

Proviso.

To descend to widow.

nor shall any judgment or decree of any such court be a lien on such homestead for any purpose whatever; *Provided*, That this act shall not be so construed as to in any manner relate to judgments or decrees rendered on the foreclosure of mortgages either equitable or legal.

SEC. 2. On the death of the owner of such homestead the same shall descend to his widow, and she shall take and hold the same during her widowhood, freed from the incumbrance of all judgments and claims against the deceased or his estate, except mortgages lawfully executed thereon.

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

Approved May 17th, 1858.

## Chapter 138.

*Published June 1st, 1858.*

AN ACT to amend an act entitled "An Act to amend chapter nineteen of the Revised Statutes, and to compile the School Laws of Wisconsin," approved April 1st, 1854.

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

Amendment to school laws relative to special district meetings.

SECTION 1. Section twelve of an act to amend chapter nineteen of the Revised Statutes, and to compile the school laws of Wisconsin, approved April 1st, 1854, is hereby amended, so as to read as follows:—  
"Special district meetings may be called by the clerk, or in his absence, by the director or treasurer, on the written request of any five legal voters of the district, by notifying all the legal voters in such district, and the inhabitants qualified by law to vote, when lawfully assembled at a special meeting shall have power to transact the same business as at the first and each annual meeting."

School district taxes—revised.

SEC. 2. So much of chapter nineteen of the Revised Statutes as relates to the assessment and collection of school district taxes, is hereby revived for the purpose of assessing and collecting any tax that may be voted at any special meeting in accordance with the provisions of section one of this act.

SEC. 3. Section fourteen of said act is hereby amended, by striking out the words, "three hundred dollars," in said section, and inserting in lieu thereof, the words "five hundred." Amendment.

SEC. 4. Section sixteen of said act is hereby amended by striking out the words, "until the annual meeting next following their election or appointment, and until their successors shall have been chosen, but not beyond ten days after the time for holding the second annual meeting after their election and appointment without being again elected or appointed," and inserting in lieu thereof the words, "three years and until their successors shall have been chosen or appointed, but not beyond ten days after the expiration of their term of office, without being again elected or appointed; *Provided*, That at the first annual election of district officers after the passage of this act, and 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 chosen for three years." Relative to officers--terms of office.

SEC. 5. Section twenty of said act is hereby amended by striking out the words, "such report," and inserting in lieu thereof, the words "his final report." And section twenty-one is hereby amended by striking out the words, "during the year." Relating to report.

SEC. 6. Section thirty of said act is amended by striking out the words, "first and fifteenth days of September," and inserting in lieu thereof the words, "first and fifteenth days of July," and by striking out the word "September," where it lastly occurs in said section, and inserting in lieu thereof the word "July," and by striking out the word "August," in said section, and inserting in lieu thereof the word "June." Change of time.

SEC. 7. Section forty-four of said act is hereby amended by striking out the words, "first and fifteenth days of October," and inserting in lieu thereof the words, "fifteenth and twenty-fifth days of September," and by striking out the words, "first day of October," and inserting in lieu thereof the words, "fifteenth day of September." Same.

SEC. 8. Section seventy-two of said act is hereby amended by striking out the word "November," and inserting in lieu thereof the word "October." Same.

When State Superintendent to make his annual report.

SEC. 9. Section two of chapter ninety-nine of the general laws of 1857, is hereby so amended as to except the State Superintendent of Public Instruction, from being required to make his annual report to the Governor within ten days after the close of the fiscal year; and said State Superintendent shall make his report, and deliver it on or before the tenth (10th) day of December in each year, to the Governor, who, within three days thereafter, shall deliver the same to the contractor or person authorized to do the public printing of the State; and when printed, one thousand copies thereof shall be delivered by the Superintendent of Public Property to the Superintendent of Public Instruction, for the use of his department.

Superintendent.

SEC. 10. Section ninety-four of said act is hereby amended by striking out the word "Superintendent," where it occurs lastly in said section, and inserting in lieu thereof the word "town."

To cause 5,000 copies of school laws to be printed.

SEC. 11. The State Superintendent of Public Instruction is hereby authorized and directed to cause five thousand copies of the laws in relation to common schools, as amended by this Legislature, to be printed and published in pamphlet form by the State Printer at the contract prices, including therein such rules, forms and regulations as he may deem necessary to carry into effect its provisions; and when thus published, he shall send to each town superintendent in the State one copy for his own use, and one for each of the school district clerks within his town, and hold the remainder to supply future demand, as occasion may require.

Union districts—how formed.

SEC. 12. Whenever two-thirds of the legal voters of any two or more adjoining school districts shall at an 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 superintendent 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 superintendent to determine and establish the boundaries of said union district, and file a copy of such order with the town clerk. He may also, upon application, include persons and lands in adjoining districts in said union district, according to his discretion.

2. 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 their offices the same as officers of the district boards, subject to the same rules and penalties; *Provided*, That the town superintendent shall have power to appoint the first board of such union district.

Control of union district vested in a board.

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3. 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 hereinbefore provided for the assessment and collection of district taxes. No fee for tuition shall be charged or collected; *Provided, however*, That such tuition fee may be charged and collected from scholars not residing in the union district, which fee or fees shall go into the general fund of said union district.

Expenses defrayed by a tax.

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4. The board of said union district, together with the town superintendent, shall constitute a board to 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 also examine all candidates for teaching in such high school, and award certificates to those deemed competent.

Board to determine qualification, &c.

5. 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 eleven of the act to which this act is amendatory.

Annual meetings.

6. Special meetings may be held as provided in section twelve of this act.

Special meetings.

7. When it is proposed to form union districts of territory lying in two or more adjoining towns, then the respective superintendent's of those towns shall act in concert in the formation of such union district, as now required in the formation of joint districts, and the superintendent of the town in which the house

Union districts of two or more adjoining towns—how formed.

shall be situated, shall have the superintendence and control of said union district after its organization.

How not construed.

8. Nothing in this law shall be construed so as to impair the organization of primary districts within such union district.

Town superintendent to prosecute district treasurer—refusing to perform such duty.

SEC. 13. It shall be the duty of the town superintendent of schools in each town, to prosecute any district treasurer of his town, whenever such treasurer shall use or pay out any moneys in his hands belonging to his district, without authority of law. In case such superintendent shall neglect or refuse to prosecute such district treasurer, he shall be liable to a penalty of fifty dollars, to be recovered by the town treasurer of his town, on the official bond of said superintendent.

SEC. 14. This act shall take effect and be in force from and after its passage and publication; and all acts and part of acts contravening the provisions of this act, are hereby repealed.

Approved May 17th, 1858.

## Chapter 139.

*Published May 31st, 1858.*

AN ACT to amend an Act entitled "An Act for the encouragement of Academies and Normal Schools," approved March 7th, 1857.

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

Amendment to act relating to academies and normal schools.

SECTION 1. Chapter eighty-two of the general laws of Wisconsin, entitled "An Act for the encouragement of Academies and Normal Schools," is hereby amended in the following manner:—Strike out the word "gross" in the first section of said chapter, and insert in lieu thereof the word "nett;" also add at the close of the section the following words: *Provided*, That nothing contained in this section shall interfere with the fund set apart for drainage purposes.

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Mileage.

SEC. 2. Add to the fifth section of said chapter the following words: "The mileage of the members of the board and the per diem of the secretary shall be paid