

GENERAL
Laws of Dakota
TERRITORY.

AMENDMENTS.

CHAPTER I.

AN ACT TO AMEND CHAPTER 71 OF SESSION LAWS OF 1862,
CONFERRING POWERS UPON THE BOARD OF COUNTY
COMMISSIONERS RESPECTING ROADS.

- Section 1. Section repealed. ~~When~~ commissioners to have power
to lay out roads through improved fields.
2. Duty of ~~commissioners~~ in such cases. Proviso.
 3. ~~When~~ owner or occupant shall remove fences, &c.
 4. ~~When~~ owner or occupant neglects or refuses to open
road, commissioners to open same.
 5. Owner or occupant may be prosecuted by commissioners
for neglect to open road.
 6. Compensation of commissioners.
 7. When act to take effect.

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

Section 2. [1.] That section two of chapter 71 of laws of 1862 ~~Section repealed~~
is hereby repealed and in lieu thereof,

When commis-
sioners to have
power to lay out
roads through
improved fields.

Duty of com-
missioners in
such cases

Proviso

When owner
or occupant
shall remove
fences, &c.

When owner or
occupant neg-
lects or refuses
to open road,
commissioners
to proceed to
open same

Owner or occu-
pant may be
prosecuted by
commissioners
for neglect to
open road

The said board of commissioners shall have power to lay out and open a road or roads through improved fields in any organized county of this Territory, where, and whenever, in the opinion of said board, the public convenience requires it, in accordance with the provisions as hereinafter provided.

Sec. 3. [2.] If the owner or occupant of any improved field (where a road is proposed to be laid) objects to laying and opening the same, as is provided in section three [two] of this act, it shall be the duty of said commissioners to appoint a time and place where said board will meet, and notify the party aggrieved, in writing, of such time and place, which notice shall not extend beyond ten days from the service thereof, and they shall, after hearing the allegations of the aggrieved party determine the amount of damages, if in their judgment any will accrue to the owner or occupant thereof, and draw their order on the county treasurer for such sum as may be awarded, payable out of any moneys in said treasury not otherwise appropriated; *Provided*, That in arriving at such determination and award the benefits to accrue to such owner or occupant by reason of opening said road are to be considered in making said award.

Sec. 4. [3.] Whenever such road shall be surveyed and laid as is provided in this act, the said board of commissioners shall notify the owner or occupant thereof, whose duty it shall be to open said road, by removing the fences and other obstructions for the distance of two rods from the center thereof, as surveyed and marked by said commissioners.

Sec. 5. [4.] If the owner or occupant of such improved field refuse, or neglect to open, or cause the same to be done for a period beyond the first day of April, next ensuing after such notice of laying out said road, the said board of commissioners shall then proceed to open or cause to be opened, and it shall then be deemed a public highway and in all respects cared for as is provided by law for highways.

Sec. 6. [5.] If the owner or occupant of any improved field shall neglect or refuse to open a road, as is provided in this act, the said board of commissioners may proceed to prosecute the said owner or occupant before any court having jurisdiction

thereof in such county where said road shall have been laied, and recover on conviction thereof, all damages and costs the said commissioners may have incurred by reason of such negligence or refusal.

Sec. 7. [6.] The said commissioners shall receive such compensation for their services as is provided by law for like services in laying and establishing roads. Compensation of commissione's

Sec. 8. [7.] This act shall take effect and be in force from and after its passage. When take effect

Approved, January 11th, 1867.

CHAPTER II.

AN ACT TO AMEND CHAPTER (39) THIRTY-NINE OF THE LAWS OF 1862.

Section 1. Relative to parties before they became residents of the Territory.

2. When to take effect.

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

Section 1. That section 1 of chapter thirty-nine, of laws of 1862, be amended by inserting after the word "Territory" in the last line of said section, "before the said party or parties became residents thereof." Relative to parties before they became residents of the Territory

Sec. 2. This act shall be in force from and after its passage and approval by the Governor. When to take effect.

Approved, January 8th, 1867.

CHAPTER III.

AN ACT TO AMEND AN ACT DEFINING BY WHOM ACKNOWLEDGMENTS MAY BE TAKEN IN THIS TERRITORY.

Section 1. Amending section 517 of civil code.

2. When to take effect.

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

Amending Section 517 of Civil Code,

Section 1. That section five hundred and seventeen of article three, chapter four, of the civil Code, approved, January 12th, 1866, be, and the same is hereby amended, by adding in fourth line in said section after the word record, "or any clerk thereof."

When to take effect.

Sec. 2. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved, January 8th, 1867.

CHAPTER IV.

AN ACT TO AMEND AN ACT ENTITLED, AN ACT IN RELATION TO TERRITORIAL AND COUNTY REVENUE, APPROVED, JANUARY 12, 1866.

Section 1. Governor, Auditor and Treasurer, board of equalization.

2. Section 19 amended.

3. Sec. 21 amended.

4. Sec. 23 amended.

5. When board of equalization to meet.

6. Sec. 27 amended.

7. Sec. 28 amended.

8. Sec. 30 amended.

9. Sec. 31 amended.

10. Sec. 32 amended.

11. When county treasurer to settle with commissioners and territorial treasurer—compensation of county treasurer.
12. All after section 59 struck out. What added.
13. Time for collecting taxes in Clay county extended to last Monday in February, 1867.
14. An attested copy to be sent to Clay county.
15. When act to take effect.

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

Section 1. That section two (2) of chapter 24 of the laws of 1865-66, be and the same are hereby amended so as to read as to constitute the Governor, Auditor and Treasurer, as a Territorial board of equalization of taxes. Governor, Auditor and Treasurer, board of Equalization

Sec. 2. That section 19, lines one and two be amended so as to read "first Monday of April," instead of "first Monday of February." Section 19, amended

Sec. 3. That section 21, line six, be amended so as to read "first Monday of May," instead of "first Monday of February." Section 21, amended

Sec. 4. That section 23, line two, be amended so as to read "first Monday of June," instead of "second Monday of February." Sec. 23, amended

Sec. 5. That section 24 be so amended as to require the Governor, Auditor and Treasurer to meet for the equalization of taxes on the "first Monday of July," instead of "third Monday of February." When Board of Equalization to meet.

Sec. 6. That section 27, line five, be amended so as to read "first Monday of December," instead of "last Monday of March." Sec. 27, amended

Sec. 7. That section 28, line four, be amended so as to read "said first Monday of December," instead of "said last Monday of March." Sec. 28, amended

Sec. 8. That section 30, line one, be amended so as to read "first Monday of January," instead of "first Monday of April." Sec. 30, amended

Sec. 9. That section 31, line two, be amended so as to read

Sec 31, amended "first Monday of December," instead of "last Monday of March"; and the third and fourth lines of the same section are hereby amended so as to read "first Monday of January," instead of "first Monday of April;" and line six of same section is hereby amended so as to read "first Monday of December," instead of "first of May."

Sec. 32, amended Sec. 10. That section 32, line one, be amended so as to read "first Monday of January," instead of "first Monday of September."

When County treasurer to settle with Commissioners and Territorial treasurer
 Sec. 11. That section 57, be amended so as to read as follows:

The county treasurer shall in January of each year make a full and complete settlement with the county commissioners, and on or before the last Monday in January, he shall make a full and complete settlement with the Territorial treasurer, in which settlement he shall be allowed for his services as county treasurer four per cent. of the amount of the Territorial tax paid by his county, and mileage at the rate of ten cents per mile, for every mile necessarily traveled in going from the county seat of his county to the capital of the Territory.

Compensation of County treasurer

All after section 59 strike out.
 What added.

Sec. 12. Strike out all after section 59, and add the following:

Section 60. All provisions of acts in conflict with this act are hereby repealed.

Section 61. This act shall take effect and be in force from and after its passage and approval. Approved, January 12, 1866.

Time for collecting taxes in Clay county extended to last Monday in February 1867,

Sec. 13. That the time for collecting the taxes for 1866, in Clay county, be extended to the last Monday in February, 1867.

An attested copy to be sent to Clay county.

Sec. 14. That an attested copy of this bill be sent to the proper officer of Clay county.

When act to take effect.

Sec. 15. This act shall be in force from and after the first Monday of January, 1867.

Approved, January 11th, 1867.

CHAPTER V.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE HISTORICAL SOCIETY OF DAKOTA," APPROVED DEC. 24, 1863.

Section 1. Annual meeting held on first Tuesday of January. When held. Quorum. Officers to be elected.
2. When to take effect.

Be it enacted by the Legislative Assembly of the Territory of Dakota.

Section 1. That Section four of an act entitled an "Act to incorporate the Historical Society of Dakota," be and the same is hereby amended so as to read as follows: That on the first Tuesday of January in each year there shall be held an annual meeting of the members of the Historical Society of Dakota, in the hall of the House of Representatives; at which meeting twelve members shall constitute a quorum for the transaction of business, and at said meeting the annual report of the Society shall be submitted and the following officers elected for the ensuing year, to-wit: a president, two vice presidents, one secretary, a treasurer, librarian and such other officers as the Society may then determine.

Annual meeting held on first Tuesday of January. Where held. Quorum, Officers to be elected.

Sec. 2. This act shall take effect from and after its approval by the Governor.

When to take effect

Approved, December 24th, 1863.

CHAPTER VI.

AN ACT TO AMEND CHAPTER 26 OF THE LAWS OF 1865 AND 1866.

Section 1. Parts of chapter 26, laws of 1865 and 1866, relating to certain road, repealed.

2. Portion of certain road in Clay county declared a public highway.
3. When act to take effect.

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

Parts of chapter 26 laws of 1865-66, relating to certain road repealed.

Section 1. All that portion of the road, under the title in chapter 26 of laws of 1865 and 66, "Thence as follows in Clay county" commencing at a stake in mound which is station 15 under said title running thence easterly on said line to a stake in mound about 20 rods west of the residence of J. L. Fisher, at Green Point, in Clay county, be and the same is hereby repealed.

Portion of certain road in Clay county declared a public highway.

Sec. 2. All that portion of a road surveyed by George Stickney, in the year 1865, under the direction of J. W. Turner, Miles Russell and Benjamin Shepherd, appointed by the board of county commissioners of Clay county, to lay out and establish a road from the east line of Clay county to William Benedicts, to-wit: commencing at station 15 as mentioned in section one of this act and following said Stickney's survey to Green Point, be, and the same is hereby declared to be a public highway, the width of which shall be the same as is provided in said chapter 26.

When act to take effect,

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

Approved, January 11th, 1867.

CHAPTER VII.

AN ACT TO AMEND CHAPTER TWENTY-SEVEN, OF THE LAWS OF 1865 AND 66.

Section 1. Time for location of Territorial road, extended until June 1st, 1867,

2. When to take effect.

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

Section 1. That Barney McGraw, John Reams and I. T. Gore, the commissioners named in said chapter, shall have until the first day of June, 1867, to locate, survey and establish the Territorial road established by said chapter, and that the surveyor of said road, shall, on or before the first day of July, 1867, file in the office of the register of deeds of Union county, a plat of said road.

Time for
location of
territorial road
extended to, if
June 1st, 1867.

Sec. 2. This act shall take effect from and after its passage and approval by the Governor.

When to take
effect.

Approved, January 4th, 1867.

CHAPTER VIII.

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED, AN ACT TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF THE LAWS AND JOURNALS.

Section 1. Act of 1865 and 1866 amended. Precinct officers to be furnished with books. Expenses of transportation of books.

2. Acts repealed.

3. When act to take effect.

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

Section 1. That in sections five and six of chapter 21, of the laws of 1865-6, after the words "county officers," wherever they appear in said sections, there shall be inserted the words "and precinct officers," so that the secretary of this territory shall be authorized to furnish to each precinct officer, a copy of the laws passed by the last preceding session of the Legislative Assembly. And it shall be the duty of the register of deeds of each county, upon making his requisition upon the secretary of

Act of 1865 66
annulled.

Precinct officers
to be furnished
with books.

the territory for the number of copies of the laws, required by the officers of his county, to designate in such requisition the manner in which such books shall be forwarded from the office of the said Secretary to the place designated by the said register, to provide at the expense of his county, the means for defraying the expense of such transportation of said books, so that the said Secretary shall in no way be responsible therefor.

Expenses of transportation of books.

Acts repealed. Sec. 2. All acts and parts of acts inconsistent with this act [are] hereby repealed.

When act to take effect. Sec. 3. This act shall take effect and be in force from and after its passage and approval.

Approved January 11, 1867.

CHAPTER IX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT PROVIDING FOR ELECTIONS, AND TO PRESCRIBE THE CANVASS AND RETURNS OF THE SAME," APPROVED, JANUARY 6, 1866.

Section 1. Legal voters may vote in precinct in the Territory, at general or special election. New precincts established. Duty of Governor to appoint certain officers.

2. Section 49 of certain law repealed.

3. When act to take effect.

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

Legal voters may vote in precinct in the territory at general or special election.

New precincts established.

Section 1. That all residents of this Territory possessing the qualifications required by law for a voter, shall have the right to vote at any authorized precinct in this Territory at any general or special election, for Delegate to Congress and all Territorial officers. And there shall be established at Fort Thompson, Fort Sully, New Fort Sully, Fort Rice, and the town of Sioux Falls in the county of Minnehaha, election precincts, and they shall be attached to Buffalo county for election,

representative and judicial purposes, except the precinct of Sioux Falls. The Governor shall appoint judges and clerk[s] of elections for said precincts having the requisite qualifications under the election law. He shall also appoint three county commissioners for Buffalo county for the term of one, two, and three years.

Duty of Governor to appoint certain officers.

Sec. 2. That section 49, of an act entitled, an act providing for elections, and to prescribe the canvass and returns of the same, approved, January 6th, 1866, is hereby repealed.

Sec. 49. of certain law repealed

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

When act to take effect.

Approved, January 11th, 1867.

CHAPTER X.

AN ACT TO AMEND CHAPTER THIRTY-ONE OF THE SESSION LAWS OF 1865-6.

Section 1. James S. Foster appointed Superintendent of schools for two years.

2. Superintendent to file oath with clerk of supreme court.
3. Superintendent to keep record of his acts, to visit schools and furnish blanks to county superintendents. To present report to legislature. What report to contain.
4. To grant certificates to teachers.
5. When superintendent to be elected and for how long.
6. Compensation and expenses of office.
7. Territorial and county superintendents to select text books for school. List to be published.
8. Annual report, how distributed.
9. County superintendents to be elected. Compensation. Make oath to account. County to allow account. Statistical returns to be filed with auditor.
10. County superintendents to take oath. Where oath filed. To execute bond.

11. Districts may be divided, how. When district formed from two or more counties.
12. Duty of judge of probate.
13. County superintendent to apportion public money. How apportioned. Proviso.
14. County superintendent to visit schools. His duties at such times. To furnish copy of account for official services to county superintendents.
15. To see that reports of clerks of districts are correct.
16. When to hold public examinations for teachers. To grant certificates. What certificates to state.
17. Duty of superintendent when district is formed. Right of appeal. To whom appeals made.
18. Other duties of county superintendent.
19. When vacancy occurs in office of superintendent.
20. County superintendent to make annual returns to territorial superintendent. What report to state.
21. What powers the voters at school district meeting shall have.
22. Who entitled to vote at a district meeting.
23. When voter challenged. Form of oath to be administered.
24. When school district deemed organized. Penalty for refusing to act as school district officer after being elected.
25. Officers of school district, ~~shall constitute district board.~~
26. District body corporate. Style of same. Powers as such.
27. Annual meetings. Special meetings how called.
28. How to proceed when time for annual meeting shall have passed.
29. Voters may determine length of time school to be taught during the ensuing and how money to be applied.
30. Duties of Director.
31. Duties of clerk.
32. When clerk absent from meeting.
33. Clerk to give notice of meetings. How given. Notice of special meeting.
34. Clerk to draw orders on treasurer.
35. Clerk to make out tax lists &c.
36. Clerk to make annual report to county superintendent. What report to contain.
37. Clerk making report when district lies in two or more counties.

38. Treasurer to execute bond. Amount and conditions.
Where filed &c.
39. When district board may appoint a treasurer.
40. Treasurer to receive money apportioned to his district and collect taxes.
41. When treasurer shall neglect or refuse to pay over money.
42. When by neglect of treasurer, school money shall be lost.
43. Treasurer to make annual report. What report to contain.
44. District board to procure school houses and sites for same.
Other duties.
45. Shall have care of school property: Librarian.
46. May admit scholars from adjoining districts.
47. Shall hire teachers. Contract to be in writing.
48. Shall provide appendages for school house. Expenses.
49. Schools free.
50. What to be taught.
51. When vacancy occur in school board.
52. Amount district taxes. Collected and distributed.
53. Taxes assessed.
54. How tax lists made out. What to contain.
55. When district board to estimate and apportion taxes.
56. What warrant annexed to tax list to contain.
57. Force and effect of warrant.
58. District board may correct errors in tax list.
59. When tenant pays tax on real estate.
60. Duty of county clerk when assessment roll shall have been completed.
61. How graded schools formed.
62. Powers of boards of directors of graded schools.
63. Union district entitled to equitable share of school funds.
64. Union district may levy taxes, for what purposes.
65. Report of clerk, to treasurer.
66. Report of superintendent. other duties.
67. Duties of treasurer.
68. Public schools in city, town or village.
69. Single districts may establish graded schools.
70. Duty of county treasurer. Delinquent taxes. Penalty against county treasurer in certain cases.
71. Duties of teachers at expiration of term of school. Penalty for neglect or refusal.

72. Penalty against clerk in certain cases.
73. Penalty against treasurer.
74. When final judgment obtained against school district.
How paid.
75. Jurisdiction of justices of the peace under this act.
76. No compensation to be paid to school officer.
77. Penalty against officer for not serving after elected.
78. How fines and penalties collected.
79. When money donated for educational purposes.
80. Form of notice for first district school meeting.
81. Form of notice for annual district meeting.
82. Form of order on district treasurer.
83. Form of bond.
84. Form of warrant for the collection of district tax.
85. Form of voucher.
86. Form of contract.
87. Form of annual report of district treasurer.
88. Form of report of district clerk to county superintendent
89. Form of teachers certificate.
90. Form of deed of school property. Form of acknowledgment to deed.
91. Acts repealed.
92. When act to take effect.

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

That chapter thirty-one of the session laws of 1865-6, be amended so as to read as follows :

James S. Foster
appointed
superintendent
of schools for
two years.

Section 1. That James S. Foster is hereby appointed superintendent of Public instruction for the Territory of Dakota, and shall hold his office for the term of two years from January 1st, 1867, and until his successor is elected and qualified.

Superintendent
to file oath with
clerk of supreme
court.

Sec. 2. The superintendent of Public Instruction, shall, before entering upon the discharge of the duties of his office, take and subscribe an oath to support the Constitution of the United States, and the Organic Act of this Territory, and to faithfully discharge the duties of his office, which oath shall be filed with the clerk of the supreme court of the Territory of Dakota.

Sec. 3. It shall be the duty of the superintendent of Public Instruction to keep a record of his official acts, and to exert himself constantly and faithfully to promote the interests of education in the Territory, and to this end he shall confer with county superintendents and visit schools in company with them and furnish to them blank forms for collecting statistics of the various schools in the Territory. He shall prepare and present to the Legislature during the first week of the session, in each year, a report of his official doings for the preceding year with a full statement of the condition of 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.

Superintendent to keep record of his acts, to visit schools and furnish blanks to county superintendents

To present report to legislature.

What report to contain.

Sec. 4. The superintendent of public instruction, shall also have power to grant certificates of qualification to teachers of proper learning and ability to teach in any public school in the Territory.

To grant certificates to teachers.

Sec. 5. There shall be elected at each regular Delegate election in this Territory, a superintendent of Public Instruction, who shall hold his office for two years and until his successor is elected and qualified.

When superintendent to be elected and for how long.

Sec. 6. The compensation of the superintendent of Public Instruction for his services shall be the sum of three dollars per day for the time spent in the discharge of his official duties, and the expense of procuring blank forms, and postage, and such books as are necessary for the use of his office, and the publication of his annual report, all of which allowances shall be paid by the Territorial treasurer on the certificate of the Territorial auditor.

Compensation and expense of office.

Sec. 7. The Territorial superintendent of Public Instruction, and the county superintendent for each county, shall select a set of text books for the use of the schools in each county, and recommend the same to be used in all the schools in such county and shall cause such list of text books to be published in the newspapers of the Territory, in the month of September, of each year.

Territorial and county superintendents to select text books for school

List to be
published.

Sec. 8. The superintendent of Public Instruction, shall, annually, prepare a sufficient number of his annual report to be distributed as follows :

Annual report
how distributed

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. And distribute to county and territorial officers, and others, not exceeding five hundred copies in each year.

DUTIES OF COUNTY SUPERINTENDENTS.

County
superintendents
to be elected.

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 three dollars for each day spent in the discharge of his legal duties, of his 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 service, 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 account shall be presented to the county commissioners 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 county commissioners who are empowered to draw orders for the same; but no order shall be drawn to any superintendent until he shall have filed with the auditor, 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.

Compensation.

Make oath to
account.

County
commissioners
to allow
account.

Statistical re-
turns to be
filed with
auditor

County superin-
tendents to take
oath.

Sec. 10. The county superintendent of public schools shall 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 county clerk's office. 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 county commissioners, and filed in [the] county clerk's office.

Where oath
filed
To execute
bond.

Sec. 11. That it shall be the duty of the county superintendent of schools, in addition to the other duties required of him, to divide his county into school districts when necessary, and subdivide the same when petitioned by a majority of the citizens thereof, and to furnish the county commissioners of such county with a written description of the boundaries of each district, which description must be filed in [the] county clerk's office, 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 in the county clerk's office of his county.

Districts may be
divided, how.

When district
formed from two
or more counties

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 superintendent of public schools 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.

Duty of judge of
probate.

Sec. 13. It shall be the duty of the county superintendent of public schools on the second Monday in 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

County superin-
tendent to appor-
tion public mon-
ey.

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; *Provided*, No district shall be entitled to receive any portion of the common school fund in which a common school has not been taught at least three months during the year.

County superin-
tendent to visit
schools.

His duties at
such times.

To furnish copy
of account for
official services
to county super-
intendents.

To see that re-
ports of clerks of
districts are cor-
rect.

When to hold
public examina-
tions for teach-
ers
To grant certifi-
cates.

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 in each year, or 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 the 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 county commissioners 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.

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 quali-

fixed 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.

What certificates
to state.

Sec. 17. Whenever a school district shall be formed in any county, the county superintendent of 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, that a majority of the voters in any school district, being dissatisfied with the formation of any school district shall have the right to appeal from the superintendent to the board of county commissioners, and from the board of county commissioners to the superintendent of public instruction.

Duty of superintendent when district is formed.

Right of appeal.
To whom appeals made.

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 appertaining to his office.

Other duties of county superintendent.

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 county clerk, 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 county clerk's 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 schools.

When vacancy occurs in office of superintendent.

Sec. 20. The county superintendent shall make full and complete annual returns to the superintendent of public instruction, between the first and tenth day of November of each year, of the number of children between the ages of five and twenty,

County superintendent to make annual returns to territorial superintendent.

What report to state 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.

What powers the voters at a school district meeting shall have.

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

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 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 teachers' 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 blackboards, 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 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 defense 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:

Who entitled to vote at a district meeting.

All persons possessing the qualifications of electors, as defined by the laws of the Territory, and who shall be actual residents of the district at the time of offering to vote at such election.

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:

When voter challenged.

"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.

Form of oath to be administered.

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.

When school district deemed organized.

Penalty for refusing to act as school district officer, after being elected.

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

Officers of school district.

Shall constitute district board.

District body corporate.

Style of same.

Powers as such.

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 and personal estate as it may come in possession of by will or otherwise, or is authorized to be purchased by the provisions of this act.

Annual meeting.

Special meetings how called.

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 purpose 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 to proceed when time for holding annual meeting shall have passed.

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.

Voters may determine length of school to be taught during the ensuing year, and how money to be applied.

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 the 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 clerk.

Sec. 32. The said clerk shall be clerk of all district meetings when present; but if such clerk shall not be present at such 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.

When clerk absent from meeting.

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.

Clerk to give notice of meetings. How given.

Notice of special meeting.

Sec. 34. The clerk of the district shall draw orders on the treasurer of the district, for moneys in the hands of such treasurer.

Clerk to draw orders on treasurer.

urer, which have been apportioned to or raised by the district to be applied to the payment of teacher's 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 a district board, agreeable to the provisions of this act.

Clerk to make
out tax lists &c.

Sec. 35. It shall be the duty of the clerk to make out the 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.

Clerk to make
annual report to
county superin-
tendent.

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 report 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 treasury 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.

Clerk making re-
port when dis-
trict lies in two
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.

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.

Treasurer to execute bond.
Amount & conditions.

Where filed &c.

Sec. 39. If the treasurer shall fail to give bonds 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 bonds as the district treasurer is required to give.

When district board may appoint a treasurer

Sec. 40. The treasurer of each district shall apply for and receive from the county treasurers all school moneys 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 directors of such district, all money so received or collected by the said treasurer.

Treasurer to receive money apportioned to his district, and collect taxes.

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 shall neglect or refuse to pay over money.

Sec. 42. If by neglect of any treasurer any school moneys shall be lost to any school district, which might have been received from the county treasurer, or collected from the district tax assessed, said treasurer shall forfeit to such district the full amount of money so lost.

When by neglect school moneys shall be lost.

Treasurer to
make annual
report.
What report 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 therefor, 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.

[DISTRICT BOARD.]

District board
to procure
school houses
and sites for
same.

Other duties.

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.

Shall have care
of school prop-
erty.
Librarian.

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.

May admit
scholars from
adjoining
districts.

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

Shall hire teach-
ers
Contract to be
in writing.

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.

Shall provide
appendages for
school house.

Sec. 48. The district board shall provide the necessary appendages for the school house, during the time school is taught therein, and shall keep an accurate account of all expenses.

thus incurred, and present the same for allowance at any regular district meeting. Expenses.

Sec. 49. The district schools established under the provisions of this act, shall at all times be equally free and accessible to all the white 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. School free.

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. What to be taught.

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. When vacancy occur in school board.

DISTRICT TAXES.

Sec. 52. The amount of district taxes 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; and, a further tax of two mills on the dollar, upon the taxable property of the county, to be applied to the same purpose, to be collected at the time and in the manner prescribed by law for the collection of taxes; which tax, when collected shall be distributed to the several school districts, 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 the order of the superintendent of schools. When there shall have been districts laid out, and not organized it shall be the duty of the county superintendent to ascertain the number of children between the ages of five and twenty-one years, and apportion to and deposit with the county treasurer, such amounts as said unorganized districts would have been entitled to if duly organized, which may be drawn on the order of the district board, when said district shall have been duly organized, and a public school maintained three months, if within two years from the time said money is deposited with the county treasurer, and if Amount district taxes.

Collected and distributed.

What disposition made of school funds of unorganized districts, &c.

not organized as above, the county superintendent may apportion the money so deposited among the organized districts of said county in his next annual report; *Provided*, If any scholars of any organized or unorganized district shall attend the district school of any other district, there being no school in the district to which they belong, the superintendent shall apportion them *pro rata* to the district to which they attend school.

Taxes assessed.

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.

How tax lists made out,

What to contain

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 the 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 to estimate and apportion taxes.

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.

What warrant annexed to tax list 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 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.

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 warrant 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.

Powers of treasurer and warrant.

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.

District board may correct error 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 pays tax on real estate.

Sec. 60. It shall be the duty of the county clerk 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 county clerk when assessment roll shall have been completed.

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,

How graded schools formed.

upon written application of five voters of their respective districts, call a meeting of the voters of such district at some convenient place, by posting up 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.

Powers of board
of directors of
graded schools.

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.

Union district
entitled to equi-
table share of
school funds.

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
for what purposes.

Sec. 64. The said union district may levy taxes for the purpose of purchasing a building, or furnishing proper building 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.

Report of clerk
to treasurer.

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 thereof.

Report to super-
intendent.
Other duties.

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.

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
in city town or
village.

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 superintendent of 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.

Single districts may establish graded schools.

Sec. 70. The county treasurer shall collect all moneys due the county for school purposes, from fines, forfeitures or proceeds from the sale of estrays, and all moneys paid by persons as equivalent for exemption from military duty, 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 said 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 punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

Duty of county treasurer.

Delinquent taxes.

Penalty against treasurer in certain cases.

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 each of said branches. Any teacher who shall neglect or refuse to comply with the requirements of this section, shall forfeit his or her wages for teaching such school, at the discretion of the district board.

Duties of teachers at expiration of term of school.

Penalty for neglect or refusal.

Penalty against clerk in certain cases.

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 treasurer.

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

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.

How paid.

Jurisdiction of justices of the peace under this act.

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.

No compensation to be paid to school officer

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

Penalty against officer for not serving after elected.

Sec. 77. Any person duly elected at the annual district school meeting, to either of the district officers [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.

How fines and penalties 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 donated for educational purposes.

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 de-

posit, 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.

FORMS.

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

Form of notice
for first district
school meeting.

To _____ a householder, in school district number —:

The county commissioners have 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 said 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. Instruction.

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

Form of notice
for annual district
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.

Form of order.
on/district
treasurer.

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

To _____, treasurer 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.

Form of bond.

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

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,
for the payment of which we bind ourselves severally and jointly,
our heirs, executors, and administrators, firmly by these pre-
sents.

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

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

Signed, sealed and delivered in presence of

_____. [SEAL.]

_____. [SEAL.]

Form of warrant
for the collection
district tax.

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 corpora-
tion 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 to 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.

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

Form of voucher

Received , 186—, of , treasurer of school district number , county of , dollars for services rendered as teacher in the said district, for the term of months.

_____,
Teacher.

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

Form of contract.

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 properly 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 be substantially as follows:

Form of annual report of district treasurer.

I , treasur[er] 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 the district [and] collected,	\$—
Total amount received,	\$—
Paid out, on order of district clerk (date of order),	\$—

On order of district [clerk.] ————, \$——
 Balance on hand, \$——
 This day of , A. D. 186—. _____,
 Treasurer.

Form of report
 of district clerk
 to county super-
 intendent.

Sec. 88. The form of report of district clerk to the county superintendent of public instruction 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 teachers' wages, \$
 Amount raised by district tax for building school house, \$
 Amount raised by district tax for furnishing school house, \$
 Amount paid for teachers' wages, \$
 Amount expended for building school house, \$
 Amount expended for furnishing school house, \$
 This day of , 186 .

_____,
 District Clerk.

Form of teachers' certificate

To which may be added a copy of teachers' report, giving the names, age and total number of male and female pupils, 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.

Sec. 89. A school teachers' 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 instructions 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.

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

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 [parties of the second part] 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 property,) 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.]

Sealed and delivered in presence of

[SEAL.]

_____.

The Territory of Dakota, }
 county. }

Form of acknowledgment to deed.

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 .

Acts repealed.

Sec. 91. All acts and parts of acts, prior to chapter 31, of the session laws of 1865 and 1866, relative to common schools, are hereby repealed.

When act to take effect.

This act shall take effect and be in force from and after the first day of January, A. D. 1867.

Approved, January 11th, 1867.

AGRICULTURAL SOCIETIES.

CHAPTER XI.

AN ACT TO ORGANIZE COUNTY AGRICULTURAL SOCIETIES.

- Section 1. Who may organize societies.
 2. Style of society.
 3. Who may become members. Officers. Their terms.
 4. Powers of society.
 5. May appoint other officers, and make by-laws.
 6. Territorial societies.

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

Who may organize societies.

Section 1. Any number of persons, not less than ten, being inhabitants of any organized county in this Territory, may form themselves into an association for the promotion of the interests of agriculture, the raising of stock, and other kindred arts; which association shall be known as the ———.