

CHAPTER 62.

[Published March 21, 1863.]

AN ACT to amend chapter twenty-three of the revised statutes, entitled "of common schools."

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

SECTION 1. Section nine of chapter twenty-three of the revised statutes, is hereby amended, by striking out the word "six," in the third line thereof, and inserting in its stead the word "seven," so that said section shall read as follows: "The annual meeting of each school district shall be held on the last Monday of September, in each year, and the hour of such meeting shall be seven o'clock in the afternoon: *provided*, that at the first 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(or in case of a joint district, in which the school house of such district) is situated, and to remain in force until rescinded by the vote of a majority of the electors of said district; the meeting held in pursuance of such determination, to be deemed the legal annual meeting of said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
of district.

SECTION 2. Section twenty-five of said chapter twenty-three, is hereby amended, so as to read as follows: "It shall be the duty of the clerk of each school district in this state, within ten days after the election or appointment of any school district officer, to report the names and postoffice address of such officer 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 that purpose, an accurate record of all orders drawn upon the treasurer, and

Duties of clerk.

to keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor.”

Clerk to draw orders on treasurer for teachers' wages, &c.

SECTION 3. Section thirty-two of said chapter twenty-three, is hereby amended, so as to read as follows: “It shall be the duty of the clerk to draw orders on the treasurer of the district for money 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 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.”

District clerk to deliver to town clerk statement of taxes voted, &c.

SECTION 4. Section thirty-four of said chapter twenty-three, is hereby amended, by inserting after the word “require,” in the seventh line of said section, the following words: “and the tax voted at any special meeting, held between the time of the annual meeting and the third Monday in November,” so that said section shall read as follows: “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 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 taxes voted at any special meeting, held between the time of the annual meeting and the third Monday of November following, 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 valuations contained in the last assessment rolls of their respective towns; and to enable the district clerk to ascertain the same, the town clerk of each town shall, on

If joint district to clerk of each town, &c.

demand, at any time after he shall have 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."

SECTION 5. Section thirty-six of said chapter twenty-three, is hereby amended, so as to read as follows:

"It shall be the duty of the town treasurer of each town, 1st. To apply for and receive of 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. 2d. To pay over to the district treasurers, 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 delinquent tax, or any part thereof, on account of any demand or claim due from such town to said county, then said town treasurer 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. 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 treasurer to receive and pay over school moneys, &c.

SECTION 6. Section forty-five of said chapter twenty-three, is hereby amended, so as to read as follows:

"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 board of supervisors of the town, in relation to the formation or alteration of school districts, and file them

Duties of town clerk.

Annual reports.

Descriptions and maps of school districts.

Postoffice address of district clerk.

Apportionment of school moneys raised by town.

Penalty for neglect of town superintendent to report, or to execute order of state superintendent.

Penalty for neglect of county superintendent to report to state superintendent.

in his office; and he shall record in a book kept for that purpose, such descriptions 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, and the name and address of each district clerk, within ten days after the filing of the same in his office. He shall 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, in 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."

SECTION 7. Section eighty-nine of said chapter twenty-three is hereby amended, so as to read as follows: "Every town clerk who shall refuse or neglect 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."

SECTION 8. Section ninety of said chapter twenty-three, is hereby amended, so as to read as follows: "Every county superintendent who shall neglect or refuse to make the report required to be made by him to the state superintendent, by section seven of chapter one hundred and seventy-nine of the general laws of

1861, 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 9. All the provisions of section thirty of said chapter twenty-three, 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 superintendents of schools for the county or district in which such city or village is situated, the report required by section forty-six of said chapter twenty-three, within the time therein prescribed, anything in the provisions of their [its] charter to the contrary notwithstanding.

Application of statutes to cities and villages.

SECTION 10. Section ninety-four of said chapter twenty-three, is hereby amended, so as to read as follows: "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 when such town treasurer shall neglect or refuse, for the space of ten days after demand made therefor, to pay over to the proper officer the school moneys aforesaid."

District treasurer may prosecute town treasurer for not paying over school moneys.

SECTION 11. Section thirteen of chapter one hundred and thirty-eight of the general laws of 1858, now comprising a part of said chapter twenty-three, R. S. is hereby amended, so as to read as follows: "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."

Director to prosecute treasurer in certain cases.

SECTION 12. Any person who shall willfully or 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

Penalty for disturbing school.

dollars, or by imprisonment in the county jail not exceeding thirty days.

Property of disorganized districts.

SECTION 13. Whenever any district shall become disorganized by the operation of the law in relation to the alteration of districts, the town 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.

Penalty for purchasing orders at a discount.

SECTION 14. 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 drawing and countersigning unauthorized orders.

SECTION 15. Any clerk who shall draw an order upon the treasurer for purposes not authorized by law or by a vote of the district, and any director who shall countersign such 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.

Penalty for neglecting to prosecute officer.

SECTION 16. Whenever any person designated by said chapter twenty-three, or any amendments thereof, to prosecute a district officer, or other school or town 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.

Treasurer to keep record of receipts and disbursements, make annual report of the same,

SECTION 17. Section twenty of said chapter twenty-three, is hereby amended, so as to read as follows: "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 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, he shall settle with the district board, and shall hand over to his successor his book and all receipts, vouchers, orders and papers coming into his hands as treasurer, together with all moneys remaining in his hands as such treasurer."

SECTION 18. The first clause of section thirty of said chapter twenty-three, is hereby amended, so as to read as follows: "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 clerk and verified by his affidavit, showing:"

Annual report of clerk.

SECTION 19. Section ninety-two of said chapter twenty-three, is hereby amended, by adding thereto the following words: "And any district clerk who shall willfully neglect to make the annual report from his district, as required in 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."

Penalty for neglecting to make annual report.

SECTION 20. 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. Such 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 not chargeable to the defendant, and the balance shall be paid into the district treasury.

Penalty for not carrying into effect decision of state superintendent.

Repeal.

SECTION 21. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1863.

CHAPTER 63.

[Published March 25, 1863.]

AN ACT to amend "an act to incorporate the city of Beaver Dam," approved March 18, 1856.

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

Repeal.

SECTION 1. So much of sections eighteen and nineteen of chapter seven of the act "to incorporate the city of Beaver Dam," approved March 18th, 1856, as relates to returned lands for taxes, is hereby repealed; and so much of section seventeen of chapter seven, as states "which shall be in full for services performed by said treasurer, under this act," is hereby repealed.

Sale of lands for delinquent taxes.

SECTION 2. In all cases of non-payment of taxes upon lots or real estate in said city, in the manner now required by law, it shall be the duty of the treasurer of said city to proceed in accordance with the provisions of existing laws relating to the sale of lands for delinquent taxes in the several counties of this state, to advertise and sell, on the 2nd Tuesday in April, in each year, all delinquent lots and lands within the limits of said city, in the same manner as other lands are sold in said county of Dodge; and the said sale shall in all cases be made for the smallest undivided portion of said lot or tract of land for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her assigns or heirs, a certificate containing the name of the purchaser and a description of the premises sold, the amount paid therefor, the rate of interest

Certificates of sale.