

---

## EDUCATION.

---

### CHAPTER 44.

#### TEACHERS OF PUBLIC SCHOOLS TO KEEP RECORD OF VISITS OF COUNTY SUPERINTENDENTS.

AN ACT Entitled an Act to Require Teachers of Public Schools to Keep a  
Record of the Visits of County Superintendents.

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

§ 1. TEACHERS TO KEEP REGISTER.] A register of superintendents' visits shall be kept in each school house in the Territory, and it shall be the duty of the teacher, at the time of each visit of the county superintendents of schools to forthwith enter a record of such visit, showing the date of such visit and the time spent in such school by the superintendent, and forthwith to transmit by mail to the county clerk or county auditor, as the case may be, a full and complete copy of such entry, attested by the teacher, which copy shall be kept on file as a public record by the county clerk or auditor.

§ 2. STATEMENT TO COUNTY COMMISSIONERS.] Whenever any county superintendent renders his account for services to the board of county commissioners, he shall designate in such account each charge for visiting any school in the county, and this charge shall be separate from all other items, and no compensation for any such visit shall be allowed by any board of county commissioners until the copy of entry, required by the preceding section has been filed, as therein required.

§ 3. PENALTY.] Any person wilfully making or causing to be made any false entry, certificate or record, required by this act, or violating any provision thereof, shall forfeit to the county the sum of twenty-five (25) dollars, to be recovered in civil action, prosecuted by the district attorney, in the name of the county.

§ 4. This act shall take effect and be in force from and after the first day of April, 1887.

Approved, March 8, 1887.

## CHAPTER 45.

## REGISTRATION AND PAYMENT OF SCHOOL WARRANTS.

AN ACT to Provide for the Registration and Payment of Warrants Drawn by the Secretary and President of Boards of Education in this Territory, and to Prescribe the rate of Interest Thereon.

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

§ 1. WARRANTS DRAWN BY PRESIDENT AND SECRETARY OF BOARDS OF EDUCATION—HOW PAID.] Every warrant legally drawn by the president and secretary of any board of education shall be paid by the treasurer of such board in the order of their presentation, and when presented, so long as there is any money whatever in the treasury applicable thereto. Every warrant shall specify the purpose for which the money is paid, and the person, firm or corporation to whom paid. In case the treasurer has no money applicable to the payment of the warrant he shall endorse it, "Presented this . . . day of . . . , and not paid for want of funds," inserting the date of the presentment in the blank, and sign the endorsement, and if he has money to pay a portion of the amount, he shall pay so much of the warrant, and shall endorse thereon the date and amount paid, and add, "the balance not paid for want of funds," and sign the same; and interest at eight per cent. per annum shall accrue upon the amount unpaid of all warrants substantially so endorsed, from the date of such endorsement.

§ 2. TREASURER TO KEEP WARRANT REGISTER AND REGISTER WARRANTS.] The treasurer of every board of education shall provide himself with and keep a warrant register, which register shall show in a column arranged for that purpose, in the order of their presentation, the number and the amount of each warrant presented, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person to whose name the same is registered, the date of payment, when made, the amount of interest, the total amount paid them, with the date when notice to the person in whose name such warrant is registered is mailed, as hereinafter provided.

§ 3. DUTY OF TREASURER.] It shall be the duty of every such treasurer to set aside the money for the payment of each registered warrant in the order of its registration, as soon as money sufficient for the payment of such warrant is received, to the credit of the particular fund upon which such warrant is drawn, and the interest upon such warrant shall thereupon cease, and such treasurer shall by mail immediately notify the person in whose name

the same is registered, and shall pay over to the party holding such warrant such sum when called for.

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

Approved, January 27, 1887.

---

## CHAPTER 46.

### VOTE OF TWO MEMBERS OF TOWNSHIP SCHOOL BOARD NECESSARY TO LEVY TAX.

AN ACT To Amend Sections 46 and 66 of Chapter 44 of the General Laws of 1883. Education.

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

§ 1. RATE OF TAX, ETC.] That section forty-six of chapter forty-four of the Session Laws of 1883 be and the same is hereby amended by striking out the word "ten" where it appears in said section and inserting in lieu thereof the word "two."

§ 2. WHO TO BE VOTERS.] That section sixty-six of chapter forty-four of the Session Laws of 1883 be and the same is hereby amended by adding thereto immediately preceding the word "the" in the first line of said section the following words: "All resident taxpayers and."

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

Approved, February 15, 1887.

## CHAPTER 47.

ESTABLISHING A GENERAL AND UNIFORM SYSTEM OF COMMON  
SCHOOLS.

AN ACT To Amend Chapter 44 of the Session Laws of 1883, Relating to  
Education.

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

§ 1. That the said chapter forty-four, of the Session Laws of 1883, is hereby amended to read as follows:

§ 1. SUPERVISION AND CONTROL VESTED IN TERRITORIAL BOARD OF EDUCATION.] That the general supervision and control of public instruction in the Territory of Dakota shall be vested in a Territorial Board of Education, which board shall be composed of the Territorial Superintendent of Public Instruction, who shall be president thereof, and two persons of proper learning, ability and educational experience, appointed by the Governor, by and with the advice and consent of the Territorial Council. Each member of the Territorial Board of Education, except the Territorial Superintendent, shall hold his office for a term of four years, and until his successor is appointed and qualified; *Provided*, that the member first appointed under this act shall hold for a term of two years and until his successor is appointed and qualified; and the Governor shall designate when sending the names of members to the Council, whether they are for the long or short term. Should a vacancy occur while the Legislature is not in session the Governor shall have power to fill such vacancy by appointment, which appointment shall be valid until filled by the Governor and Council as above provided; and all appointments shall be made so that one of the two members above named shall retire on March 30th, immediately following each session of the Legislative Assembly. A quorum of the Territorial Board of Education shall consist of three members, but no business shall be transacted by said board except in regular or special session; and in case of a special session, after due notice in writing of at least ten days, has been served upon each member of the board, by order of the president.

§ 2. POWERS AND DUTIES OF BOARD.] The Territorial Board of Education shall have power and it shall be their duty:

1. To select a vice president and a secretary.
2. To frame and modify at pleasure such by-laws as may be deemed expedient for their own government, not inconsistent with the provisions of this act, and to prescribe and cause to be en-



forced all rules and regulations necessary for carrying into effect the school laws of this Territory.

3. To consider the necessities of the public schools and recommend to the Legislature, from time to time, such additions and amendments to the laws as are deemed necessary for perfecting the school system of the Territory.

4. To prescribe all rules and regulations for holding teachers' institutes.

5. To prescribe a course of study for the public schools of the Territory, including the high schools, and for all Territorial normal schools, whether established by the Territory or designated as such under the provisions of this act.

6. To authorize the payment by the Territorial Treasurer, upon the warrant of the Territorial Auditor, of all necessary incidental expenses, not to exceed three thousand dollars per annum, incurred by the Territorial Superintendent and the Board of Education in the performance of their official duties.

7. To decide all appeals from the Territorial Superintendent of Public Instruction, and prescribe the rules of practice before the educational department.

8. To prepare, or cause to be prepared, all questions for the examination of applicants for teacher's certificates, both county and Territorial, and to prescribe rules for the conduct of all examinations.

9. To issue a Territorial certificate, to be valid for the term of ten years, unless sooner revoked, to be known as the professional certificate. Such certificate shall be issued only to those persons of good moral character who pass a thorough and satisfactory examination in all the branches included in the courses of study prescribed for the common and high schools of the Territory, including methods of teaching, and such other branches as the board may direct. Such certificate shall be valid throughout the Territory, and the holder shall be authorized to teach in any of the common or high schools of the Territory without further examination, except that in cities of more than 4,000 inhabitants the school board may, at their discretion, re-examine an applicant bearing such certificate.

10. To issue a Territorial certificate to be valid for a term of five years unless sooner revoked, which shall authorize the holder to teach in any of the common schools of the Territory, and which shall be known as the normal certificate. Such certificate shall be issued only to those persons of good moral character who have completed the prescribed course of study in one of the normal schools of the Territory, or in a normal school elsewhere having an established reputation for thoroughness; but the board may examine any such applicants at their discretion. The board shall require a fee of not more than \$5 for each professional or normal certificate issued, which fee shall be used by the board to aid in the establishment and maintenance of teachers' reading circles in

the Territory; *Provided*, That no Territorial certificate shall hereafter be issued by any normal school in the Territory.

11. To revoke at any time any certificate issued in the Territory, for any cause which would have been sufficient ground for refusing to issue the same, had the cause existed or been known at the time it was issued.

12. To procure and adopt the best plans and specifications for the construction of school houses, and to furnish the same to the various school boards of the Territory, when needed, free of charge. In the construction of the plans, due attention shall be given to lighting, heating and ventilation, and the easy maintenance of the proper sanitary conditions of the buildings.

13. To publish not oftener than once in two years, the school laws in force, with such forms, regulations, instructions and decisions as they may judge expedient thereto annexed, and cause the same to be forwarded to the persons entitled to receive them. They shall prescribe and cause to be prepared all forms and blanks necessary in the details of the common school system, so as to secure its uniform operation throughout the Territory, and shall cause the same to be forwarded to the several county superintendents, to be by them distributed to the several persons or officers entitled to receive the same.

14. To make out and deliver to the Governor, on or before the fifteenth day of December preceding each regular session of the Legislature, a report containing: First—A statement of the number of common schools of the Territory, the number of pupils attending the same, their sex and the branches taught; a statement of the private or select schools of the Territory, as far as the same can be ascertained, and the number of pupils attending the same, their sex and the branches taught; a statement of the number of normal schools in the Territory, and the number of students attending them; the number of academies and colleges in the Territory and the number of students attending them, and their sex, and such other matters of interest as the board may deem expedient, drawn from the reports of the county superintendents of the several counties in the Territory, and from other reports received on the subject of education from trustees or other school boards within the Territory. Second—A statement of the financial condition of the school system of the territory, including all receipts and expenditures. Third—A statement of such general matters and such other information relating to the educational interests of the Territory as they may deem important.

15. To provide and keep a seal which shall be the official seal of the board, and by which all official acts of the board may be authenticated.

16. To meet at the office of the Superintendent of Public Instruction each month during the year; and they shall have power to adjourn from time to time, whenever the president deems an adjournment necessary. And the president shall have power to

call a special meeting of the board whenever the interests of the school work of the Territory demand it. The other two members of the board shall be assistants to the Superintendent and shall receive a salary of fifteen hundred dollars per annum each.

§ 3. TERRITORIAL SUPERINTENDENT — HOW APPOINTED — SALARY.] At each biennial session of the Legislative Assembly the Governor shall, by and with the advice of the Territorial Council, appoint the Territorial Superintendent of Public Instruction, who shall hold his office two years from the 30th day of March following his appointment. He shall have eminent educational and business qualifications.

§ 4. The Territorial Superintendent shall have full management and supervision of the public schools of the Territory, subject to such limitations as are or may be prescribed by law. He shall prescribe the duties of the assistant superintendents, and they shall perform any duties so prescribed. The Governor is authorized to remove from office any superintendent or assistant superintendent who violates or fails to faithfully discharge the duties of his office; and he is authorized to appoint a successor or successors, who shall hold their office until the end of the next session of the Legislative Council. The Superintendent shall receive a salary of two thousand five hundred (2,500) dollars per annum.

§ 5. DUTIES OF SUPERINTENDENT.] The Territorial Superintendent may decide all controversies or disputes that may come under the school laws of the Territory, or under the rules and regulations prescribed by the Territorial Board of Education. The facts of which controversies or disputes shall be made known to him by written statements of the parties thereto, verified by oath or affirmation, if required, and accompanied by certified copies of all documents necessary to a full understanding of the question in dispute.

§ 6. TO PRESERVE MISCELLANEOUS DOCUMENTS.] He shall preserve in his office such books, apparatus, maps, charts, works on education, plans for school buildings and other articles of interest to school officers or teachers, as may be secured without expense to the Territory.

§ 7. SHALL KEEP RECORD.] He shall file all school reports of the Territory and of the states and other territories which may be sent to his office or to the board of education, and shall keep a record of all the acts connected with his official duties and preserve all decisions given by him.

§ 8. SHALL DELIVER TO SUCCESSOR.] He shall, at the expiration of his term of office, deliver to his successor all property, books and documents, maps, records, reports and other papers belonging to his office, or which may have been received by him for the use of his office.

§ 9. OATH OF OFFICE.] Each member of the Board of Education and the Territorial Superintendent shall, before entering upon

their duties, take and subscribe an oath or affirmation to support the constitution of the United States and the organic act organizing the Territory of Dakota, and to faithfully discharge the duties of his office.

§ 10. ANNUAL ELECTION.] The annual school election shall be held on the third Tuesday of June in each year, beginning with the year 1887, and a polling place is hereby established in each sub-district of each township, the director of the sub-district to be the judge of election, and a clerk of the election shall be elected by the voters present at the opening of the polls. If the director should not be present a judge of election shall be chosen by the voters present.

§ 11. ELECTION OF DIRECTOR—DUTIES OF.] At the annual school election the qualified voters of each sub-district shall elect one director, who shall preside at all sub-district meetings, and who shall be a member of the township school board, except where a sub-district includes, or is composed of, an incorporated city, town or village; and in such cases such sub-district shall elect in the same manner as many directors as it has departments regularly employing separate teachers, and the said directors shall be members of the township board, and constitute the board of education of such sub-district, which board shall have the same power as the directors of other sub-districts. The director acting under the advice of the patrons of the sub-district shall have power, and it shall be his duty, to make any necessary repairs to the school house, outbuildings or grounds; purchase all supplies for the school room; to select the teachers for the schools of the sub-districts, and to perform such other duties as are prescribed by law and by the rules and regulations of the school board of the township, consistent with the law; *Provided*, That the township school board shall prescribe rules and regulations governing the expenditure of money for the purpose aforesaid; and the township board may select a teacher for any sub-district when the director and patrons of the sub-district neglect to make a selection.

§ 12. BOUNDARIES OF SUB-DIVISIONS—HOW DETERMINED.] It shall be the duty of each of the present township school boards to meet on the last Tuesday in May, 1887, and temporarily fix the boundaries of each sub-district in the townships and to make out and post a description of each subdistrict upon the door of the school house therein. In no case shall the township board number less than three members, and where there is but one school in a township, one member shall be elected therefrom and two at large. Where there are two schools each shall elect a director, and one shall be elected at large. The school board elected shall at their first meeting, or as soon thereafter as practicable, define the permanent boundaries of the sub-district.

§ 13. QUORUM.] A majority of the board shall constitute a quorum for the transaction of business, and the agreement of a

majority of the board shall be necessary to bind the township in any contract. Should the full board be composed of an even number of members, and should they be evenly divided upon any question, the question shall be considered lost.

§ 14. TOWNSHIP TREASURER, HOW ELECTED.] At the same time at which the director is elected, and upon the same ballot, the qualified voters of the township shall elect one township treasurer who shall hold his office for a term of one year. He shall take a similar oath of office to the one required of the director, and shall enter into an undertaking in favor of the school township to be approved by the board, and in a sum to be fixed by the board, but not less than double the sum, as near as can be ascertained, to come into his hands during the year, to faithfully discharge his duties as treasurer, and to render a true account of all funds and property of every kind that shall come into his hands, and pay and deliver the same according to law. The treasurer shall not be a member of the township school board. The judge and clerk of election shall, immediately after the canvass of the votes for director, send a certified copy of the vote cast for said officer to the township clerk, and the clerk shall certify the result to the county clerk without delay.

§ 15. TOWNSHIP SCHOOL BOARD TO ELECT CLERK—DUTIES OF.] The directors elected in the various subdistricts shall constitute the township school board, and they shall meet on the second Tuesday in July, and after each has qualified according to law, organize the school board by electing a chairman from their number, who shall preside at all their meetings when present, and who shall sign all orders and contracts on behalf of the board, which shall be attested by the clerk. The board shall elect a clerk, not a member of the board, whose duty it shall be to act as clerk of the school board and to perform all duties required of him by law and by the school board consistent with the law. He shall before entering upon his duties take an oath to faithfully and impartially perform all his duties as such clerk, and to account for and turn over to his successor all accounts, books and other property of the township coming into his hands, as such clerk.

§ 16. FEES.] The township school board shall pay the clerk and treasurer each a reasonable compensation for his services, which compensation shall be fixed at their first meeting, and shall not be less than fifteen nor more than twenty-five dollars per annum.

§ 17. WHAT CONSTITUTES A MISDEMEANOR.] Any school treasurer who fails to account according to law for all the funds and property coming into his hands, or any school officer who misappropriates any school money or property in a manner not amounting to embezzlement, shall be deemed guilty of a misdemeanor.

§ 18. MISAPPROPRIATION OF REVENUES.] It shall be the duty of any school officer of the Territory, whenever he learns of any misappropriation or unlawful detention, embezzlement or other

criminal misuse of public school revenues or funds by any officer or person, to immediately lay the matter before the district attorney of the proper county, and it shall be the duty of such district attorney to promptly prosecute the parties charged and bring the action in the name of the school corporation for the recovery of such funds or revenues. Should the district attorney, after receiving the information from such officer, neglect to prosecute any such offender for a period of two months, or should he refuse to prosecute, the Attorney General of the Territory shall have power, upon being notified of such neglect or refusal to prosecute, or to direct prosecution in any such action.

§ 19. BIBLE MAY BE READ IN SCHOOL WITHOUT SECTARIAN COMMENT.] No sectarian doctrine shall be taught in any public school; but the bible may be read in school not to exceed ten minutes daily, without sectarian comment: and no pupil shall be required to read it contrary to the wishes of his parent or guardian, or other person having him in charge.

§ 20. COUNTY SUPERINTENDENT.] The qualified voters of the several sub-districts in each organized county of the Territory shall, at the annual school election in June, in each even numbered year, beginning with the year 1888, and at the same time and in the same manner that the directors are chosen, as provided in sections twelve and thirteen of this act, elect one county superintendent of public schools, either male or female, whose term of office shall be two years, beginning with the first day of October, following the election.

§ 21. MANNER OF CONDUCTING ANNUAL ELECTIONS.] At the annual school election provided for in section twelve of this act the polls shall be opened at 2 o'clock in the afternoon and continue open until 5 o'clock of the same day. The judge of election, with the aid of the clerk, shall count the votes cast for director, and the persons receiving the highest number of votes cast shall be declared elected. If the election result in a tie, the clerk of election shall immediately notify in writing the parties having received such tie vote, and a time shall be agreed upon by the parties, within three days after the election, at which the election shall be decided by lot in the presence of the judge and clerk, and a record of the proceedings shall be made in the records of the sub-districts. The judge and clerk of election shall also count the votes cast for treasurer and place the result in a sealed envelope, and deliver the same to the township clerk in person, within three days after the election. Should an election be held for county superintendent of public instruction, the result of such vote shall be placed in a sealed envelope and delivered to the township clerk in person, within three days after the election.

§ 22. TOWNSHIP CLERKS TO ISSUE CERTIFICATES OF ELECTION.] Upon receiving the returns from the various sub-districts of the votes cast for treasurer, the township clerk shall without delay open

them, and after counting the votes, he shall issue a certificate of election to the person receiving the highest number of votes according to the face of the returns. If there be a tie the township clerk shall notify the parties to appear before him at a time specified, and within three days, and the election shall be decided by lot.

§ 23. TOWNSHIP CLERK TO MAKE ABSTRACT OF VOTES.] Upon receiving the returns from the various sub-districts of the votes cast for county superintendent, the township clerk shall immediately make an abstract of the votes as they appear upon the returns, and deliver the same in person, without delay, to the county clerk, who shall immediately issue a certificate of election to the person having the highest number of votes in the county, according to the face of the returns made to him.

§ 24. WHEN COUNTY SUPERINTENDENT SHALL QUALIFY.] The county superintendent shall qualify on or before the first day of October of the year in which he is elected, by taking the proper oath of office and entering into an undertaking in the sum of \$500 with one or more sureties, to be approved by the board of county commissioners. The oath shall be subscribed to upon the back of the undertaking, which shall be filed with the county clerk.

§ 25. REMOVAL FROM OFFICE.] The county superintendent may be removed from office as provided by law.

§ 26. PENALTY FOR VIOLATION OF THIS ACT.] Any judge or clerk of election, township clerk or county clerk who wilfully violates the provisions of this act in relation to elections, or who wilfully makes a false return, shall upon conviction be punished by imprisonment in the Territorial prison for a term of not less than one year nor more than three years.

§ 27. QUALIFICATION OF VOTERS.] In all elections held under the provisions of this act, all persons who are qualified electors under the general laws of our Territory, and all women of twenty-one years of age, and over, having the necessary qualifications as to citizenship and residence required by the general laws, and who have children of school age under their care or control, shall be qualified voters.

§ 28. WHO ELIGIBLE TO OFFICE.] All persons, either male or female, being twenty-one years of age and over, having the necessary qualifications under the general laws as to citizenship and residence, shall be eligible to the office of school director, judge or clerk of election, township clerk or county superintendent of public schools.

§ 29. POWERS OF VOTERS AT SPECIAL SCHOOL MEETING.] Besides the annual election, a special school meeting may be held at any time in any sub-district under call of the director or of five qualified voters, ten days' notice of such meeting and its purpose being given by posting in three public places in the sub-district, one of which notices to be placed upon the door of the school house, said meeting to be presided over by the director, if he be

present, or if he be absent, the qualified voters present may chose a temporary chairman, at which meeting the voters shall have power:

1. To determine what, if any, branches in addition to those required by law for common schools, shall be taught in such school, and the time at which such school shall begin and be taught; *Provided*, That all the tuition fund apportioned to the sub-district shall be expended within the school year for which it is apportioned.

2. To direct such repairs as they may deem necessary in their school house and in its furniture and other belongings, subject to any general rules made by the township board governing such expenditures.

3. Upon a vote of a majority of the electors of any sub-district, to direct the removal of their school house to a more convenient location at the expense of the sub-district, or at their expense to direct the sale of the school house and lands therewith belonging, and erect a new house, and to advise any other subject connected therewith.

4. To advise the director as to their choice of teacher, which advice shall be regarded by the director and township board, but they shall not have power to select a teacher who is not qualified under the law, nor to reduce the wages of a teacher below the proper grade.

§ 30. CORPORATE NAME.] Every organized school township is hereby declared a distinct municipal corporation for school purposes, to be known by the proper corporate name of the school township, and by such name shall be capable and have power to contract and be contracted with, to sue and be sued in any court having competent jurisdiction, to take by grant, gift, bequest or devise, and hold and dispose of and convey any real or personal property or estate; and all such property shall be vested in said corporations respectively. This section and the powers in this act granted to such corporations and the school boards thereof shall not be construed to prevent the alteration of the boundaries of any such corporation, for the good of schools or for necessary civil purposes.

§ 31. FEES OF COUNTY SUPERINTENDENT.] The county superintendent shall receive three dollars for each day actually employed in the discharge of the duties of his office and the sum of ten cents a mile for each mile actually traveled by him in the necessary discharge of his duties. In addition thereto, every county superintendent, in counties of 2,000 population or less, shall receive not less than \$100 per annum as salary. In counties having over 2,000 and under 4,000 population, he shall receive not less than \$200 salary. In counties having over 4,000 and under 10,000 population, he shall receive not less than \$250 salary. In counties having over 10,000 population, they shall receive not less than \$300 salary, which shall be paid to them quarterly, as the



salaries of county officers are paid. He shall also be allowed a reasonable amount not less than actual cost, for record books, stationery and postage for the necessary use of his office and in his duties. He shall make out in detail his account for services and mileage, stating date and time employed, kind of services rendered and number of miles actually and necessarily traveled in his duties, which account shall be signed and verified by his affidavit, to the effect that the amount and each item thereof are true; and when so verified, the county commissioners shall, at their next session thereafter, audit and allow the same, and the amount thereof shall be paid by warrant, out of the county general fund. The superintendent may, in such account, charge for less than an entire day of service, but only by half or quarter day items. No order for paying such account shall be issued to any superintendent for the last quarter of any year, who shall have neglected to transmit his report to the Territorial Superintendent, as required by law, and who does not show the receipt of that officer for such report, stating that it is satisfactory in matter and form.

§ 32. DUTIES OF COUNTY SUPERINTENDENT.] The county superintendent shall have the general superintendence of the schools in his county except those of independent districts. He shall visit each common school and graded school within his county at least once in each year, and oftener if he shall deem it necessary for the purpose of increasing their usefulness. At each visit he shall examine the condition of the school in all respects, the mental and moral instruction given, the order and government prevailing and the progress of the pupils, the teacher's ability, fitness for the school and aptness to teach; and he shall especially observe the character of the primary instruction and advise proper methods of practice and drill and encourage aptness in teaching this grade. He shall further advise and direct the teacher concerning the government, discipline and instruction of the pupils, and the course of study to be pursued and order of exercises to be observed, and shall adopt and urge such plans as will tend to improve the schools and bring all to the same course of study; and he shall record and may permit the publication of suitable notes of his inspection of each school.

§ 33. SAME.] The county superintendent shall encourage teacher's institutes and associations and shall labor in every practicable way to elevate the standard of teaching, urge the continued employment of successful teachers, encourage the immigration of skilled teachers and prevent by all proper means the employment of those who are incompetent and inefficient teachers, and seek to make the employment of all teachers by officers a responsible public duty for the public advantage, and to be free from favor or affection and sectarian interest. In all controversies arising in the administration of the school law, including differences relating to schools, school funds and school townships, and all appeals from the decisions of school township boards, the opinion of

the county superintendent shall be sought, whence an appeal may be taken to the Territorial Superintendent as provided by law and the rules prescribed by the Territorial Board of Education. He shall at all times carry out and execute the decisions and instructions of the Territorial Superintendent and Territorial Board of Education, and shall constitute the medium between these officers and subordinate school officers and teachers and schools. *Provided*, That nothing in this act shall be so construed as to change or abridge the jurisdiction of any court in cases arising under the school law, nor the right of any person to bring an action in any court in any case arising thereunder.

§ 34. TO KEEP RECORDS, ETC. ] The county superintendent may provide a suitable office for the transaction of business, when not provided by the board of county commissioners, and they shall audit accounts for all necessary expenditures for the use and furniture of said office. He shall keep a book of record of his official acts, and safely keep all books records and papers belonging to his office, and transmit them to his successor. All books and pamphlets, circulars of information, and other publications by and from the bureau of education of the United States, and all official publications of this Territory, and other public documents and books relating to education, officially received by him, shall be deemed public property, and at least one copy of each thereof shall be kept in his office, and with other public property and records delivered to his successor. He shall prepare for the board of county commissioners, if not previously supplied, a correct sectional map of the county, showing the boundaries and names or numbers of all school townships, and he shall furnish of their respective districts maps each year to the county or township assessor in time to enable them to perform their duties correctly.

§ 35. POWER TO ADMINISTER OATHS. ] The county superintendent shall have power to administer oaths of office to all subordinate school officers, and to certify the same, and to witness, and to examine them under oath in case of appeal, of petition, of revoking the certificate of a teacher, and in all controversies and questions arising in the administration of the school laws brought or coming before him for opinion, order or decision, but he shall not receive additional pay for administering such oaths. Such oaths administered by him shall have the same binding force and legal effect as those authorized by chapter twenty of the Political Code, under the same conditions and penalties.

§ 36. PUBLIC EXAMINATIONS. ] The county superintendent shall hold public examinations of all persons over the age of eighteen years, offering themselves as candidates for teachers of common schools, at the most suitable place in the county, on the first Tuesday of January, April, June, August and October of each year, notice of which shall be given publicly as possible, at

which times he shall examine them by a series of written or printed questions, according to the rules prescribed by the Territorial Board of Education; and if from the ratio of correct answers compared with the per cent. required by the rules and other evidences disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's successful experience, if any, the applicant is found to possess a knowledge and understanding, together with aptness to teach and govern, which will enable such applicant to teach in the common schools of the Territory the various branches required by law, said superintendent shall grant to such applicant a certificate of qualification, if he is satisfied the applicant is a person of good moral character.

§ 37. CERTIFICATE OF QUALIFICATION TO TEACH.] Such certificates shall be of three regular grades; the first grade for the term of two years, the second grade for eighteen months and the third grade for twelve months, according to the ratio of correct answers of each applicant, and other evidences of qualification appearing from the examination. No certificate shall be issued to any person under eighteen years of age, and no person shall be employed to teach in any of the schools of the Territory who is not the holder of a lawful certificate of qualification. Any contract made in violation of this section shall be void. The certificates issued by a county superintendent shall be valid only within the county where issued. For a certificate of the second and third grade, the applicant is excused from examination upon geometry, algebra, physical geography, bookkeeping, natural philosophy and civil government.

§ 38. INSTITUTE FUND—HOW CREATED.] Every applicant for a certificate shall pay one dollar to the county superintendent, which shall be deposited by the superintendent with the county treasurer as an institute fund, and remain subject to the order of the superintendent. The institute fund shall be used to defray the expenses incurred in the conduct of teacher's institutes only; and at the end of each year the county superintendent shall submit a full and accurate statement of the receipts and disbursements of these funds, verified by his oath, to the Territorial Superintendent.

§ 39. COUNTY SUPERINTENDENT MAY REVOKE CERTIFICATE—WHEN.] The county superintendent is authorized and required to revoke and annul at any time a certificate granted by him or his predecessor, for any cause which would have authorized or required him to refuse to grant it if known at the time it was granted, and for incompetency, immorality, intemperance, crime against the Territorial law, cruelty, general neglect of the business of the school, or for refusal to attend a teacher's institute after due notice; and the revocation of the certificate shall terminate the employment of such teacher in the school where he or she may be at the time employed, but the teacher must be paid up to the

time of receiving notice of such revocation. The superintendent must immediately notify the clerk of the school corporation where the teacher is employed, and may notify the teacher through the clerk of such revocation, and must enter his action in such case of record in the books of his office.

§ 40. PROCEEDINGS TO REVOKE CERTIFICATES.] In proceedings to revoke a certificate the county superintendent may act upon his personal knowledge, or upon competent evidence obtained from others. In the latter case action shall be taken only after fair hearing, and the teacher must be notified of the charge and given an opportunity to make a defense at some time and place stated in such notice. Upon his own knowledge the superintendent may act immediately without notice. When any certificate is revoked the teacher shall return it to the superintendent; but if the teacher refuse or neglect so to do, the superintendent may issue notice of such revocation by publication in some newspaper printed in the county.

§ 41. WHAT COUNTIES GOVERNED BY THIS ACT.] All counties in this Territory at present organized under the school township act and all which may hereafter organize under the township system for school purposes, shall be governed by this act.

§ 42. WHEN SCHOOL TOWNSHIPS TO ASSUME SAME BOUNDARIES AND NAME AS CIVIL TOWNSHIPS.] In all counties where the civil township government has been fully established any school township hereafter organized shall assume the same boundaries and name as the civil township; and should both be organized at the same time the boundaries and name shall be the same. When organized as school townships they shall be known in law and in all transactions whatever under the proper name and style of each as a school township, as ..... school township of ..... county, Territory of Dakota.

§ 43. WHEN COUNTY COMMISSIONERS TO DIVIDE COUNTY INTO SCHOOL TOWNSHIPS.] In any county hereafter organizing under this law the board of county commissioners shall so divide the county into school townships as will best subserve and promote the permanent interests and welfare of the public school in the whole county, and so that the township, shall have, when settled, sufficient area and population and number of schools to furnish the proper educational advantages to the people. Whenever a settlement having twenty-five or more children of school age is divided by a township line, and the nearest school in the two practically excludes the children therein from convenient school privileges, such settlement shall be created into a sub-district and attached to the township in which the majority of the school population in such sub-district reside. To effect this it shall be the duty of the school boards of the two townships to co-operate, and each board shall do and perform all acts necessary to carry the provision into effect. When such sub-district is cre-

ated it shall form a permanent part of the township to which it is attached, and become subject to the same conditions and law.

§ 44. WHEN SCHOOL TOWNSHIP TO BE KNOWN BY NUMBER GIVEN IT BY COUNTY BOARD.] The school township so formed and bounded, when not previously organized into civil townships, shall be known by the number given to each by the county board until a name is adopted, and at the first township meeting the electors of each school township shall choose by ballot a name for their township, to be substituted in lieu of the number fixed by the county board, which shall be recognized by such board and entered upon their records, after which such township shall be known and designated in law, and in all business, by the name so chosen; and should the electors of any school township fail to choose a name, as provided, the county board shall select one, and so record it, and notify the school township.

§ 45. WHEN COUNTY CLERK TO TRANSMIT CERTAIN PAPERS TO AUDITOR.] The county clerk shall within thirty days after the first school township election, held as herein provided, transmit to the Territorial Auditor a plat of the county, showing the boundaries and name of each school township therein, and shall record a copy of the same, together with all the proceedings of the county board had and done under this act, in a proper book kept for that purpose; but no two townships in the same county shall be given the same name.

§ 46. WHEN DIRECTOR TO ACT AS JUDGE.] At the annual school election provided for herein, the director shall act as judge under his oath of office, and he is hereby authorized to administer the oath to the person chosen as clerk. Should the director not be present, the person elected to serve as judge in his stead shall administer the oath of office to the clerk, and the clerk shall in turn administer the oath to the person selected as judge; and the elections shall be held and conducted in the manner prescribed by the laws regulating general elections, except as in this act provided.

§ 47. FIRST ELECTION ORDERED BY COUNTY COMMISSIONERS.] The first election to organize a school township shall be ordered by the board of county commissioners, and the notices shall be made, signed and posted by some resident of the proposed township, to be elected by the county commissioners; but no school township shall be organized until the county board are satisfied that it has at least eight thousand dollars of taxable property, and not less than eight children of school age residents within it. The county board shall designate the polling places, after which the election shall proceed as hereinbefore provided, except that the returns shall be made for treasurer to the county clerk, who shall issue the certificates of election. All subsequent elections shall be called by the township school board, who shall cause not less than two notices thereof to be posted in each sub-district in the township, one of which shall be posted on the

school house door by the director of the sub-district, and not less than ten days before the election, which notices shall be signed by the clerk, or in his absence by the chairman of the board.

§ 48. WHEN SCHOOL CLERK TO TRANSMIT CERTIFICATES OF ELECTION.] In all elections after the first, in school townships, the school clerk shall, within three days after the canvass of the votes, as hereinbefore provided, or, in case of a director, within three days after receiving the copy of the returns, sign and transmit to each person elected to any office in the school township, a certificate of his election to the office, naming it fully. In the first election the school clerk shall, immediately after he qualifies, certify to the county clerk the name chosen for the township.

§ 49. WHEN VACANCY OCCURS IN OFFICE, HOW FILLED.] When any vacancy occurs in any office of a school township or sub-district, by death, resignation, ceasing to be a resident of a township or sub-division, or otherwise, the fact of such vacancy shall be immediately certified to the county superintendent by the clerk of the school township, and the county superintendent shall immediately appoint, in writing, some qualified person, who shall qualify and serve until the next annual election of the school township, when a successor shall be chosen for the succeeding term. The county superintendent shall at the same time notify in writing the county clerk and the clerk of the school township of every such appointment.

§ 50. WHEN NEW BOND MAY BE REQUIRED OF TOWNSHIP TREASURER.] The school board or the county superintendent may, at any time, require a new and additional bond from the township treasurer, and shall require a new or additional bond whenever the amount of money to come into the hands of such treasurer shall be equal to three-quarters of the penal sum of such bond, or upon the failure, death or removal from the county of any one of the sureties, or for other sufficient reason.

§ 51. WHERE BONDS TO BE FILED.] All such bonds shall be filed with the county clerk, and in case of the breach of any condition thereof the board, through their chairman, and in case of failure or refusal so to do, the county superintendent shall cause an action to be commenced and prosecuted thereon, in the corporate name of the school township, and any money collected shall be paid into the county treasury to be applied to the use of the schools of said township. If the board and county superintendent both fail or refuse to bring such action upon the breach of the bond, then any taxpayer of the township may cause such action to be commenced and prosecuted; and the necessary expense of such action shall be paid, unless otherwise ordered by the court, out of the township treasury.

§ 52. PENALTY FOR WILFULL NEGLECT OF DIRECTOR OR TREASURER TO QUALIFY.] Every person duly elected to the office of director or treasurer of any school township, who shall wilfully neglect or refuse, for the period of one month after his election, to accept

and qualify for 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 \$10 to the school fund of his township, which amount may be recovered from him in a civil action before any justice of the peace in the county, at the suit of any officer or taxpayer of his township, and the office shall be deemed vacant, and it shall be the duty of the county superintendent to immediately fill such vacancy by appointment.

§ 53. PENALTY FOR NEGLIGENCE OF TREASURER TO PAY MONEYS OVER TO SUCCESSOR.] If any person shall refuse or neglect to pay over any money in his hands as treasurer of a school township to his successor in office, such successor must without delay bring action upon the official bond of such treasurer for the recovery of such money.

§ 54. SCHOOL BOARD TO HAVE CHARGE OF PUBLIC SCHOOLS.] The school board of the township shall exercise its corporated powers, and shall have charge and direction of the public schools and their affairs therein, and the control and management of its schools and all school property belonging to it, both real and personal, limited by the provisions of this act, and in the discharge of these duties they shall have power:

1. To purchase, sell, exchange and hire school houses and rooms, lots or sites for school houses, and to fence [and] improve them as may be suitable and proper; but they shall erect or purchase no school house upon leased ground.

2. Upon such sites or lots as are now owned by the school townships or sub-districts, and upon others purchased or taken according to law, to build, enlarge, alter, improve and repair school houses, outhouses and appurtenances as to them as may seem advisable [and] necessary; and they [may] join with the taxpayers of any sub-district for the erection or improvement of any house, when funds are furnished for this purpose by the sub-district, in addition to those furnished by the township.

3. The member of the township board from each sub-district shall have the care and custody of the school house and school property of his sub-district, subject to any general rules and regulations prescribed by the school board.

4. To organize, locate and establish conveniently such and a sufficient number of schools as are necessary for the education of all the children of school age within the township, and to discontinue or change any of them, according to law.

5. When a teacher has been selected by any sub-district or its director, the chairman and the clerk shall execute the contract with such teacher.

6. The clerk of the board shall draw the order for any teach-

er's wages, and the chairman shall approve the same when presented with a certificate from the director of such sub-district, certifying that the school, or any particular month of the school, has been taught according to contract.

7. To defray the necessary contingent expenses of the schools, of the board, and other expenses for school journals and publications, and for Webster's Unabridged Dictionary for each school, which they are authorized to purchase, but the member from each sub-district shall have direct control of such expenditures, subject [to] equitable rules to be prescribed by the school board, and any sub-district being dissatisfied with the rules thus prescribed may appeal therefrom, as in other cases, and the county superintendent, Territorial Superintendent, or Territorial Board of Education may revise such rules.

8. To have a proper supervision and management of the common or public schools of the township, to make and adopt rules and regulations for their organization, grading, government and efficient instruction, and for the reception of pupils not residents of the township, or the transfer of pupils from one sub-district to another, and generally for their good order, prosperity and utility, subject to the same appeal and revision provided for in the preceding paragraph.

9. To prepare and forward through their clerk the reports required by law, and perform all required duties concerning them.

10. To make such rules as may be necessary and proper for the protection, safe keeping, care and preservation of school-houses, lots, sites, appurtenances, books, and all other school property, subject to appeal and revision as above provided.

11. To purchase, sell, exchange, improve and repair school apparatus, books for needy pupils, furniture and appendages for the school house, and to provide fuel for schools; and if they deem it advisable, to purchase class and text books, and stationery, and other necessary articles required by pupils in their school work, and sell and rent them to the pupils in the schools under their control and management.

12. They shall also have power, as hereinafter provided, to establish, maintain and control high schools, or such graded schools as may be practicable, and provide for the instruction therein of pupils from the primary schools of the township who are sufficiently advanced.

13. In any township where there exists a village or densely settled community in a central location, and outside of which, in the township, the settlement is too sparse to maintain good schools, and such a school is considered by the board and the people of the township as better adapted to their needs, the board may locate and build one school house at some convenient and ac-



cessible point in the township, which shall [have] two or [more] school rooms, and in which a graded school may [be] taught, to which shall be admitted all such pupils in the township as are not otherwise provided with school privileges. When the township is of larger area than a congressional township they may locate and build two or more such school houses, and open and maintain such a graded school in each.

§ 55. HOW SUB-DISTRICTS TO BE NUMBERED.] All sub-districts in a township shall be numbered by the board from one upward, and record shall be made of such numbers, and hereafter the school sub-districts shall be known and referred to in all matters, and in all contracts with teachers, and in the minutes and proceedings of the board, by this number so assigned and recorded.

§ 56. HOW TOWNSHIP TUITION FUND SHALL BE APPORTIONED.] So much of the township tuition fund as will equal \$150 to each sub-district, shall be apportioned equally to the use of the various sub-districts each year. Any balance remaining in the treasury shall be apportioned to the use of the several sub-districts in the township in proportion to the number of children of school age residing in each.

§ 57. SCHOOL BOARD TO GRADE TEACHERS' SALARIES.] It shall be the duty of the township school board at their annual meeting in July of each year to grade the teachers' salaries for their townships in accordance with the grades of certificates, keeping in view the number and grade as nearly as possible, of the various schools of the township, and the funds to be at the command of the board during the year. When the wages for first, second and third grade teachers for the township are established, no teacher shall be paid a less sum per month than is fixed for the grade to which he or she belongs, and no one holding a certificate of a lower grade shall be paid a salary equal to that paid a teacher of higher grade in the same township. In considering the subject of grading the teachers' salaries the township school board shall confer and advise with the county superintendent, and it shall be the duty of the township board to maintain as nearly as practicable, a just [and] equitable scale of teachers' wages, based upon the certificate held by each teacher.

§ 58. SCHOOL BOARD TO LEVY TAX.] The school board of the township shall have power to levy upon all the property subject to taxation in the township a tax for school purposes of all kinds authorized by law, not exceeding a rate of three per cent., or thirty mills on the dollar, in any one year. Such tax shall be levied by resolution of the board prior to the 15th day of August in each year, and no tax shall be levied except by an affirmative vote of a majority of the members of the board, and the resolution to levy the tax and vote thereon shall be entered in the record of the proceedings of the board. The clerk shall immediately thereafter notify in writing the county clerk of the rate of tax so

levied. The notice shall be in substantially the following form:

Office of the Clerk of....School Township,  
 ....County, Dakota Territory.  
 ....188..

To the County Clerk of....County,  
 Dakota Territory.

Sir:

You are hereby notified that the school board of.....school township has levied a tax of....mills upon the dollar of valuation of all real and personal property in said school township for school purposes. You will duly enter and extend such tax upon the county tax list for collection upon the taxable property in this school township for the current year."

And should any sub-district in the township levy an additional tax upon property of the sub-district as provided by law, the clerk shall in the same notice inform the county clerk of the rate levied, and the number of the sub-district levying the same. The notice of a tax to pay any judgment against the township shall be in addition to the regular tax, and shall be certified to the county clerk under the same general form, suitably charged. The county clerk shall make out, charge and extend upon the tax lists against each description of real property and against all personal property, and upon all taxable property of the township and sub-district such school taxes as he is so notified have been levied by the township and sub-district in which the property is situated, and taxable in the same manner in which the county and Territorial tax list is prepared, and deliver it to the county treasurer at the same time.

§ 59. SCHOOL TAX TO BE UNIFORM.] All taxes for school purposes shall be uniform within and upon the property in each school township and sub-district, and all funds shall be kept and paid by the school treasurer, and he shall keep one general account for the whole township for the entire receipts and expenditures, and separate itemized accounts as hereinafter provided for each class of receipts and expenses. His books shall at all times show by entries under proper heads all receipts of funds and payments thereof, and enable any person readily to ascertain any balance in any account, or in any fund.

§ 60. SCHOOL BOARD TO PROVIDE BOOKS OF RECORD AND STATIONERY.] The township board shall provide for the treasurer and clerk proper and suitable books of record and account, and such stationery and blanks as may be actually necessary in their duties, and the same shall be paid out of the miscellaneous school fund of the township. The township board shall hold a meeting quarterly, viz: on the second Tuesday of January, April, July and October of each year. They shall each receive one dollar per annum, and no more; and the members of the board shall receive no other compensation for their services during the year. At these

quarterly meetings the board may adjourn from day to day, when special meetings may be held at any time, upon five days' written notice to each member. All meetings of the board shall be public, and a complete record shall be kept by the clerk of all proceedings of the board, and of all the transactions of the school township.

§ 61. HOW COUNTY SCHOOL FUND TO BE KEPT.] All money received from the apportionment of the county superintendent from the county school fund, from the Territory of Dakota, and from the United States, with any sums received from township or sub-district taxed and specified as such, shall be kept separate and apart from all other funds, and shall be known and used as a tuition fund. All money received [from any] source which has been specially provided for the purpose of building school houses shall be kept separate and apart from all other funds, and known and used as a building fund. All funds raised for miscellaneous purposes shall be kept separate and apart from the building and tuition fund, and shall be known and used as the miscellaneous fund. Should there be a balance in the building fund at any time, for which there will be no use, in the unanimous opinion of the board, for the next two years, it shall be lawful for the board to transfer such balance to either the tuition or miscellaneous fund, as they deem proper.

§ 62. TOWNSHIP BOARD TO MAKE SETTLEMENT WITH TREASURER.] The treasurer shall open his accounts anew at the beginning of each school year with each fund, and the balance in each fund shall be brought down and become the first entry in opening the account for each fund for the new year. At the annual meeting of the school board on the second Tuesday of July in each year the township board shall make settlement with the outgoing treasurer, who shall at that meeting make his annual report in triplicate, one copy to be preserved in the treasurer's office, one to be filed with the clerk, and one to be transmitted to the county superintendent; and the board shall cause to be posted or published an itemized statement of the receipts and expenditures of the preceding year. The treasurer's report shall show the following:

#### RECEIPTS.

The balance at close of last year.  
The amount received into the miscellaneous fund.  
The amount received into the tuition fund.  
The amount received from sale of bonds.  
The amount received from all other sources.

#### EXPENDITURES.

The amount paid for school houses, sites and furniture.  
The amount paid for teachers' wages.  
The amount paid for miscellaneous expenses.  
The amount paid as interest on bonds.  
The amount paid in redemption of bonds.

§ 63. HOW WARRANTS TO BE ISSUED.] The clerk shall draw and sign all warrants for the payment of money for any purpose legally ordered by the board, whether for the regular school purposes of the township, to pay judgments, or other authorized payments. The chairman shall sign all such warrants, and should the township be in debt and unable to pay all its warrants promptly when issued, they shall be paid by the treasurer in the order of their registration. Every warrant shall specify the purpose for which the money is paid, and the person, firm or corporation to whom paid. In case the treasurer has no money applicable to the payment of the warrant he shall endorse it, "Presented this.... and not paid for want of funds," inserting the date of presentation in the blank, and sign the endorsement; and interest at eight per cent. per annum shall accrue upon all warrants substantially so endorsed, from the date of such endorsement; *Provided*, That no warrant shall be issued except for an indebtedness incurred prior to its issue.

§ 64. TREASURER TO PAY WARRANTS.] A memorandum shall be made and kept by the treasurer of all such endorsements, and of the name and postoffice address of the then holder of the warrant, and whenever sufficient money is received in the treasury to pay these warrants, or any one of them, the treasurer shall immediately notify by letter, postage paid, such holder thereof, and interest shall cease on such warrant at the end of seven days after such notice is sent. The treasurer shall reserve the money to pay all such endorsed warrants until presented.

§ 65. COUNTY CLERK TO LEVY TAX.] The county clerk of each county shall, at the time of making the annual assessment and levy of taxes, levy a tax of one dollar on each elector in the county for the support of common schools, and a further tax of two mills on the dollar upon all the taxable property in 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 corporations in the county, in proportion to the number of children resident in the territory of each, from seven to twenty years of age, inclusive.

§ 66. WHEN TREASURER TO FURNISH STATEMENT TO SUPERINTENDENT.] All money received under the preceding section, by tax or from other sources, shall constitute the county general tuition fund; and the county treasurer shall, on the first Mondays in January, April, July and October in each year, furnish the county superintendent of public schools with a statement of all the money in the county treasury belonging to this fund, and shall pay the same upon the order of the said superintendent to the treasurers of the respective public school corporations of the county.

§ 67. COUNTY SUPERINTENDENT TO APPORTION SCHOOL FUND.] The county superintendent shall, as soon as he receives the state-

ment of the county treasurer provided for in the preceding section, apportion such amounts to the several public school corporations within the county in proportion to the number of children residing in each, from seven to twenty years of age, inclusive, as the same shall appear from the last annual reports thereof, and he shall immediately notify, by mail or otherwise, in writing, each school treasurer of the amount of money due his school corporation, and he shall draw his orders upon the county treasurer in favor of the several school treasurers aforesaid for the amount so apportioned to each school corporation, and he shall deliver said orders to said treasurers upon their application, taking his receipt therefor; *Provided*, That new corporations, organized after the annual school census is taken, shall take an enumeration immediately after their organization, of the children of school age within their limits, and in all apportionments made by the county superintendent after the receipt of such enumeration, the newly organized corporation shall receive its proportionate share of the funds distributed.

§ 68. WHEN SCHOOL FUNDS TO BE DELIVERED TO SCHOOL TREASURER.] The county superintendent shall not deliver said order for money so apportioned to any treasurer, unless the bond and oath of such treasurer, duly approved and certified, are on file in the office of the county clerk, or a certificate from the secretary or clerk of the board that the treasurer thereof has duly qualified.

§ 69. COUNTY TREASURER TO COLLECT SCHOOL TAX.] It shall be the duty of the county treasurer to collect the taxes for school purposes at the same time and in the same manner that the county and Territorial taxes are collected, and full power is hereby given to sell the property or any property for school taxes, the same as is now by law provided for other taxes; and if any county treasurer shall refuse to deliver over, on the order of the superintendent, 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 \$500, or by imprisonment in the county jail not exceeding one year.

§ 70. COUNTY COMMISSIONERS MAY CORRECT TAX LIST.] Whenever an error occurs in any school corporation tax list, the board of county commissioners may, while all taxes are collected by the county treasurer, correct and refund such improper collection of school taxes, the same as for county taxes.

§ 71. PUBLIC SCHOOLS TO RECEIVE THEIR PROPORTION OF TUITION FUND.] The public schools of every city, town or village which may be regulated by special law in the charter thereof, or by other special acts, or by any general act providing boards of education therefor, shall be entitled to receive their proportion of the county general tuition fund; *Provided*, That the clerk or secretary of the board of education thereof shall make report to the county superintendent of the census of children of school age

therein, at the time and in the manner prescribed in this act for other school corporations to report the same.

§ 72. WHEN TREASURER TO REPORT SCHOOL FUND.] The treasurer of each school township shall apply for, and the county treasurer shall pay over to him all of the school money collected for such township, when notified by the county clerk or clerk of the school board in writing, that such school treasurer has qualified and filed his oath and bond as provided by law. But one such notice of qualification is required during the term of each school treasurer, and when a new one is appointed for any reason, or the incumbent has become disqualified, the clerk of the proper school board and the county superintendent shall so inform the county clerk, who shall also inform the county treasurer. Any person who draws school money from the county treasury, who is not at the time a duly qualified treasurer of the school corporation for which he draws the money, and authorized to act as such, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not less than \$25, and not more than double the amount of money so drawn, if beyond \$25, which fine shall, when collected, be paid into the school fund of the township from which the money was unlawfully drawn.

§ 73. HOW SCHOOL FUNDS KEPT.] Every treasurer of a school township who shall loan any portion of the money in his hands belonging to such township, whether for consideration or not, or who shall expend any portion 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. And no treasurer of a school township shall pay over or deliver the school money in his hands to any officer or person, or to any committee, to be expended by him or them, but all public school funds shall be paid out only by the proper treasurer, as hereinbefore provided.

§ 74. CLERK TO MAKE ENUMERATION OF SCHOOL CHILDREN.] The clerk of every school township, through the directors of the several sub-districts, and every board of education and school corporation, shall make or cause to be made, each year, an enumeration of all the children who are residents within the limits of the corporation on the first day of June, who are from seven to twenty years of age, inclusive, but shall exclude from such enumeration all such persons who are married. In making such enumeration there shall be listed separately in a column, the names of parents, guardians or heads of families having charge of such child or children, but only one in each case—first the father, if living, then the mother, if he is not living, and the same in other cases. Opposite the name, in appropriate columns, he shall enter the names of all the children in charge of the person so named, the males in one column and the females in another column.

§ 75. WHEN SCHOOL CHILDREN TO BE ADMITTED FROM OTHER DISTRICTS.] Whenever one or more children of school age are

situated distant from any school in the township in which they reside, and a school belonging to another township or corporation much nearer and more convenient for the accommodation of such child or children, even though it be situated in another county, it shall be the duty of the school board in the township in which such child or children reside to arrange with such other corporation for the tuition of such child or children for the time during which the inconvenience remains, and it shall be the duty of the corporation in which it is sought to send such pupils, to receive them, unless by so doing such school will be overcrowded and its value to the resident pupils impaired; *Provided*, That an excessive tuition fee shall not be charged, and that an appeal shall lie, as in other cases, in favor of any party aggrieved.

§ 76. DUTY OF DIRECTOR TO VISIT SCHOOLS.] The director of any sub-district shall frequently visit and inspect the school in his sub-district, and shall have power to exclude any refractory pupil therefrom; but the exclusion of any pupil from the school for disorderly conduct shall not extend beyond two months, and may be for any shorter period. A teacher shall have power to suspend a pupil for disorderly conduct not to exceed three days, and if such pupil continues to be refractory, the teacher shall refer the matter to the director.

§ 77. HOW HIGH SCHOOL MAY BE ESTABLISHED.] Whenever a school township has within and belonging to it four or more common schools, and owns and has well furnished, good and sufficient school houses for them, and an assessed valuation of \$200,000, the township school board may submit to the voters belonging to the several sub-districts the question whether a high school shall be established and maintained for the township. The proposition shall be accompanied by a careful estimate of the cost of the building proposed for such school, including furniture therefor and the cost of the site, and the proposed location of such school, with a statement of the method proposed for raising the necessary funds for building and furnishing the school house. The proposition shall be made in writing, and copies of the same, signed by a majority of the members of the school board, shall be posted upon each school house in the township at least thirty days in advance, when the school meetings shall be held to consider the same. The director for each sub-district shall at once, and not less than twenty days before such meeting post notices of the same, stating plainly the time, place and purpose of the meeting, in not less than three of the most public places in the vicinity, and within the sub-district. At the meeting the question shall be presented by the director or some voter in his place, and after due consideration the vote shall be taken before adjournment. The director shall certify the action of the meeting and the number of the affirmative and negative votes to the township school board. If a majority of the voters in the township favor the proposition, the township school board shall select a plan for such building from

the plans submitted by the Territorial Board of Education, and shall not increase the total cost of site, school building and furniture more than ten per cent. beyond the estimate submitted, under any pretense or claim of necessity whatever, unless previously authorized thereto by a majority of the voters of the township.

§ 78. WHEN SCHOOL BOARD TO CONSTRUCT HIGH SCHOOL.] Instead of submitting the proposition for a high school to the several meetings for their consideration and action, a majority of the voters entitled to vote at any such meeting may sign and assent thereto in writing. This assent shall be signed upon and to the copy of the proposition made by the board, which shall contain all the points required in the preceding section. When such assent is duly signed the paper shall be filed with the clerk of the school township, and shall have the same authority and legal effect as an affirmative vote of the school township, provided for in the preceding section, and when the township school board has so received by vote or written assent the authority of a majority of the school voters of the township in favor of a high school they are authorized to proceed with all necessary steps to construct and maintain the same.

§ 79. WHEN TOWNSHIP MAY EMPLOY SUPERINTENDENT.] Any township in which there is a high school established may employ a superintendent of the schools of the township, who shall be principal of the high school, and whose duties besides those of principal shall be generally to supervise the schools of the township and advance their interest in all respects to the best of his ability, acting under any rules adopted by the township board to be approved by the Territorial Board of Education.

§ 80. TWO OR MORE TOWNSHIPS MAY UNITE IN CONSTRUCTION OF A HIGH SCHOOL.] Two or more school townships may unite in the construction and maintenance of a high school such as is provided for in sections eighty and eighty-one, and in the employment of a superintendent as provided for in section eighty-two.

§ 81. WHEN SCHOOL BOARD TO PROVIDE SCHOOL ON PETITION.] Whenever the residents of any portion of a school township having five or more pupils of school age, none of whom reside nearer than two miles from a school building, petition the township board for a school, and furnish a proper room without charge to the township in which the school may be taught, it shall be the duty of the township board to provide such petitioners with a teacher for such school. But whenever the number of resident pupils increases to ten it shall be the duty of the board to establish there a sub-district, upon the petition of the resident voters.

§ 82. DIRECTORS MAY PERMIT USE OF SCHOOL HOUSE FOR OTHER PROPER PURPOSES.] If a majority of the legal voters of any sub-district desire the use of the school house of such sub-district for other purposes than common school, when unoccupied for common school purposes, the director may permit the



people, under careful restrictions, to use the house for any proper purpose which will not interfere with the seating or other furniture or appendages, giving equal rights and privileges to all religious denominations or political parties; but the school house shall be opened at any time for literary or educational purposes. The seats shall not be removed from their places for any purpose or privilege granted by this section.

§ 83. HOW TEACHERS INSTITUTE TO BE FORMED.] At least one Saturday in each month during which the public schools may be in progress shall be devoted in each township to township institutes or model schools and normal instruction and matters relating to methods of teaching, organizing, classifying and governing schools and for the improvement of teachers, and two Saturdays may be so used at the discretion of the township board. Such institute shall be presided over by a teacher, one of the board or other person designated by the school board. Each teacher shall attend the full session of each institute in the township, contemplated herein, and participate in the duties and exercises thereof, or forfeit one day's wages for every day's absence therefrom, unless such absence is occasioned by sickness of teacher or others to whom his or her attention is due. When the county superintendent is present he may preside at and conduct such institute, and it is his duty to visit and inspect the schools of a township immediately before his meeting with such institute and then give special attention to the defects and needs of the instruction and government of the schools. The county superintendent may convene the teachers of two or more townships, where the distance is not too great, and require the presence of all the teachers of such townships at such institute as often as once a month during the progress of the schools; but he shall not require such attendance from any teacher when by distance or otherwise it would impose a hardship upon the teacher or cause such teacher to neglect his school.

§ 84. BRANCHES OF EDUCATION TO BE TAUGHT.] In every common 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, English grammar, United States history, and physiology and hygiene, with special reference to the nature and the effects of alcoholic drinks and other narcotics upon the human system; and no second or third grade certificate shall be granted unless the applicant be found proficient in and fully qualified to teach the above enumerated branches. In addition to the above, applicants for a first grade certificate shall pass a satisfactory examination in civil government, book-keeping, theory and practice of teaching, elements of natural philosophy, elementary geometry and algebra, and physical geography; and no first grade certificate shall be issued to any person who is under twenty years of age and who has not taught successfully twelve school months.

The percentage required to pass any branch shall be prescribed by the Territorial Board of Education.

§ 85. HOW TEACHERS EMPLOYED.] Teachers shall be employed only upon a written contract signed by the teacher and the chairman and clerk of the township school board, which shall specify the date at or about which the school shall begin, the length of time it shall continue, the wages per month, and the time of payment thereof; and said contract shall be so signed in duplicate, and one copy filed in the office of the clerk, and the other retained by the teacher. The following conditions shall be understood as forming a part of every contract, whether expressed therein or not:

1. The teacher shall not hold school upon any legal holiday, but such days shall count as part of the term, and the teachers be paid therefor, but such pay shall not be drawn for any Saturday or Sunday.

2. School shall be adjourned during any time that an institute is held in the county, to attend which the teachers have been notified by the county superintendent, and the teacher shall draw pay for and have counted as a part of the term one-half day for every day's actual attendance upon the institute as certified by the conductor of the institute or county superintendent.

3. Teachers shall receive into their schools pupils transferred thereto by order of the township board, or admitted by its authority.

4. The teacher is to send the notice, keep the proper entries in the register, and make the reports as and when required by law; and the school corporation shall promptly furnish, without cost to the teacher, blank forms for such reports, and furnish for use proper registers, prepared so that the required facts and statistics can be kept in an orderly manner, and the township clerk shall attend to the distribution of such registers and blanks.

§ 86. TEACHERS TO REPORT TO SUPERINTENDENT.] Every teacher of a common school under this law shall at the expiration of each term immediately make out full duplicate reports, and deliver one copy thereof to the school 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 dates when school began and ended, the number of visits made to the school by the county superintendent, the salary per month, and information concerning the school and property, with any other matters required in the blanks furnished by the educational department, and until such report shall have been so filed with the clerk the teacher shall not receive more than ninety per cent. of his wages.

§ 87. NOTICE OF OPENING AND CLOSING OF SCHOOL.] Every

teacher, on commencing a term of school, shall give written notice to the county superintendent of the time and place of beginning such school, and the probable time when it will end.

§ 88 ALL REPORTS AND PROCEEDINGS TO BE KEPT IN ENGLISH LANGUAGE.] All reports and records of school officers and proceedings of all school meetings shall be kept in the English language, and if any money belonging to any school township shall be expended in supporting a school in which the English language shall not be taught exclusively the county superintendent or any tax payer of the school corporation, may in a civil action, in the name of the corporation, recover for the corporation all such money from the officer or officers so expending it, or ordering its expenditure.

§ 89 PENALTY FOR WILFULLY DISTURBING PUBLIC SCHOOL.] Every person, whether a pupil or not; who shall wilfully molest or disturb a public school when in session, or who shall wilfully interfere with and interrupt the proper order or management of a public school, by acts of violence, boisterous conduct or threatening language, so as to prevent the teacher or any pupil from performing his duty, or who in the presence of the school or school children upbraid, insult or threaten the teacher, shall upon conviction thereof, be punished by a fine not exceeding \$25 or by punishment in the county jail not more than ten days, or both such fine and imprisonment.

§ 90 SCHOOL BOARD MAY TAKE REAL PROPERTY FOR SCHOOL PURPOSES.] The school board of any school township may take in the corporate name thereof, any real property, not exceeding two acres in area, chosen as a site for a school house by the township school board; and may hold and use such tract for school purposes only. Should the owner of such real property refuse or neglect to grant and convey such site, the county clerk of the county in which the real property is situated shall, upon the written application of the township school board, after serving ten days notice to the opposite party, appoint three resident free holders of the county as appraisers, who shall be sworn to faithfully [perform] their duties. Said appraisers shall assess the damages the owner of such tract will sustain by taking the same for school purposes and said appraisers shall directly file their report with the county clerk, giving an exact description of the tract taken for the site and the amount of damages so assessed. If the owner of said property be a non-resident, or absent, or cannot be found, said notice shall be served by publication in some newspaper published in the county not less than once each week for four successive weeks. Such notice shall contain a description of the tract to be taken, the name of the owner thereof, the purpose for which it is to be taken and the date when the appraisers hereinbefore mentioned will be appointed. If said school board deposit in the name of the school township, with the county treasurer to the credit of the owner of the tract taken, the amount of money so assessed as damages, they

shall then be authorized to permanently use said premises for school purposes; *Provided*, That no site except in a village, town or city, shall be thus taken within forty rods of any residence, the owner of which objects to its being placed nearer and in no case in any orchard, garden or public park. If the site so selected be not used for the purpose for which it is taken for two successive years it shall revert to the original owner or his assigns upon repayment of the sum originally paid by the corporation, together with a reasonable consideration for the improvements.

§ 91 COUNTY SUPERINTENDENT TO MAKE REPORT.] The county superintendent of each county shall make full and complete report to the superintendent of public instruction on or before the first day of September in each year, of the school statistics of the preceding school year, showing for each school corporation in the county the following facts and statistics:

The number, name or other proper designation of the school corporation.

The number of graded schools.

The number of ungraded schools.

The average number of days school was taught.

The number of teachers employed, males, females and total.

The average compensation paid teachers per month, males and females separately.

The number of persons resident, between the ages of seven and twenty years (excluding those married) showing males, and females and total.

The number enrolled in the schools.

The per cent. of attendance of those enrolled.

The average cost of tuition per month for each pupil.

The number of school houses erected during the year.

The number of school houses for graded and for ungraded schools.

The total value of school houses, including sites and furniture.

The total sittings in school houses.

The total par amount of bonds outstanding.

The average rate of interest paid thereon.

The total amount paid to and due the officers of school corporations for services during the year.

The total amount paid the county superintendent for services, including expenses, during the year.

The following financial report:

#### RECEIPTS.

1. The total amount on hand at beginning of the year.
  2. The amount received into the . . fund from all sources.
  3. The amount received by apportionment.
  4. The amount received from sale of bonds.
  5. The amount received from all other sources.
- The total school receipts.

## EXPENDITURES.

1. The amount paid for school houses, sites, furniture and appendages.
2. The amount paid for teacher's wages.
3. The amount paid for all incidental expenses.
4. The amount paid as interest on bonds.
5. The amount paid upon other debts and liabilities not included in any other items.
6. The balance on hand at end of year.

The total expenditures, not including balance on hand.

He shall also report all private schools, academies and colleges within his county, in a table separate from all public schools, showing the name of the school or institution, if incorporated, and if not, by brief description, the name of the principal, officer, or president in charge, the number of teachers employed, the number of pupils in attendance during the year, the value of the buildings and permanent property, the value of the endowment.

§ 92. CLERK OF SCHOOL TOWNSHIP TO REPORT.] Within ten days after the settlement with the treasurer in July, the clerk of each school township shall make, sign and transmit or deliver to the county superintendent, a report in writing, covering the preceding school year, and including all the facts and statistics of the school township required by the preceding section to be included in the county superintendent's report, and in the same order therein required, except any item therein peculiar to the county and not belonging to the township. He shall also report the branches studied in the high schools, graded and common schools separately, the names and addresses of the township school officers, and all other facts and statistics which the county superintendent may require for his report to the Territorial Superintendent.

§ 93 TREASURER'S ACCOUNT.] Every county treasurer shall keep a regular account with each school corporation, in which he shall charge himself with all taxes collected by levy of the township board, or any sub-district within the township, and all sums apportioned to the township by the county superintendent or other authority, and all other sums received for the school township; and he shall credit himself with all payments made to the treasurer of the school township, distinguishing between the items paid by apportionment, those from local taxes and those from other sources. To these credits, to balance the account, he shall add all items for legal fees, for collection and other duties. These accounts shall be kept for each school year separately, beginning July 1st and ending June 30th of the following year. At the first meeting of the board of county commissioners after the close of a school year he shall submit an abstract of these several accounts.

§ 94 DUTIES OF COUNTY SUPERINTENDENT.] If any clerk or treasurer shall fail to make his report according to the provisions

of this act, the county superintendent is authorized to go and procure the same and to examine the records, files and accounts of each officer for the purpose of obtaining the desired information. It shall be the duty of the county superintendent to instruct clerks and treasurers in the best manner of keeping their accounts, when such instruction is necessary.

§ 95 SCHOOL OFFICERS AND CONTRACTS.] No school officer shall personally engage in the purchase or sale of any school bonds, warrants or school supplies; nor shall any such officer be personally interested in any contract in which the board is a party.

§ 96 INSPECTION OF SCHOOL RECORDS.] All reports, books, records, vouchers, contracts and papers relating to school business in a township, in the office of clerk or treasurer, shall be at all times open to the inspection of any director, who shall advise and aid towards securing correct records and accounts and legal reports; and they shall likewise be open to the inspection of the territorial and county superintendents, and any particular paper or record shall be exhibited at reasonable hours to any voter or taxpayer.

§ 97 REPORT OF TERRITORIAL BOARD.] Two thousand and five hundred copies of the report of the Territorial Board of Education shall be printed biennially, in the month of December preceding the session of the Legislature. Ten copies shall be furnished to each of the members of the legislature, one copy to each county superintendent of the Territory, two to each Territorial officer, one to each State and Territorial superintendent, twenty copies shall be filed in the office of the board, and ten in the Territorial Library. The balance shall be distributed among the various college, university and other libraries of the United States.

§ 98. SCHOOL MONTH AND WEEK DEFINED.] A school month shall consist of twenty school days, a school week of five school days, and no Saturdays shall be counted as school days.

§ 99. PENALTY FOR FALSE REPORT.] Every clerk or treasurer of a school township or district who shall wilfully sign or transmit a false report to the county superintendent, or wilfully sign, issue or publish a false statement of facts, purporting or appearing to be based upon books, accounts or records, or of the affairs, resources and credit of the school township, shall upon conviction be punished by a fine of not exceeding fifty dollars, or by imprisonment not exceeding fifteen days in the county jail.

§ 100. PENALTY FOR REFUSAL TO DELIVER BOOKS AND PAPERS.] Every clerk or treasurer of a school township or district who shall wilfully neglect or refuse to deliver to his successor in office all records, books, papers, accounts, money and all other property belonging thereto and to the township, shall upon conviction be fined not less than five dollars nor more than fifty dollars, and the successor shall prosecute without delay upon the official bond of such officer for the recovery of all such money.

§ 101. JUDGMENT AGAINST CORPORATION, HOW PAID.] Whenever any final judgment shall be obtained against any school corporation, the board thereof shall levy a tax upon the taxable property in the corporation for the payment thereof. Such tax shall be collected as other school taxes, but no execution shall issue against any school corporation. Such tax or taxes shall not be greater than two per cent. in any one year, and any surplus in the treasury of the school corporation may be appropriated to the payment of a judgment. If the school board shall fail or refuse to levy such tax the judgment creditor may apply to the board of county commissioners, who shall cause such tax to be levied upon the property of the school township. When collected it shall be paid over by the county treasurer to the judgment creditor, whose receipt therefor shall be delivered the same as money to the treasurer of the school corporation by the county treasurer. Such levy may be repeated until the judgment is paid.

§ 102. JURISDICTION OF JUSTICES.] Justices of the peace shall have jurisdiction in all cases in which a school corporation is a party interested, when the amount claimed by the plaintiff does not exceed one hundred dollars, and the parties shall have a right to appeal as in other cases.

§ 103. 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.

§ 104. COMPULSORY EDUCATION.] Every parent, guardian or other person having in charge any child or children between the ages of ten and fourteen years is required to send such child or children to a public school at least twelve weeks in each school year, six weeks of which shall be consecutive, unless such child or children be excused from such attendance by the director, by reason of bodily or mental infirmity such as to prevent attendance at school or application to study, or that such child or children be taught an equal time in some private school, or regularly at home in such branches as are ordinarily taught children of that age in public schools or has already acquired proficiency in such branches, or that no public school is taught for the time required, and within two miles by the nearest traveled road of the home of such person.

§ 105. COMPLAINT BY DIRECTOR.] The director of the sub-district shall ascertain if there are any such children deprived of school privileges while an accessible school is taught, and he shall notify the parent, guardian or other person having them in charge, and direct that they be sent to school as herein required. If they fail to send such child or children to school as required in the preceding section, he shall make complaint before some justice of the peace of the failure, and every such person shall, upon conviction thereof, be fined not less than ten nor more than twenty-five dollars. If the director fail to make such complaint any citizen may, after having served notice of his intention to do

so two weeks previously upon such parent, guardian or other person, and the director shall be subject to the same penalty for his neglect as that provided for the parent, guardian or other person having in charge such child.

§ 106 DESCRIPTION OF TAXABLE PROPERTY.] Every township assessor, or when the townships are not organized for civil township government, then the county assessor, shall on or before the first day of July, in each year, furnish to the clerk of each school corporation a statement of the total assessed valuation of all the property in such corporation subject to taxation; and whenever any sub-district shall make a levy upon the taxable property within its limits, for school purposes, it shall be the duty of the director thereof to furnish the township clerk with a description of the taxable property within such sub-district; and the director shall, for this purpose, have full access to the books of the county or township assessor, as the case may be, in preparing such description.

§ 107. APPROPRIATION FOR INSTITUTE FUND.] There is hereby appropriated out of any funds in the Territorial Treasury not otherwise appropriated the sum of fifty dollars each year to each organized county in the Territory in which there are ten or more resident teachers, which shall be designated as an institute fund, and which shall be used exclusively in employing persons of learning, ability and experience as conductors of teachers' institutes. The Territorial Board of Education shall appoint the times, places, and duration of these institutes, as, in their judgment, the needs of the various parts of the Territory demand; *Provided*, That no county shall receive more than five dollars from the apportionment for each day its institute is in session.

§ 108. EXTENSION OF INSTITUTE.] The money assigned for any particular institute may be added to any fund furnished for the purpose by any county, and the institute extended so long as the entire fund will allow. If a sufficient county fund be not otherwise provided, the board of county commissioners may appropriate not more than fifty dollars in any county each year in aid of institutes. The Territorial Board of Education may require a statement of the amount of funds a county has on hand for this purpose at any time, and the Territorial funds herein provided for shall be subject to the order of the Territorial Board.

§ 109. INSTITUTE CONDUCTORS.] The Territorial Superintendent acting under the directions of the Territorial Board shall employ or designate every conductor for an institute aided by Territorial funds, and shall be paid to any conductor of an institute not previously appointed or employed as herein provided. The money hereby appropriated from the Territorial Treasury for an institute fund shall be paid to the persons to whom it is due, by warrant of the Territorial Auditor upon the Territorial Treasurer, which shall be issued upon the presentation of an account in due form, receipted by the person to whom due, and approved by the



board of education. All the incidental expenses of such institutes shall be paid out of the county institute funds.

§ 110. WHEN SCHOOL OFFICE BECOMES VACANT.] Any office of a school corporation shall become vacant by the resignation of the incumbent thereof, but such resignation shall not take effect until a successor has qualified according to law. The resignation shall be addressed to the county superintendent, who shall immediately appoint a successor, and notify the county clerk thereof in writing.

§ 111. SCHOOL TOWNSHIP LIBRARY.] The school board of any school township shall have power, by a majority of the schools and and the voters thereof, to purchase and keep for the use of the inhabitants of the school township a circulating library of the value of not more than five hundred dollars, to be selected by the school board from any list of books furnished or approved by the Territorial Board of Education.

§ 112. SCHOOL LIBRARY, HOW SELECTED.] The Superintendent of Public Instruction shall, upon any application of any county superintendent, furnish such list to him, which shall then be the list for such county, from which any board may so select and purchase; and additional lists may from time to time be so furnished or approved by selection, and no books shall be purchased for any library except from such lists. The books so listed shall include publications from not less than four different publishing houses or firms, independent of each other, and shall be, as far as practicable, accompanied by the lowest prices that can be secured thereon, with terms and other items of value to the purchasers. The board may at any time accept donations of books for the library, but shall exclude from the library all books unsuited to the cultivation of good character and good morals and manners; and no sectarian publications, devoted to discussion of sectarian differences and creeds, or partisan political pamphlets and books, shall be admitted to the library.

§ 113. CARE OF AND RULES OF LIBRARY.] The township school board shall have the care and custody of the library, and shall make rules to govern the circulation and care of the books while in the hands of the pupil, and shall prescribe and collect penalties for the injury done to any book by the act, negligence or permission of the person who draws the same, or while in his possession, may pay any person suited thereto, including one of their own number, not more than twenty-five dollars a year for such services as librarian. No book shall be loaned for a longer period than two weeks at any time to one person, and never to any person not a resident of the township. The library shall be open at least once each week, for not less than three hours, for the accommodation of its patrons.

§ 114. TOWNSHIP MAY EXCHANGE LIBRARY.] Any township may at any time exchange any part or all of its library with any other township, or other library or person, so far as different books may be so obtained, for equal values of the books exchanged, and

shall, under proper rules, permit teachers to take books from the library to their schools for use in illustrating any subject and for instructions.

§ 115 ELECTION AND ARBITRATION.] It shall be lawful for any county now governed by the school district system to adopt the provisions of this act by a majority vote of the qualified electors thereof. In such case the county commissioners shall issue the call for the election upon the petition of five hundred voters. Should the question be carried at the election, then the commissioners, aided by the county superintendent, shall divide the county into school townships, including as many school districts in a township as in their judgment will best serve the ends of justice, but no greater area shall be included in one school township than fifty square miles, and no school district shall have severed from it in such consolidation more than one third of its area or assessed valuation. An equalization of property, including debts and credits, shall be affected by an arbitration. Each district board included within any township shall select one member of the board of arbitration and the county superintendent shall call the arbitrators so selected together and shall preside at the arbitration, but shall have no vote except in case of a tie, when he shall cast the deciding vote. Any equalization effected by such arbitration shall have the same effect in law as on express contract. Any school township thus formed shall be liable for all the debts charged to it by the arbitration, and shall become the legal representative of the districts for all sums due such districts and credited to the township of the arbitration. All townships so formed shall be named by the county commissioners when the people fail to make a choice.

§ 116 CERTAIN SETTLEMENTS LEGALIZED.] All settlements heretofore made by arbitration or agreement by the school districts of any county in forming into school townships under chapter forty-four of the school laws of 1883, are hereby legalized and all bonds, warrants and certificates of indebtedness of whatever kind issued by the various districts and townships in effecting such settlements are hereby made of full force and effect. In all counties in which the township act of 1883 has been adopted in lieu of the district act and in which the aforesaid differences remain unsettled, the school officers representing the various townships in the county are authorized and it is hereby made their duty to adjust the same by agreement or arbitration, and to issue such bonds, warrants, or certificates of indebtedness in effecting such settlements as to them may seem equitable and just; and all such bonds, warrants or certificates of indebtedness shall in law have full force and effect; *Provided*, That the county commissioners are authorized to pay to any officer upon whom there shall devolve any special duties in consequence of such settlement, a reasonable compensation for his services.

§ 117 TOWNSHIP SCHOOL BOARD TO ASSUME MANAGEMENT.] Im-

mediately upon the organization of the school township as hereinbefore provided, the township school board shall assume the management and control of the public schools and the school property therein, and the officers of the several districts shall turn over to the township school board all moneys, books, papers, accounts, files, school property and other property of the districts, and it shall all vest in the township as a school corporation for the use of the schools therein.

§ 118. WORDS, HOW CONSTRUED.] Words giving a joint authority to three or more public officers or other persons are construed as giving such authority to a majority of them, unless it be otherwise expressed in the section or law giving the authority; and when a decision or direction is made by a majority of such officers or persons, it is the duty of the one to whom the execution belongs by law to execute the same in all respects as if he had favored the particular decision or direction, as if it were authorized unanimously.

§ 119. WHEN THIS ACT SHALL TAKE EFFECT.] This act shall take effect in all new counties hereafter organized. Whenever a new county is organized, the county board of commissioners shall, at a convenient and suitable time, divide their county into school townships and do all things necessary for carrying this act into effect.

#### PUBLIC SCHOOLS IN CITIES, TOWNS AND VILLAGES.

§ 120. CITIES GOVERNED BY PROVISIONS OF THIS ACT.] All cities hereafter organizing under the general act to provide for the incorporation of cities shall be governed by the provisions of this act; *Provided*, That any city, town or village, now organized under a general or special act, either for civil government or for educational purposes, may at any time adopt the provisions of this act by a majority vote of the electors; *Further*, that any town or village having a population of 250 inhabitants or over, within a radius of one mile from the center, and not organized for civil government nor under an independent school district act, may adopt the provisions of this act. In such case the county superintendent shall, upon petition of a majority of the legal voters within the proposed district, call the first election thereof, by posting notices in not less than three of the most public places within it; which notice shall contain a full description of the boundaries of said proposed districts besides the time and place of holding the election, and the names and number of offices to be filled.

§ 121. FREE COMMON SCHOOLS.] Each corporation organized under this act shall establish and maintain a system of free common schools which shall be kept open not less than six nor more than ten months in any one year and shall be free to all children of legal school age residing within such corporation.

§ 122. ADJACENT TERRITORY.] Territory outside the limits of any organized city town or village, but adjacent thereto, may be attached to such city, town or village for school purposes, upon application to the board of education of such city by a majority of the electors of such adjacent territory; and upon such application being made to the board of education, they shall, if they deem it proper, and to the best interests of the schools of said corporation and the territory seeking to be attached, issue an order attaching such territory to such corporation for school purposes, and to enter the same upon their journal; and such territory shall, from the date of such order, be and compose a part of such corporation for school purposes only, and the taxable property of such adjacent territory shall be subject to taxation, and shall bear its full proportion of all expenses incurred in the erection of school buildings and in maintaining the schools of such corporation. Whenever the territory so attached shall have attained a population equal to that of any one ward of such corporation, or whenever the taxable property of such attached territory shall equal that of any one ward, such attached territory shall be entitled to elect as many members of the board of education as the population or taxable property is entitled to within the corporate limits. The members from such attached territory shall be elected by the qualified electors of such territory at the same time that other members of the board are elected, at an election to be held at such place as the board of education may designate; *Provided*, That until such outlying territory shall have attained a population or acquired taxable property equal to that of any one ward, it shall be attached for voting purposes to the ward or wards to which it lies adjacent, in proportion to the extent of its boundary bordering upon the same, as nearly as practicable.

§ 123. BODY CORPORATE.] The public schools of each organization effected 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 "the board of education of the city, town or village, as the case may be, of . . . . of the Territory of Dakota;" and in that name may sue or be sued, and be capable of contracting and being contracted with, of holding and conveying such real and personal estate as it may come into possession of, by will or otherwise, or as is authorized to be purchased by the provisions of this act.

§ 124. CONVEYANCE OF PROPERTY.] Any such corporation is hereby authorized and required, upon the request of the board of education, to convey to said board of education all property within the limits of any such corporation heretofore purchased by it for school purposes, and now held and used for such purposes, the title to which is vested in any such civil corporation.

§ 125. HOW EXECUTED.] All conveyances for the property mentioned in the preceding section shall be signed by the mayor

and attested by the clerk of said civil corporation, and shall have the seal of the corporation affixed thereto, and be acknowledged by the mayor in the same manner as other conveyances of real estate.

§ 126. BOARD OF EDUCATION.] When any city or town is divided into wards, at each annual election there shall be a board of education consisting of as many members from each ward as there are members of the council, who shall be elected by the qualified voters thereof, one of whom shall be elected annually, and shall hold his office for the term of two years, and until his successor is elected and qualified; *Provided*, That no member of the board of education shall be a member of the council, nor shall any member of the council be a member of the board of education; *Provided, further*, That in all corporations not organized as cities, and in all cities and towns not divided into wards, there shall be elected as many members of the board of education as there are members of the council or board of trustees of any such corporation when organized as such, to be elected at the same times and places, and for like terms; but no member of the board of education shall be a trustee of such town or village, nor shall any trustee be a member of the board of education; and in all cases where there is no organization for civil government there shall be three members of the board, one of whom shall be elected annually.

§ 127. VACANCY.] The board of education shall have power to fill any vacancy which may occur in their body; *Provided*, That any vacancy occurring more than ten days previous to the annual election, and having an unexpired term of one year, shall be filled at the first annual election thereafter; and the ballots and returns of election shall be designated as follows: "To fill unexpired term."

§ 128. POWERS.] The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this article; to organize and maintain a system of graded schools; to establish a high school whenever in their opinion the educational interests of the corporation demand the same; and to exercise the sole control over the schools and school property of the corporation.

§ 129. ORGANIZATION.] The board of education at its regular meeting in May of each year, shall organize by the election of a president and vice-president from among its own members, each of whom shall serve for the term of one year, or until their successors are elected and qualified; they shall also elect a clerk who shall hold his office during the pleasure of the board, and who shall receive such compensation for his services as the board may allow.

§ 130. PRESIDENT.] It shall be the duty of the president to preside at all meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and

to sign all warrants ordered by the board of education to be drawn upon the treasurer for school moneys.

§ 131. VICE-PRESIDENT.] It shall be the duty of the vice-president to perform all the duties of the president in case of his absence or disability.

§ 132. CLERK.] It shall be the duty of the clerk to be present at all meetings of the board; to keep an accurate journal of its proceedings; to take charge of its books and documents; to countersign all warrants for school moneys drawn upon the treasurer by order of the board of education; and to perform such other duties as the board of education or its committees may require.

§ 133. BOND OF CLERK.] Before entering upon the discharge of his duties, the clerk of the board of education shall give a bond in a sum to be fixed by the board, not less than five hundred dollars, with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of the duties of his office.

§ 134. TREASURER.] The treasurer shall prepare and submit in writing a monthly report of the state of the finances of the district; and shall, when required, produce at any meeting of the board, or any committee appointed for the purpose of examining his accounts, all books and papers pertaining to his office; he shall pay moneys only upon a warrant signed by the president, or in his absence by the vice-president, and countersigned by the clerk; and shall execute a bond in such sum as the board may require, with sufficient sureties, to be approved by the board, conditioned for the faithful discharge of his duties as treasurer to such board.

§ 135. SUPERINTENDENT—EXAMINING COMMITTEE—TEACHERS.] The board of education, at such times as they shall deem expedient, shall elect a superintendent of schools, in no case a member of their own body, whose duty it shall be to have a general supervision of the schools of the corporation, subject to the rules and regulations of the board, who shall hold his office during the pleasure of the board, and shall receive such compensation as that body may allow. The board shall also appoint two competent persons, who with the superintendent as chairman thereof, shall be styled the examining committee of the board of education, whose duty it shall be to examine all persons who may apply to them as teachers; and no person except one who holds a diploma from a university or college, or a certificate from the Territorial Board of Education, shall be elected by the board as a teacher, who can not produce a certificate from the examining committee signed by all or a majority of them, and setting forth that such is competent to teach in such department of the public schools as may be stated in the certificate, and is a person of good moral character; and the board may fill any vacancy which may occur in the examining committee.

§ 136 ANNUAL SCHOOL TAX.] The board of education shall, on or before the fifteenth day of August of each year, levy a tax for the support of the school of the corporation for the fiscal year next ensuing, not exceeding in any one year thirty mills on the dollar on all personal, mixed and real property within the district which is taxable according to the laws of the Territory of Dakota, which levy shall be approved by the city council, when there be one; and which levy, when so approved, the clerk of the board shall certify to the county clerk, who is hereby authorized and required to place the same on the tax roll of said county, to be collected by the treasurer of the county as are other taxes, and paid over by him to the treasurer of the board of education, of whom he shall take receipt in duplicate one of which he shall file in his office, and the other he shall forthwith transmit to the clerk of the board of education.

§ 137 TAXABLE PROPERTY.] The taxable property of the whole corporation, including the territory attached for school purposes, shall be subject to taxation. All taxes collected for the benefit of the school shall be paid in money, and shall be placed in the hands of the treasurer, subject to the order of the board of education.

§ 138 MEETINGS OF THE BOARD.] The regular meetings of the board of education shall be upon the first Monday of each month, but special meetings may be held from time to time as circumstances may demand.

§ 139 ANNUAL REPORT.] The board of education, at the close of each school year, or as soon thereafter as practicable, shall make an annual report of the progress, prosperity and condition, financial as well as educational, of all the schools under their charge; a copy of which, from each city shall be sent to the Territorial Board of Education, and from all other corporations to the county superintendent, and said report, or such portion of it as the board of education shall consider of advantage to the public, shall be printed either in a public newspaper or in pamphlet form; *Provided*, That in towns and villages of less than eight hundred inhabitants, such report shall not be printed in pamphlet form.

§ 140 EXPENDITURES—CONTRACTS.] No expenditures involving an amount greater than one hundred dollars shall be made except in accordance with the provisions of a written contract, and no contract involving an expenditure of more than five hundred dollars for the purpose of erecting any public buildings or making any improvements shall be made except upon sealed proposals; and to the lowest responsible bidder.

§ 141 SECTARIAN DOCTRINE.] No sectarian doctrine shall be taught or inculcated in any of the public schools of the corporation; but the holy scriptures, without note or comment, may be used therein.

§ 142. BOND.] Whenever it shall become necessary by the board of education, in order to raise sufficient funds for the purchase of a school site or sites, or to erect a suitable building or buildings thereon, or to fund any bonded indebtedness, it shall be lawful for the board of education of every corporation coming under the provisions of this act to borrow money, for which they are hereby authorized and empowered to issue bonds bearing a rate of interest not exceeding seven per cent. per annum, payable annually or semi-annually, at such place as may be mentioned upon the face of said bonds, which bonds shall be payable in not more than twenty years from their date; and the board of education is hereby authorized and empowered to sell such bonds at not less than ninety-eight cents on the dollar; *Provided*, That no bonds shall be issued until the question shall be submitted to the people, and a majority of the qualified electors who shall vote on the question, at an election called for that purpose, shall have declared by their votes in favor of issuing such bonds.

§ 143. BOND ELECTION.] It shall be the duty of the mayor of each city or town governed by this act, upon the request of the board of education, forthwith to call an election, to be conducted in all respects as are the elections for city or town officers in the same corporations, except that the returns shall be made to the board of education, for the purpose of taking the sense of such district upon the question of issuing such bonds, naming in the proclamation of such election the amount of bonds asked for, and the purpose for which they are to be issued; *Provided*, That where the corporation is not organized for civil government the board of education may call and conduct the election provided for in this section.

§ 144. EXECUTION OF BONDS.] The bonds, the issuance of which is provided for in the foregoing section, shall be signed by the president, attested by the clerk and countersigned by the treasurer of the board of education; and said bonds shall specify the rate of interest and the time when principal and interest shall be paid, and each bond so issued shall be for a sum not less than fifty dollars; but no corporation shall issue bonds in pursuance of this act in any sum greater than three per cent. of its assessed valuation.

§ 145. LEVY FOR INTEREST AND SINKING FUNDS.] The board of education, at the time of its annual levy of taxes for the support of schools, as hereinbefore provided, shall also levy a sufficient amount to pay the interest as the same accrues on all bonds issued under the provisions of this article, and also to create a sinking fund for the redemption of said bonds, which it shall levy and collect in addition to the rate per cent. authorized by the provisions aforesaid for school purposes; and said amount of funds, when paid into the treasury, shall be and remain a specific fund for said purpose only, and shall not be appropriated in any other way except as hereinafter provided.

§ 146. USE OF SINKING FUND.] All moneys raised for the pur-



pose of creating a sinking fund for the final redemption of all bonds issued under this article shall be invested annually by the board of education in bonds of the Territory of Dakota or of the United States, or the board may buy and cancel the bonds of the district whenever such may be purchased at or below par.

§ 147. INTEREST.] Whenever the interest coupons of the bonds hereinbefore authorized shall become due, they shall be promptly paid on presentation, by the treasurer, out of money in his hands collected for that purpose, and he shall endorse upon the face of such coupons, in red ink, the word "Paid," and the date of payment, and sign the initials of his name.

§ 148. SECURITY.] The school fund and property of such civil corporation and territory attached for school purposes is hereby pledged to the payment of the interest and principal of the bonds mentioned in this article as the same may become due.

§ 149. BOND REGISTRY.] It shall be the duty of the clerk of the board of education to register in a book provided for that purpose the bonds issued under this article, and all warrants issued by the board, which said register shall show the number, date and amount of said bonds, and to whom made payable.

§ 150. OATH OF OFFICE.] Each member of the board of education and officer provided for in this article shall take and subscribe an oath or affirmation to support the constitution of the United States, the organic act of the Territory of Dakota, and faithfully perform the duties of his office. The oath and bond of the clerk shall be filed with the treasurer. All other oaths and bonds shall be filed with the clerk; but the clerk shall immediately notify the county clerk and county superintendent of the filing of such oaths and bonds.

§ 151. TREASURER OF BOARD.] Besides the municipal officers to be elected in any city, town or village, there shall be elected, at the annual municipal election, members of the board of education provided for herein, and a treasurer of the board of education. The members of the board of education shall be elected in all respects as are the members of the common council or board of trustees of the municipal corporation and for like terms of office. Where there is no organization for civil government, the board of education shall consist of three members, one to be elected annually, and each shall hold for a term of three years and until his successor is elected and qualified. A treasurer shall be elected each year, to hold for one year or until his successor is elected and qualified. Any vacancy in the office of treasurer shall be filled by the board of education by appointment; *Provided*, That at the first election of the board of education, in such cases, one shall be elected for one year, one for two years and one for three years. After the first election, one shall be elected annually; *Provided, further*, At the first annual election of any city under the provisions of this act, there shall be two members of the board of education elected from each ward, one of whom shall serve for one

year and one for two years; and one member of the board of education shall be elected from each ward at each annual election thereafter.

SPECIAL INSTRUCTION FOR COMMON SCHOOL TEACHERS AND EXAMINATIONS FOR THE SAME.

§ 152. TERRITORIAL TREASURER.] The Territorial Treasurer shall pay yearly, on the warrant of the Auditor, out of any funds not otherwise appropriated, under the direction of the Territorial Board of Education, the sums designated in the following sections.

§ 153. UNIVERSITIES, COLLEGES AND ACADEMIES.] The said Board of Education shall designate the private universities, colleges and academies in which the instruction shall be given, distributing them as nearly uniformly throughout the Territory as may be, but no institution shall be selected of lower than the academic grade. The instruction provided for herein, shall be given only by teachers of such standing and qualifications as are approved by the Territorial Board.

§ 154. INSTRUCTION AND ADMISSION.] Every institution so designated, and not to exceed ten in all, shall instruct a class of not less than ten and not more than twenty-five scholars, and every scholar admitted to such class shall continue under instruction not less than ten weeks, all of which shall be in one school term. The Board of Education shall prescribe the conditions of admission to the class, the course of instruction, and the rules and regulations under which said instruction shall be given.

§ 155. INSTRUCTION FREE.] Instruction shall be free to all scholars admitted to such class, except in such branches as are not included in the course prescribed by the Board of Education, but to avail themselves of this privilege the scholars must consume in them the length of time required by section 154 of this act,

§ 156. GOVERNING BOARD.] The governing board of each institution designated and in which said instruction is given, shall be paid from the appropriation made by section 152 of this act, at the rate of one dollar for each week's instruction of each scholar, on the certificate of the Territorial Board of Education to be furnished to the Auditor.

§ 157. EXAMINATIONS.] The Territorial Board of Education shall establish in the institutions designated, subject to their visitation, examinations in such branches of study as are taught in the course prescribed, and shall determine the rules and regulations in accordance with which they shall be conducted; said examinations shall be prescribed in such studies, and shall be arranged and conducted in such manner, as in the judgment of the board of education will furnish a suitable preparation for the teacher's work in the common schools, prominent among which shall be methods of teaching and practice; and they shall confer such honorary certificates or diplomas as they may deem expedient

upon those pupils who satisfactorily pass such examinations. The Board of Education is authorized to establish examinations as to attainments in learning of any persons applying for admission to the course of study provided for herein, and to audit and certify to the Territorial Auditor all accounts for the expenses of establishing and conducting such examinations, and all contingent expenses attending the same, and the amounts thereof shall be paid from the appropriation for this purpose made in section 152 of this act.

§ 158 ACTS REPEALED.] All acts and parts of acts in conflict with this act, except those governing cities, towns, villages and independent districts, the act governing counties under the school district system, chapter forty-five of the session laws of 1883 and chapter twenty-four of the session laws of 1881, relating to school house bonds are hereby repealed.

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

Approved, March 11, 1887.

---

## ELECTIONS.

---

### CHAPTER 48.

#### REGISTRATION OF VOTERS REQUIRED IN CITIES OF OVER ONE THOUSAND VOTERS.

AN ACT To Amend Sections 15 and 16, of Chapter 122, of the Laws of 1881, Entitled "An Act for the Registry of Electors, and to Prevent Fraudulent Voting."

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

§ 1. COUNTY CLERKS SHALL PROVIDE NECESSARY BLANKS.] That section 15, of chapter 122, of the Laws of 1881, be amended so as to read as follows:

§ 15. The county clerks shall provide to the board of registry of the several precincts within their respective counties the necessary blank registers and blanks, at the expense of their re-