

certified by said judge, and filed with the clerk of the board of supervisors, with the award of the board of supervisors as aforesaid; and if the amount of appraisal of such jury shall exceed the amount awarded by the supervisors, the costs and expenses shall be paid by the county; but if the jury shall not award greater damages than were awarded by the supervisors, the costs and expenses shall be paid by the appellant; and the said county board of supervisors shall, at their next session after the appraisement by the jury is rendered as aforesaid, proceed to locate and establish such ditch, drain or water-course, as herein provided. The costs and compensation allowed shall be paid out of the county treasury from the general fund, or remain deposited therein, subject to the order of such claimant or claimants.”

Costs.

Location of ditch, &c.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 114.

[Published April 16, 1866.]

AN ACT to reorganize and enlarge the university of Wisconsin, and to authorize the county of Dane to issue bonds in aid thereof.

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

SECTION 1. The object of the university of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with the scientific, industrial and professional pursuits; and to this end, it shall consist of the following colleges, to wit: 1st. The college of arts. 2d. The college of letters. 3d. Such professional and other colleges as from time to time may be added thereto or connected therewith.

Object—colleges,

SECTION 2. The college of arts shall embrace courses of instruction in the mathematical, physical and natural sciences, with their applications to the industrial arts, such as agriculture, mechanics and engineering, mining

Course of instruction in college of arts.

and metallurgy, manufactures, architecture and commerce, in such branches included in the college of letters, as shall be necessary to a proper fitness of the pupils in the scientific and practical courses for their chosen pursuits, and in military tactics; and as soon as the income of the university will allow, in such order as the wants of the public shall seem to require, the said courses in the sciences and their application to the practical arts, shall be expanded into distinct colleges of the university, each with its own faculty and appropriate title.

Course of instruction in college of letters.

SECTION 3. The college of letters shall be coexistent with the college of arts, and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses or parts of courses in the colleges of arts, as the authorities of the university shall prescribe.

Open to males and females.

SECTION 4. The university in all its departments and colleges, shall be open alike to male and female students; and all able-bodied male students of the university, in whatever college, shall receive instruction and discipline in military tactics, the requisite arms for which shall be furnished by the state.

Board of regents—terms.

SECTION 5. The government of the university shall vest in a board of regents, to consist of fifteen members, to be appointed by the governor, two from each congressional district in the state, and three from the state at large. At the first appointment, which shall be within sixty days after the passage of this act, five shall be commissioned for one year, five for two years, and five for three years. Thereafter the full term of office shall be three years from the first Monday in February, in the year in which they were appointed, unless sooner removed by the governor.

Old board to be dissolved, &c.

SECTION 6. The said board of regents shall succeed to the custody of the books, records, buildings and all other property of the university; and the present board of regents shall be dissolved immediately upon the organization of the board herein provided for: *provided*, that all contracts legally made, and at that time binding upon the board thus dissolved, shall be assumed and discharged by their successors.

Powers of board.

SECTION 7. The regents and their successors in office shall constitute a body corporate, with the name and style of "the regents of the university of Wisconsin,"

with the rights, as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure. They shall have power, and it shall be their duty, to enact laws for the government of the university, in all its branches; to elect a president of the university, and the requisite number of professors, instructors, officers and employees, and to fix their salaries, also the term of office of each, and to determine the moral and educational qualifications of applicants for admission to the various courses of instruction: *provided*, that no instruction, either sectarian in religion, or partisan in politics, shall ever be allowed in any department of the university, and no sectarian or partisan test shall ever be allowed or exercised in the appointment of regents, or in the election of professors, teachers or other officers of the university, or in the admission of students thereto, or for any purpose whatever.

SECTION 8. For the time being, an admission fee and rates of tuition, such as the board of regents shall deem expedient, may be required of each pupil, except as hereinafter provided; and as soon as the income of the university will permit, admission and tuition shall be free to all residents of the state; and it shall be the duty of the regents, according to population, to so apportion the representation of students, that all portions of the state shall enjoy equal privileges therein.

SECTION 9. One suitably qualified pupil from each assembly district, to be nominated by the representative of such district in the legislature of the state, who, other things being equal, shall prefer an orphan of a soldier who has died in defense of his country, shall be at once and always be entitled to free tuition in all the colleges of the university.

SECTION 10. The president of the university shall be president of the several faculties, and the executive head of the institution, in all its departments. As such, he shall have authority, subject to the board of regents, to give general direction to the practical affairs and scientific investigations of the several colleges, and in the recess of the board of regents, to remove any employee or subordinate officer, not a member of the faculty, and to supply for the time any vacancies thus created; and so long as the interests of the institution require it, he shall be charged with the duties of one of

Tuition.

Tuition free to one pupil from each assembly district.

President.

Secretary.

the professorships. The secretary of state shall be secretary of the board of regents, and shall keep a faithful record of all the transactions of the board of regents, and shall perform such duties as they shall impose.

Treasurer.

The state treasurer shall be the treasurer of the board of regents, and perform all the duties of such office.

Government.

SECTION 11. The immediate government of the several colleges shall be intrusted to their respective faculties; but the regents shall have power to regulate the courses of instruction, and prescribe the authorities to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in universities, or as they shall deem appropriate.

Annual report.

SECTION 12. At the close of each fiscal year the regents, through their president, shall make a report in detail to the governor, exhibiting the progress, condition and wants of each of the colleges embraced in the university, the course of study in each, the number of professors and students, the amount of receipts and disbursements, together with the nature, costs and results of all important investigations and experiments, and such other information as they may deem important; one copy of which shall be transmitted, free, by the secretary of state to all colleges endowed under the provisions of the congressional act of July 2d, 1862, hereinbefore [hereinafter] referred to, and also one copy to the secretary of the interior, as provided in said act.

Endowment.

SECTION 13. For the endowment and support of the university, there are hereby appropriated: 1st. The income of the university fund. 2d. The income of a fund to be derived from the sales of the two hundred and forty thousand acres of land granted by congress to the state of Wisconsin, by virtue of an act approved July 2d, 1862, entitled "an act donating land to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts," which fund shall be designated as the agricultural college fund. 3d. All such contributions to the endowment fund, as may be derived from public or private bounty. The entire income of all said funds shall be placed at the disposal of the board of regents, for the support of the aforesaid colleges of arts, of letters, and of such colleges as shall be established in the university, as provided in section two of this act: *provided*, that all

To be at disposal
of regents.

means derivable from other public or from private bounty, shall be exclusively devoted to the specific objects for which they shall have been desinged by the grantors.

SECTION 14. Meetings of the board may be called in such manner as the regents shall determine, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. No member of the board shall receive compensation for his services as such member, but each member shall be entitled to reimbursement, on the audit of the board, for his traveling and other necessary expenses while employed on the business of the board.

Meeting of board.

Expenses of regents to be reimbursed.

SECTION 15. The first meeting of the regents, the appointment of which is herein provided for, shall be held in the university edifice, on the last Wednesday of June, 1866, at which time the regents when so convened, shall elect one of their number president of the board. The time for the annual election of president of the board of regents, as also the regular annual meeting, and such other meetings as may be required, shall be determined in the by-laws of the board. Immediately upon the organization of the board, it shall be their duty to make arrangements for securing, without expense to the state, or to the funds of the university, suitable lands, in the immediate vicinity of the university, not less than two hundred acres, including the university grounds, for an experimental farm, and as early as possible thereafter, to make such improvements thereon as will render it available for experimental and instructional purposes, in connection with the agricultural course in the college of arts.

First meeting—president.

Purchase of land for experimental farm.

SECTION 16. To enable the board of regents to purchase lands in the vicinity of the university for an experimental farm, and to improve the same, the board of supervisors of Dane county are hereby authorized and empowered to issue the bonds of said county, bearing interest at the rate of seven per cent. per annum, interest payable annually, for the amount of forty thousand dollars, such bonds to be payable on or before the first day of January, A. D. 1886, at such place as may be determined by said board of supervisors. The bonds so issued shall be delivered to the board of regents of the university, who shall faithfully apply the same, or the proceeds thereof, together with all contributions

Dane county may aid in purchase of lands, &c.

made for this specific purpose, to the purchase and improvement of the lands for such experimental farm. But if the said county of Dane, by its proper officers, shall not make provision for the issue and delivery of said bonds as aforesaid within thirty days after the passage of this act, and if in such case the citizens of said county shall fail within thirty days after the expiration of said first mentioned period of thirty days, to furnish guarantees satisfactory to the secretary of state, that the said amount of forty thousand dollars shall be placed at the disposal of the regents of the university at the first meeting of the board, then this act shall be null and void.

Repeal.

SECTION 17. So much and such parts of chapter twenty-one of the revised statutes, and of any and all acts, as contravene the provisions of this act, are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage.

Approved April 12, 1866.

CHAPTER 115.

[Published April 25, 1866.]

AN ACT to facilitate reviews on appeals, in certain cases.

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

When new trial may be granted.

SECTION 1. In all actions wherein judgment shall be rendered in any of the courts of record of this state, and the judge by or before whom the same were tried, shall die or remove from the state before any bill of exceptions, as provided, required or authorized by law, shall have been settled therein, and before the time has elapsed for settling the same, as fixed by law or by the order of court, or by stipulation or agreement between the parties, the court in which [the] same was rendered shall grant a new trial therein, upon application of either one of the parties: *provided*, that such application shall be made at the first term of the court in

When application to be made