

so admitted, the date when admitted and the time for which such persons are admitted.

§ 8. AUDITOR AUTHORIZED TO AUDIT ACCOUNTS.] That it shall be the duty of the auditor of this Territory to audit all accounts presented by the authorities of the institution for the support of the deaf, dumb or blind persons of the state with which the governor has made a contract, as provided in section one of this act, under such regulations as such auditor may prescribe, and to draw his warrant or warrants on the territorial treasurer for the amount due such institution.

§ 9. This act shall take effect and be in force from and after its passage and approval.

Approved, February 21, 1879.

Education.

CHAPTER 14.

AN ACT to Establish a Public School Law for Dakota Territory.

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

§ 1. SUPERINTENDENT OF PUBLIC INSTRUCTION, HOW APPOINTED—VACANCY HOW FILLED.] At each biennial session of the legislative assembly, the governor shall nominate, and, by and with the advice and consent of the legislative council of the Territory shall appoint a superintendent of public instruction, who shall hold his office for two years, and until his successor is appointed and qualified: *Provided*, That when any vacancy occurs in said office by death, resignation or otherwise, the governor shall appoint some skilled and suitable person to perform the duties of the office for the remainder of the unexpired term: *And, provided further*, That the governor be and is hereby authorized, and it is expressly made his duty to remove from office any superintendent of public instruction who violates his duty or who, in judgment of the governor, fails at any time to faithfully discharge the duties of his office

as required by this act, and to appoint a successor as herein-before provided.

§ 2. BOND AND OATH.] Before entering upon the duties of his office, the superintendent of public instruction shall give bond to the Territory of Dakota in the penal sum of one thousand dollars, with two or more sureties, to be approved by the governor or any one of the justices of the supreme court of the territory, conditioned that he will faithfully perform the duties of his office as such superintendent of public instruction according to law, and render a faithful, accurate and just account of all public moneys that shall come into his hands, or be in any manner under his control and direction, as such officer. Upon the back of such bond he shall take and subscribe the oath of office required for civil officers before some officer within this territory authorized by law to administer oaths; and such oath and bond shall be filed in the office of the secretary of the Territory.

§ 3. GENERAL DUTIES.] It is the duty of the superintendent of public instruction to make and preserve an official record of his acts as such; to faithfully and constantly labor to promote the interests of public education throughout the Territory and in all the organized counties thereof; to visit the common schools therein, confer and advise with teachers and the county superintendents of schools, direct and aid them in the efficient, systematic and thorough organization of common schools and encourage the opening of additional schools where necessary; to furnish blank forms for collecting statistics and making reports of all the schools within the Territory and of the receipt and disbursement of public school funds. He shall also make a careful study of the school system from his own experience and that of others in the Territory, and shall open such correspondence with other Territories and states as shall be necessary to enable him to secure useful information of systems and improvements therein, and embody the results of such study in recommendations in his reports to the governor; and make such redraft of our school laws or prepare such amendments for the same as in his judgment are necessary to the more successful conduct of our schools, the care of our school funds and the improvement of our system.

§ 4. WHAT TO EMBODY IN HIS REPORT.] The superintendent shall also make careful study of the laws and experience of such northwestern states as have had donations from the United States of public lands for the aid of schools; the methods and limitations adopted by each for the sale of such lands, and the manner in which the proceeds thereof were invested for the benefit of schools. He shall study the successes of such states and their failures in this respect, and show under what laws and systems the best results were secured in any state. He shall make a digest of such examinations and embody it in his report for the year 1880, and therewith shall suggest such drafts of constitutional provisions and statute laws, with reasons therefor, derived from such study as in his opinion will be best suited to secure the best results from the school lands in Dakota when it shall become a state or states. To this end he may for a reasonable time visit the capitals of not more than five of such states and confer and advise with persons of experience upon these subjects.

§ 5. HIS POWERS AND DUTIES RESPECTING TEACHERS AND SCHOOL OFFICERS.] The superintendent of public instruction shall have power to grant certificates of qualification to persons of proper learning, ability and experience, which shall authorize them to be employed and teach in any public school in Dakota for two years from the date thereof; and he shall regulate the degrees and prescribe the examinations necessary to test the qualifications required of persons to receive first, second and third grade certificates from county superintendents of schools. He shall secure, as far as possible, uniformity in the practical working of the school laws and in the standards of qualification for teaching, and to this end may attend public examinations by county superintendents when practicable, and shall be allowed at all times to inspect the records of county superintendents and the examination papers on file with them, and in all respects strive to render the school system and its operations efficient and useful to the people, and prevent by every means in his power any waste or unlawful payment of school funds.

§ 6. SALARY, MILEAGE, AND OTHER EXPENSES.] The salary of the superintendent of public instruction shall be six hundred dollars per annum which shall be paid to him monthly by

warrant on the territorial treasurer by the territorial auditor upon his filing with the auditor his account therefor. He shall also receive necessary mileage for travel required in his duties connected with public education to an amount in all not exceeding three hundred dollars per year. He is also authorized to procure the necessary stationery and postage and record books for his office, and to cause to be printed the necessary lists of questions for the examination of teachers by county superintendents, and the total cost of such stationery, postage, books and printing shall in no case exceed one hundred dollars per annum. All accounts made by him shall be in detail, showing the precise amount and items of money by him actually paid out for traveling expenses and for such supplies and printing, and all such accounts, except his accounts for salary, shall be verified by his oath before presentation to the auditor; and the territorial auditor shall under no pretense audit accounts for these several objects beyond the sums herein appropriated. There is hereby appropriated out of any moneys in the territorial treasury not otherwise appropriated the sum of six hundred dollars for each year for salary; the sum of not to exceed three hundred dollars each year for traveling expenses, and the sum of one hundred dollars each year for printing, stationery, postage and record books, for the superintendent of public instruction: *Provided, however,* That no greater sum than one thousand dollars shall be expended for the office of territorial superintendent of schools in any one year, and said sum shall include salary, mileage, traveling expenses and all incidental expenses.

§ 7. DUTIES CONCERNING BOOKS, APPEALS, BLANK FORMS, AND ANNUAL REPORT.] The superintendent of public instruction shall discourage the use of sectarian books and sectarian instruction in the schools; shall advise in the selection of books for the school district libraries. He shall examine and determine all appeals duly made to him from the decision of any county superintendent in all matters of difference arising between persons in the administration of the school laws, except in the cases of the formation and alteration of school districts and their boundaries which cannot be appealed to him, and his decision of such appeals shall be final. He shall prepare

for the use of common school officers suitable forms for making reports and conducting all necessary proceedings. The county superintendent and the district school officers may decide what text books shall be used in the schools. On or before the fifteenth day of December in each year he shall prepare and present to the governor a report in writing of all his official acts for the preceding year with a full statement of the condition of the common schools in the Territory, the collection and expenditure of the public school funds, and make such further suggestions as are hereinbefore required, and also such as he may deem proper and best to advance, improve and support the common schools; which report, with all accompanying papers, drafts of law and other work, the governor shall submit to the next session of the Legislative Assembly, accompanying his message.

COUNTY SUPERINTENDENT OF PUBLIC SCHOOLS.

§ 8. ELECTION—COMPENSATION—ANNUAL STATISTICAL REPORT. The several counties of this Territory shall at the same time and in the same manner as other county officers are elected, elect a suitable person to be superintendent of public schools within such county, who shall hold his office for two years from the first of January next succeeding his election (unless he shall be elected to fill a vacancy, in which case he may immediately qualify into office) and shall hold his office until his successor is elected and qualified, and who shall receive three dollars for each day spent in the discharge of his official duties. He shall be allowed a reasonable amount for necessary stationery, and the sum of five cents per mile for each mile actually traveled by him in the necessary discharge of his duty in visiting schools or other official business. Every superintendent of schools shall make out in detail his account for official services, stating date and time spent as well as the kind of service rendered, and make oath or affirmation to the correctness of the same before any officer authorized by law to administer an oath, in the county in which he resides; which oath or affirmation shall be certified by said officer before such superintendent's account shall be presented to the county commissioners for allowance. Said account may be rendered quarterly, and filed with the clerk of the board of county commissioners, who shall audit and allow

said accounts when in proper form, and the same shall be paid out of the county fund the same as other county officers, upon the order of the county commissioners: *Provided, however,* That no order for compensation shall be issued to any superintendent who shall have neglected to make out and transmit to the territorial superintendent his annual statistical report in satisfactory form, and file with the clerk of the board of commissioners a receipt therefor, from said territorial superintendent, on or before the first day of December in any year.

§ 9. OATH AND BOND.] 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 or 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.

§ 10. TO DIVIDE COUNTY INTO DISTRICTS—JOINT DISTRICTS, ETC.]. It shall be the duty of the county superintendent of schools, in addition to other duties required of him, to divide his county into school districts, and subdivide and re-arrange the boundaries of the same, when petitioned by a majority of the citizens residing in the district or districts to be affected by said change, if he believes such change to be for the good of the public schools, 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 register of deeds office before such district shall be entitled to proceed with its organization by the election of school district officers. It shall be his duty to keep on file in his office all petitions and remonstrances, which shall show the date of reception and the action had thereon: and it shall be his further duty on the division of, or change of district boundaries, to notify the clerk of the districts interested of the change made. Whenever it shall be deemed necessary to form a 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 assisting shall file a description of said joint district in the county clerk's office of his county.

§ 11. MAY PROVIDE OFFICE.] The county superintendent may provide a suitable office for the transaction of business, and the board of county commissioners may authorize and audit such expenditures for the use and furniture of said office as they may deem just and reasonable.

§ 12. SHALL KEEP RECORD, AND PREPARE MAP OF HIS COUNTY.] It shall be the duty of the county superintendent to keep a book of record of his official acts; he shall safely keep all records, books and papers belonging to his office, and transmit them to his successor. He shall encourage and aid in the establishing of schools wherever there is need thereof. He shall prepare for the board of county commissioners, if not previously supplied, a correct sectional map of the county, showing the boundaries and numbers of all districts; and he shall furnish a similar map each year to the county or township assessors in time to enable said assessors to perform their duties correctly and in proper season.

§ 13. WHAT PETITION FOR DIVIDING DISTRICT SHALL STATE.] Every petition for dividing a district or re-arranging the boundaries of districts shall state distinctly the reasons for the proposed change; and shall be supported by the affidavits of three or more voters residing within the districts concerned, stating that the facts set forth in the petition are true, and that the names signed thereto are those of a majority of the citizens entitled to sign such petition, residing within the area to be affected by said change.

§ 14. MAY ADMINISTER OATHS AND REVOKE CERTIFICATES.] The county superintendent shall have power to administer oaths and examine witnesses under oath, in cases of appeal, of petition, and of revoking the certificate of a teacher, but shall not receive additional pay for administering such oaths.

§ 15. WHEN MAY DECLARE FORMATION OF SCHOOL DISTRICT VOID.] If any school district shall fail or neglect, for two successive years, to hold the school meetings required by law, maintain

its organization by a duly qualified board of officers, and support a public school three months in each year, or shall neglect to organize according to law, and maintain a public school three months within one year after its formation by the county superintendent, said officer may declare the formation of said district null and void, and may then annex the lands in said district to such other districts as he deems best for the education of the children residing therein.

§ 16. WHEN MAY RE-ARRANGE DISTRICT.] Whenever five heads of families in one district shall unite in a petition, supported by affidavits, stating that their children are debarred from school privileges by reason of the improper size or form of the district, or by the distance to the school house, or by natural obstacles, the superintendent of the county may, in his discretion, order such re-arrangement of district boundaries as may remedy their grievance; and such change shall become valid when approved by the board of county commissioners.

§ 17. COUNTY TREASURER TO FURNISH STATEMENT OF SCHOOL MONEY.] It shall be the duty of the county treasurer, on the first Monday in January and July 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 district treasurers.

§ 18. APPORTIONMENT OF SCHOOL MONEYS.] It shall be the duty of the county superintendent of public schools on the second Monday of January and July in each year, or as soon thereafter as he shall receive the statement of the county treasurer provided for in section 17, 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 five and under twenty-one years of age, as the same shall appear from the last annual reports of the clerks of the respective districts, and shall immediately notify, by mail or otherwise, the district treasurer of each district, of the amount of money due his district, and he shall draw his orders on the county treasurer in favor of the several district treasurers for the amount apportioned for each district, and he shall deliver said orders to said treasurers upon their application, taking

their receipt therefor: *Provided*, No district shall be entitled to receive any portion of the common school fund which shall not have held a school meeting at the time appointed by law for holding annual school meetings in this Territory or within thirty days thereafter, and made out and forwarded to the county superintendent of public instruction, their annual report within forty days of the time fixed by law for holding annual school meetings in this Territory, and which shall not have had three months school during the previous year, (except new districts which shall receive one year's apportionment without complying with this provision.)

§ 19. WHEN NOT TO DELIVER WARRANT FOR MONEY.] The county superintendent shall not deliver said warrant for money apportioned, to any treasurer, unless notice has been given to him by the clerk of that district, that said treasurer's official bond has been duly filed and accepted.

§ 20. DUTIES RESPECTING VISITATION OF SCHOOLS.] It shall be the duty of the superintendent to visit each common school within his county at least once in each year, and oftener if he shall deem it necessary. At such visit of inspection he shall examine into the condition of such school, and satisfy himself respecting the progress in learning, the mental and moral instruction given, the order and government prevailing, the regularity of attendance, and the teacher's ability and fitness for the duties of the position; and he shall record suitable notes of his impression concerning the school. He may advise or direct the teacher concerning the government and instruction of the pupils, and the course of study to be pursued, and shall adopt such plans as he deems requisite for improving the schools by inspecting and regulating the work.

§ 21. DUTY RESPECTING SCHOOL OFFICERS AND APPEALS.] The superintendent shall see that the several reports of district clerks and treasurers are made correctly and in due time, and if necessary shall visit them personally and examine into their records and accounts. He shall hear and determine all matters of difference pertaining to schools and districts which shall be brought to him for decision, and all appeals from the decisions of district boards.

§ 22. EXAMINATION OF TEACHERS.] He shall hold public ex-

amination of all persons offering themselves as teachers of common schools, at the county seat of his county, on the last Tuesdays of April and October of each year, notice of which shall be given 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 shall 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. All examinations shall be conducted chiefly by written answers to prepared lists of questions, and the answer papers of each teacher shall remain on file in the superintendent's office for at least one year thereafter, subject to the inspection of any school officers who may have reason to examine them. Persons applying to the county superintendent for a certificate at any other time than at the public examination, shall be required to show good and satisfactory reasons for not having attended the public examination, and shall pay to the superintendent in advance the sum of two dollars for his time and services in making the examination.

§ 23. MAY REVOKE TEACHER'S CERTIFICATE.] The county superintendent may at any time revoke and annul a teacher's certificate while in force, for any cause which would have justified the withholding thereof, if known at the time the same was issued. Such action shall be taken only after full hearing of the facts in the case, after giving such teacher notice of the time and place of such hearing, and opportunity to make his or her defense, excepting that in cases where the superintendent finds, upon personal inspection of the school, sufficient reason to revoke his or her certificate, no such notice need be given.

§ 24. TEACHER TO SURRENDER ANNULLED CERTIFICATE.] Whenever any certificate shall be annulled the teacher shall return the same to the superintendent, and in case the teacher refuses to surrender the same, the superintendent may issue public notice of such annulling by publication in some newspaper printed or circulated in the county.

§ 25. FORMATION OF NEW DISTRICTS. APPEALS.] 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; and when a join] district is formed from portions of two or more counties, the county superintendents of each county from which any portion of the new district is taken, shall unite in giving the customary notices, and the new district shall be numbered by the superintendent of the county having the highest number of districts. Any citizen aggrieved by the action of the county superintendent of schools in the formation of the school district in which he resides, shall have the right to appeal from his decision to the board of county commissioners, who shall have power to hear and determine said appeal, if taken within sixty days from the time of the formation or change of the district.

§ 26. SUPERINTENDENT TO DELIVER BOOKS TO SUCCESSOR IN OFFICE.t The county superintendent of public schools shall perform all other duties of said office that now or may hereafter 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.

§ 27. IN CASE OF VACANCY IN OFFICE OF SUPERINTENDENT.] If a vacancy occur 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 shall discharge all the duties of the office of county superintendent of public schools until a successor is elected and qualified. He shall give a like bond to that required by this act to be given by the county superintendent of schools.

§ 28. ANNUAL REPORT, WHAT TO CONTAIN.] The county superintendents shall make full and complete annual returns to the superintendent of public instruction, between the first and tenth days of November of each year, of the number of chil-

dren between the ages of five and twenty-one years 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 amount expended; the amount 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.

§ 29. POWERS OF SCHOOL DISTRICT MEETING.] The inhabitants qualified to vote at a school district meeting, lawfully assembled, shall have power:

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

2d. To adjourn from time to time: *Provided, however,* That no annual meeting shall be adjourned for more than thirty days.

3d. To choose persons having the proper qualifications to fill the offices of clerk, director and treasurer.

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

5th. To vote a tax annually not exceeding one per cent. on the 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 the same in repair.

6th. To vote a district tax annually not exceeding one and one-half per cent. on the taxable property of the district for pay of teachers' wages in the district, and necessary fuel and other school expenses.

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

8th. To vote such a tax as may be necessary to furnish the school house with blackboards, outline maps, stoves, furniture and apparatus necessary for illustrating the principles of science, or to discharge any debts or liabilities of the district lawfully incurred: *Provided,* That said tax shall not exceed one-half per cent. in any one year, and may be applied to any other purpose by a vote of the district at any regularly called meeting.

9th. 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.

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

11th. To vote a tax not exceeding twenty-five dollars in any one year, to procure a district library, consisting of such books as they may direct any person to procure.

§ 30. WHO MAY VOTE] All persons over the age of twenty-one years who are citizens of the United States, or have declared their intention to become such, and who shall have resided in the district five days next preceding any district meeting, shall be entitled to vote at such meeting.

§ 31. FORM OF OATH IN CASE OF CHALLENGE.] If any person offering to vote at a school district meeting 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 the person offering to vote, the following oath or affirmation:

"You do solemnly swear [or affirm] that you have been an actual resident of this district for the past five days, 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 at such meeting.

ORGANIZATION OF DISTRICTS.

§ 32. WHEN DEEMED ORGANIZED. PENALTY FOR REFUSING OFFICE.] Every school district shall be deemed duly organized when the officers constituting the district board shall be elected and qualified. Every person duly elected to the office of director, clerk or treasurer of any school district, who shall wilfully refuse or neglect, without sufficient cause, to accept 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 twenty-five dollars to the school district fund, which amount may be recovered by the district in civil action before any justice of the peace in the county where such district is lo-

cated, and shall be appropriated to the support of schools in his district by whom such action was prosecuted.

§ 33. OFFICERS—WHEN ELECTED.] The officers of each district shall be the director, clerk and treasurer, who shall be qualified voters of the district, one of whom shall be elected at each annual meeting, to serve for three years, and until his successor is elected and qualified; except that in meetings called to organize new districts, the director shall be chosen to serve for one year, the clerk for two years, and the treasurer for three years.

§ 34. VALIDATING ELECTIONS OF DISTRICT OFFICERS.] The elections of all district officers, who may have been illegally elected through a misunderstanding of section twenty-four of the school law, approved February 17th, 1877, but who have accepted their offices in good faith, and served without objection being made, are hereby declared valid, and their proper acts are declared legal and binding.

§ 35. POWERS OF ORGANIZED DISTRICT.] Every school district organized in pursuance of this act shall be a body corporate and shall possess the usual powers of 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, capable of contracting and being contracted with, and hold 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; but this section shall not be construed to prevent altering district boundaries in the manner herein provided.

§ 36. ANNUAL MEETING—SPECIAL MEETINGS.] An annual school meeting for each district shall be held at the school house or at the place usually occupied for school purposes, or where no school has been held in said district, then at some central place in the district, on the first Tuesday in April, at such hour as the district board may direct. Annual school meetings shall be called by the district clerk ten days previous to the time of such meeting, who shall post three notices of the time and place of holding such meeting, in three of the most public places in said district. But if the district clerk shall

neglect or refuse to notify the annual school meeting, a special meeting may be called as provided in section 27, [25] at which time it shall be lawful to elect school district officers and transact any other business usually done at the annual school meetings. Special school meetings may be held at any time by the order of a majority of the district board, for which ten days' notice shall be given by the district clerk, said notice stating the business to be acted upon by said meeting. Special school meetings may also be held at the call of any five legal voters of the district who shall subscribe and post three notices in three of the most public places in the district, ten days previous to the call of the meeting. Said notices to specify the business to be acted upon by said school meeting.

§ 37. WHEN NO ANNUAL MEETING IS HELD AT TIME APPOINTED.] Whenever the time for holding the annual meeting in any district shall pass without such meeting being held, the clerk, or in his absence, any 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 said meeting shall not be notified within thirty days aforesaid, the county superintendent may give notice of such meeting in the manner provided by forming new districts, and the officers chosen at such special meeting shall hold their respective offices until the next annual meeting, and until their successors are elected and qualified.

§ 38. WHO MAY DETERMINE TERMS OF SCHOOL.] 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 ensuing year, 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 school, or a certain portion to each; but if such matters shall not be determined at the annual or special meeting, it shall be the duty of the district board to determine the same.

§ 39. DUTY OF DIRECTOR.] The director of each district shall preside at the district meetings, and shall sign orders drawn by the clerk, authorized by the district meeting, or by the district board, upon the treasurer of the district for moneys col-

lected 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.

§ 40. ENGLISH LANGUAGE TO BE USED AND TAUGHT.] All reports and records of district officers and proceedings of district meetings shall be in the English language; and if any money belonging to any district shall be expended for supporting a school in which the English language shall not be taught exclusively, the county superintendent, or any taxpayer of the district may, in a civil action in the name of the district, recover said money from the officer so expending it.

§ 41. DUTY OF DISTRICT CLERK.] 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 and the treasurer 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.

§ 42. WHEN VOTERS MAY APPOINT A CLERK.] The said clerk shall be clerk of all district meetings; but if such clerk shall not be present, or being present shall refuse to act at such district meeting, the voters present may appoint a clerk for such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.

§ 43. CLERK TO CALL DISTRICT MEETINGS.] 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 adjourned for a longer period than one month. Every notice for a special district meeting shall specify the object for which such meeting is called.

§ 44. SCHOOL ORDERS—PAYMENT OF.] The clerk shall draw all warrants or orders for the payment of money for teachers' wages, or any other purpose legally ordered by the school board, or by the voters at any district meeting. Said orders shall also be signed by the director, and paid by the treasurer

on presentation. Each order shall specify whether the money is to be paid from the teachers' fund, the contingent fund or the school-house fund; and in case the treasurer has no money in the fund drawn upon to pay such school warrant, he shall indorse it "not paid for want of funds," and all orders so presented and indorsed shall draw ten per cent. interest after presentation until paid, unless otherwise expressed in writing. If there be money in his hands to pay a portion of such warrant, he shall pay such money and indorse the amount so paid upon the warrant, and interest at ten per cent. shall accrue upon the amount unpaid.

§ 45. DISTRICT TAX. NOTICE TO COUNTY TREASURER.] It shall be the duty of the district clerk on or before the first day of May in each year, to notify the county clerk of the amount of tax, if any, voted at the last annual meeting, and of any tax levied by the district board to pay judgment, of which notice has not been previously given, which notice shall be substantially in the following form:

District clerk's office, school district No. ———, of ——— county, Dakota Territory.

(date) ———— 18—

To the county clerk of ——— county, Dakota Territory:

I hereby notify you that at a district meeting of district No. ———, held on the ——— day of ———, 18—, at ———, the district voted the following tax:

For school house fund,.....	——mills.
For teacher's fund,.....	——mills.
For contingent fund,.....	——mills.
Total,.....	——mills.

on the dollar of valuation of real and personal property for school purposes for the coming year, and you are hereby ordered to enter such tax on the county tax list for collection on the property in this district.

§ 46. REPORT OF CLERK—WHAT TO SHOW.] The clerk of each district shall on or before the first day of May in each year, make out and transmit a report in writing to the county superintendent of public schools for each county in which part of his district may lie, showing:

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

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

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

4th. The amount of money raised and received from special tax during the year, the amount received from apportionment of county funds, and the amount of money on hand on the last day of March previous.

5th. The amount and rate of taxes levied and then in the hands of the county treasurer for collection, and the amount of outstanding indebtedness of the district.

6th. The kind of text books used in the school, the kind adopted by the school board as the standard, the date of the last school meeting, and the value of all district property.

7th. The names of school officers, their postoffice address, and the date at which the official term of each will expire.

8th. All other facts and statistics which the county superintendent may require for the preparation of reports to the territorial superintendent.

§ 47. TREASURER'S BOND.] 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, in any one year, with sufficient securities, to be approved by the director and clerk, (who may at any time require new or additional bond, and shall require new bonds whenever the amount of money to come into his hands shall be equal to the amount of bond, or upon the failure, death, or removal from the county of any bondsman, or other sufficient reason), conditioned upon 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 and the necessary expenses thereof in any case arising under this section, unless otherwise ordered by the court, shall be paid out of the contingent fund.

§ 48. WHEN TREASURER'S OFFICE DECLARED VACANT.] 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 his duties, said office shall be declared vacant by the remaining officers.

§ 49. COUNTY TREASURER TO PAY MONEYS TO DISTRICT.] The treasurer of each district shall apply for, and the county treasurer shall pay over to the district treasurers all of the school moneys collected for his district, upon the order of the director and clerk of the district, on hand the first Monday in October, January, April and July of each year, of the county school fund, upon the order of the county superintendent.

§ 50. WHERE TREASURER SHALL REFUSE TO PAY MONEYS TO SUCCESSOR.] 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.

§ 51. WHERE MONEYS ARE LOST.] If by neglect of any treasurer, any school money shall be lost to any school district which has been received from the county treasurer, said treasurer shall forfeit to such district the full amount of money so lost.

§ 52. SCHOOL MONEYS. VARIOUS FUNDS HOW DESIGNATED.] Money collected by district tax or subscription, for the erection of school houses, fences and outbuildings, for the purchase of sites for school houses, and for payment of debts contracted for said purposes, shall be called the school-house fund; money designed for rent, repairs, fuel and contingent expenses, necessary for supporting schools, shall be called contingent fund; and that intended for the payment of teachers' wages, the teachers' fund. The district treasurer shall separate the money received from the county treasurer by district tax, into the different funds in proportion to the rates of taxes levied by the district, and shall keep a separate account with each fund in a suitable and permanent book of record, to be provided by the district board. He shall pay no order which does not specify the fund on which it is drawn, and the use to which the money is applied.

§ 53. **TEACHERS' WAGES FUND.]** Moneys apportioned to districts by the county superintendent from the general county fund, shall be applied to the payment of teachers' wages, and to no other purpose.

§ 54. **WHEN TREASURER GUILTY OF EMBEZZLEMENT.]** Every district treasurer who shall loan any portion of the money in his hands belonging to the district, whether for a consideration or not, or who shall expend any part thereof for his own or any other person's private use, is guilty of embezzlement, and shall upon conviction be punished as provided by law.

§ 55. **REPORT OF TREASURER.]** The treasurer shall present to the district at each annual meeting, a report in writing containing a statement in three separate funds, of all moneys received by him from the county treasurer during the year, from assessments in the district and apportionment, and the disbursements made, and exhibit the vouchers therefor; which report shall be recorded by the clerk; and if it shall appear at the expiration of his term of office 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.

§ 56. **DISTRICT BOARD. MAY BUILD AND SELL SCHOOL BUILDINGS.]** The district board shall purchase or lease such 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.

§ 57. **PROCEEDINGS TO OBTAIN SITE FOR SCHOOL HOUSE.]** It shall be lawful for any board of district officers to take and hold any land not exceeding one acre, legally chosen as a school house site by a lawful district meeting. If the owner of such land refuse or neglect to grant such site to the district, or cannot be found, the superintendent of that county shall, upon application, appoint three disinterested persons of said coun-

ty, unless a smaller number is agreed on by the parties, who, after taking an oath before him to faithfully and impartially perform the duties imposed on them by this section, shall inspect said real estate and assess the damages said owner will sustain by taking the same for school uses, (written notice having been previously given to the owner of the time of appraisal) and said assessors shall file their written report with the county superintendent, giving the exact description of the land and the amount of damages assessed. If said school board shall, before taking said land for school uses, deposit with the county treasurer for the use of said owner, the amount of money so assessed as damages, they shall be thereby authorized to build a house thereon in the name of the district, and maintain the right to said premises: *Provided*, That appeal from said assessment may be taken within twenty days by either party to the district court: *And provided*, That no site shall be thus taken within forty rods of any residence, the owner whereof objects to its being placed nearer, and not in any orchard, garden, or public park. But this section shall not apply to any incorporated town.

§ 58. TITLE OF GROUNDS TO BE FOR SCHOOL PURPOSES ONLY.] The title acquired to such school site shall be for school purposes only; and if not used for said purpose of maintaining a public school thereon for two successive years, the title shall revert to the owner of the fee, upon repayment of the original sum paid, with value of improvements made by the district, and without interest.

§ 59. POWERS OF DISTRICT BOARD.] The district board shall have the care and keeping of the school house and other property belonging to the district. They shall make such rules and regulations relating to the district library as they may deem proper, and appoint some suitable person as librarian to take charge of the school apparatus belonging to the district.

§ 60. MAY ADMIT NON-RESIDENT SCHOLARS.] The district board shall have power with the consent of the teacher to admit scholars from other districts and remove scholars for disorderly conduct, and when scholars are admitted from other districts, the district board may, in their discretion, require a tuition fee from such scholars; and the district officers shall

visit their school and aid the teacher in preserving good order and obedience to rules, whenever the teacher shall require their assistance.

§ 61. EMPLOYMENT OF TEACHERS.] The district board shall employ only qualified teachers, by written contract, specifying the date at or about which the school shall begin, the length of term to continue, the salary per month, and the time of payment, and said contract shall be filed in the district clerk's office.

§ 62. OTHER EXPENSES.] The district board shall provide the necessary appendages for the school house during the time school is taught therein; and the bills for the same shall be presented and allowed, if reasonable, at any regular district meeting.

§ 63. WHO MAY ATTEND SCHOOLS.] The district schools established under the provisions of this act shall be at all times equally free and accessible to all children under twenty-one and over five years of age, residents of the district, subject to such regulations as the district board in each may prescribe.

§ 64. BRANCHES TO BE TAUGHT.] In every school there shall be taught, to all pupils of sufficient capacity to properly attend to the same, the following branches of a common English education: Orthography, reading, writing, geography, arithmetic and grammar, or so many thereof as the ability of each pupil will permit, in the judgment of the teacher; also, such other branches as may be agreed upon by the district board and teacher.

§ 65. VACANCY IN BOARD—HOW FILLED.] If a vacancy should occur in the district board in any district, the remaining member or members of the board shall, within thirty days, call a special district meeting to elect a new member or members to serve until the next annual meeting, at which time a new member or members of the board shall be elected to fill vacancy for the unexpired term, and in case the district neglects for forty days to elect a new member of the board, the county superintendent may, upon petition of five voters of the district, fill the vacancy by appointment.

§ 66. TAX FOR SUPPORT OF SCHOOLS.] It shall be the duty of the county clerk 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 same time and in the same manner as prescribed by law for the collection of taxes, which taxes, 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 of the county.

§ 67. COUNTY CLERK TO MAKE TAX LIST.] It shall be the duty of the county clerk, and it is hereby made his duty, to make out and charge up to each description of real estate, and on all personal property in his county, the district school taxes, as he is notified has been voted by the district in which it is situated, in the same manner as the county and territorial tax list is prepared, and deliver it to the county treasurer at the same time.

§ 68. COUNTY TREASURER TO COLLECT TAX.] And it shall be the duty of the county treasurer, and it is hereby made his duty to collect the taxes for school purposes at the same time and in the same manner as the county and territorial tax is collected, and full power is hereby given him to sell the property, or any property for school taxes, the same as is now by law provided for other taxes; and he shall execute a tax deed on tax sales made for school district taxes, the same as is provided in the case of other taxes, and receive the same fees as is provided in the case of other taxes.

§ 69. MONEYS COLLECTED FOR FINES, ETC. PENALTY FOR WRONGFUL USE OF FUNDS.] 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 treasurers as prescribed by this act. He shall collect all delinquent school taxes, as by law provided for other taxes, and he shall pay the same over to the treasurer of the district entitled thereto, less his fees and cost of collecting; and if any county treasurer shall refuse to deliver over to the order of the superin-

tendent any money in his possession, or shall use, or permit to be used, for any other purposes than are 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.

§ 70. REFUNDING MONEY IMPROPERLY COLLECTED.] Whenever an 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.

§ 71. CITY SCHOOLS ENTITLED TO SCHOOL FUNDS.] 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*, That the clerk of the board of education in such city or village shall make due report within the time and manner prescribed in this act to the superintendent of schools.

§ 72. CLERK AND TEACHER TO KEEP REGISTER.] It shall be the duty of the district clerk to provide a suitable school register, at the expense of the district, and keep it as one of the records of his office, except during each term of school, at which time the teacher shall keep said register, and record therein each day the attendance of each pupil present. The teacher shall also record whatever statistics are needful for making accurate reports as herein required.

§ 73. TEACHER TO GIVE NOTICE.] It shall be the duty of every teacher, on commencing a term of school, to give written notice to the superintendent of the time and place of beginning such school, and the probable time when it will end.

§ 74. TEACHER'S REPORT WHAT TO CONTAIN.] It shall be the duty of the teacher of each district school, at the expiration of each term, to make out full duplicate reports, and deliver one copy thereof to the district clerk and one to the county superintendent. Said reports shall show the names, ages and sex of all pupils admitted during such term, the branches taught, the studies pursued by each pupil, the text books used, the number of days taught, the number of days each pupil was present, the average daily attendance, the date

when school begun and ended, the salary per month, including board, and information concerning the school and property. And every 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.

§ 75. PENALTY FOR FALSE REPORT.] Every clerk or treasurer of a district board who shall wilfully 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 thirty days.

§ 76. PENALTY FOR REFUSING TO DELIVER RECORDS.] 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 twenty-five dollars.

§ 77. JUDGMENT AGAINST SCHOOL DISTRICT, HOW PAID.] Whenever 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 against any school district.

§ 78. JURISDICTION OF JUSTICES OF THE PEACE.] 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 to appeal as in other cases.

§ 79. COMPENSATION OF SCHOOL DISTRICT OFFICERS.] No school district officer mentioned in this act shall receive any compensation for his services out of the territorial or county school fund, but a regularly convened district meeting may by vote allow the district board such compensation as they shall deem proper, out of the contingent fund.

§ 80. DIRECTOR'S DUTY. SCHOOL BOARD TO SUPPLY BOOKS TO POOR CHILDREN.] It shall be the duty of the director to ascertain whether any children in the district between the ages of eight and fourteen years are deprived of school privileges while a school is being taught in the district, and learn and report to the board the causes of any such absence. If any parent or

guardian shall make application to the director of his district, stating that his child is unable to attend school from lack of books, and that the parents or guardian of such child are too poor to provide the same, the district board may, in their discretion, supply to said pupils whatever books and slates the teacher may designate as being necessary to said pupils' attendance at school; and the said board may in like manner provide for children having no parent or guardian within reasonable distance.

§ 81. FINES, HOW COLLECTED.] All fines and penalties not otherwise provided for in this act shall be collected by action in any court of competent jurisdiction.

§ 82. MONEYS DONATED, HOW DISPOSED OF.] Whenever any sum of money shall be paid into the county treasury by an 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 to what purpose the same is applied, whether to the payment of teachers' wages, the building or leasing of school houses, 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 treasurer by order of the county superintendent of schools and applied by the district board of the proper district to the object specified in the certificate of donation. And the county superintendent of public schools shall make a statement of the expenditure of said fund in his annual report.

§ 83. TEACHERS' INSTITUTE.] The superintendent of public instruction shall, in each year, upon the written request of the superintendents of one or more counties, appoint and hold an institute for teachers, at some convenient place for such counties, to be designated in such request. He shall appoint the time for such institute, and notify the county superintendents thereof, who shall notify all the teachers within their respective counties, and require their attendance. The county superintendents of such counties shall attend such institute, and assist the territorial superintendent in conducting the same. The time of such institute shall be diligently and faithfully employed in normal instruction within the branches

in which instruction is required in our common schools, and in school management, classification, grading and discipline, and in the duties of officers and teachers under the school law. Such institute shall not continue for a longer period than six days, nor less than three days, in any one year.

§ 84. TERRITORIAL SUPERINTENDENT TO HOLD TEACHERS' INSTITUTES IN THE DIFFERENT JUDICIAL DISTRICTS.] If the written request for an institute be not made by the county superintendents as provided for in the preceding section, then the territorial superintendent shall, without such request, appoint and hold in each year two institutes in the third judicial district, two in the second judicial district, and one in the first judicial district. Such institutes shall be held for not less than six days each, and if county superintendents and teachers to the number of fifteen sign a written request that the institute be continued longer, it may be so continued, not to exceed twelve days in all: *Provided, however,* That no expense shall be incurred by the Territory, or by the county in which such institute is held, for the holding of the same, except such as is provided by law.

§ 85. COUNTY SUPERINTENDENT TO GRANT CERTIFICATE CHARACTER OF.] The county superintendent shall grant to teachers attending an institute in his county, a certificate showing the number of days said teacher was present and attending to the duties required therein, and the number of days absent, or refusing to participate in the exercises; and he may refuse to grant certificates to teach in his county to any persons who have not attended all the sessions of the county institute, unless prevented by sickness or other unavoidable occurrence.

§ 86. WHEN PUPIL GUILTY OF A MISDEMEANOR.] Every person, whether a pupil of a school or otherwise, who shall molest or disturb a public school when in session, or who shall interfere with and interrupt the proper management of the school so as to prevent the teacher and pupils from performing their duties, shall be held guilty of a misdemeanor, and shall upon conviction thereof be subject to the penalties provided by law for disturbing a public meeting.

§ 87. SCHOOL MONTH DEFINED.] A school month shall consist of four weeks, of five school days each; but no Saturdays shall be counted as school days.

§ 88. BIBLE MAY BE READ.] The bible shall not be excluded from any public school, nor deemed a sectarian book. It may be read in school without sectarian comment, not exceeding ten minutes daily, and no pupil shall be required to read it contrary to the wishes of his parent or guardian.

§ 89. ASSESSORS TO FURNISH CERTIFICATES OF VALUATION TO CLERKS.] It shall be the duty of all county or township assessors to furnish to the school district clerks within their respective counties or townships, at least three days before the annual school meeting, a certificate of the total valuation of all the taxable property, real and personal, within each school district respectively, for the current year, if possible; otherwise he shall furnish the valuation for the preceding year.

FORMS.

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

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 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....., 18..., at.....o'clock,....

.....
County Superintendent of Public Schools.

Dated, this.....day of....., 18...

§ 91. The form of notice for annual district meetings may be as follows:

Notice is hereby given to the voters of school district number....., ofcounty, that the annual meeting of said district will be held at.....on the.....day of....., 18..., at... ..o'clock,....

Dated, this.....day of.. .., 18...

.....
District Clerk.

§ 92. The form of order on the district treasurer may be as follows:

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

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

....., *District Clerk.*

....., *Director.*

Dated at....., D. T., this.....day of....., 18...

§ 93. 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 said school district number....., in the sum of.....Dollars, for the payment of which we bind ourselves severally and jointly, our heirs, executors and administrators, firmly by these presents.

Sealed with our seals, and dated this.....day of....., 18...

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 of....., as prescribed by law, then this obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered in the presence of

..... [L. S.]
..... [L. S.]
..... [L. S.]

§ 94. Vouchers may be in the following form:

Received....., 18..., of....., treasurer of school district number....., county of..... Dollars, for services rendered as teacher in the said district, for the term ofmonths.

Teacher.

§ 95. The form of contracts between district and teacher 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 theday of....., 18..., 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....., 18...

Dated, this.....day of....., 18...

..... Clerk.
..... Director.
..... Treasurer.
..... Teacher.

§ 96. The forms of annual reports of district clerks and treasurers shall be in accordance with the forms to be furnished for that purpose by the superintendent of public instruction, if the same are in accordance with the school law.

§ 97. A school teacher's certificate may be in the following form:

DAKOTA TERRITORY, }
.....County. }

This is to certify that....., has been examined by me and found competent to give instruction in reading, 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 Instruction,County.

§ 98. Chapter 40 of the Political Code of 1877, and all acts and parts of acts heretofore passed in relation to common schools, are hereby repealed: *Provided*, That such repeal shall not affect any rights or liabilities that have accrued under and by virtue of said act or parts of acts: *And provided further*, That all officers that have been duly elected and qualified in accordance with the provisions of said act, shall continue to hold and discharge the duties of their respective offices under this act, until their successors are duly elected and qualified.

§ 99. This act shall take effect from and after March 15th, 1879: *Provided*, That nothing herein contained shall be construed to interfere or conflict in any manner with the provisions of any act establishing a board of education for any incorporated city, town or village, and regulating the management of the public schools therein.

Approved, February 22, 1879.

Elections.

CHAPTER 15.

AN ACT to amend Section Ten of Chapter Twenty-seven of the Political Code on Elections.

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

§ 1. TIME OF OPENING AND CLOSING THE POLLS.] That section ten (10), chapter 27 of the Political Code on elections, be amended to read as follows: "§ 10. At all elections to be held under chapter 27 of the Political Code, the polls shall be