on the first day of September, in the year in which it shall be transmitted, signed by said district clerk, and verified by his affidavit, showing:

Children in district.

1st. The number of children, male and female designated separately, over the age of four and under the age of twenty years, residing in the district on the last day of August previous [previously] to the date of such report.

Number attending school between certain ages.

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

Whole number.

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

Time school has been taught.

4th. The number of days a school has been taught during the year by a qualified teacher, the name of

each teacher, the length of time taught by each, and the wages paid to each.

5th. The whole number of days that scholars over the age of four and under the age of twenty years, have attended the school during the year.

Time certain scholars have attended.

6th. The amount of moneys received from the town treasurer within the year, and the manner in which the same has been applied.

Money received from treasurer.

7th. The amount raised by the district in such year, and the purposes for which it was raised.

Amount raised by district.

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

Books used.

9th. Such other facts and statistics in regard to the school and the subject of education as the state superintendent may direct.

Other statistics.

SECTION 44. The clerk of each joint school district shall report to the town clerk of each town, a part of which is embraced in such district, the number of children residing in such part, and the number of months a school has been taught in the district by a qualified teacher, setting forth the remainder of the items specified in the preceding section, in the report made to the clerk of the town in which the school house is situated.

Report of joint district clerk.

SECTION 45. The clerk of each school district shall furnish, at the expense of the district, a school register, in the form prescribed by the state superintendent of public instruction, in which every teacher in the district shall be required to enter the names, ages and studies of all the scholars attending school, and, daily, their attendance and absence; which register shall be deposited with the clerk at the end of each term.

School register—what to contain.

DISTRICT BOARD.

SECTION 46. The director, treasurer and clerk shall constitute the district board.

District board.

SECTION 47. The district [board] 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 funds provided for that purpose, and make sale of any school house, site or other property belonging to the district, and, if necessary, execute a conveyance of the same in their name of office, when lawfully directed by the qualified voters of such district, at any annual or special meeting.

Powers relative to school house and site.

Care of school house.

SECTION 48. The said board shall have the care and keeping of the school house and other property belonging to the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the district for the use of any children.

Expenses of care and repair of school house—how paid.

SECTION 49. The district board 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 they shall keep an accurate account of all expenses incurred by them, and present such account for allowance to the qualified voters, at a regular district meeting; and the amount of such account, as allowed by such meeting, may be assessed and collected in the same manner as other district taxes, but no such account shall be allowed at a special district meeting, unless the intention to present the same shall be specified in the notice for such meeting.

Vacancies—how filled.

SECTION 50. The said board shall have power to fill by appointment, any vacancy that may occur in their own number, within ten days after such vacancy shall occur; and if such vacancy shall not be filled within ten days, as aforesaid, by said board, it shall be the duty of the town clerk to fill such vacancy by appointment. Any person appointed to fill a vacancy, upon being notified of such appointment, shall be deemed to have accepted the same, unless he shall, within five days thereafter, file with the clerk or director a written refusal to serve.

School books for indigent pupils.

SECTION 51. The district board may purchase, at the expense of the district, when parents or guardians may not be able to furnish the same, such school books as in their judgment may be necessary for the use of any children attending school in their district, and they may include the amount of such purchase in any tax to be collected in such district.

Board to make rules and regulations.

SECTION 52. The board shall have power to make all needful rules and regulations for the organization, graduation and government of the school or schools established in the district; said rules to take effect and be in force when a copy of the same, signed by a majority of the board, shall be filed with the clerk; to suspend any pupil from the privileges of the school for non-compliance with the rules established by them, or

by the teacher, with their consent; and to expel from school any pupil who shall persistently refuse or neglect to obey the rules and regulations above mentioned, whenever, upon due examination, they shall become satisfied that the interests of the school demand such expulsion.

May expel pupils.

SECTION 53. The board in each school district shall have power, under the advice of the superintendent of public instruction, to determine what school and text books shall be used in the several branches [branches] taught in the school of such district.

Board to select text books.

SECTION 54. It shall be the duty of the district board to visit the school or schools under their care, to examine into the condition of the school and the progress of the pupils, to advise and consult with the teacher in reference to methods of instruction, management and government, and to exercise such general supervision as is necessary to carry out the provisions of this chapter.

Board to supervise schools.

WHAT SHALL BE TAUGHT IN SCHOOLS.

SECTION 55. In every district school there shall be taught, in the English language, orthography, reading, writing, English grammar, geography and arithmetic, during the time such school shall be kept, and such other branches of education as may be determined upon by the district board.

Branches to be taught.

TOWN TREASURER.

SECTION 56. It shall be the duty of the town treasurer of each town:

Duties of town treasurer.

1st. To apply for and receive from the county treasurer all moneys apportioned for the use of common schools in his town, and to pay the same, together with all moneys raised in the town for the support of schools, to the treasurers of the districts entitled to receive them, upon the order or apportionment of the town clerk.

Receive moneys, and pay district treasurers.

2d. To pay over to the district treasurer, on demand, all school district taxes raised in each district and collected by him, and the amount of all school district taxes returned to the county treasurer of his county as delinquent, whenever the same shall have been collected and paid over by said county treasurer to such town treasurer; or if any such town treasurer shall receive credit from the county treasurer for such

To pay over district taxes.

delinquent tax, or any part thereof, on account of any demand or claim due from such town to said county, then the said town treasurers shall pay over the amount of such delinquent tax, or the part for which credit has been so received, to the treasurer of the proper school district, on demand thereafter.

To certify moneys to town clerk.

3d. On or before the second Monday of March, in each year, to certify to the town clerk the amount of school moneys in his hands to be apportioned by said clerk, and immediately upon the receipt of any moneys from the state school fund, to certify the same to the clerk, for apportionment.

TOWN CLERK.

Annual report of town clerk—what to show.

SECTION 57. It shall be the duty of the town clerk, between the fifteenth and twenty-fifth days of September, in each year, to make and transmit to the superintendent of schools for the county, a report in writing, bearing date on the fifteenth day of September, in the year of its transmission, stating:

Districts in town.

1st. The whole number of school districts separately set off within the town.

Districts reporting.

2d. The districts and parts of districts from which reports shall have been made to him or his immediate predecessor in office, within the time limited for that purpose.

Time school has been taught.

3d. The length of time a school shall have been taught in each of such districts or parts of districts.

Public moneys.

4th. The amount of public moneys received in each of such districts and parts of districts.

Children taught.

5th. The number of children taught in each, and the number of children over the age of four and under the age of twenty years, residing in each.

Whole amount of money received from state, &c.

6th. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth separately, the amount received from the state through the county treasurer, the amount levied by the county board of supervisors, and the amount raised by the town at its annual meeting.

Amount raised by district tax.

7th. The amount of money raised by district tax for school purposes.

How expended, &c.

8th. The manner in which said moneys have been expended, and whether any and what part remains unexpended, with such other information as the state superintendent may from time to time require.

SECTION 58. It shall be the duty of the town clerk to see that the annual reports of the clerks of the several school districts in his town are made correctly and in due time, and to receive and keep all such reports made to him by the district clerks, with all orders and notices of the town board of supervisors relative to the formation or alteration of school districts, and file them in his office; and he shall record in a book kept for that purpose, such description of school districts and organization or alteration thereof, as shall be furnished him by the board of supervisors. He shall also make and keep in his office a map of the town, showing the exact boundaries of all the school districts therein, as appears from the records on file, and when a new district is formed, shall furnish a map thereof to the district clerk. He shall, within ten days after his election or appointment, report his name and postoffice address to the county superintendent of schools, and the name and postoffice address of each district clerk, within ten days after the filing of the same in his office. It shall also be the duty of the town clerk to apportion the school moneys raised by the town and collected by the town treasurer, on the third Monday of March, and those received from the state through the county treasurer, on the third Monday of June, of each year, or as soon thereafter as the same shall be collected or received by the town treasurer, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall appear from the last annual reports of their respective clerks.

Town clerk to receive and keep district reports.

To make and keep map of districts.

To report names and address of clerks.

To apportion school moneys.

SECTION 59. No moneys shall be apportioned to any district or part of district, unless it shall appear by the report thereof, that a school has been taught therein, by a qualified teacher, for at least three months during the year ending at the date of such report, and that all school moneys received during that year from the school fund, have been applied to the payment of the wages of such teacher.

No money apportioned with out three months' school.

SECTION 60. If after the time when the annual reports of the school districts are required to be dated, and before the apportionment of school moneys shall be made, a district shall be duly altered, or a new district shall be formed in the town, so as to render an apportionment founded on such annual reports unjust, as

Apportionment when districts have been altered.

between two or more districts of the town, the town clerk shall make an apportionment to such districts, according to the number of children in each, over the age of four and under the age of twenty years, ascertaining the number by the best evidence within his reach.

Disposal of moneys not called for.

SECTION 61. All moneys apportioned by the town clerk to any district or part of a district, which shall have remained in the hands of the town treasurer for one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by such town clerk to the several districts and parts of districts in such town, and apportioned therewith.

ASSESSMENT AND COLLECTION OF TAXES.

Verified statement of taxes to town clerk.

SECTION 62. The clerk of each school district shall, on or before the fourth Monday of November, in each year, deliver to the town clerk of the town in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting, or at the first meeting after the organization of the district, or both, as the case may require, and the tax voted at any special meeting held between the time of the annual meeting and the third Monday of November, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district, he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of tax to be so assessed in that part of the district within such town, together with a list of all persons and corporations liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuation contained in the last assessment rolls of the respective towns, and to enable the district clerk to ascertain the same, the town clerk of each such town shall, on demand, at any time after he has received the equalized assessment roll of his town, deliver to the clerk of any such joint district, a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.

In case of joint district, how proportion of each town is learned.

SECTION 63. The town clerk shall assess said tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the next assessment roll of his town, delivered to the town treasurer for collection, whenever such certificate of the district clerk shall be received by him in time therefor, although after the fourth Monday of November. And if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall, in all respects, be collected or returned delinquent like other taxes, and when collected the money shall be paid over to the district treasurer. And whenever any part and not the whole of the taxes for all purposes assessed in the assessment roll to any person or corporation, or upon any real estate, shall be collected by the town treasurer, he shall pay over the due proportion of the amount collected by him to the district treasurer.

How tax levied and collected.

Delinquent taxes

SPECIAL DISTRICT TAXES.

SECTION 64. Any tax voted at a special meeting held at a time not specified in section sixty-two of this chapter, shall be assessed by the district clerk, and collected by the district treasurer in the manner hereinafter provided.

Tax voted at special meeting.

SECTION 65. The clerk of each school district shall make out the tax-list, and shall enter therein the names of all persons liable to pay a school district tax in such district, the amount of personal property to be taxed to each such person, and a description of all the taxable real estate in such district; and he shall set opposite to each description of taxable property, the valuation of the same and the amount of tax charged upon such property, and to each person, respectively. Such description and valuation of taxable property shall be ascertained, so far as possible, from the last assessment roll of the town.

How list made out by district clerk.

SECTION 66. The warrant annexed to such tax-list shall be under the hand of the clerk of the district, and shall command the treasurer of such district to collect from each of the taxable persons and corporations named in such tax-list, and of the owners of the real estate described therein, the several sums set opposite to the persons and corporations so named, and to the

Warrant—what to command.

**Delinquent tax—
how collected.**

several tracts of land so described, within forty days from the date thereof, and within ten days from the date of such warrant, to personally demand such tax of the persons charged therewith in such lists, if they be found within his town; and that if any such tax shall not be paid within said ten days, to collect the same by distress and sale of personal property, in the same manner as town treasurers are authorized to collect town and county taxes; and the said treasurer shall execute said warrant and return the same to the clerk at the expiration of the time limited therein for the collection of such tax-list.

Unpaid taxes.

SECTION 67. If any tax on real estate, in any tax-list delivered to the treasurer of any district, shall remain unpaid at the time he is required by law to return his warrant to the clerk of the district, such treasurer shall make out and deliver to the town clerk of his town, a statement in writing, containing a description of the lots and pieces of land upon which such taxes remain so unpaid, together with the amount of tax assessed to each; and he shall make and subscribe an affidavit to such statement, before some justice of the peace, or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same; and whenever any school district shall embrace parts of more than one town, such treasurer shall make his return as aforesaid to the town clerks of the towns in which the parts of such district shall be situated.

To be certified.

SECTION 68. The town clerk, upon a delivery to him of such statement, shall give a certificate to the treasurer of the amount of taxes so remaining unpaid, as the same shall appear from the statement of such treasurer, which certificate shall be deposited by the treasurer with the district clerk, and shall be filed by such clerk.

**To be entered in
next assessment
roll.**

SECTION 69. The town clerk shall, in making out the duplicate assessment roll of the town next thereafter, enter such unpaid taxes in a separate column therein, opposite to the description of the land upon which the taxes so remain unpaid, and such taxes shall be collected in the same manner as town and county taxes are collected; and when so collected, shall be paid over to the treasurer of the district in which such taxes were originally assessed.

SECTION 70. The warrant issued by the clerk of any school district for the collection of any district tax authorized to be raised and collected by section sixty-four of this chapter, may be executed in any other district or town in the same county, or in any other county in which any part of such district is situate, when the district is composed of parts of two or more adjoining counties, and such warrant shall have the like force and effect as a warrant issued by a town clerk for the collection of town and county taxes; and the treasurer of the district to whom any warrant may be delivered for the collection of a tax-list, shall possess the like powers in the execution of the same, as are conferred by law upon the treasurers of towns in the collection of town and county taxes.

Warrant—when
may be executed

SECTION 71. Whenever any error shall be discovered in any district tax-list, and made to appear to the district board, they may authorize and empower the clerk to amend and correct such error in said tax-list, and may order any moneys which may have been improperly collected on such tax-list, to be refunded.

How errors in
tax list corrected

SECTION 72. Whenever the clerk of any district shall deem it necessary, he may renew the warrant annexed to any tax-list in his district for thirty days, but he shall not have power to renew such warrant more than once, without the consent of the town clerk of the town in which the school house of such district shall be located, which consent shall be endorsed on such warrant.

Warrant—how
renewed.

SECTION 73. When any district tax shall be lawfully assessed and paid by any person on account of any real property whereof he is only a tenant at will, or for any period not exceeding three years, such tenant may charge and collect of the owner of such real estate the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

Rights of ten-
ants.

SECTION 74. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the district board of such district shall estimate the value of the same in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

Assessment—
how made in
tain cases.

How altered.

SECTION 75. Whenever a school district embraces a part of more than one town, the town boards of supervisors of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed to inquire and determine whether the valuation of taxable property in the assessment rolls of such towns are just, as compared with each other, in respect to such district, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon the real estate of the parts of such district so lying in different towns; and any tax thereafter to be raised in such district shall be apportioned and assessed according to such determination, until the same shall be altered upon a like application and determination, as before mentioned.

GENERAL PROVISIONS.

Towns may raise additional school money.

SECTION 76. The qualified electors of each town shall have power, at any legal meeting thereof, to vote to raise such sum of money for the support of common schools, in addition to the amount required by law to be raised, as they may deem necessary.

School taxes to be assessed like other taxes.

SECTION 77. All taxes raised and collected in any school district for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

SCHOOL HOUSE SITES.

When owner refuses to lease or sell school house site.

SECTION 78. Whenever a school district shall be unable to obtain the school house site selected or designated by a majority of the electors thereof at a regular meeting, on account of the refusal of the owner of the ground selected to lease or sell the same, such site may be located and established by the town board of supervisors, in the manner hereinafter provided.

Supervisors may locate a site.

SECTION 79. Whenever the electors of any school district, either at their annual or at any special meeting legally called for that purpose, shall make application to the board of supervisors in their respective towns, the said board upon satisfactory proof being made to them, by the certificate of the district clerk, or otherwise, that the notices required in the next section have been duly given, shall proceed to establish a school

house site for said district: *provided*, that such school house site shall not exceed one acre of land; *and provided, further*, that such land when it shall cease to be used as a school house site, shall revert to the original owner, his heirs and assigns.

Size and rever-
sion.

SECTION 80. Upon application made by any school district, by vote as aforesaid, such board shall make out and sign a notice in writing, and fix a time and place when and where they will meet and decide upon such application, which said notice shall also contain a brief description of the land upon which it is proposed to locate such school house site, which said notice shall be served by the district clerk of said district upon all the owners and occupants of the land upon which it is proposed to locate such site, at least six days previous [previously] to the day appointed for such meeting. Such notice shall be served by delivering it to each such owner and occupant of such land, who may be residents of this state, or by leaving the same at their respective residences, with some person of suitable age and understanding. And if there be no occupant of such land, and the owner or owners thereof be unknown to the said board, or shall reside without this state, then such notice may be served by publishing the same in the newspaper published nearest said land, once in each week for six successive weeks next before the said day of meeting.

Notice to be
given.

To be served per-
sonally.

Service by publi-
cation.

SECTION 81. Whenever the said board shall locate and establish any school house site, they shall cause an accurate survey and description of the same to be made out, and shall fix and award the compensation to be made to the owner or owners for such site, together with all damages sustained by such owner or owners of all lands so taken. They shall also, within ten days after agreeing thereupon, make out and sign duplicate certificates, containing their action upon such application, a description of the lands so taken, according to the survey, and the amount of compensation and damages so awarded to each of such owners, one of which shall be delivered to the occupant or occupants of the land so taken for such school house site, and the other to the clerk of said district, who shall cause the same to be recorded in the office of the register of deeds of the proper county: *provided*, that in case the said board shall deem it advisable, they may, before agreeing upon

Survey of land
to be made, &c.

Certificate to be
recorded.

their said award, adjourn from time to time, not to exceed in all ten days, and that any two of said board may act in the absence of the other.

Money to be paid owner, or deposited.

SECTION 82. The sum of money so awarded by the said board, shall be paid to the owner of the land upon which such site is located, or in case the owner is a non-resident, or refuses to accept the money, it shall be deposited with the treasurer of the district, to the order of the owner of said land; and it shall not be lawful for said district to occupy said land without the consent of the owner thereof, until such money shall be paid, tendered or deposited as aforesaid.

Limit to land taken.

SECTION 83. No land shall be taken for a school house site, except by consent of the owner, that may not be taken for highway purposes, according to section fifty-four, chapter nineteen, of the revised statutes.

Appeal to circuit court.

SECTION 84. Any person aggrieved by the decision of the above board in the award of damages, may appeal therefrom to the circuit court for any county in which such site is situated, by filing with the clerk of such district a notice of said appeal, which notice shall specify all the grounds of such appeal, within twenty days after the receipt of the duplicate certificate mentioned in section eighty-one of this act, and paying to the said district clerk one dollar for the state tax on the appeal, and one dollar for making the return thereto; and thereupon the clerk of such district shall, within twenty days thereafter, file with the clerk of said circuit court a certified copy of such certificate, together with such notice of appeal and the date of service thereof, and shall pay to such clerk of the circuit court one dollar for the tax on the appeal; and thereupon the clerk of such court shall enter an action therein, in which the appellant shall be plaintiff and the school district defendant. The issues in said action shall be the legality of all the proceedings of said board under this act, and the amount of compensation and damages to which the plaintiff is entitled by reason of the taking of his lands for a school house site, as aforesaid. And the issue shall be tried without further pleadings, in the same manner as other issues of fact are tried in such court, and either party shall be entitled to a jury, and the judgment therein shall be enforced in the same manner as other judgments in personal actions rendered by said circuit court: *pro-*

Parties.

Issues.

vided, that in all cases where the question of damages is the only issue, and the plaintiff does not recover a larger sum than was awarded him by such board, he shall recover no costs.

SECTION 85. Whenever the district is situated in two or more towns, the said board shall consist of the boards of supervisors of each town in which such district is situated.

In case of joint district.

COUNTY SUPERINTENDENT.

SECTION 86. There shall be chosen at the general election held on the Tuesday next succeeding the first Monday in November, in the year 1861, and biennially thereafter, a county superintendent of schools for each county of the state, who shall enter upon the duties of his office on the first day of January succeeding his election, and shall hold the same for two years, and until his successor is elected and qualified. In each county of the state having over fifteen thousand inhabitants, according to the last preceding census, the county board of supervisors may, at any meeting prior to an election of county superintendent in any year, determine by resolution, to remain in force until rescinded, that two county superintendents shall be chosen for such county; and said board of supervisors shall thereupon divide the county into two districts, to be called, respectively, "superintendent district number one," and "superintendent district number two." While such resolution shall remain unrescinded, each such district shall elect a county superintendent for such district, to be called "county superintendent of schools for district number one," or "two," as the case may be. When a county contains more than one senate district, each such senate district shall constitute a superintendent district, to be numbered as above provided, except senate districts lying wholly within incorporated cities which may have elected as provided for in section ninety-six of this act. Such county superintendent [superintendents] of schools for districts shall, within the limits of their respective districts, have the same powers and duties as other county superintendents. Their terms of office shall be the same, and their election shall be conducted and canvassed as provided in this act for the election of county superintendents; and all the provisions of this act or of any other law of

Election and term of office of county superintendents.

When two superintendents may be chosen in one county.

When senate district constitutes superintendent district.

this state in relation to county superintendents of schools, shall apply to the county superintendents of schools for districts, unless the latter shall be expressly excepted therefrom.

Election of county superintendent.

SECTION 87. The election of county superintendent of schools shall be conducted, canvassed and certified, in all respects, after the manner prescribed for the election of other county officers.

To take an oath.

SECTION 88. The county superintendent of schools shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this state, before some officer authorized to administer oaths, and shall deposit the same with the clerk of the board of supervisors.

Vacancies—how filled.

SECTION 89. In case of vacancy, the state superintendent may, upon certificate thereof from the clerk of the board of supervisors, appoint a person to fill such vacancy, who shall qualify as provided in the preceding section, and who shall hold his office until the general election next succeeding such appointment.

Removals from office.

SECTION 90. The county superintendent of schools may be removed from office by the judge of the circuit court of the county where such county superintendent of schools may reside, upon petition and satisfactory proof of incompetency, or wilful [willful] neglect of duty: *provided*, that no such removal shall be valid unless the person so removed shall have had at least thirty days' notice of the charges brought against him, and an opportunity to be heard in his own defense, and that the said circuit judge shall, in case of removal, certify such removal to the clerk of the county board of supervisors.

Thirty days' notice of charges.

Copy of petition for removal to be served.

SECTION 91. Any person or persons petitioning for the removal from office of any county superintendent of schools, shall cause a certified copy of such petition, together with a full statement of all charges preferred against him, to be served upon such superintendent at least thirty days prior to the hearing before the judge of the circuit court.

Duties of county superintendent.

SECTION 92. It shall be the duty of the county superintendent of schools to examine and license teachers and to annul certificates, as hereinafter provided; to visit and inspect schools: to organize and conduct at least one institute for the instruction of teachers in each year; to encourage teachers' associations; to advise in

all questions arising under the operation of the school laws in his county; to introduce to the notice of teachers and the people the best modes of instruction, the physiological laws which govern the health and growth of the young; the most approved plans of building and ventilating school houses, and ornamenting and adapting school grounds for the cultivation of the taste and the healthful exercise of the children; to report from time to time the condition and prospects of the schools under his supervision; to receive from the town, city and village clerks, abstracts of the reports of the several district clerks, and transmit the same to the state superintendent, as also, annually, the name and postoffice address of each town and district clerk of his county, with such other information as he may deem advisable, or as may be required of him by the state superintendent, and to perform such other duties as may be prescribed by law.

SECTION 93. It shall be the duty of the county superintendent of schools, in each county, to divide his county into inspection districts, to be bounded by town lines, and not to contain more than four towns each, and to hold, in and for each such inspection district, at least two meetings in each year, for the examination and licensing of teachers, of which meetings at least thirty days' written notice shall be given to each school district clerk in the inspection district for which the meeting is to be held, and by him posted in some conspicuous place in his district. Such notice shall contain the names of the towns embraced in the inspection district, and the time, place and objects of the proposed meeting. The examination of teachers thus held shall be public, and shall be conducted by written and oral questions and answers. They shall be uniform for the county in which they are held, and no certificate of qualification shall be given except in accordance with the provisions of law respecting teachers' certificates.

SECTION 94. Whenever, on account of sickness, absence from the county, or any other cause, any person desiring a certificate of qualifications as a teacher, shall be unable to attend the examination as aforesaid, such person may be examined at any time by the superintendent, without giving the notice required by the preceding section, and upon such examination, if found qualified, shall receive a certificate, which shall remain

Inspection districts.

Two examinations annually.

To be public and uniform.

Special examinations.]

in force until the next regular meeting for the examination of teachers in the inspection district in which such teacher is engaged in teaching: *provided*, that the county superintendent, before examining and licensing such applicant, may require of him or her satisfactory proof that the absence of such applicant from the last regular meeting for the examination of teachers, in the inspection district in which he or she resided, was necessary and unavoidable upon the part of said applicant.

Proof of necessary absence from regular examination.

Compensation.

SECTION 95. 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: *provided*, that for counties containing more than fifteen thousand inhabitants, according to the last preceding census, the compensation shall not be less than six hundred dollars per annum, and for counties containing more than eight thousand inhabitants, it shall not be less than four hundred dollars per annum.

Maximum fixed.

How cities may exempt themselves from control of the county superintendent.

SECTION 96. The board of education of any incorporated city of this state may, on or before the fifteenth day of August, in any year, elect, by order or resolution, that such city shall for the next ensuing year be exempt from the provisions of this act relating to county superintendent of schools, except in the matter of making reports to the county superintendent of the county in which such city is situated, and within ten days thereafter cause a copy of such order or resolution to be filed with the clerk of the board of supervisors in and for such county; in which case, the duties of the county superintendent of schools for that county shall not, during that year, extend into such city, except for the purpose of receiving reports therefrom; and the electors of such city shall have no voice in electing a county superintendent, if one be elected in such county that year, nor shall the member or members of the county board of supervisors from such city have any vote in determining or providing for the compensation of such county superintendent, nor in any other matter relating to such officer; nor shall any tax levied under the provisions of section ninety-seven of this chapter, for that year, be levied upon such city or any part thereof. In cases where an incorporated city shall not elect as provided in this section, the duties of supervising and inspecting schools and examining and

certifying to the qualifications of teachers in and for such city, shall devolve upon the county superintendent exclusively, any law of the state to the contrary notwithstanding.

SECTION 97. The board of supervisors of each county shall, when they levy the county school tax for each year, add thereto and apportion among the towns, cities and villages in such county, an amount sufficient to pay the compensation of the county superintendent of schools in and for such county, and all necessary expenses for printing for the use of schools in such county for that year, which amount shall be levied and collected, in cash, as a part of the county school tax for such county, and shall be paid over to the county treasurer of such county, with the county tax, by the several town, city and village treasurers: *provided*, that no part of said amount shall be apportioned to or levied upon any incorporated city whose board of education shall have elected as provided for in the last preceding section.

Tax for payment of county superintendent.

SECTION 98. The county superintendent shall, on or before the tenth day of October, in each year, make and transmit to the state superintendent 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 town clerks, and containing an abstract of their reports, and he shall file a copy of such report in the office of the clerk of the county board of supervisors.

Annual report of state superintendent.

SECTION 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 over the age of four and under the age of twenty years, as shown by the town clerks' reports.

Statement to county treasurer.

TEACHERS' CERTIFICATES.

SECTION 100. Every applicant for a situation as teacher in any of the common schools of this state, shall be examined by the county superintendent of schools of his county, in regard to moral character, learning and ability to teach, and if found qualified shall receive a certificate, as hereinafter provided.

Teachers to be examined.

SECTION 101. There are hereby established three grades of teachers' certificates, to be known as certifi-

Three grades of certificates.

cates of the first, second and third grades, respectively, as the case may be. Each certificate shall show the branches of study in which the holder has been examined, also the relative attainment of the applicant in each.

Requisites for third grade certificate.

SECTION 102. Every applicant for a certificate of the third grade, shall be examined in orthoepy, orthography, reading, penmanship, intellectual and written arithmetic, primary grammar and geography, and if found qualified, shall receive a certificate which shall entitle the holder to teach in the town for which he applies, and which shall be in force for one year from the date thereof; and each county superintendent may issue third grade certificates for a less period than one year, and for a particular district, whenever he is satisfied that the applicant is qualified to teach in such district, and is not qualified to teach in every district of the town for which he is licensed.

Entitles to teach one year in town

Special district certificates.

Requisites for second grade certificate.

SECTION 103. Every applicant for a certificate of the second grade, shall be examined in all the branches required for a certificate of the third grade, and in addition thereto, in grammatical analysis, physiology, physical geography, elementary algebra, United States history, and theory and practice of teaching, and if found qualified, shall receive a certificate which shall entitle the holder to teach in any town in the county in which he is examined, and which shall be in force for one year from the date thereof.

Entitles to teach one year in county.

Requisites for first grade certificate.

SECTION 104. Every applicant for a certificate of the first grade, shall be examined in all the branches in which applicants for certificates of the second and third grades are examined, and in addition thereto, in higher algebra, natural philosophy, and geometry, and if found qualified, shall receive a certificate which shall entitle the holder to teach in any town in the county in which he is examined, and which shall be in force for two years from the date thereof.

Entitles to teach two years in county.

Examination in additional branches, &c.

SECTION 105. Each county superintendent of schools may demand an examination in such additional branches as the applicant may be required to teach, and whenever he shall deem it necessary, may require a re-examination of any teacher in his county for the purpose of ascertaining his qualifications to continue as such teacher.

Standard of attainments.

SECTION 106. The county superintendent of each county shall, under the advice and direction of the

state superintendent, establish for his county the standard of attainment in each branch of study, which must be reached by each applicant before receiving a certificate of either grade, and the standard so established shall be uniform for the county.

SECTION 107. No school district clerk shall have power to contract with a teacher unless such teacher shall have a certificate of qualification in force at the time of making such contract; and when a district is composed of parts of two or more counties, the clerk of said district shall not have power to contract with a teacher unless such teacher shall have a certificate of qualifications signed by the superintendent of the county in which the school house is situated, and in force at the time of making such contract.

Teacher cannot make contract without certificate.

SECTION 108. The county superintendent may annul any certificate given by him or his predecessor in office, when he shall think proper, giving at least ten days' previous notice in writing to the teacher holding it, and to the district board of the district in which he may be employed, of his intention to annul the same.

How certificates may be annulled.

SECTION 109. The annulling of a certificate shall not disqualify the teacher to whom it was given, until a notice thereof, containing the name of the teacher, the time when the certificate was annulled, and the reasons for such annulment, shall be filed by the county superintendent in the office of the town clerk of the town in which such teacher is engaged in teaching.

Notice of annulment to be filed.

SECTION 110. Any person refused a certificate as a teacher by the county superintendent, may apply to the state superintendent for a re-examination; and if upon such re-examination, the state superintendent shall be satisfied that the applicant is legally qualified, he shall issue a certificate, which shall have the same force and entitle the holder to the same privileges as if he held a certificate from the county superintendent: *provided*, that any county superintendent refusing a certificate to an applicant, upon demand, shall give such applicant a written statement of the reasons why he, the said superintendent, refuses to issue such certificate; which statement shall in all cases be presented to the state superintendent by the person desiring a re-examination.

When state superintendent may reexamine.

Written reasons for refusing certificate.

LIBRARIES.

**Libraries vested
in district board.**

SECTION 111. Every school district library and the appurtenances thereunto belonging, shall be deemed to be vested in the district board of the district, so as to enable them to maintain any action for the same, or for the value thereof, or for the recovery of any fine or penalty for damage done to any book or books, or neglecting to return or loss of the same; and all such fines and penalties incurred in consequence of a violation of any regulation lawfully established in respect to district libraries, shall be sued for and collected in the name of such district board, and when so collected shall be applied for the benefit of such district library.

Fines and penalties.

Joint libraries.

SECTION 112. The legal voters in any two or more adjoining districts may, in such cases as may be approved by the town supervisors, unite their libraries, and also their library moneys, as they shall be collected or received, and purchase a joint library for such districts, which shall be selected by the district boards thereof, or by such persons as they shall designate, and shall be under the charge of a librarian to be appointed by the district boards of such districts; and the provisions of this chapter shall be applicable to such joint libraries, except that the property in them and their appurtenances shall for the time being be deemed vested in all the district boards of the districts so united; and in case any such district shall desire to divide such library, such division shall be made by the directors of the districts whose libraries are so united, and in case they cannot agree, then such division shall be made by the town supervisors.

**Librarian to be
appointed.**

**How library to
be divided.**

Librarian.

SECTION 113. The clerk of the district, or such other person as the taxable inhabitants may at any legal meeting appoint by a majority of votes, shall be the librarian of the district, and shall have the care and custody of the district library.

BORROWING MONEY BY SCHOOL DISTRICTS.

**May borrow
money to build
school house.**

SECTION 114. Whenever any school district within this state shall desire to make a loan of money to aid in the erection of a school house or houses, the question of a loan shall first be submitted to the legal voters authorized to vote at an annual school meeting, the vote to be taken by ballot. Those voting in favor of the loan shall have written or printed, or partly written

**When to be sub-
mitted to vote.**

and partly printed on their tickets, "for the loan," and those voting against the loan shall have written or printed, or partly written and partly printed on their tickets, "against the loan." And if a majority of all the legal voters, resident in the district, shall vote in favor of the loan, then the district board of any such school district, the trustees of any village, the common council of any city, or the board of education for such village or city, within the bounds of which any such school district is located, shall have power and authority to borrow money to aid in the erection of a school house or school houses, under the restrictions hereinafter mentioned.

SECTION 115. The money loaned in pursuance of the provisions of the preceding section, shall not be borrowed for a longer period than five years, and shall draw such rate of interest as may be agreed upon by the parties, but in no case exceed a greater rate than that established by law; and the said district board, trustees, common council or board of education, are hereby authorized to give notes, bonds or execute a mortgage upon any of the property, real or personal, belonging to the district making the loan, to secure the payment of the principal and the interest on the sum so borrowed; and the sum so borrowed shall in no case exceed ten per cent. on the valuation of the real estate contained in the district for the benefit of which the loan is made, according to the valuation contained in the last assessment roll or rolls of the town or towns, village or city in which such school district may be situated.

Conditions of a loan.

SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

SECTION 116. Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested, when the amount claimed by the plaintiff, or the penalty for which suit is brought, shall not exceed one hundred dollars, and the parties shall have the same right of appeal as in other cases; and when an action shall be brought against any school district, it shall be commenced by summons, a copy of which shall be left with the director.

Jurisdiction when district is interested.

Action—how brought.

SECTION 117. No execution shall issue on any judgment against a school district, nor shall any action be

No execution to issue.

brought thereon, but the same shall be collected in the manner prescribed in this chapter.

Judgment to be certified.

SECTION 118. Whenever any final judgment shall be obtained against any school district, if the same shall not be removed to any other court, the director of such district shall certify to the town clerk of the town the date and amount of such judgment, with the name of the party in whose favor the same was rendered, and if such judgment shall be removed to another court, the director shall certify the same as aforesaid, immediately after the final determination thereof against the district.

When director fails, who may certify.

SECTION 119. If the director shall fail to certify such judgment, as required in the preceding section, it shall be lawful for the party obtaining the same, his agent, attorney or legal representative, to file with the town clerk of the town the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by such director.

In case of joint district.

SECTION 120. If the district against which any such judgment shall be rendered, is situate in parts of two or more towns, a certificate thereof shall be delivered as aforesaid to the town clerk of each town in which such district is in part situated.

How judgment to be assessed.

SECTION 121. The town clerk receiving either of the certificates of judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said district, placing the same on the next town assessment roll, in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned in like manner, as other town taxes, and shall be paid to the party entitled thereto.

How assessed in joint districts.

If such district is situated in two or more towns, the clerk of each town shall, on demand of any person interested, furnish for the clerk of every other town in which any part of the district is situated, a certificate showing the total amount of the valuation of taxable property in that part of the district situate in his town, according to the last assessment roll of said town, and the amount of the judgment shall be assessed upon the respective parts of the district within the several towns, in proportion to such valuation. In all cases when, for any reason, the clerk of any town has heretofore failed

or shall hereafter fail to assess the amount of any such judgment, or the proper proportion thereof, in the next assessment roll after the rendition of the judgment, it shall be his duty to assess the same in any subsequent assessment roll within two years thereafter, upon the taxable property within the district or part of a district situate within his town, according to its limits at the time of making the assessment.

MISCELLANEOUS PROVISIONS—PENALTIES AND FORFEITURES.

SECTION 122. Any person conceiving himself aggrieved in consequence of any decision made by any school district meeting or by the town supervisors in forming or altering, or in refusing to form or alter any school district, or concerning any other matter under the provisions of this chapter, may appeal to the state superintendent, who is hereby authorized and required to examine and decide the same, and such decision shall be final and conclusive: *provided, however,* that the decision appealed from shall be operative until the state superintendent shall reverse the same.

Appeal to state superintendent.

SECTION 123. Every taxable inhabitant receiving the notice mentioned in the second and third 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 [willfully] neglect or refuse to perform the duties enjoined on him by this chapter, shall, respectively, forfeit the sum of five dollars.

Fine for refusal to discharge duties relative to formation of districts.

SECTION 124. Every person duly elected to the office of director, treasurer or clerk of any school district, who shall neglect or refuse, without sufficient cause, to accept of 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 the provisions of this chapter, shall forfeit the sum of ten dollars.

Penalty for neglect of duty by district officers.

SECTION 125. Every school district officer who shall neglect or refuse to deliver to his successor in office all records, books and papers appertaining to such office, shall be subject to a fine not exceeding fifty dollars.

Penalty for refusal of clerk to deliver books, &c.

SECTION 126. Every clerk of a district who shall wilfully [willfully] sign a false report to the town clerk of his town, with intent of causing such town clerk to

Penalty for false report by district clerk.

For neglect to report.

apportion to his district a larger sum than its just proportion of school moneys, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months; and any district clerk who shall wilfully [willfully] neglect to make the annual report from his district, as required by this chapter, shall be liable to pay the whole amount of money lost by said district in consequence of his neglect, which moneys shall be recovered in an action prosecuted by the director, in the name of the district.

Liability for failure to report.

SECTION 127. Every town clerk who shall neglect or refuse to make and deliver to the county superintendent his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the town treasurer, in the name of the town, and every town clerk who shall neglect or refuse to carry into effect any decision or order of the state superintendent, shall be liable to removal by the town board of supervisors, upon proper notice thereof; and the said board shall have full power to fill any such vacancy in such manner as vacancies in other town offices are filled.

Removal.

Penalty for not carrying out state superintendent's decisions.

SECTION 128. In case the town board of supervisors shall refuse or neglect to carry into effect any decision of the state superintendent, made upon an appeal from their action or refusal to act, each member of the board thus refusing or neglecting shall be liable to a penalty of fifty dollars, to be prosecuted for and recovered by any elector of the district from which the appeal is taken. Suit shall be brought in the name of the district, and in case judgment shall be rendered against the defendant, the forfeiture recovered shall be applied in the first place to pay the necessary expenses of the prosecution, and the balance, if any, shall be paid into the district treasury.

Liability of county superintendent.

SECTION 129. Every county superintendent who shall neglect or refuse to make the report required in this chapter to be made by him to the state superintendent, within the time limited therefor, shall be liable to pay to each town the amount which such town, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered by the town treasurer in an action prosecuted in the name of the town or district.

SECTION 130. All moneys collected or received by any town treasurer, under the provisions of section one hundred and twenty-seven and section one hundred and twenty-nine of this chapter, 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 refusal or neglect therein mentioned, would, according to the provisions of this chapter, have been apportioned and distributed.

Penalties—how applied.

SECTION 131. Any teacher who shall wilfully [wilfully] neglect or refuse to comply with the requirements of section forty-five of this chapter, relative to keeping a school register, shall forfeit his or her wages for teaching during the time of such neglect or refusal.

Forfeiture for not keeping register.

SECTION 132. The treasurer of any legally organized school district shall prosecute the town treasurer of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases where such town treasurer shall neglect or refuse, for the space of ten days from the time fixed by law therefor, to pay over to the proper officer the school moneys aforesaid.

Prosecutions for moneys withheld by town treasurers.

SECTION 133. It shall be competent for any town treasurer, in case of default of the county treasurer to pay over the school moneys which by law should be paid to such town treasurer, to commence action on the official bond of the county treasurer for the recovery of such moneys.

Ibid. by county treasurers.

SECTION 134. Any district treasurer who shall use or pay out any moneys in his hands belonging to the district, without authority of law, shall be liable to a penalty of not less than five nor more than fifty dollars, and it shall be the duty of the director to prosecute the treasurer for the recovery of said penalty. In case the director shall refuse or neglect to prosecute, he shall be liable to a penalty of twenty dollars.

Fine for paying out moneys illegally.

SECTION 135. Any district treasurer who shall purchase or receive any order drawn upon him, for less than the sum expressed in said order, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

Penalty for receiving orders at less than their face.

SECTION 136. Any clerk who shall draw an order upon the treasurer for purposes not authorized by a law, and by a vote of the district, and every director who

Penalty for drawing and countersigning unauthorized orders.

shall countersign such an order, shall be liable to a fine of not less than five nor more than one hundred dollars, and the district may authorize any elector to prosecute, for the use and benefit of such district, for the recovery of the fine prescribed in this section.

Certified copy of bond sufficient evidence.

SECTION 137. In the prosecution of actions under this chapter, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required by law in said actions. And any actions under this chapter in which the sum claimed to be justly due, or the penalty and forfeiture incurred, shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any justice of the peace, in the same manner as other cases.

When any elector may prosecute.

SECTION 138. Whenever any person designated by this chapter to prosecute a district or other school officer for neglect of duty or for illegal action, shall fail or neglect to prosecute said officer for the space of ten days after being requested by any elector so to do, and in all cases not otherwise specially provided for, the voters of a district at any regular meeting, either annual or special, may authorize any elector to commence and prosecute an action against such officer in the name and for the use and benefit of the district, for the recovery of the fine or the infliction of the penalty prescribed by law for the failure of such officer to perform his duty, or for the illegal action of said officer.

Reports must be made in compliance with this act.

SECTION 139. All the provisions of section forty-three of this chapter, in reference to the annual reports of the district clerks, shall apply to and be in force in every city and incorporated village in this state, and each city and village clerk, or clerk of the board of education, shall make and transmit to the county superintendent of schools for the county or district in which such city or village is situated, the report required by section fifty-seven of this chapter, within the time therein prescribed, any provisions of their charters or any law of this state to the contrary notwithstanding.

Penalty for disturbing school.

SECTION 140. Any person who shall wilfully [wilfully] and maliciously interrupt or in any way molest or disturb any private or public school, while in session, shall, upon conviction thereof, be punished by fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding thirty days.

SECTION 141. The state superintendent is hereby authorized and required, on or before the first day of June, in each year, to furnish to each school district clerk, town clerk and county superintendent of schools in the state, a blank form upon which such officers shall make their annual reports.

State superintendent to furnish blanks.

SECTION 142. Whenever hereafter any amendment shall be made to the provisions of this chapter, it shall be the duty of the state superintendent to furnish a copy of such amendment to every school district in the state.

Copies of amendments to be furnished.

SECTION 143. All acts and parts of acts the provisions of which are fully embraced in this act, are hereby repealed.

Repeal.

Approved March 28, 1863.

CHAPTER 156.

[Published April 7, 1863.]

AN ACT to provide for the expenditure of the drainage fund in the town of Ahnapee, Kewaunee county.

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

SECTION 1. For the purpose of draining the swamp lands along the banks of the Ahnapee river, in the county of Kewaunee, the drainage moneys belonging to the town of Ahnapee, in said county, shall be expended in opening the mouth of said Ahnapee river. Peter Schlessor is hereby appointed a commissioner for the purpose of expending such moneys. The said Schiesser shall, before entering upon the duties of his appointment, give such bond to the town board of the town of Ahnapee, for the faithful performance of his duties under the provisions of this act, as they may deem proper; and he shall receive for each day actually and necessarily spent by him in the performance of the duties enjoined by this act, the sum of one dollar (*per day*).

Opening the mouth of Ahnapee river.

Commissioner—his bond, salary, &c.

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

Approved March 28, 1863.