

and established by LaBreeche, Cross and Shayer in the year 1865.

When and where  
commissioners  
shall meet.

Sec. 2. The said commissioners or a majority of them shall meet at the house of George W. Kellogg on the first Monday of September next, or sooner if convenient and proceed to locate said road.

Who pay expenses  
of road.

Sec. 3. The expenses incurring in surveying, marking and establishing said road shall be paid by the commissioners of said road.

Acts repealed.

Sec. 4. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

When to take  
effect.

Sec. 5. This act shall take effect from and after its passage and approval by the Governor.

Approved, January 8th, 1866.

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## SCHOOLS.

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### CHAPTER 31.

#### **An Act to Establish a Public School Law for the Territory of Dakota.**

*Be it enacted by the Legislative Assembly of the Territory of Dakota :*

Board of  
education.

Section 1. That Rev. M. Hoyt, Wm. Shriner and N. J. Wallace, are hereby constituted a board of education for the territory of Dakota, who shall hold their offices until successors are elected and qualified, and there shall be elected a board of education at each delegate election in this territory hereafter.

Annual and  
special meetings

Sec. 2. Said board shall hold an annual meeting at the capitol of the territory, commencing on Tuesday of the first week of the session of the legislature, and such special meetings during the year as the board may, in their judgment, deem proper and necessary.

**Sec. 3.** At the annual meeting said board shall appoint a suitable and competent person to be superintendent of public instruction for the territory, who shall also be secretary of the said board of education, and shall take and subscribe an oath to support the constitution of the United States, and the organic act of the territory and faithfully discharge the duties of his office. He shall keep a record of all the official doings of said board; shall exert himself constantly and faithfully to promote the interests of education in the territory, by and with the advice of the board of education, and to this end he shall confer with county superintendents and visit schools in company with them, and furnish and distribute to them blank forms for collecting statistics of the various schools in the territory. He shall prepare and present to the board of education, on the first day of their annual session a report of his official doings for the preceding year and a full statement of the condition of the common schools in the territory, and of the expenditure of the public school moneys, and shall make such suggestions for the improvement and support of common schools, together with such other information in regard to the modes of instruction and systems of the organization of schools in other states and countries, as he shall deem proper. He shall also have power to grant certificates to teachers of proper attainments and ability to teach in any of the public schools in the territory.

To appoint superintendent public instruction.

Duties of superintendent.

**Sec. 4.** Said board of education shall, from time to time, as they shall judge proper, recommend to the legislature such alterations, revisions, or amendments of existing laws, relating to common schools and seminaries of learning, as in their judgment are demanded, in order to the perfecting of a system of general education in the territory, and they shall annually make a report of their official doings and of the state and condition of the schools in the territory, to the legislature during the first week of the session.

Duties of board.

**Sec. 5.** Said board may at any time fill a vacancy in the office of superintendent of public instruction.

May fill vacancy in office of superintendent.

**Sec. 6.** The compensation to the members of said board and the superintendent of public instruction, for their services, shall be as follows: To each member of the board for each day's necessary attendance on the meetings of the same, the sum of

Compensation of board and superintendent.

three dollars, and the same mileage as is now provided by law for members of the legislature; to the secretary the sum of three dollars per day for the time spent in the discharge of his official duties, and the expenses of procuring blank forms and postage; all of which allowances shall be paid by the treasurer of the territory, on the certificate of the president of the board.

Board to select  
list of text books

Sec. 7. The board of education shall select a list of books for the different branches usually taught in common schools, which list shall constitute the text books for district schools, and shall cause such list to be published in all the newspapers in Dakota in the month of January of each year; and on and after such publication, no other books but those prescribed in the list by said board shall be used in any of the district schools in this territory, except by permission of the district board.

Annual report  
of superintendent.

Sec. 8. The superintendent of public instruction shall annually prepare and present, and have ready for distribution, on or before the first day of the annual meeting of the board of education, a sufficient number of copies of his annual report, to be distributed as follows; three copies to each member of the board of education, one copy to each member of the legislature, one copy to each county superintendent, one copy to each school district officer, and one copy to each teacher in the territory whose certificate of qualifications has not expired.

### DUTIES OF COUNTY SUPERINTENDENTS.

County  
superintendents

Sec. 9. The several counties in this territory shall, at their annual election, elect a competent person to be superintendent of public schools within such county, who shall hold his office during the school years commencing on the first of November, or until his successor is elected and qualified; who shall receive for his services two and a half dollars each day spent in the discharge of his legal duties, and a reasonable sum for his annual report to the superintendent of public instruction; and every superintendent of schools shall make out in detail his account for official services, stating the date and time spent, as well as the kind of service rendered, and make oath or affirmation to the correctness of the same, before some justice of the peace in the county in which he resides, which oath or affirmation shall be certified by said justice before such superintendent's accounts

Compensation

shall be presented to the register of deeds for allowance, who shall audit and allow the same, or so much thereof as is just and reasonable, and the same shall be paid out of the county treasury upon the order of the register of deeds, who is empowered to draw orders for the same; but no order shall be drawn to any superintendent until he shall have filed with the register of deeds, the receipt of the superintendent of public instruction for the statistical returns of the preceding school year, in pursuance of the requirements of section twenty of this act.

Sec. 10. The county superintendent of public school shall Bond and oath. have charge of the common school interests of the county. He shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States, and the act organizing this territory, and faithfully to discharge the duties of his office, which oath or affirmation shall be filed in the office of the register of deeds. He shall also execute a bond with approved security, payable to the board of county commissioners, for the use of common schools in said county, in the penal sum of five hundred dollars. Said bond must be approved by the register of deeds, and filed in his office.

Sec. 11. That it shall be the duty of the county superin- Duties of county superintendent. tendent of schools, in addition to the other duties required of him, to divide his county into school districts when necessary, and subdivide the same whenever petitioned by a majority of the citizens thereof, and to furnish the register of deeds of such county with a written description of the boundaries of each district, which description must be filed with said register of deeds, before such district shall be entitled to proceed with its organization by the election of school district officers. Whenever it shall be deemed necessary to form a school district from parts of two or more counties, it shall be the duty of the county superintendent of each county in which any part of the proposed joint district shall be situated, to unite in laying out such joint district; and each county superintendent so assisting shall file a description of said joint district with the register of deeds of his county.

Sec. 12. It shall be the duty of the judge of probate, on the first Monday of April in each year, to furnish the county su- Probate judge to furnish superintendent with statement of money, &c.

perintendent of public school with a statement of the amount of money in the county treasury, belonging to the school fund, and he shall pay the same upon the order of said superintendent to the proper district officers.

Apportionment  
of money to dif-  
ferent districts.

Sec. 13. It shall be the duty of the county superintendent of public school on the second Monday of April, in each year, or as soon thereafter as he shall receive the statement of the judge of probate, certifying the amount of money in the county treasury, for the use of common schools for the current year, to apportion such amount to the several districts or parts of districts within the county, in proportion to the number of children residing in each, over the age of five, and under the age of twenty-one years, as the same shall appear from the last annual reports of the clerks of the respective districts, and he shall draw his order on the county treasurer in favor of the several district treasurers for the amount apportioned to each district.

Superintendent  
to visit schools,  
and his duties.

Sec. 14. It shall be the duty of the county superintendent to visit all such common schools within their respective counties as shall be organized according to law, at least once each year, and oftener if they shall deem it necessary. At such visitation the superintendents shall examine into the state and condition of such schools, as respects the progress in learning and the order and government of the schools; and they may give advice to the teacher of such schools as to the government thereof, and course of study to be pursued therein, and shall adopt all requisite measures for the inspection, examination and regulation of the schools, and for the improvement of the scholars in learning. Every superintendent of common schools shall also make out his account for official services in the manner hereinbefore required, and deliver a copy of the same to the register of deeds of the county in which such superintendent was elected or appointed, on or before the day previous to the annual county election next after the election or appointment of such superintendent, and the same shall be filed and kept in the office of the county clerk.

To see clerk's  
reports correct.

Sec. 15. He shall see that the annual reports of the clerks of the several school districts in his county are made correctly and in due time.

Sec. 16. He shall hold public examination for all persons offering themselves as teachers of common schools, at the county seat of his county, on the last Saturdays of April and October of each year, notice of which shall be given as publicly as possible; at which time he shall grant certificates for not less than three months or more than one year, to such persons as he may find qualified as to moral character, learning and ability; and any person receiving such certificate shall be deemed a qualified teacher within the meaning of this act. Persons applying to the county superintendent for a certificate at any other time than at the public examination shall pay to the said superintendent the sum of one dollar for his services.

To hold public examinations for teachers at county seats.

To issue certificates to teacher

When may receive one dollar for same.

Sec. 17. Whenever a school district shall be formed in any county, the county superintendent of public schools of such county shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries, and stating the number thereof, and appointing a time and place for the district meeting. He shall cause the notice thus prepared, to be posted in at least five public places in the district, at least ten days before the time appointed for such meeting.

His duties in formation of school district.

Sec. 18. The county superintendent of public schools shall perform all other duties of his said office that now are, or hereafter may be, prescribed by law, and he shall deliver to his successor within ten days after the expiration of his term of office, all the books and papers appertaining to his office.

Other duties.

Sec. 19. If a vacancy occurs in the office of county superintendent of public schools, by death, resignation, or otherwise, notice thereof shall be given by the register of deeds to the county commissioners, who shall, as soon as practicable, appoint some suitable person to fill the vacancy, and the person receiving such appointment shall, before entering upon the discharge of the duties of his office, file his oath or affirmation in the register of deeds' office, as hereinbefore provided, and he shall discharge all the duties of the office of county superintendent of public schools until a successor is elected and qualified. He shall also give a like bond to that required by this act to be given by the county superintendent of public schools.

Vacancy, how filled.

Sec. 20. The county superintendent shall make full and complete annual returns to the superintendent of public in-

County superintendent to make annual returns.

T. whom made  
and what to  
contain.

struction, between the first and tenth day of November, in each year, of the number of children between the ages of five and twenty, in the school districts within their respective counties; also, the number of qualified teachers employed, the length of time each district school has been taught during the year; the kind of text books used, and the amounts expended in each district, out of any moneys raised for educational purposes, and for what purpose such amount was expended, the amounts raised in each county and district by taxation or otherwise for educational interests, and any other items that may be of service to the superintendent of public instruction, in preparing his annual report.

### SCHOOL DISTRICT MEETINGS.

School district  
meetings.

Sec. 21. The inhabitants qualified to vote at a school district meeting, lawfully assembled, shall have power:

Powers of.

1. To appoint a chairman to preside at said meeting in the absence of the director;

2. To adjourn from time to time;

3. To choose a director, clerk, and treasurer, who shall possess the qualifications of voters as prescribed in the next section of this act, at the first and each annual meeting thereafter;

4. To designate by vote a site for a district school house;

5. To vote a tax annually, not exceeding one per cent. on taxable property in the district, as the meeting shall deem sufficient to purchase or lease a site and to build, hire or purchase a school house, and to keep in repair and furnish the same, with the necessary fuel, stoves and benches;

6. To vote a district tax annually, not exceeding one half of one per cent. on the taxable property in the district for the pay of teacher's wages in the district;

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

8. To vote such a tax as may be necessary to furnish the school house with black boards, outline maps, and apparatus necessary for illustrating the principles of science, or to discharge any debts or liabilities of the district, lawfully incurred; *Provided*, The said tax shall not exceed one-half of one per

cent. per annum, and may be applied to any other purpose by a vote of the district, at any regularly called meeting.

9. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defence of any suit or proceeding in which the district may be a party.

10. To alter or repeal their proceedings from time to time as occasion may require, and to do any other business contemplated in this act.

Sec. 22. The following persons shall be entitled to vote at any district meeting: all persons possessing the qualifications of electors, as defined by the act organizing this territory and the laws of the territory, and who shall be actual residents of the district at the time of offering to vote at such election.

Who entitled to vote.

Sec. 23. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter, the chairman presiding shall declare to the person challenged the qualifications of a voter, and if such challenge be not withdrawn, the chairman, who is hereby authorized, shall tender to the person offering to vote, the following oath or affirmation: "You do solemnly swear (or affirm) that you are an actual resident of this district, and that you are qualified by law to vote at this meeting." Any person, taking such oath or affirmation, shall be entitled to vote on all questions voted upon at such meeting.

Challenge of voter.

Oath.

## ORGANIZATION OF DISTRICTS.

Sec. 24. Every school district shall be deemed duly organized when the officers constituting the district board shall be elected; they shall signify their acceptance, to the county superintendent, in writing, which he shall file in his office. Every person duly elected to the office of director, clerk, or treasurer of any school district, who shall refuse or neglect, 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 act, shall forfeit the sum of ten dollars to the school district fund.

Organization of districts.

Penalty against person elected refusing to act.

Sec. 25. The officers of each school district shall be a director, clerk, and treasurer, who shall constitute the district board,

District board.



and who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors are elected and qualified.

School district,  
body corporate.

Style of.

Sec. 26. Every school district, organized in pursuance of this act, 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 No. , (such number as may be designated by the county superintendent) county, (the name of the county in which the district is situated,) Territory of Dakota ; and in that name may sue and be sued, and be capable of contracting and being contracted with, and holding such real or personal estate as it may come in possession of by will or otherwise, or as is authorized to be purchased by the provisions of this act.

Annual and special meetings of  
district board.

Sec. 27. An annual meeting of each school district shall be held on the last Saturday of September of each year, at such hour as the district board shall name. Special meetings may be called by any member of the district board, or by any five legal voters, but notice of such special meeting, stating the purposes for which it is called, shall be posted in at least three public places within the district, ten days previous to the time of meeting.

How special  
meeting called.

Sec. 28. Whenever the time for holding an annual meeting in any district, shall pass without such meeting being held, the clerk, or in his absence, any other member of the district board, within twenty days after the time for holding said annual meeting shall have passed, may give notice of a special meeting by putting up written notices thereof in three public places within the district, at least five days previous to the time of meeting; but if such meeting shall not be notified within twenty days as aforesaid, the county superintendent may give notice of such meeting in the manner provided for forming new districts, and the officers chosen at such special meeting shall hold their offices until the next annual meeting, and until their successors are elected and qualified.

What may be  
determined at  
annual or  
special meeting.

Sec. 29. The qualified voters at each annual meeting, or at any special meeting duly called, may determine the length of time a school shall be taught in their district for the then ensuing year, and whether such school shall be taught by a male

or female teacher, or both, and whether the school money to which the district may be entitled shall be applied to the support of the summer or winter term of the school, or a certain portion to each; but if such matters shall not be determined at the annual or any special meeting, it shall be the duty of the district board to determine the same.

Sec. 30. The director of each district shall preside at all district meetings, and shall sign orders drawn by the clerk, authorized by a district meeting or by the district board, upon the treasurer of the district for moneys collected or received by him to be disbursed therein. He shall appear for and in behalf of the district in all suits brought by or against the district, unless other direction shall be given by the voters of such district, at a district meeting. Duties of director.

#### DISTRICT CLERK.

Sec. 31. The clerk of each district shall record the proceedings of his district in a book provided by the district for that purpose, and enter therein copies of all reports made by him to the county superintendent, and he shall keep and preserve all records, books, and papers belonging to his office, and deliver the same to his successor in office. Duties of district clerk.

Sec. 32. The said clerk shall be clerk of all district meetings when present; but if such clerk shall not be present at any district meeting, the voters present 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. Same.

Sec. 33. It shall be the duty of the clerk to give at least ten days notice previous to any annual or special district meeting by posting up notices thereof at three 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 said clerk shall give the like notice of every adjourned meeting, when such meeting shall have been adjourned for a longer period than one month. Every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting, not specified in said notice. Same.

Same.

Sec. 34. The clerk of the district shall draw orders on the treasurer of the district, for moneys in the hands of such treasurer, which have been apportioned to or raised by the district to be applied to the payment of teachers' wages, and apply such money to the payment of teacher's wages as shall have been employed by the district board, or by the citizens of the district, and the said clerk shall draw orders on the said treasurer for moneys in the hands of such treasurer to be disbursed for any other purpose ordered by a district meeting, or by the district board, agreeably to the provisions of this act.

Same.

Sec. 35. It shall be the duty of the clerk to make out tax lists of all taxes legally authorized by the district, and annex to such tax lists a warrant under the hand of said clerk, directed to the said treasurer of said district, requiring said treasurer to collect the sums therein named.

To make annual report to county superintendent.

Sec. 36. The clerk of each district shall, between the first and fifteenth days of September in each year, make out and transmit a report in writing to the county superintendent of public schools, showing :

What to contain.

1. The number of children, male and female, designated separately, residing in the district or parts of districts, on the last day of August previous to the date of such report, over the age of five and under the age of twenty-one years ;

2. The number of children attending school during the year, their sex, and branches studied ;

3. The length of time a school has been taught in the district by a qualified teacher, the name of the teacher, the length of time taught, and the wages paid ;

4. The amount of money received from the county treasurer within the year, and the manner in which the same has been applied ;

5. The amount of money raised by the district, in such year, and the purposes for which it was raised ;

6. The kind of books used in the school, and such other facts and statistics in regard to the district schools as the county superintendent may require.

When district shall lie in two or more counties.

Sec. 37. Whenever a school district shall lie partly in two or more counties, the clerk of such district, in making his annual report, shall carefully designate the number of children

resident in the parts of the counties composing the district and shall report to the county superintendent of common schools of each of the counties in which such district may be situated.

### DISTRICT TREASURER.

Sec. 38. The treasurer shall execute to the district a bond in double the amount of money, as near as can be ascertained, to come into his hands as treasurer of the district during the year, with sufficient securities to be approved by the director and clerk, conditioned to the faithful discharge of the duties of said office. Such bond shall be filed with the district clerk, and in case of the breach of any condition thereof, the director shall cause a suit to be commenced thereon, in the name of the district, and the money collected shall be applied by such director to the use of the district as the same should have been applied by the treasurer, and if such director shall neglect or refuse to prosecute, then any householder of the district may cause such prosecution to be instituted.

District  
treasurer.  
To give bond.

In case of breach  
of condition of.

Sec. 39. If the treasurer shall fail to give bond as required in this act, or from sickness or any other cause, shall be unable to attend to the duties of said office, the district board shall appoint a treasurer, who shall possess all the powers of the district treasurer, and shall before entering upon the duties of said office, give a bond as the district treasurer is required to give.

When district  
bond may  
appoint  
treasurer.

Sec. 40. The treasurer of each district shall apply for and receive from the county treasurer all school money apportioned to his district, and shall collect all district taxes assessed in pursuance of the provisions of this act and pay over on the order of the clerk, signed by the director of such district, all money so received or collected by the said treasurer.

Treasurer to  
receive money  
appointed to his  
district.  
To collect dis-  
trict taxes and  
pay over same,  
when.

Sec. 41. If any district treasurer shall refuse or neglect to pay over any money in the hands of such treasurer belonging to the district, it shall be the duty of his successor in office to prosecute without delay the official bond of such treasurer, for the recovery of such money.

When treasurer  
fails to pay over  
money belonging  
to district.

Sec. 42. If by the neglect of any treasurer any school money shall be lost to any school district, which might have been received from the county treasurer, or collected from the dis-

When money  
lost by neglect  
of treasurer.

district tax assessed, said treasurer shall forfeit to such district the full amount of the moneys so lost.

Treasurer to  
make annual re-  
port.  
W. at to  
contain.

Sec. 43. The treasurer shall present to the district at each annual meeting, a report in writing, containing a statement of all moneys collected by him from the county treasurer during the year from assessments in the districts, and the disbursements made, and exhibit the vouchers thereof, which report shall be recorded by the clerk, and if it shall appear that any balance of money is in his hands at the time of making such report, he shall immediately pay such balance to his successor.

### POWERS OF DISTRICT BOARD.

Powers of dis-  
trict board.

Sec. 44. The district board shall purchase or lease such a site for a school-house as shall have been designated by voters at a district meeting, in the corporate name thereof, and shall build, hire or purchase such school-house, as the voters of the district in a district meeting shall have agreed upon, out of the funds provided for that purpose, and make sale of any school-house site or other property of the district, and, if necessary, execute a conveyance of the same in the name of their office, when lawfully directed by the voters of such district at any regular or special meeting, and shall carry into effect all lawful orders of the district.

Same.

Sec. 45. The district board shall have the care and keeping of the school-house and other property belonging to the district. They shall have power to make such rules and regulations relating to the district library, as they may deem proper, and to appoint some suitable person to act as librarian, and to take charge of the school apparatus belonging to the district.

Same.

Sec. 46. The district board shall have power to admit scholars from adjoining districts, and remove scholars for disorderly conduct.

Duties of dis-  
trict board.

Sec. 47. The district board in each district shall contract with and hire qualified teachers for and in the name of the district, which contract shall be in writing, and shall specify the wages per week or, month, as agreed upon by the parties, and such contract shall be filed in the district clerk's office.

Sec. 48. The district board shall provide the necessary appendages for the school-house, during the time a school is taught therein, and shall keep an account of all expenses thus incurred, and present the same for allowance at any regular district meeting.

Sec. 49. The schools established under the provisions of this act, shall at all times be equally free and accessible to all the children resident therein over five and under the age of twenty-one years, subject to such regulations as the district board in each may prescribe.

Sec. 50. In every school district there shall be taught orthography, reading, writing, english grammar, geography and arithmetic, if desired, during the time the school shall be kept, and such other branches of education as may be determined by the district board.

Sec. 51. If a vacancy should occur in the district board, in any district, the county superintendent shall appoint some suitable person to fill such vacancy.

## COUNTY AND DISTRICT TAXES.

Sec. 52. The amount of district tax shall not exceed two per cent. per annum. It shall be the duty of the county assessor of each county, at the time of making the annual assessment, to levy a tax of one dollar on each elector in the county for the support of district schools, to be collected at the time and the manner prescribed by law for the collection of taxes; which said tax, when collected, shall be distributed to the several school districts in each county in proportion to the number of children over five and under twenty-one years of age therein; and shall be drawn from the county treasury, upon order of the superintendent of schools.

Sec. 53. All taxes raised and collected in any school district for any of the purposes authorized in this act, shall be assessed on the same kind of property as taxes for county purposes are assessed.

Sec. 54. The clerk of the school district, in making out any tax list, shall enter therein the names of all persons liable to pay a school tax, the amount of personal property to be taxed to each person, and a description of all taxable real estate in

the district, distinguishing that owned by non-residents of the 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, or tract of land owned by non-residents; and such description and valuation of taxable property, shall be ascertained as far as possible from the last assessment roll of the county.

When district board may estimate value of real estate.

Sec. 55. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the county, and the value 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 and apportion the taxes thereon.

Tax warrant, what to contain.

Sec. 56. The warrant annexed to any 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 persons and corporations named in said 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 several tracts of land owned by non-residents, within forty days from the date thereof, and within twenty days from the date of such warrants, to personally demand such tax of the persons charged therewith; and that if any tax shall not be paid within thirty days thereafter, to collect the same by distress and sale of property in the same manner as county taxes, and the said treasurer shall execute the said warrant and return the same to the clerk at the expiration of the time limited therein, for the collection of such tax list; *Provided, however,* The said treasurer shall be entitled to collect two per cent. over and above the sums to be collected in the tax list, when the aggregate of the tax does not exceed one thousand dollars, he shall be entitled to only one per cent. for collection; *further,* Whenever the said collector shall be compelled to resort to distress and sale of property to obtain any tax, he shall be entitled to and may take out of the proceeds of such sale, in addition to the above mentioned fees, the same fees as the county collector is entitled to under similar circumstances.

Distress for taxes.

Compensation of treasurer for collecting.

Sec. 57. The warrant issued by the clerk of any school district, for the collection of any district tax authorized by any

of the provisions of this act, may be executed any where within the limits of the county, and such warrants shall have the like force and effect as a warrant issued for the collection of county taxes; and the treasurer of the district, to whom any such warrants may be delivered for collection of a tax list, shall possess the like powers in the execution of the same as are provided by law for the collection of county taxes.

Force and effect of warrant and powers of treasurer.

Sec. 58. Whenever any error may be discovered in any district tax list, the district board may order any money which may have been improperly collected on such tax list, to be refunded, and may authorize the clerk of the district to amend and correct such error in said tax list.

Errors and corrections of in tax list.

Sec. 59. Whenever any district tax, lawfully assessed, shall be paid by any person on account of any real estate whereof he is only a tenant, such tenant may charge and collect of the owner of such estate the amount of tax so paid by him, unless some agreement to the contrary shall have been made by the tenant.

When tenant has paid tax.

Sec. 60. It shall be the duty of the register of deeds of each county, as soon as the annual assessment roll shall be completed in each year, to make out for each district in such county, a description of all taxable property therein, with the valuations affixed thereto, as the same shall appear in the last assessment roll, which shall be certified by him and delivered to the clerk of each school district in the county.

Duty of register of deeds, &c.

## GRADED SCHOOLS.

Sec. 61. Whenever the inhabitants of two or more school districts may wish to unite for the purpose of establishing a graded school in which instruction shall be given in the higher branches of education, the clerks of the several districts shall upon written application of five voters of each of the respective districts, call a meeting of the voters of such districts at some convenient place, by posting up written notices thereof in like manner as provided for calling district meetings, and if a majority of the voters, of each of the two or more districts shall vote to unite for the purpose herein stated, they shall at that meeting or at an adjourned meeting, elect a board of directors, consisting of a director, clerk and treasurer.

Graded schools. how established.



Powers of board  
of directors in  
such cases.

Sec. 62. The board of directors, provided in the preceding section, shall, in all matters relating to the graded schools, possess all the powers and discharge all the like duties of the district board as prescribed in this act.

School funds in  
such cases.

Sec. 63. The union district thus formed, shall be entitled to an equitable share of the school funds, to be drawn from the treasurer of each district so uniting, in proportion to the number of children attending the said graded school for each district.

Union district  
may levy taxes.

Sec. 64. The said union district may levy taxes for the purpose of purchasing a building, or furnishing proper buildings for the accommodation of the school, or for the purpose of defraying necessary expenses and paying teachers, but shall be governed in all respects by the law herein provided for levying and collecting district taxes.

Duties of clerk  
of union district

Sec. 65. The clerk of the union district shall report in writing to the treasurer of each school district uniting in the union district, the number of scholars attending the graded school, from his district, their sex, and the branches studied, and the said district treasurer shall apportion the amount of school money due the union district and pay the same over to the treasurer of the union district on order of the clerk and director thereof.

To make report  
to county  
superintendent.

Sec. 66. The clerk of the union district shall make a report to the county superintendent of schools and discharge all the duties of clerk, in like manner as the clerk of the district.

Duties of treas-  
urer of union  
district.

Sec. 67. The treasurer of the union district shall perform all duties of treasurer, and give the bond as prescribed in this act, in like manner as the district treasurer.

Public schools  
of town regula-  
ted by special  
law, entitled to  
portion of pub-  
lic fund.

Provido.

Sec. 68. The public schools of any city, town, or village, which may be regulated by special law set forth in the charter of such city, town or village, shall be entitled to receive their proportion of the public fund: *Provided*, The clerk of the board of education in such city, town or village, shall make due report within the time and manner prescribed in this act, to the county superintendent of schools.

Single districts  
possess power  
to establish  
graded schools.

Sec. 69. Any single district shall possess power to establish graded schools, subject to the provisions of this act, in like manner as two or more districts united.

**Sec. 70.** The county treasurer shall collect all moneys due the county for school purposes, from fines, forfeitures, licenses or proceeds from the sale of estrays, and he shall pay the same to the said district treasurer, as prescribed in this act. He shall also collect the delinquent taxes on real estate in any district, in the same manner as county taxes are collected, whenever such delinquent tax list shall have been lawfully reported and returned to him, and he shall pay the same over to the treasurer of the district to which delinquent taxes are due, and if any county treasurer shall refuse to deliver over to the order of the county superintendent any money in his possession, or shall use, or permit to be used for any other purpose than is specified in this act, any school money in his possession, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

Duty of county treasurer in relation to money received for school purposes.

Penalty for failure of duty.

### MISCELLANEOUS.

**Sec. 71.** It shall be the duty of the teacher of every district school or graded school, to make out and file with the district clerk at the expiration of each term of the school, a full report of the whole number of scholars admitted to the school during such term, distinguishing between male and female, the text books used, the branches taught, and the number of pupils engaged in the study of said branches. Any teacher who shall neglect or refuse to comply with the requirements of this section, shall forfeit the sum of ten dollars to each school district, at the discretion of the district board.

Teacher to make full report to district clerk.

What to contain.

Penalty for failure.

**Sec. 72.** Every clerk of a district board who shall willfully sign a false report to the county superintendent of his county, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months.

Penalty against clerk for signing false report.

**Sec. 73.** Every school district clerk or treasurer who shall neglect or refuse to deliver to his successor in office all records and books belonging to his office, shall be subject to a fine not exceeding fifty dollars.

Penalty against clerk or treasurer for failing to deliver books, &c. to successor.

When final judgment obtained against school district.

Sec. 74. When any final judgment shall be obtained against any school district, the district board shall levy a tax on the taxable property in the district, for the payment thereof; such tax shall be collected as other school district taxes, but no execution shall issue on judgment against a school district.

Jurisdiction of justices of peace where district is party.

Sec. 75. 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 shall not exceed one hundred dollars; and the parties shall have the right of appeal as in other cases.

What funds district officers not to receive pay out of.

Sec. 76. No school district officer mentioned in this act shall receive any compensation for his services out of the territorial, county or school district fund.

Penalty against person elected as district officer and refusing to act.

Sec. 77. Any person duly elected at the annual district school meeting to either of the district offices mentioned in this act, who shall omit or refuse to serve as such officer, without substantial cause, shall forfeit the sum of ten dollars for such omission or refusal; which amount may be recovered by the district in civil action before any justice of the peace in the county where such district is located; and shall be appropriated to the support of schools in the district by whom such action was prosecuted.

Fines and penalties how collected.

Sec. 78. All fines and penalties not otherwise provided for in this act, shall be collected by an action in any court of competent jurisdiction.

When money paid into county treasury by benevolent person or society.

Treasurer to issue certificate what to contain

Sec. 79. Whenever any sum of money shall be paid into the county treasury, by any educational aid society, or benevolent person or persons, for the cause of education, the county treasurer shall issue to such society, or person, a certificate of deposit, stating the amount of money received, from what source and for what purpose the same is to [be] applied; whether to the payment of teachers wages, the building or leasing of a school house, or the purchase of a site of land, and the particular school district or districts to which the said money is donated. And the said educational fund may thereafter be drawn from the county treasury, by order of the county superintendent of schools, and applied by the district board of the proper district, to the objects specified in the certificate of donation. And the county superintendent of public schools shall

make a statement of the expenditures of said fund in his annual report.

County superintendent to make return of such funds.

## FORMS.

Sec. 80. The form of notice of the first school district meeting may be substantially as follows:

Form of notice of first school meeting.

To \_\_\_\_\_, a householder, in school district number \_\_\_\_\_

The county superintendent has formed school district number \_\_\_\_\_, in the county of \_\_\_\_\_, of which the following is a description \_\_\_\_\_, and you are hereby directed to post this notice in at least five public places in the said district, notifying the voters of the district to attend the first meeting thereof, which is appointed to be held at the house of \_\_\_\_\_, in said district, on the \_\_\_\_\_ day of \_\_\_\_\_, 186\_\_\_\_, at \_\_\_\_\_ o'clock,

This \_\_\_\_\_ day of \_\_\_\_\_, 186—.

\_\_\_\_\_, County Sup't Pub. School.

Sec. 81. The form of notice for annual district meeting may be as follows:

Form of notice for annual meeting.

Notice is hereby given to the voters of school district number \_\_\_\_\_, of \_\_\_\_\_ county, that the annual meeting of said district will be held at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 186\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_.

This \_\_\_\_\_ day of \_\_\_\_\_, 186 —.

\_\_\_\_\_, District Clerk.

Sec. 82. The form of order on district treasurer may be as follows:

Form of order on district treasurer.

To \_\_\_\_\_, treasurer of school district number \_\_\_\_\_, county of \_\_\_\_\_:

Pay to the order of \_\_\_\_\_, the sum of \_\_\_\_\_ dollars out of any money in your hands, not otherwise appropriated, belonging to said district.

This \_\_\_\_\_ day of \_\_\_\_\_, 186—.

\_\_\_\_\_, District Clerk.

\_\_\_\_\_, Director.

Sec. 83. The form of bond of district treasurer may read as follows:

Form of bond  
of treasurer.

Know all men by these presents : that we,  
treasurer of school district number           , county of           and  
his surety, are held and firmly bound unto the said  
school district in the sum of           dollars for the payment  
of which we bind ourselves severally and jointly, our heirs, ex-  
ecutors, and administrators, firmly by these presents.

Sealed with our seals, and dated this           day of           A.  
D., 186—.

The condition of the above obligation is such, that if the said  
                  , treasurer as aforesaid, shall faithfully discharge the  
duties of his office as treasurer of school district number           ,  
county of           , as prescribed by law, then this obligation to  
be void, otherwise to remain in full force.

————— [SEAL.]

Signed, sealed and delivered in presence of

————— [SEAL.]

Form of warrant  
for collection of  
taxes—

Sec. 84. The form of warrant for the collection of district  
tax may be as follows:

To           , the treasurer of school district number           ,  
county of           .

This is to authorize and require you to demand, within twenty  
days from the date of this warrant, of every person or corpo-  
ration named in the annexed duplicate of school tax of said  
district, the sum wherewith such person or corporation stands  
charged; and if any such tax be not paid within thirty days  
from the date of this warrant, you are required to proceed and  
collect the same as authorized by law, by distress and sale of  
property, and make due return according to law.

Given under my hand, this ——— day of ———, A. D., 186—.  
—————, District Clerk.

Form of  
vouchers.

Sec. 85. Vouchers may be in the following form:

Received           , 186   , of           , treasurer of school dis-  
trict number           , county of           ,           dollars for servi-  
ces rendered as teacher in the said school district, for the term  
of           months.

—————, Teacher.

Sec. 86. The form of contract between district and teacher Form of contract.  
may read as follows :

It is hereby agreed between school district number \_\_\_\_\_ ,  
county of \_\_\_\_\_ , and \_\_\_\_\_ , teacher, that the said \_\_\_\_\_ is to  
teach the common school of said district for the term of \_\_\_\_\_  
months, for the sum of \_\_\_\_\_ dollars per \_\_\_\_\_ , commencing  
on the \_\_\_\_\_ day of \_\_\_\_\_ , 186 \_\_\_\_\_ ; and for such services prop-  
erly rendered, the said school district is to pay \_\_\_\_\_ the amount  
that may be due, according to this contract, on or before the  
day of \_\_\_\_\_ , 186 \_\_\_\_\_ .

\_\_\_\_\_, District Clerk.

This \_\_\_\_\_ day of \_\_\_\_\_, 186—.

\_\_\_\_\_, Teacher.

Sec. 87. The form of annual report of district treasurer may Form of annual report of district treasurer.  
be substantially as follows :

I \_\_\_\_\_ , treasurer of school district number \_\_\_\_\_ , county  
of \_\_\_\_\_ , submit the following report of all moneys received  
and disbursed by me since the last annual meeting:

Amount received from my predecessor,.....	\$—
Amount received from county treasurer,.....	\$—
Amount raised by tax in district and collected,.....	\$—
Total amount received,.....	\$—
Paid out, on order of county superintendent,.....	\$—
On order of district clerk, _____,.....	\$—
Balance on hand,.....	\$—

This \_\_\_\_\_ day of \_\_\_\_\_, A. D., 186—.

\_\_\_\_\_, Treasurer.

Sec. 88. The form of report of district clerk to the county Form of report of district clerk to county superintendent.  
superintendent of public school may read as follows:

\_\_\_\_\_ school district number \_\_\_\_\_ , county of \_\_\_\_\_ .  
Number of children residing in the district over five and under  
the age of twenty-one years :

Males,.....	_____
Females,.....	_____
Total number,.....	_____
Number of months a school has been taught,.....	_____
_____ months by Mr. _____,.....	_____
_____ months by Miss _____,.....	_____

Wages paid Mr. ——— .....\$——  
 Amount of school money received from ———  
     county treasurer, .....\$——  
 Amount raised by district tax for teacher's wages, .....\$——  
 Amount raised by district tax for building school house, \$——  
 Amount raised by district tax for furnishing school house, \$——  
 Amount paid for teacher's wages, .....\$——  
 Amount expended for building school house, .....\$——  
 Amount expended for furnishing school house, .....\$——  
 This ——day of, ——18——.

———, District Clerk.

To which may be added a copy of teacher's report, giving the names, age and total number of male and female pupils, the number of days taught, the kind of text books used, the number of scholars in each branch of study, and the greatest number of miles to be traveled by scholars living on the borders of the district.

Form of teachers certificate.

Sec. 89. A school teacher's certificate may be in the following form:

Dakota Territory, }  
                     county. }

———A. D., 186—.

This is to certify that      has been examined and found competent to give instruction in orthography, writing, arithmetic, english grammar, geography, and      (, and having exhibited satisfactory testimonials of good moral character,) is authorized to teach these branches in any common school within this county.

Superintendent of public schools of      county.

Form of deed of school property.

Sec. 90. Form of deed of school property may be as follows:

This indenture, made the      day of      , one thousand eight hundred and sixty      between      , and      , his wife of the county of      , Dakota Territory, parties of the first part, and      of district board, of district number      , county and Territory aforesaid, witnesseth: That the said parties of the first part, in consideration of      dollars to them duly paid before the delivery hereof, have bargained and sold and by these presents do grant and convey to the said parties of the second part,

their successors in office, and assigns forever, (here describe the premises.) with the appurtenances, and all the estate, title, and interest of the said parties of the first part therein. And the said parties of the first part do hereby covenant and agree with the said parties of the second part, that at the time of the delivery hereof, the said parties of the first part were the lawful owners of the premises above granted, and seized thereof in fee simple absolute, and they will warrant and defend the above-granted premises, in the peaceful possession of the said parties of the second part, and their successors and assigns forever.

[SEAL.]

[SEAL.]

Sealed and delivered in presence of

---

The Territory of Dakota, }  
                                   county. }

Personally appeared before me a           , within and for the county above named,           and           his wife, to me known to be the persons whose names are affixed to the above deeds as grantors, and acknowledged the same to be their voluntary act and deed; and the said           being at the same time, by me made acquainted with the contents of the above deed, apart from her husband, acknowledged that she executed the same voluntarily, and that she is still satisfied therewith.

Witness my hand and seal this           day of           , A. D. 186—.

Sec. 91. Whenever any elector of a school district shall feel himself aggrieved by the action of the district board under any of the provisions of this act, he shall have the right of appeal as follows: first to a district meeting; second, to the county superintendent, and third and finally to the board of county commissioners. And any elector of a school district shall have the right to appeal direct from the decision of the county superintendent in laying out or subdividing any school district, to the board of county commissioners whose decision in the premises shall determine the number and boundaries of such district.

When elector of  
 schooldistrict  
 feels himself  
 aggrieved.

Appeals.

Sec. 92. All acts and parts of acts in conflict with this act are hereby repealed. Acts repealed.



When to take  
effect.

Sec. 93. This act shall take effect and be in force from and after the first day of February, A. D. 1866.

Approved, January 12th 1866.

## SHEEP AND SWINE.

### CHAPTER 32.

**An Act to Prohibit Sheep and Swine from running at Large.**

*Be it enacted by the Legislative Assembly of the Territory of Dakota:*

Sheep or swine  
not allowed to  
run at large,  
where.

Section 1. That no sheep or swine shall be permitted to run at large within either of the following named counties of this territory, to wit: Union and Clay.

When found  
running at large

First of April.

Sec. 2. Any sheep or swine found running at large, within either of the counties named in section one, on and after the first day of April, in the year of our Lord one thousand eight hundred and sixty-six, may be taken up and secured by any resident of the county where such sheep or swine are thus found, and the person so taking up and securing such sheep or swine shall proceed as hereinafter provided by this act.

Person taking  
up sheep or  
swine to give  
notice, how.

Sec. 3. The person taking up and securing sheep or swine, under the provisions of section two, shall within three days after such taking up, give notice thereof by posting up written or printed notices in three of the most public places in the election precinct where such sheep or swine have been taken up, and within five days after posting up such notices, the person taking up such sheep or swine shall deliver a copy of said notice to a justice of the peace of the county where such sheep or swine are secured, and shall state under oath that the paper delivered is a true copy of the notices posted up by him according to law. Whereupon the justice shall file such copy and preserve the same in his office for future reference.

Shall deliver  
copy of notice  
to justice of  
peace

Shall make oath  
as to correct-  
ness of copy.