

# EDUCATION.

## CHAPTER 62.

[S. F. 143.]

### PROVIDING FOR UNIFORM SYSTEM OF PUBLIC SCHOOLS.

**AN ACT to Provide for a Uniform System of Free Public Schools Throughout the State and to Prescribe Penalties for Violation of the Provisions Thereof.**

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

### ARTICLE I.

#### STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 1. QUALIFICATION OF SUPERINTENDENT—TERM OF OFFICE—BOND.] There shall be chosen by the qualified electors of the State at the times and places of choosing members of the Legislative Assembly a Superintendent of Public Instruction, who shall have attained the age of twenty-five years, and shall have the qualifications of a state elector and is the holder of a state certificate of the highest grade, issued in some state, or is a graduate of some reputable university, college or normal school. He shall hold his office at the seat of government for the term of two years from the first Monday in January following his election, and until his successor is elected and qualified. Before entering upon his duties, he shall take the oath of civil officers and give a bond in the penal sum of \$5,000, with not less than two sureties, to be approved by the Governor and Attorney General.

§ 2. TO PRESERVE MISCELLANEOUS DOCUMENTS.] The State Superintendent of Public Instruction shall preserve in his office all books, maps, charts, works on education, school reports and school laws of other states and cities, plans for school buildings, and other articles of educational interest and value which may come into his possession as such officer, and at the expiration of his term shall deliver them, together with the reports, statements, records and archives of his office, to his successor.

§ 3. SUPERVISION OF SCHOOLS.] He shall have the general supervision of the public schools of the State, and shall be *ex-officio* member of the Board of University and School Lands and of the Normal School Board of the State.

§ 4. TO FURNISH SCHOOL SUPPLIES.] He shall prepare, cause to be printed and furnish to the proper officers or persons all school registers, reports, statements notices, and returns needed or

required to be used in the schools or by the school officers in the State.

§ 5. TEACHERS' CERTIFICATES.] He shall prepare or cause to be prepared all questions to be used in the examination of applications for teacher certificates, prescribe the rules and regulations for conducting all such examinations, and issue or revoke State certificates as provided for in this act.

§ 6. COURSE OF STUDY.] He shall prepare and prescribe a course of study for all the public schools and State Normal Schools and the course of study, training and practice of the professional department of schools designated and supported wholly or in part by the State.

§ 7. RULES FOR TEACHERS' INSTITUTES.] He shall prescribe rules and regulations for the holding of teachers' institutes, and after counseling and advising with county superintendents, shall appoint conductors therefor.

§ 8. COUNSEL WITH COUNTY SUPERINTENDENTS.] He shall counsel with and advise county superintendents upon all matters involving the welfare of the schools; he shall, when requested, give them written answers to all questions concerning the school law. He shall decide all appeals from the decision of the county superintendents, and may for such decisions require affidavits, verified statements or sworn testimony as to the facts in issue.

§ 9. RECORD OF OFFICIAL ACTS.] He shall keep a complete record of all his official acts, and shall file in his office all appeals and papers appertaining thereto.

§ 10. SCHOOL LAWS TO BE PRINTED.] He shall at least once in two years cause to be printed the School Laws of the State, with such notes and decisions thereon as may seem to him advisable, and shall furnish them as they are needed to the school officers in the State.

§ 11. CONFERENCE WITH COUNTY SUPERINTENDENTS.] He shall meet the county superintendents of each judicial district or of two or more districts combined, at such time and place as he shall appoint, giving them due notice of such meeting. The objects of such meeting shall be to accumulate valuable facts relative to schools, to compare views, to discuss principles, to hear discussions and suggestions relative to the examinations and qualifications of teachers, methods of instruction, text books, institutes, visitation of schools and other matters embraced in the public school system.

§ 12. SEAL.] He shall provide and keep a seal, which shall be the official seal of the State Superintendent of Public Instruction, and by which all of his official acts may be authenticated.

§ 13. TO ASSIST TEACHERS' INSTITUTES.] He shall, as far as he shall find practicable, attend, hold and assist at teachers' institutes, and aid and encourage generally teachers in qualifying themselves for the successful discharge of their duties; he shall labor faithfully in all practicable ways for the welfare of the public

schools of the State, and shall perform such other duties as shall be required of him by law.

§ 14. BIENNIAL REPORT, WHAT TO CONTAIN.] He shall, on or before the first day of November preceding the biennial session of the Legislative Assembly, make and transmit to the Governor, a report showing:

First. The number of school districts, schools, teachers employed and pupils taught therein, and the attendance of pupils and studies pursued by them.

Second. The financial condition of the schools, their receipts and expenditures, value of school houses and property, cost of tuition and wages of teachers.

Third. The condition, educational and financial, of the normal and higher institutions connected with the school system of the State, and as far as it can be ascertained, of the private schools, academies and colleges in the State.

Fourth. Such general matters, information and recommendations relating to the educational interests of the State as he may deem important.

§ 15. REPORTS TO BE PRINTED.] Two thousand five hundred copies of the report of the State Superintendent shall be printed biennially in the month of December, preceding the session of the Legislative Assembly. Five copies shall be furnished to each of the members of the Legislative Assembly, one copy to each county superintendent of the State, one copy to the president of each school board, two to each State officer, one to each State and Territorial Superintendent, twenty copies shall be filed in the office of the State Superintendent and ten in the State Library. The balance shall be distributed among the various college, university and other libraries of the United States.

§ 16. SALARY—TRAVELING EXPENSES.] He shall receive such annual salary as shall be prescribed by law, to be paid monthly on the warrant of the Auditor of State. He shall also be paid his traveling expenses necessarily incurred in the discharge of his duties, not to exceed six hundred (600) dollars in any one year to be paid monthly on the warrant of the Auditor of the State when he shall have filed with the Auditor an itemized statement of such expenses properly verified.

## ARTICLE II.

### COUNTY SUPERINTENDENT OF SCHOOLS.

§ 17. ELECTION—TERM OF OFFICE.] There shall be elected on the third Tuesday in June in each even numbered year, in each organized county in the State, a county superintendent of schools to serve for two years, from the first Monday in October following his election, and until his successors shall have been elected and qualified; except in those counties in which the last election for county superintendent was held in November, 1888, in which case the present incumbents shall continue in office until the first

Monday in January, 1891. Such election shall be held, and the vote cast shall be canvassed and returned as is provided for in this act.

§ 18. BOND.] The person so elected county superintendent shall, on or before the first Monday in October following, take and subscribe the oath or affirmation of his office, and shall also give a bond in the penal sum of five hundred (500) dollars, for the faithful discharge of his duties, with one or more sureties, to be approved by the county commissioners, which oath and bond shall be filed in the office of the county auditor.

§ 19. FIRST ELECTION, WHEN HELD.] In every county which shall be organized after the passage of this act, the first election for a county superintendent shall be held at the same time and places as the first election for other county officers is held; and the person so elected county superintendent shall hold his office until the first Monday in October thereafter in the next even numbered year, unless such first election be held before the first day of April in an even numbered year, in which case he shall hold his office until the first Monday in October following, and until his successor shall be elected and qualified. The person so elected county superintendent at such first election shall give bonds and qualify and enter upon his duties as provided in this act within ten days after the county commissioners enter upon the duties of their office.

§ 20. GENERAL DUTIES.] The county superintendent shall have the general superintendence of the public schools in his county, except those in cities which are organized under special law.

§ 21. SAME.] He shall visit every public school under his supervision within the county at least once each official year, and oftener if he shall deem it necessary to increase its usefulness. He shall at such visit carefully observe the condition of the school, the mental and moral instructions given, the methods employed by the teacher in teaching, training and drill; the teacher's ability and the progress of the pupils. He shall advise and direct the teacher in regard to the instruction, classification, government and discipline of the school and the course of study. He shall keep a record of such visits and by memoranda indicate his judgment of the teacher's ability to teach and govern, and the condition and progress of the school, which shall be open to inspection by any school director.

§ 22. SAME.] He shall carry into effect all instructions of the State Superintendent, given within his authority. He shall distribute to the proper officers, and to teachers all blanks furnished him by the State Superintendent, and needed by such officers and teachers.

§ 23. RECORD OF OFFICIAL ACTS.] He shall keep a record of all his official acts. He shall preserve all books, maps, charts and apparatus sent him as a school officer, or belonging to his



office. He shall file all reports and statements from teachers and school boards, and shall turn them over to his successor in office.

§ 24. MEETINGS WITH SCHOOL OFFICERS.] The county superintendent may arrange for meeting with school officers at designated times and places, due notice of which has been given, for the purpose of inspecting the district records and instructing in the manner of keeping the same, and of preparing the reports of district officers. He shall visit the officers of the several school districts as often as may be necessary to secure the correct keeping of the records.

§ 25. TO DECIDE QUESTIONS OF CONTROVERSY.] He shall decide all matters in controversy arising in his county in the administration of the school law or appealed to him from the decisions of school officers or boards. An appeal may be taken from his decision, in which case a full written statement of the facts, together with the testimony and his decision in the case shall be certified to the State Superintendent for his decision in the matter, which decision shall be final, subject to adjudication or the proper legal remedies in the State courts.

§ 26. POWER TO ADMINISTER OATHS.] The county superintendent shall have power to administer oaths of office to all subordinate school officers, and to witnesses, 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 pay for administering such oaths.

§ 27. INSTITUTE FUND, HOW RAISED, HOW USED.] All fees received by the county superintendent for the examination of teachers shall be turned over to the county treasurer, who shall keep the same as a special fund to be known as the "institute fund," and which shall be used only for the expenses of holding county teachers' institutes, to be paid out upon proper warrants issued by the county auditor upon the sworn and itemized voucher of the county superintendent.

§ 28. APPORTIONMENT OF STATE TUITION FUND.] He shall make apportionment of the State Tuition Fund among the school corporations of the county, as provided in this act.

§ 29. TEACHERS' CERTIFICATE, WHEN MAY BE REVOKED.] He shall see to it that the pupils are instructed in the several branches of study required by law to be taught in the schools, as far as they are qualified to pursue them. If any teacher neglects or refuses to give instructions as required by law in physiology and hygiene, and the nature and effect of alcoholic drinks, narcotics and stimulants, the county superintendent shall promptly revoke such teacher's certificate and cause him or her to be discharged. If the teacher so neglecting or refusing to give instructions in said branches holds a State certificate, the county superintendent shall

immediately certify such refusal or neglect to the State Superintendent.

§ 30. REPORT TO STATE SUPERINTENDENT.] He shall, on or before the first day of April each year, make and transmit an annual report to the State Superintendent, containing such statistics, items and statements, relative to the schools of the county, as may be required and prescribed by the State Superintendent. Such report shall be made upon and conform to the blanks furnished by the State Superintendent for that purpose. He shall not be paid his salary for the last quarter in his official year until he presents to the county commissioners, the State Superintendent's receipt for such annual report.

§ 31. DUTIES IN RELATION TO APPRAISEMENT OF SCHOOL LANDS --FEES.] He shall perform such duties as appraiser of the school lands in his county, and also in the leasing and sale of such lands, as may be required of him by the Board of University and School Lands. He shall be paid for such services three (3) dollars a day for the time actually employed therein, and five (5) cents a mile for the distance actually and necessarily traveled in the discharge of such duties. He shall make and present to the county commissioners a detailed statement of the time so occupied and the distance so traveled, which when verified by his affidavit, shall be audited and paid out of the county general fund.

§ 32. OFFICE RENT, POSTAGE AND STATIONERY.] The county superintendent may provide for himself a suitable office for the transaction of official business, when not provided therewith by the county commissioners, and said commissioners shall audit and pay his reasonable accounts for the use and furniture of said office. They shall also furnish him with all necessary books, stationery and postage; *Provided*, That not more than one hundred and twenty-five (125) dollars a year shall be paid by any county for office rent, books, stationery, postage and furniture; *Provided, further*, That where an office room is furnished by the county it [he] shall not be allowed to exceed more than fifty (50) dollars a year for stationery and postage.

§ 33. SALARY—DEPUTY—TRAVELING EXPENSES.] The salary of the county superintendent shall be as follows: In each county having ten schools or less, two hundred (200) dollars; over ten and under seventy schools, two hundred (200) dollars for the first ten schools, and twelve (12) dollars each for the next sixty schools, and in counties having over seventy schools five (5) dollars additional for each school; *Provided*, That it shall not exceed \$1,200 in any county. In addition thereto he shall receive five (5) cents a mile for the distance actually and necessarily traveled by him in the discharge of his duties. He shall at the end of every three months, make and furnish to the county commissioners an itemized statement of the distance so traveled in the discharge of his duties, which shall be audited and ordered paid by said com-

missioners. The amount of his salary shall be determined each year by the actual number of schools, or separate departments in graded schools, over which the county superintendent had official supervision the preceding year, and shall be paid out of the county general fund monthly, if the county commissioners have regular monthly meetings, otherwise in the amounts due at the meeting of the commissioners for the transaction of general business, upon the warrant of the county auditor after being audited by the county commissioners. In every county which shall be organized for school purposes after the passage of this act, the county superintendent shall be paid a salary at the rate of three hundred (300) dollars a year until the first Monday in October next following his election, after which his salary shall be fixed as provided for in this section. The county superintendent may appoint a deputy who shall perform the duties of the county superintendent only in case of the disability of the county superintendent or his absence from the county; *Provided*, That no additional salary shall be paid such deputy, but he shall be paid five (5) cents a mile for the distance actually and necessarily traveled in the same manner the county superintendent is paid; *Provided, further*, That the county superintendent shall be responsible for his acts in office.

§ 34. No person shall be deemed legally qualified for the office of county superintendent unless he or she holds a certificate of the highest county grade or its equivalent.

### ARTICLE III.

#### SCHOOL DISTRICTS.

§ 35. WHAT SHALL CONSTITUTE DISTRICT SCHOOL CORPORATION.] Each civil township in every county in the State, not organized for school purposes under the district system at the taking effect of this act, shall be and is hereby constituted a distinct school corporation, and whenever hereafter in any county a civil township shall be organized, it shall from and after such organization as a civil township, be and constitute a distinct school corporation, except as otherwise specially provided in this act.

§ 36. BOUNDARIES OF SCHOOL TOWNSHIP TO CONFORM WITH CIVIL TOWNSHIP WHERE POSSIBLE.] Each school township in every county in the State, which at the taking effect of this act consists of territory not organized into a civil township, shall be and remain a distinct school corporation; *Provided*, Whenever such school township, or any part thereof, shall be organized into or annexed to a civil township, such civil township shall thenceforth constitute a distinct school corporation; *Provided, further*, Nothing in this act shall be construed to alter the boundary lines of any school township organized prior to the passage of this act, except upon petition as hereinafter provided.

§ 37. WHAT TERRITORY MAY BE ORGANIZED INTO DISTRICT SCHOOL CORPORATIONS.] The county commissioner of every county not organized for school purposes under the district school system at the taking effect of this act, shall organize into a district school corporation any territory not at the taking effect of this act already organized into a civil township or a school township, upon being petitioned so to do by one-third of the residents of such territory having the care and custody of any child of school age; *Provided*, Such territory shall consist of not less than one congressional township, that it shall have at least \$8,000 of taxable property, and that at least ten children of school age reside therein. The county commissioners of every such county, with the advice and counsel of the county superintendent, may rearrange the boundaries of any school corporation whose territory is not included within a civil township, when petitioned so to do by a majority of the voters residing within each such school corporation whose boundaries will be effected thereby, subject to the same restrictions and conditions as to extent of territory, value of taxable property and number of resident children of school age as in the organization of a school corporation from territory not included in a civil township. In the formation of school corporations and the rearrangement of their boundaries, as provided for in this section, the boundary lines of congressional townships shall be followed as far as possible as school corporation lines.

§ 38. NEW SCHOOL DISTRICTS, HOW FORMED.] In any county hereafter organized, the county commissioners shall so divide the county, or the parts thereof, which include every congressional township in said county which has residing therein not less than ten children of school age, into school corporations as will best promote the permanent interests of the public schools in the county, upon the same petition and subject to the same conditions and restrictions contained in Section 37 of this article.

§ 39. WHEN SCHOOL CORPORATIONS MAY BE DIVIDED AND ATTACHED TO OTHER DISTRICTS.] If a part of any such school corporation having not more than ten children of school age residing therein, is separated from the other part of such corporation by any natural obstacle which practically prevents such children from attending school in such other part, the county commissioners of the county may annex such part so separated from the other part to an adjoining school corporation, and the part so annexed shall constitute a part of such adjacent corporation. If such adjacent corporation lie in another county, the county commissioners of the two counties may jointly make such annexation.

§ 40. HOW DISTRICT SYSTEM MAY BE CHANGED TO TOWNSHIP.] In any county not organized for school purposes under the district system at the taking effect of this act, if a town or village not organized into a special school district be divided by a civil township line, the county commissioners, when petitioned so to do by a majority of the voters of each part of said town or village, may

annex one part of said town or village to the adjacent school corporation, which includes the other part of said town or village and the part so annexed shall constitute a part of such adjacent corporation.

§ 41. WHEN PARTS OF THREE OR MORE DISTRICTS MAY BE CONSOLIDATED INTO A SEPARATE SCHOOL DISTRICT.] If in any county organized at the time of the passage of this act for school purposes under the district system, a school district includes part of three or more civil townships adjacent to or including the common corner of such townships, and has a school house costing \$2,000 or more standing within one mile of such common corner of such townships, the one-fourth of each of the four civil townships, three miles square, lying adjacent to or including such common corner shall constitute a school district.

§ 42. WHEN CIVIL TOWNSHIPS MAY CONSOLIDATE INTO SCHOOL DISTRICT.] In any county not organized for school purposes under the district system at the taking effect of this act, if a civil township having less than fifteen persons of school age residing therein, by reason of the irregular course of natural boundry, contains less than twelve sections or square miles of territory, it shall constitute a part of the adjacent school district with which it has the longest common boundary line.

§ 43. NAME.] Every school corporation constituted or formed by the provisions of this article, shall be designated a school district as distinguished from a civil township or congressional township, and shall be named as follows: Every school district which consists of a civil township, shall be named the.....school district of.....county, State of North Dakota, with the name of the civil township which constitutes the district inserted in the blank before the word "school," and the name of county in which it is situated inserted before the word "county." Every school district which consists of territory not organized into a civil township, but which has been named by a distinctive name, shall have such distinctive name inserted in the blank before the word "school." Every school district consisting of territory not organized into a civil township which has no distinctive name, shall be named school district No. ....of.....county, State of North Dakota, with its proper number inserted in the blank after the word "number," and the proper name of the county inserted in the blank before the word "county;" *Provided*, That in every county organized for school purposes under the district system at the taking effect of this act, the several school districts shall retain and be known by the number which they have respectively at the time of the taking effect of this act, and any school district hereafter formed in any such county shall be known by the number next higher than that of the highest pre-existing numbered district.

§ 44. WHEN BOUNDARIES TO BE RE-ARRANGED AND ESTABLISHED.] The county commissioners and county superintendent of schools

in each county which, at the taking effect of this act, is organized for school purposes under the district system, shall meet on the first Monday in May, 1890, at the place where the meetings of such commissioners are usually held, and shall re-arrange and establish the boundaries of the several school districts of the county as herein provided, to-wit:

1. Every civil township in the county, no part of which is included in a school district already organized, shall be formed into a single school district.

2. Every congressional township in the county, no part of which is included in a civil township, or in an organized school district, if it contains twelve or more persons of school age, shall be formed into a single school district.

3. All territory in a county situate in a civil township, part of which is organized into a school district or districts, or situate in a congressional township not included in a civil township, and a part of which is organized into a school district or districts, shall be annexed to and form a part of an organized school district or districts lying wholly or in part in such civil or congressional township.

4. Each school district now organized which has less than ten persons of school age residing therein, shall be annexed to and form a part of such adjacent school district or districts as shall be most convenient for such persons of school age, when in the judgment of such commissioners and superintendent such annexation can be made without detriment to the schools or to the pupils residing in such districts.

5. The boundary lines of each school district which lies partly within two or more civil townships shall be so changed that such school district shall lie wholly within one civil township, so far as in the judgment of such commissioners and superintendent such change or changes can be made without detriment to the schools or to the pupils therein.

6. Such commissioners and superintendent shall make such changes generally in the boundary lines of the school districts of the county, not in their judgment detrimental to the interests of the schools of the county, as will reduce the number of school districts in the county, and form school districts not extending beyond the boundaries of the civil township.

§ 45. BOUNDARIES, HOW CHANGED IN FUTURE.] After the boundary lines of the several school districts in any of the said counties are rearranged and established as provided for in the last preceding section of this article, such boundary so established may be changed by the county commissioners and superintendent of schools of such county at any regular session of such commissioners upon a petition for such change signed by one-third of the voters residing in each district, whose boundaries will be affected by such change, if in the judgment of the commissioners and superintendent such change is for the best interests of the schools;

*Provided*, That by such change or changes no new district shall be formed, nor shall the number of school districts in the county be increased; *Provided, further*, that each congressional township not wholly or in part included in a civil township, and no part of which is organized for school purposes, shall be formed into a school district as soon as it shall have residing therein twelve or more children of school age.

§ 46. RIGHTS AND POWERS OF SCHOOL CORPORATIONS.] Every school district constituted and formed as provided in this article shall be and is hereby constituted a distinct corporation, and under its own proper name or number, as such corporation may sue and be sued, contract and be contracted with and may acquire, purchase, hold and use personal or real property for school purposes or the purposes mentioned in this act and sell and dispose of the same.

§ 47. PLATS OF SCHOOL DISTRICTS TO BE FILED.] The county auditor shall, within thirty days after the first school election held as provided herein, transmit to the State Auditor, to the State Superintendent and to the county superintendent a plat of the county showing the boundaries and name of each school corporation therein, and shall record a copy of the same, together with all proceedings of the county board had and done under this act, in a proper book kept for the purpose. He shall promptly furnish such officers with a correct plat showing any changes at any time in the boundaries of school corporations. The State Superintendent shall furnish instructions for the suitable preparation and construction of such plats in regard to scale, markings, etc., in order to secure a uniform series of maps for binding for office use.

#### ARTICLE IV.

##### ELECTION OF SCHOOL DISTRICT OFFICERS.

§ 48. ELECTION—OFFICERS TO BE ELECTED.] On the third Tuesday in June, 1890, there shall be elected at large in each school district three school directors, one for one year, one for two years and one for three years, and a school treasurer for the term of two years, and annually thereafter one school director for the term of three years, and biennially thereafter a school treasurer for the term of two years. Said officers shall hold their respective offices from the second Tuesday in July following their election for the number of years respectively for which they were elected, and until their successors are elected and qualified. At the first election for the organization of a new school district there shall be elected at large for such school district three directors, one to serve until the first annual election, one to serve until the second annual election and one to serve until the third annual election thereafter, and a school treasurer to serve until the annual election in the next even numbered year and until their successors are elected and qualified.

§ 49. POLLING PLACES, HOW ESTABLISHED—APPOINTMENT OF JUDGES.] The county superintendent in each county shall, at least twenty days prior to the third Tuesday in June, 1890, fix and designate some polling place in each school district, so located as to be convenient for the voters of said district, and shall appoint two persons to act as judges and two to act as clerks of the election of said school officers; said judges and clerks shall be qualified voters in their respective districts. The county superintendent shall notify in writing said judges and clerks of their appointment, and of the place fixed and designated as the polling place in their respective districts, and shall furnish them with the necessary blanks and poll books for such election. He shall also furnish one of said clerks with three notices of such election, specifying the time and place at which said election is to be held and the officers to be elected and term of each, which notices said clerk shall post in three of the most public places in the district at least ten days prior to the third Tuesday in June. The county superintendent shall fix the date and perform such other duties as devolve upon him by the provisions of this section for the first election in any school district hereafter formed under the provisions of this act, and such election shall be called by the county superintendent within thirty days after the formation of such school district.

§ 50. WHO QUALIFIED TO VOTE OR HOLD OFFICE.] At any election of school officers in any school corporation in this State, all persons who are qualified electors under the General Laws of the State, and all women twenty-one years of age having the necessary qualifications as to citizenship and residence required of male voters by the General laws, shall be qualified voters, and shall be eligible to the office of county superintendent of schools, school director or member of the board of education, or school treasurer, or may be judge or clerk of such election.

§ 51. ELECTION OF COUNTY SUPERINTENDENT.] At the election on the third Tuesday in June, 1890, and biennially thereafter, at the time and place of electing school district officers, the legal voters in each school district, except cities organized under a special school law, in each county, shall vote for a county superintendent of schools for such county.

§ 52. HOURS POLLS OPEN.] At all elections for school district officers, and for county superintendent of schools, the polls shall be open at 2 o'clock p. m. and closed at 5 o'clock p. m.

§ 53. NOTICES OF ANNUAL ELECTION.] Each year after 1890, and at least fifteen days before the third Tuesday in June, the district school board of each school district shall designate one polling place, as convenient as possible to the voters of such district, at which such annual election shall be held, and shall cause notice of such election to be posted in at least three of the most public and conspicuous places within the district. Such notices shall be signed by the clerk, or in his absence by the president of



the district school board, and shall state the time and place of holding such election, and the officers to be elected and their terms of office, and shall be in substantially the following form, to-wit:

Notice is hereby given that on Tuesday the.....day of June, A. D. 18....an election will be held at..... (here insert polling place) for the purpose of electing..... (here insert officers to be elected and term each is to serve) for school district No....or for.....(here insert name of school district), and (if an even numbered year) a county superintendent of schools for.....(insert name of county) county to serve for two years. The polls will be open at 2 o'clock p. m., and closed at 5 o'clock p. m. of that day.

By order of school board,

Signed.....

Clerk.

§ 54. JUDGES.] At such annual election any two of the directors of the school district shall act as judges, and the clerk of the district school board and one other person, to be chosen by the voters present at the opening of the polls, shall act as clerks. The voters present at the opening of the polls shall choose another person to fill the vacancy caused by the absence of either of said officers, to act as judge or clerk of such election. Before opening the polls each of the judges and clerks of election, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will perform my duties as judge or clerk (as the case may be) according to law and the best of my ability." Such oath or affirmation may be administered by any officer authorized to administer oaths, or by either of the judges or clerks. And any school officer elected and qualified under the provisions of this act is hereby authorized and empowered to administer any oath or affirmation pertaining in any manner to school officers.

§ 55. VOTES, HOW CANVASSED.] Such annual school election shall be conducted and the vote canvassed as provided by law for general elections, except as otherwise provided in this act. Immediately after polls are closed, the judges shall proceed to count and canvass the votes cast for each person voted for at such election for any office, and the person receiving the highest number of votes for the office of director or treasurer shall be declared elected. The return of the number of votes cast for each person for county superintendent of schools shall be signed by such judges and clerk of elections, sealed in an envelope and forwarded to the county auditor within five days after such election.

§ 56. CERTIFICATES OF ELECTION.] The clerk of the school district shall within five days after such election, furnish each person elected to any district office, a written notice of his election, and that he shall take the oath of office as such officer on or before the second Tuesday in July following such election. He shall also forward to the county superintendent within ten days after such

election, a certified list of all the officers elected thereat. Within fifteen days after the annual school election in an even numbered year, the county auditor shall issue a certificate of election to the office of county superintendent of schools, to the person receiving the highest number of votes in the county, according to the returns forwarded to him from the various school districts, including special districts of the county.

§ 57. OATH.] Every person elected to the office of school director or treasurer shall take and subscribe the following oath before entering upon the duties of his office, to-wit: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and Constitution of the State of North Dakota, and that I will faithfully discharge my duties as school director (or school treasurer, as the case may be) according to law and the best of my ability," which oath shall be filed with the clerk of the school district board. The county superintendent shall take and subscribe the oath or affirmation required by law for other county officers, which shall be filed with the county auditor.

§ 58. CERTAIN WORDS CONSTRUED.] Wherever the words "county auditor" occur in this act, they shall be construed to mean "county auditor" or "county clerk." Wherever the word "he" occurs in this act in reference to voters, teachers, district officers or county superintendent, it shall be construed to mean "he" or "she."

## ARTICLE V.

### ORGANIZATION AND MEETINGS OF THE DISTRICT SCHOOL BOARD, AND DUTIES OF THE DISTRICT OFFICERS.

§ 59. DISTRICT SCHOOL BOARD—QUORUM.] The three school directors in each school district shall constitute the district school board. A majority of the board shall constitute a quorum and the agreement of a majority shall be necessary to the validity of any contract entered into by the board.

§ 60. ORGANIZATION—CLERK.] The school board shall meet annually on the second Tuesday in July and organize by choosing one of the members president, and a competent person not a member of the board, clerk, who shall hold his office during the pleasure of the board.

§ 61. MEETINGS OF BOARD—FEES.] The board shall hold four regular meetings each year for the transaction of business, to-wit: On the second Tuesday in July, October, January and April, at such place and hour of the day as may be fixed by the board. A special meeting of the board may be held upon the call of the president of the board, or of the other two members. Written notice of the time and place of any special meeting shall be given to each member of the board at least forty-eight hours before the time of such meeting. Each member of the school board shall be paid the sum of eight (8) dollars, less two (2) dollars for each regular meeting which he fails to attend.

§ 62. DUTIES OF PRESIDENT.] The president shall preside at all meetings of the board, and shall perform such duties as usually pertain to such office and in accordance with the customary rules of order. In his absence a president *pro tempore* shall preside. The president shall perform such other duties as are prescribed in this act.

§ 63. DUTIES OF CLERK—COMPENSATION.] The clerk of the board shall keep an accurate record of all proceedings of the board, give or post all notices, make out all reports and statements and perform all other duties required by law or by the order of the board. He shall receive such compensation as shall be fixed by the board, not less than five (5) dollars nor more than twenty-five (25) dollars per annum.

§ 64. TREASURER'S BOND, HOW APPROVED — VACANCY, HOW FILLED.] The school treasurer shall, on or before the second Tuesday in July following his election, and before entering upon his duties, give a bond to the school district conditioned that he will honestly and faithfully discharge his duties as treasurer, that he will render a true account of all funds and property that shall come into his hands, and pay and deliver the same according to law. Such bond shall be in such penal sum as may be fixed by the board, but not less than double the sum as nearly as can be ascertained to come into his hands in any one year, shall be signed by two or more sufficient sureties, and shall be approved by the school board. In case the school board neglect or refuse to approve the bond of the district treasurer and the sureties thereto, such treasurer may present the same to the county superintendent, and serve notice thereof upon the board, and due proof of such notice being made to the county superintendent he shall, unless good cause for delay appear, proceed to hear and determine the sufficiency of the bond and sureties thereto, and may approve the same, and such approval shall be in all respects valid; *Provided*, That in all cases where a vacancy exists, or may hereafter exist in the office of district treasurer, it shall be the duty of the county treasurer of the county wherein such school district is located, upon being notified by the county superintendent or clerk of such school district that such vacancy exists, to perform the duties of treasurer of such school district until the vacancy is duly filled.

§ 65. WHEN ADDITIONAL BOND REQUIRED.] Whenever the amount in the hands of the treasurer or subject to his order exceeds two-thirds of the penal sum of his bond, or when in the judgment of the board or of the county superintendent the security on such bond is impaired, the board or county superintendent shall require an additional bond or security. If the treasurer fail for twenty days to give such additional bond or security, the office shall be declared vacant, and the vacancy shall be filled as provided in this act.

§ 66. SCHOOL FUNDS, HOW PAID OUT.] The school treasurer

shall keep such accounts and make such reports as are required of him by law. He shall pay no money out of the school funds in his hands except upon the warrant of the school board, signed by the president and countersigned by the clerk. He shall pay all warrants properly drawn and signed when presented so long as there is any money in his hands or subject to his order for their payment.

§ 67. CERTAIN WARRANTS TO BE ENDORSED WHEN FUNDS NOT IN TREASURY TO PAY.] Whenever a warrant is presented to the treasurer for payment and there is no money in his hands or subject to his order for the payment of such warrant, he shall endorse on such warrant "presented for payment this.....day of..... 18....and not paid for want of funds," and sign such endorsement. If he has in his hands or subject to his order, money for the part payment of such warrant, he shall make such part payment and endorse the sum on the warrant and add "balance not paid for want of funds," signing the same. He shall keep a correct register of all warrants so presented and endorsed. Every warrant thus presented and endorsed shall draw interest for the amount unpaid at 8 per cent. per annum until paid; *Provided*, That whenever there shall come into the hands of the treasurer or subject to his order, money applicable to the payment of any warrant which has been so presented and registered, the treasurer shall notify in writing by mail the drawee of such warrant at his last known place of residence to present such warrant for payment, and interest shall cease upon every such warrant ten days after such notice shall have been sent and such money shall be held for the payment of such warrant.

§ 68. WARRANTS, WHAT TO SPECIFY.] Every warrant drawn by the clerk of the district board on the district treasurer, shall specify the purpose for which the money is paid, the fund on which it is drawn, and the person, firm, or corporation to whom paid; *Provided*, That no warrant shall be issued except for an indebtedness incurred prior to its issue.

§ 69. OATHS AND BONDS, WHERE TO BE FILED.] All official oaths and bonds of school district officers shall be filed with the district clerk, who shall immediately certify to the county superintendent the fact of such oaths and bonds being filed. In case of the breach of any of the conditions of the treasurer's bonds, the board, through its president, and in case of his refusal so to do the county superintendent shall cause an action to be commenced and prosecuted thereon in the corporate name of the district, and any money collected for the district shall be paid to the district treasurer, and any money collected for fines shall be paid into the county treasury, to be applied to the use of the State Tuition Fund. If the board and county superintendent both fail or refuse to bring such action, then action may be commenced and prosecuted by any tax payer in the district, and the necessary ex-

pense of such action shall be paid out of the district treasury, unless otherwise ordered by the court.

§ 70. SALARY OF SCHOOL TREASURER.] The school treasurer shall be paid for his services such sum as shall be fixed by the board, not less than five (5) nor more than twenty-five (25) dollars per annum.

## ARTICLE VI.

### POWERS AND DUTIES OF THE DISTRICT SCHOOL BOARD.

§ 71. GENERAL POWERS.] The district school board shall have the general charge, direction and management of the schools of the district, and the care, custody and control of all the property belonging to it, subject to the provisions of this act.

§ 72. POWER TO ESTABLISH SCHOOLS.] It shall organize, maintain and conveniently locate schools for the education of the children of school age within the district, or change or discontinue any of them according to law.

§ 73. REPAIRS, FUEL AND SUPPLIES.] It shall make all necessary repairs to the school houses, outbuildings and appurtenances, and shall furnish fuel and all necessary supplies for the schools.

§ 74. FURNITURE, MAPS, REGISTERS, ETC.] It shall furnish to each school all necessary and suitable furniture, maps, charts, and apparatus, including Webster's Unabridged Dictionary. The school registers and all school blanks used shall be those furnished by the State Educational department.

§ 75. TEACHERS, HOW EMPLOYED, QUALIFICATION.] It shall employ the teachers of the schools of the district, and may dismiss any teacher at any time for plain violation of contract, gross immorality or flagrant neglect of duty; *Provided*, That no person shall be employed as teacher or permitted to teach in any public school who is not when so employed or permitted to teach the holder of a teacher's certificate valid in the county or district in which such school is situated; and, *Provided, further*, That every contract for the employment of a teacher must be in writing.

§ 76. ADMISSION OF PUPILS FROM OTHER DISTRICTS.] It shall have power to admit to the schools in the district pupils from other districts when it can be done without injuring or overcrowding such schools, and shall make regulations for their admission and the payment of their tuition. It shall have power to arrange with the board of an adjacent district for sending to such district, such pupils as can be conveniently taught therein and for paying their tuition therein. It shall also have power to make proper and needful rules for the assignment and distribution of pupils to and among the schools in the district and their transfer from one school to another.

§ 77. RULES—SUSPENSION OF PUPILS.] It shall assist and co-operate with teachers in the government and discipline of the schools, and may make proper rules and regulations thereof. It may

suspend or expel from school any pupil insubordinate or habitually disobedient; *Provided*, Such suspension shall not be for a longer period than ten days or such expulsion not beyond the end of the current term of school.

§ 78. BRANCHES OF STUDY.] It shall have power to determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent.

§ 79. TAX—LEVY OF TO BE NOTIFIED TO THE COUNTY AUDITOR.] It shall have power to levy upon the property in the district a tax for school purposes of not exceeding thirty (30) mills on the dollar in any year, which levy shall be made by resolution of the board prior to the twentieth day of July. The clerk shall immediately thereafter notify in writing the county auditor or county clerk of the amount of tax so levied.

§ 80. WHEN SCHOOL HOUSE MAY BE USED FOR OTHER PURPOSES.] It may permit a school house, when not occupied for school purposes, to be used, under careful restrictions, for any proper purpose, giving equal rights and privileges to all religious denominations or political parties; but for any such use or privilege it shall not be at any cost for fuel or otherwise to the district. Nor shall any furniture which is fastened to the floor be removed, and whoever removes any school furniture for any other purpose than repairing the same or for repairing the school room, shall be guilty of a misdemeanor and shall be fined not less than five (5) dollars nor more than ten (10) dollars for each offense. All fines imposed and collected under the provisions of this act shall be paid into the general school fund of the state.

§ 81. SCHOOL HOUSES AND SITES, HOW DETERMINED.] Whenever in the judgment of the board it is desirable or necessary to the welfare of the schools in the district, or to provide for the children therein proper school privileges, or whenever petitioned so to do by one-third of the voters in the district, the board shall call a meeting of the voters of the district, at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange or sale of a school house site, or the erection, removal or sale of a school house. The president of the board shall be the chairman and the clerk of the board secretary of such meeting. In case either of these officers be not present, his place shall be filled by some one chosen by the voters present. Three public notices of the time, place and purposes of such meeting shall be posted in three public places in the district by the district clerk at least ten days prior to such meeting. If a majority of the voters present at such meeting shall by vote select a school house site, or shall be in favor of the purchase, exchange or sale of a school house, as the case may be, the board shall locate, purchase, exchange or sell such site, or erect, remove or sell such school house, as the case may be, in accordance with such vote of such majority; *Provided*, That it shall require a vote of

three-fifths of the voters of the district to order the removal of a school house.

§ 82. REAL PROPERTY FOR SCHOOL HOUSE SITES, HOW OBTAINED.] The school board of any school district may take in the corporate name thereof, any real property not exceeding two acres in area, chosen as a site for a school house, as provided in this act, 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 auditor of the county in which the real property is situated, shall, upon the written application of the district 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. Such 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 auditor, 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 district 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, excepting 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 purposes 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. If such owner or assigns neglect or refuse to make such repayment for one year after demand therefor by the board said site shall be the property of said district.

§ 83. SCHOOLS TO BE ORGANIZED ON PETITION.] If a petition signed by the persons charged with the support, and having the custody and care of nine or more children of school age, all of whom reside not less than two miles from the nearest school, be presented to the board asking for the organization of a school for such children, the board shall organize such school and employ a teacher therefor, if a suitable room for such school can be leased or rented at some proper location, not more than two miles distant from the residence of any one of said children, and if such petition be signed by the persons charged with the support and

having the custody and care of twelve or more of such children the board shall organize a school and employ a teacher and if no suitable room for such school can be leased or rented the board shall call a meeting of the voters of the district for the selection and purchase of a school-house site therefor, and the purchase or erection of a school house as provided for in Section 11 of this article. If at such meeting no such site be selected, or if it be not voted to erect or purchase a school house for such school, the board shall select and purchase a school-house site, and erect, purchase or move thereon a school house at a cost of not more than seven hundred (700) dollars for such school house and furniture therefor.

§ 84. SCHOOL TERMS, HOW ARRANGED—WHEN SCHOOL MAY BE DISCONTINUED.] The district board shall determine and fix the length of time the schools in the district shall be taught in each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of all ages; *Provided*, That every common school shall be kept in session for not less than four months in each school year; and in every district in which the number of persons of school age is an average of fifteen or more to the school, each school shall be kept in session for not less than six months in each school year; *Provided, further*, That any school may be discontinued when the average attendance of pupils therein for ten consecutive days shall be less than four, and all contracts between school boards and teachers shall contain a provision that no compensation shall be received by such teacher from the date of such discontinuance or when with the consent of a majority of the patrons of such school, proper and convenient school facilities can be provided for the pupils therein in some other school.

§ 85. ADDITIONAL SCHOOL TIME.] If the majority of the patrons of any school averaging for its last term twelve or more pupils in daily attendance, shall petition the board to continue such school for an additional time, not exceeding nine months in any school year, the board shall continue such school for that length of time, if there be funds in the treasury sufficient for that purpose.

§ 86. DISTRICT HIGH SCHOOLS HOW ESTABLISHED—CONTROL OF.] In any district containing four or more common schools and having an enumeration of sixty or more persons of school age residing therein, the board may call, and if petitioned so to do by ten or more voters in the district shall call a meeting of the voters of the district in the manner prescribed in Section 11 to determine the question of the establishment of a district high school. If a majority of the voters at such meeting vote in favor of establishing such high school, the meeting shall further proceed to select a site therefor and to provide for the erection or purchase of a



school building, or for the necessary addition to some school building therefor. Thereupon the board shall erect or purchase a building or make such addition for such high school, as voted at such meeting, and shall establish therein a district high school containing one or more departments, and employ a teacher or teachers therefor. Such school shall be kept in session for such time each year, not less than three months as the board may determine. The board shall, subject to the approval of the county superintendent, grade such high school, and prescribe the studies to be pursued therein, and shall have the same management and control thereof as of the common schools in the district. Two or more adjacent school districts may join in the establishment and maintenance of such high school, when empowered so to do by a majority of the voters in each district at a meeting called and held as provided for in this section, in which case the building and furniture occupied and used for such high school, shall belong to the districts so uniting, and all the cost of maintaining such school, including wages of teachers, and all necessary supplies shall be paid by such districts in proportion to the assessed valuation of the property in each, and the employment of teachers therefor, and the management, control and grading thereof, shall be vested in the joint boards of such districts, subject to the approval of the county superintendent of the county in which such school is situated.

§ 87. SCHOOL CENSUS—ANNUAL SCHOOL REPORT.] The board shall cause the clerk to make each year an enumeration of all unmarried persons over six and under twenty years of age having their legal residence in the district on the first day of December of that year, giving the name and age in years of each such person and the name of the parent or guardian having the care or custody of such person. Such enumeration shall be made upon and in accordance with the blanks therefor furnished by the county superintendent and shall be returned to the county superintendent before the 20th day of December. A copy of such enumeration shall also be kept in the office of the district clerk. The board shall also cause the district clerk to make out an annual school report for the year beginning January 1 and ending December 31, containing such financial and statistical statements and items as shall be required by the State Superintendent of Public Instruction, upon and in accordance with the blanks furnished therefor by the county superintendent. Such annual report shall be made after January 1, carefully examined and certified as correct by the board at its regular meeting in January, and transmitted to the county superintendent before the first day of February following. A copy of such annual report shall be filed in the district clerk's office. Five (5) dollars of the compensation of the clerk shall be withheld from him until said annual report shall have been made, approved and transmitted as is herein required.

§ 88. RECORDS OPEN TO INSPECTION.] All reports, books, records, vouchers, contracts and papers relating to school business in a school district, 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 State and county superintendents, and any particular paper or record shall be exhibited at reasonable hours to any voter or tax payer.

§ 89. ONLY ENGLISH LANGUAGE TO BE TAUGHT.] 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 district 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 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 or voting for its expenditure.

## ARTICLE VII.

### SCHOOL FUNDS.

§ 90. STATE TUITION FUND, HOW RAISED.] The net proceeds arising from all fines and penalties for violation of State laws, from leasing the school lands, the interest and income from the State permanent school fund, together with the school poll tax and all school taxes levied by general law, shall be collected and paid into the State Treasury as provided for by law and shall constitute the the State Tuition Fund, which shall be apportioned among the several counties of the State in proportion to the number of children of school age in each as shown by the last enumeration authorized by law.

§ 91. COUNTY TREASURER TO REPORT RECEIPTS QUARTERLY TO STATE AUDITOR.] It shall be the duty of each county treasurer to receive from the proper officers the net proceeds of fines, penalties and forfeitures for violation of state laws, to collect the school poll tax and all taxes levied for school purposes by general law and all monies arising from leasing school lands within the county and forward a detailed statement of the monies so collected, specifying the amount received from each of the above sources to the State Auditor, with the quarterly reports on the first of December, March, June and September.

§ 91. STATE AUDITOR TO APPORTION STATE TUITION FUND—FUNDS FROM LEASE AND SALE OF SCHOOL LANDS TO BE KEPT SEPARATE.] It shall be the duty of the State Auditor on or before the first Monday of June and December in each year to apportion the State Tuition Fund among the several counties of the State in proportion to the number of children of school age residing in each as shown by the last enumeration provided for by law and to

certify to the State Treasurer, and to each county treasurer the amount apportioned to the respective counties, and the State Treasurer shall forward to the county treasurer of each county to which a balance is due the amount due such county, and take his receipt therefor and make demand upon the county treasurer of each county from which a balance is due, and such county treasurer shall forward such balance immediately to the State Treasurer, taking his receipt therefor; *Provided, however,* That all monies arising from interest on the permanent school fund and from leasing school lands shall be apportioned by said State Auditor under a separate item, and such money shall be taken account of as a separate item by the county treasurer when certifying to the county superintendent the money on hand for apportionment, and it is further made the duty of the district treasurer to keep such fund separate from all other funds, and if at the close of the school year any part of said fund remains in the hands of the district treasurer, he shall return the same to the county treasurer, taking his receipt therefor, and the county treasurer shall return all such funds so returned, or that were not drawn from the county treasurer by the district treasurer, to the State Treasurer, who shall receipt for the same, and shall certify to the State Auditor the amount so returned to the State Treasurer.

§ 92. FUNDS DEFINED.] All money received by the school district from the apportionment made by the State Auditor shall constitute and be designated the State Tuition Fund. All money received from district taxes, from subscriptions, sale of property, or from any other source whatever, except from apportionment made by the State Auditor, shall be designated the special fund. In addition to the State Tuition Fund and the special fund, a sinking fund shall be established as provided for by this act.

§ 93. FUNDS CONTROLLED AND PAID OUT BY DISTRICT TREASURER.] All funds shall be kept in the possession or under the control of and paid out by the district treasurer, and he shall keep one general account for the whole district, for the entire receipts and expenditures, and separate itemized accounts as herein provided for each class of receipts and expenditures. His books shall at all times show, by entries under proper heads, all receipts of funds and payments therefrom, and enable any person readily to ascertain any balance in any account or any fund.

§ 94. COUNTY TREASURER TO FURNISH SUPERINTENDENT WITH STATEMENT.] The county treasurer shall immediately on receipt from the State Auditor of the certified amount of apportionment from the State Tuition Fund in each year, furnish the county superintendent with a statement of all money in the county treasury belonging to this fund, specifying, separately, what part thereof arises from the interest and income of the permanent school fund, and shall pay the same upon the certified apportionment of said county superintendent to the treasurers of the respective school districts of the county; *Provided, however,* The county superin-

tendent of schools shall not authorize the payment of money apportioned to any district unless the bond and oath of such treasurer, duly approved and certified, are on file in the office of the district clerk and a certificate thereof filed in the office of the county superintendent.

§ 95. APPORTIONMENT OF FUNDS, HOW MADE.] The county superintendent shall as soon as he receives the statement of the county treasurer provided for in the preceding section apportion separately such amounts to the several school districts within the county in proportion to the number of children residing in each over six and under twenty years of age excluding all married persons as appears from the last enumeration, and he shall immediately notify by mail or otherwise, in writing, each district treasurer of the amounts of money due his school district, and shall certify to the county treasurer and auditor the amounts due each school district. The county treasurer shall deliver to the several district treasurers upon the order of the county auditor the amounts apportioned to their respective districts, taking a receipt therefor; *Provided*, That new districts organized after the annual enumeration has been taken shall proceed immediately to take the enumeration as provided for by law, and after the receipt of such enumeration by the county superintendent, the newly organized districts shall receive their proportionate share of the funds distributed.

§ 96. SPECIAL SCHOOL DISTRICTS ENTITLED TO PORTION OF TUITION FUND.] Special school districts shall be entitled to receive their proportion of the State Tuition Fund; *Provided*, The clerk or secretary of the board of education thereof shall make report to county superintendent of the enumeration of children of school age therein at the time and in the manner prescribed in this act for other school districts to report the same.

§ 97. TREASURER'S ACCOUNTS—SETTLEMENT WITH BOARD ANNUALLY. The district 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 the new year. At the annual meeting of the school board on the second Tuesday of January in each year, the school board shall make settlement with the district 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 of the school board, and one to be transmitted to the county superintendent, and the board shall cause to be 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 the close of last year.

The amount received into the State Tuition Fund.

The amount received into the special fund.

The amount received into the sinking fund.

## 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 for the redemption of bonds.

The amount paid as interest on bonds.

The cash on hand at the close of the school year.

Such report shall include such other items as may be required by the district board or the State Superintendent, and shall be upon and in conformity with the blanks furnished him for that purpose.

§ 98. WHEN COUNTY TREASURER TO PAY OVER FUNDS TO DISTRICT TREASURER.] The treasurer of each district shall apply to the county auditor for an order, and the county treasurer shall pay over to him, on such order, all of the school money collected for such district and all school money apportioned to such district by the county superintendent, and the county auditor shall issue such order when notified by the county superintendent in writing that such district 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 district treasurer, and when a new one is appointed for any reason, or the incumbent has become disqualified, the clerk of the school board shall so inform the county superintendent, who shall also inform the county auditor. It shall be the duty of the county treasurer, when payment is made to any school treasurer of any funds herein provided for, to immediately notify the clerk of the school board of the payment of the same.

§ 99. TREASURER TO KEEP ACCOUNTS WITH SCHOOL CORPORATIONS.] 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 district board and all sums apportioned to the district by the county superintendent or other authority and all sums received for the district, and he shall credit himself with all payments made to the treasurer of the district distinguishing between the items paid by apportionment, those from local taxes and those from other sources. He shall also credit himself with all payments for redemption or endorsement of warrants in the collection of taxes and shall deliver to the district treasurer a tax receipt for the amount of each warrant so endorsed or redeemed, together with all warrants so redeemed at the time of making other regular payments to the district treasurer. To those credits to balance the accounts he shall add all items for legal fees, for collection and other duties.

§ 100. SCHOOL TAXES, HOW AND WHEN COLLECTED.] 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 State taxes are collected, and full power is hereby

given to him to sell property for school taxes the [same] as is provided by law for the collection of other taxes.

## ARTICLE VIII.

### TAXES.

§ 101. SCHOOL BOARD TO LEVY TAX.] Every school district board shall have power to levy upon all the property subject to taxation in the district, a tax for school purposes of all kinds authorized by law, not exceeding in the aggregate a rate of thirty (30) mills on the dollar in any one year. Such tax shall be levied by resolution of the board, prior to the 20th day of July in each year, which resolution shall be entered in the record of the proceedings of the board. The clerk shall immediately thereafter notify the county auditor in writing, of the amount of tax so levied, and such notice shall be in substantially the following form:

Office of the clerk of....school district,  
.....county, North Dakota,

.....18....

To the auditor of....county, North Dakota:

Sir: You are hereby notified that the school board of..... school district has levied a tax of.....dollars upon all real and personal property in said school district for school purposes. You will duly enter and extend such tax upon the county tax list for collection upon the taxable property of the school district for the current year.

.....Clerk.

The notice of a tax to pay any judgment against the district shall be in addition to the regular tax, and shall be certified to the county auditor under the same general form, suitably changed; *Provided*, That if the boundaries of such district shall embrace a portion of two counties, then the clerk of said [county] shall certify to the county auditor of the county to which such portion of the district embraced in the other county is attached to the county in which the original district is located in addition to the tax levy above mentioned, a list and valuation of all property subject to taxation in the district, as shown by the assessor making the assessment in such county or township, and the auditor shall enter such property upon the tax duplicate of his county and levy all taxes upon the same, and the county treasurer of the county shall collect the taxes levied thereon the same as other taxes are collected and pay the same over to the treasurer of the district entitled thereto.

§ 102. TAX, HOW LEVIED.] The county auditor of each county shall, at the time of making the annual assessment and levy of taxes, levy a tax of one (1) dollar on each elector in the county for the support of common schools, and a further tax of two (2) mills on the dollar upon all the taxable property in the county, to be collected at the same time and in the same manner as other taxes

are collected, which shall be paid by the county treasurer to the State Treasurer, as provided by law, and which shall constitute a part of the State Tuition Fund.

§ 103. MAXIMUM LEVY FOR FINAL JUDGMENT—TAXES TO BE UNIFORM.] Whenever any final judgment shall be obtained against any school district, the board thereof shall levy a tax upon the taxable property of such district not exceeding in amount twenty (20) mills on the dollar in any one year, which shall be used in the payment thereof. The county auditor shall make out, charge and extend upon the tax list against each description of real property, and against all personal property, and upon all taxable property of the district, all such taxes for schools and judgments he is so notified have been levied by the district in which the property is situated and taxable, in the same manner in which the county and State tax list is prepared, and deliver it to the county treasurer at the same time. All taxes for school purposes shall be uniform upon the property within each school district.

§ 104. STATEMENT OF ASSESSED VALUATION.] 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 the school district, to the county superintendent and to the county auditor a statement of the assessed valuation of all the property in such corporation subject to taxation.

§ 105. INDEBTEDNESS OF DISTRICT, HOW ADJUSTED IN CASE OF ILLEGAL BOARD OR FAILURE TO ELECT BOARD.] If any school district in the State for one or more years past, either through failure to elect a school board, or through failure of the county superintendent to appoint a school board, has been without a legal school board, or if hereafter any school district through such failure to elect or to appoint such school board shall be without such legal school board, and such district shall have an authorized indebtedness either in bonds, interest due on bonds, or otherwise, it shall be the duty of the county superintendent, the county treasurer and county auditor, acting as a board of adjusters, to assess upon the taxable property of such school corporation a tax not to exceed twenty (20) mills on the dollar in any one year upon the assessed valuation thereof for the payment of the same, which tax so levied shall be extended upon the tax lists by the county auditor and be collected by the county treasurer as other taxes are collected, and shall be applied upon and used for the payment of such indebtedness, and shall be paid to the creditors of such district upon the warrant of the county auditor countersigned by the county superintendent, and all warrants, bonds, interest coupons, receipted bills or accounts shall be filed in the office of the county auditor, and in case such school corporation has a bonded indebtedness, it shall be the duty of such board of adjusters to levy a tax upon the property of such district sufficient to create a sinking fund for

the redemption of such bonds upon maturity of the same, such sinking fund to be levied and provided for in compliance with the requirements of such bonds.

## ARTICLE IX.

### VACANCIES.

§ 106. VACANCY IN OFFICE OF STATE SUPERINTENDENT FILLED BY APPOINTMENT.] Should a vacancy occur in the office of State Superintendent of Public Instruction, the Governor shall have power and it shall be his duty to fill such vacancy by appointment, which appointment shall be valid until the next general election.

§ 107. VACANCY IN OFFICE OF COUNTY SUPERINTENDENT, HOW FILLED.] Should a vacancy occur in the office of county superintendent of schools, the board of county commissioners of such county shall have power and it shall be their duty to fill such vacancy by appointment, as provided by law, which appointment shall be valid until the next annual school election. The county auditor shall immediately notify the State Superintendent of such appointment.

§ 108. VACANCY IN OFFICE OF DIRECTOR OR TREASURER, HOW FILLED.] When any vacancy occurs in the office of director or treasurer of a school district, by death, resignation, removal from the district, or otherwise, the fact of such vacancy shall be immediately certified to the county superintendent by the clerk of the school district, and the county superintendent shall immediately appoint, in writing, some competent person, who shall qualify and serve until the next annual school election. The county superintendent shall at the same time notify the clerk of the school district and the county auditor of every such appointment.

§ 109. VACANCY IN OFFICE OF CLERK, HOW FILLED.] Should the office of clerk of the school district become vacant, the school board shall immediately fill such vacancy by appointment, and the president of the board shall immediately notify the county superintendent and county auditor of such appointment.

§ 110. OFFICE, WHEN DEEMED VACANT.] Any office of a school district shall become vacant by resignation of the incumbent thereof, but such resignation shall not take effect until a successor has qualified according to law. Any office of a school district shall be deemed vacant if the person duly elected thereto shall neglect or refuse, for the period of two weeks after the beginning of the term for which he was elected, to accept and qualify for such office and serve therein.

## ARTICLE X.

### EQUALIZATION OF INDEBTEDNESS.

§ 111. EQUALIZATION OF INDEBTEDNESS, TO BE ARRIVED AT BY ARBITRATION.] After the boundaries of the school district have been established as provided for in this act, all school districts,



or parts of school districts, that existed as school corporations before the taking effect of this act, and that are now included in one school district, shall effect an equalization of property, funds on hand and debts. To effect this each school board of such corporation as shall constitute a school district under the operation of this act shall select one arbitrator, and the several arbitrators so selected, together with the county superintendent, shall constitute a board of arbitration to effect such equalization. If in any case the number of arbitrators, including the county superintendent, should be an even number, the county treasurer shall be included and be a member of said board. The county superintendent shall fix the time and place of said meeting.

§ 112. TAX TO EQUALIZE AND PAY PREVIOUS DEBTS.] Said board shall take account of the assets, funds on hand, the debts properly and justly belonging to or chargeable to each corporation or part of corporation, as it or they existed heretofore, and levy such a tax against each such corporation or part of corporation as will in their judgment, justly and fairly equalize their several interests.

§ 113. MAXIMUM ANNUAL TAX LEVY FOR SUCH PURPOSES.] When the amounts to be levied upon the several corporations or parts of corporations mentioned in the preceding section shall be fixed, a list thereof shall be made wherein the amount shall be set down opposite each such corporation. The whole shall be stated substantially in the form herein required for certifying school taxes, and addressed to the county auditor, and shall be signed by a majority of said board of arbitration; said levy shall be deemed legal and valid upon the taxable property of each such corporation; *Provided, however,* That not more than fifteen (15) mills thereof shall be extended against said taxable property in any one year, and such a levy, not exceeding fifteen (15) mills on the dollar, shall be extended as in this section provided, from year to year, until the whole amount shall be so levied. The county auditor shall preserve such levies, and shall extend the several rates from year to year, as above required by law for district taxes, and the taxes shall be collected at the same time and in the same manner as other taxes are collected.

§ 114. PROCEEDS TO BE TURNED OVER TO THE RESPECTIVE DISTRICTS.] Opposite the several descriptions of property on the tax list shall be entered the school district within which it lies, and all the proceeds of these equalizing taxes shall be collected and paid over to the treasurer of the proper school district within which the property is situated. The proceeds of taxes upon parts of districts lying outside of districts as at present constituted, with which they were equalized, shall be paid to the treasurer of the school district within which the property is situated, the same as hereinbefore provided for regular taxes.

§ 115. MAXIMUM TAX LEVY FOR ALL SCHOOL PURPOSES.] The taxes levied for purposes of equalization shall be, in addition to all other taxes for school purposes; *Provided, however,* That all

taxes for school purposes, including said taxes for equalization, shall not exceed thirty (30) mills in any one year. The provisions of this article shall apply to and govern all school districts and parts of school districts hereafter divided, or consolidated with each other, or with other districts in the division uniting or apportionment of their debts and liabilities or property and assets.

## ARTICLE XI.

### EXAMINATIONS AND CERTIFICATES.

§ 116. QUESTIONS FOR EXAMINATION OF APPLICANTS FOR TEACHERS' CERTIFICATES.] The State Superintendent shall prepare or cause to be prepared all questions for the examination of applicants for teachers' certificates, both county and State, and shall prescribe rules for the conduct of all examinations.

§ 117. PROFESSIONAL CERTIFICATES, WHO ENTITLED.] He shall issue a state certificate to be valid for life, unless sooner revoked, to be known as a professional certificate. Such certificates shall be issued only to those persons of good moral character, who pass thorough examination in all the branches included in the courses of study prescribed for the common and high schools of the State, including methods of teaching and such other branches as the State Superintendent may direct. Such certificate shall in no case be granted unless the applicant has had an experience as a teacher of at least five years, and can satisfy the State Superintendent of his ability to instruct and properly manage any high school of the State. Such certificate shall be valid throughout the State and the holder shall be authorized to teach in any of the common or high schools of the State without further examination; *Provided*, That any person who is a graduate of the four years' normal course in the State University of North Dakota, and has had three years' successful experience as a teacher, may be granted such professional certificate without further examination; *Provided, further*, That if the holder of a professional certificate shall at any time cease to teach, or to be engaged in other active educational work for the space of three years, he shall be liable to a re-examination and to the cancellation of his certificate, subject to the rules to be prescribed by the State Superintendent.

§ 118. NORMAL CERTIFICATE—WHO ENTITLED.] He shall issue a State certificate, to be valid for a term of five years, unless sooner revoked, to be known as a 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 State, or in a normal school elsewhere having an established reputation for thoroughness, but the State Superintendent may examine any such applicant at his discretion. Such certificate shall not be granted unless the applicant shall have taught school successfully not less than two years. Such certificate shall be valid throughout the State, and the holder shall

be authorized to teach in any of the public schools of the State; *Provided*, That any person who is a graduate of the four years' normal course in the State University of North Dakota, and who has had one year's successful experience as a teacher, may be granted such normal certificate without further examination; *Provided, further*, That no State certificate shall hereafter be issued by any normal school in the State.

§ 119. FEE FOR ISSUING CERTIFICATE—CERTIFICATE, HOW REVOKED.] The State Superintendent shall require a fee of five (5) dollars from each applicant for a professional or normal certificate, which fee shall be used by him to aid in the establishment and maintenance of teachers' reading circles in the State. He shall revoke at any time any certificate issued in the State 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.

§ 120. EXAMINATION OF TEACHERS BY COUNTY SUPERINTENDENTS.] The county superintendent shall hold public examination of all persons over eighteen years of age, offering themselves as candidates for teachers of common schools, at the most suitable place in the county, on the second Friday in January, March, May, July, September and November of each year, and, when necessary, such examination may be continued on the following day, at which times he shall examine them by a series of written or printed questions, according to the rules prescribed by the State Superintendent. If from the percentage of correct answers required by the rules, and other evidence 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 be a person of good moral character, 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 State the various branches required by law, said superintendent shall grant to such applicant a certificate of qualification.

§ 121. TEACHERS' GRADES, HOW ESTABLISHED—RE-EXAMINATION OF TEACHERS, WHEN ALLOWED.] Such certificates shall be of three regular grades; the first grade for a term of three years; the second grade for a term of two years; and the third grade for one year, according to the ratio of correct answers of each applicant and other evidence of qualification appearing from the examination. No certificate shall be granted unless the applicant shall be found proficient in and qualified to teach the following branches of a common English education: Reading, writing, orthography, English grammar, geography, United States history, arithmetic and physiology and hygiene, and for a first and second grade can pass a satisfactory examination in theory and practice of teaching. In addition to the above, applicants for first grade certificates shall pass a satisfactory examination in civil government, physical geography, elements of natural philosophy, elemen-

tary geometry and algebra, and book-keeping. The percentage required to pass any branch shall be prescribed by the State Superintendent. In addition to these regular grades of certificates the county superintendent may grant a permission to teach until the next regular examination to any person applying at any other time than at a regular examination who can show satisfactory reasons for failing to attend such examination, subject to rules and regulations to be prescribed by the State Superintendent. The written answers of all candidates for county certificates after being duly examined [by the county superintendent, shall be kept] by him for the space of six months after such examinations, and any candidate, thinking an injustice has been done him or her, by paying a fee of two (2) dollars into the institute fund of the county and notifying both county and State Superintendent of the same, shall have his or her papers re-examined by the State Superintendent; the county or city superintendent shall on receipt of such notice from said complaining candidate, transfer said papers to the State Superintendent, who shall re-examine such answers and grant, if such answers warrant it, a county certificate for the same.

§ 122. QUALIFICATION OF TEACHERS.] No certificate or permission to teach shall be issued to any person under eighteen years of age; 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 certificates issued by a county superintendent shall be valid only in the county where issued, *Provided*, That a first grade certificate may be renewed once without examination at the discretion of the county superintendent; *Provided, further*, That a first grade certificate shall be valid in any other county in the State when endorsed by the county superintendent of such county. No person shall be employed or permitted to teach in any of the public schools of the State, except those in cities organized for school purposes under special laws, who is not the holder of a lawful certificate of qualification or such temporary permission. Any contract made in violation of this section shall be void.

§ 123. FEE FOR CERTIFICATE.] Every applicant for a county certificate shall pay one (1) dollar to the county superintendent, which shall be used by him in the support of teachers' institutes in the county.

§ 124. CERTIFICATES, WHEN REVOKABLE.] 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, cruelty, crime against the State law, refusal to perform his duty, or general neglect of the business of the school. 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 district where such teacher is employed, and may notify the teacher through the clerk of such revocation and must enter his action in such case in the books of record of his office.

§ 125. **TEACHERS GIVEN OPPORTUNITY TO MAKE DEFENSE.]** 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 same time and place stated in such notice. Upon his own knowledge the superintendent may act immediately without notice, after an opportunity has been afforded to the teacher for personal explanation. When any certificate is revoked the teacher shall return it to the superintendent, but if the teacher refuses or neglects so to do, the superintendent may issue notice of such revocation by publication in some newspaper printed in the county.

## ARTICLE XII.

### DUTIES OF TEACHERS.

§ 126. **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 time when it will probably close. If such school is to be suspended for one week or more in said term, the teacher shall notify the county superintendent of such suspension.

§ 127. **WHEN TEACHER NOT ENTITLED TO COMPENSATION.]** No teacher shall be entitled to or receive any compensation for the time he or she teaches in any public school without a certificate valid and in force for such time in the county where such school is taught, except that if a teacher's certificate shall expire by its own limitation within six weeks of the close of a term, such teacher may finish such term without re-examination or renewal of his or her certificate.

§ 128. **TEACHER'S REGISTER, WHAT TO CONTAIN.]** Every teacher shall keep a school register and at the close of each term make a school report, containing the number of visits of the county superintendent, and such items and in such form as shall be required. Such report shall be made in duplicate, one copy of which shall be filed with the district clerk and one copy sent to the county superintendent. No teacher shall be paid the last month's wages in any term until such term report shall be filed with and be approved by the district clerk.

§ 129. **SCHOOL YEAR AND SCHOOL WEEK DEFINED—HOLIDAYS.]** The school year shall begin on the first day of January and close on the thirty-first day of December of each year. A school week

shall consist of five days, and a school month of twenty days. No school shall be taught on a legal holiday or on any Saturday. A legal holiday in term time falling upon a day which otherwise would be a day of school, shall be counted a day of school and the teacher shall be paid therefor, but no teacher shall be paid for Saturday, or be permitted to teach on Saturday to make up for the loss of a day in the term.

§ 130. BRANCHES TO BE TAUGHT IN ALL SCHOOLS.] Every teacher in the common schools shall teach pupils as they are sufficiently advanced to pursue the same the following branches, to-wit: Orthography, reading, spelling, writing, arithmetic, language lessons, English grammar, geography, United States history, physiology and hygiene, giving special instruction concerning the nature of alcoholic drinks, stimulants and narcotics, and their effect upon the human system, physiology and hygiene and the nature of alcoholic drinks, stimulants and narcotics, and their effect upon the human system shall be taught as thoroughly as any branch is taught, by the use of a text book to all pupils able to use a text book, who have not thoroughly studied that branch, and orally to all other pupils. When such oral instruction is given as herein required, a sufficient time not less than fifteen minutes shall be given to such oral instruction for at least four days in each school week. Every teacher in the school in special districts, and in cities organized for school purposes under special law shall conform to and be governed by the provisions of this section.

§ 131. TEACHERS' INSTITUTES, HOW NOTICED—PENALTY FOR FAILURE TO ATTEND INSTITUTE.] When a teachers' institute is appointed to be held for any county, it shall be the duty of the county superintendent to give written or printed notice to each teacher in the public schools of the county, and as far as possible to all others not then engaged in teaching who are holders of teachers' certificates, at least ten days before the opening of such institute of the time and place of holding it; each teacher receiving such notice, engaged in teaching a term of school which includes the time of holding such institute, shall close school during such institute and attend the same, and shall be paid by the school board of the district his or her regular wages as teacher for the time (not less than four days) he or she attended such institute, as certified by the county superintendent or conductor of the institute. No teacher failing to attend such institute shall receive any compensation for the time he or she may have taught during the session of the institute. The county superintendent may revoke the certificate of any teacher in his county for inexcusable neglect or refusal after due notice to attend a teachers' institute held for such county. The provisions of this section shall not apply to teachers in cities organized for school purposes under special law, who are required by the board of education to attend an institute held exclusively for the teachers in such cities.

§ 132. PUPIL MAY BE SUSPENDED FOR CAUSE.] A teacher may suspend from school for not more than five days any pupil for insubordination or habitual disobedience, or disorderly conduct. In such case the teacher shall give immediate notice to the parent or guardian of such pupil, also to some member of the district school board of such suspension and the reason therefor.

§ 133. ASSIGNMENT OF STUDIES TO PUPILS.] It shall be the duty of the teacher to assign to each pupil such studies as he is qualified to pursue, and to place him in the proper class in any studies, subject to the provisions in Section 130 of this article; *Provided*, That in a graded school under the charge of a principal or local superintendent, such principal or superintendent shall perform this duty. In case any parent or guardian is dissatisfied with such assignment or classification, the matter shall be referred to and decided by the county superintendent.

§ 134. BIBLE NOT SECTARIAN BOOK—READING OF OPTIONAL WITH PUPIL.] The Bible shall not be deemed a sectarian book. It shall not be excluded from any public school. It may at the option of the teacher be read in school without sectarian comment, not to exceed ten minutes daily. No pupil shall be required to read it nor be present in the school room during the reading thereof, contrary to the wishes of his parents or guardian, or other person having him in charge. Moral instruction tending to impress upon the minds of pupils the importance of truthfulness, temperance, purity, public spirit, patriotism, and respect for honest labor, obedience to parents and due deference for old age, shall be given by every teacher in the public schools.

### ARTICLE XIII.

#### INSTITUTES, ASSOCIATIONS AND READING CIRCLES.

§ 135. COUNTY INSTITUTE FUND, HOW CREATED.] All money received by the county superintendent from examination fees shall constitute an institute fund for the county, and shall be used by him to aid in the support of teachers' institutes to be held within or for the county, and to pay necessary expenses incurred therein. The county superintendent shall, at the end of each year, submit a full and accurate statement of the receipts and expenditures of these funds, verified by his oath, to the State Superintendent.

§ 136. STATE INSTITUTE FUND—INSTITUTE CONDUCTORS.] There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of fifty (50) dollars each year to each organized county in the State, in which there are ten or more resident teachers, which shall be designated as a State Institute Fund, and which shall be used exclusively in employing persons of learning, ability and experience as conductors of teachers' institutes. The State Superintendent after consultation with the county superintendents as to the special needs and wants of their

respective counties, shall appoint the time, place, and duration of these institutes, and shall designate the person to act as conductor of such institute, as in his judgment the needs of the various counties demand.

§ 137. STATE INSTITUTE FUND, HOW PAID OUT.] It shall be the duty of the county superintendent in all cases to consult with the State Superintendent in reference to the management of such institutes, and, so far as practicable, to carry out the suggestions of the State Superintendent as to modes of instruction. No salary shall be paid to any conductor of any institute not previously appointed or employed as herein provided. The money hereby appropriated from the State Treasury for an institute fund, shall be paid to the persons to whom it is due, by warrant of the State Auditor, upon the State Treasury, which shall be issued upon the presentation of an account in due form receipted by the person to whom due, and approved by the State Superintendent; *Provided*, That no county shall receive more than five (5) dollars from the apportionment for each day its institute is in session. All additional compensation and all incidental expenses of such institute shall be paid out of the county institute fund.

§ 138. ADDITIONAL AID FOR INSTITUTES MAY BE GIVEN BY COUNTY COMMISSIONERS.] The money assigned for any particular institute may be added to any fund furnished for the purpose by any county, and the institute extended as 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 (50) dollars in any county each year in aid of institutes. The State Superintendent may require a statement of the amount of funds the county has on hand for this purpose at any time.

#### ARTICLE XIV.

##### NORMAL INSTRUCTION.

§ 139. STATE SUPERINTENDENT MAY DESIGNATE CERTAIN COLLEGES FOR NORMAL INSTRUCTION.] Until one or more State Normal Schools shall have been established and opened for pupils, the State Superintendent of Public Instruction may designate not to exceed three private colleges or academies in which at the expense of the State as hereinafter provided, professional instruction and training in the science of education, and the art and practice of teaching shall be given to persons preparing to teach in the schools of the State. Such professional instruction and training shall be given only by teachers who as to qualifications are approved by the State Superintendent. A class of not less than ten at any one time shall be so instructed and trained in any such institution, and for not less than ten weeks in any one school term; *Provided*, That no such private universities, colleges or academies shall be so designated, except those which at the time of the taking effect of this act, are giving such professional in-



struction and training in the science of education and art of teaching under the provisions of Chapter 47 of the Session Laws of 1887; *Provided, further*, That all such private universities, colleges or academies shall be entirely non-sectarian in character.

## ARTICLE XV.

### COMPULSORY ATTENDANCE.

§ 140. SCHOOL AGE—WHO EXEMPT FROM COMPULSORY ATTENDANCE.] Every parent, guardian or other person having control of any child between eight and fourteen years of age, shall be required to send such child to a public school in the district, city, town or village in which he resides, at least twelve weeks in each school year, six weeks of which shall be consecutive; *Provided*, That such parent, guardian or other person having control of any child shall be excused from such duty, by the school board of the district or the board of education of the city, town or village, whenever it shall be shown to their satisfaction that one of the following reasons therefor exists, to-wit:

First. That such child is taught for the same length of time in a private school, approved by such board; but no school shall be approved by such board unless the branches usually taught in the public schools are taught in such school.

Second. That such child has already acquired the branches of learning taught in the public schools.

Third. That such child is in such a physical or mental condition (as declared by a competent physician, if required by the board) as to render such attendance inexpedient or impracticable. If no school be taught the requisite length of time within two and one-half miles of the residence of such child by the nearest road, such attendance shall not be enforced.

§ 141. PENALTY.] Any such parent, guardian or other person failing to comply with the requirements of the foregoing section, shall upon conviction thereof, be deemed guilty of a misdemeanor, and shall be fined in a sum not less than five (5) nor more than twenty (20) dollars for the first offense, nor less than ten (10) dollars nor more than fifty (50) dollars for the second and every subsequent offense with costs in each case.

§ 142. NEGLECT OF DUTY, PROSECUTION FOR.] It shall be the duty of the president of the board of education of any city, town or village, or the president of the school board of any district to inquire into all cases of neglect of the duty prescribed in this article, and ascertain from the person neglecting to perform such duty, the reason therefor, if any, and shall forthwith proceed to secure the prosecution of any offense occurring under this article, and any such president neglecting to secure such prosecution for such offense within fifteen days after a written notice has been served by any tax payer in said city, town, or village or district, unless such person so complained of shall be excused by the

board of education or school board for reason hereinbefore stated, shall be deemed guilty of a misdemeanor, and liable to a fine of not less than five (5) nor more than twenty (20) dollars.

§ 143. CHILD LABOR PROHIBITED DURING SCHOOL HOURS.] No child between eight and fourteen years of age shall be employed in any mine, factory or workshop or mercantile establishment, or, except by his parents or guardian, in any other manner, during the hours when the public schools in the city, town, village or district are in session, unless the person, firm or corporation employing him shall first procure a certificate from the superintendent of the schools of the city, town or village, if one be employed, otherwise from the clerk of the school board or board of education, stating that such child has attended school for the period of twelve weeks during the year, as required by law, or has been excused from attendance as provided in Section 1 of this article; and it shall be the duty of such superintendent or clerk to furnish such certificate upon application of the parent, guardian or other person having control of such child, entitled to the same.

§ 144. PENALTY.] Every owner, superintendent or overseer of any mine, factory, workshop or mercantile establishment, and any other person who shall employ any child between eight and fourteen years of age, contrary to the provisions of this article, shall be deemed guilty of a misdemeanor, and for every such offense shall, upon conviction thereof, be fined not less than twenty (20) nor more than fifty (50) dollars and costs. Every person authorized to sign a certificate as prescribed in Section 4, [143] who certifies to any materially false statement therein, shall be fined not less than twenty (20) nor more than fifty (50) dollars and costs.

§ 145. PROSECUTIONS, HOW BROUGHT.] Prosecutions under this article shall be brought in the name of the State of North Dakota, before any court of competent jurisdiction, and the fines collected shall be paid over to the county treasurer, and by him charged to the school fund.

## ARTICLE XVI.

### FINES, FORFEITURES AND PENALTIES.

§ 146. PENALTY FOR NEGLECT OF DUTY OF SCHOOL DIRECTOR, TREASURER OR CLERK.] Every person duly elected to the office of director, treasurer or clerk of any district, 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 upon conviction thereof be fined in the sum of ten (10) dollars, and the office shall be deemed vacant.

§ 147. PENALTY FOR FALSE ELECTION RETURNS.] Any judge or clerk of election, school district clerk or county auditor, who willfully violates the provisions of this act in relation to elections, or who willfully makes a false return, shall upon conviction be deemed guilty of felony.

§ 148. SCHOOL OFFICERS NOT TO BE INTERESTED IN CONTRACTS OR SPECULATE IN SCHOOL SECURITIES.] No school officer shall personally engage in the purchase of any school bonds or warrants, nor shall any such officer be personally interested in any contract requiring the expenditure of school funds except fuel and such supplies as are in daily use, but [not] including furniture, or funds appropriated by the State, county, school corporation or otherwise for any school purpose connected with his office; any violation of this section shall be a misdemeanor.

§ 149. PENALTY FOR UNLAWFUL DRAWING OF SCHOOL MONEY.] Any person who draws 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 of not less than twenty-five (25) dollars.

§ 150. USE OF SCHOOL FUNDS FOR PRIVATE USE AN EMBEZZLEMENT.] Every treasurer of a district who shall loan any portion of the money in his hands belonging to such district, 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 such treasurer 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.

§ 151. PENALTY FOR FAILURE OF TREASURER TO PAY OVER.] If any person shall refuse or neglect to pay over any money in his hands as treasurer of a school district 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.

§ 152. PENALTY FOR FAILURE TO MAKE PROPER ENDORSEMENT ON UNPAID WARRANTS.] Any violation by a district treasurer of the provisions of this act, requiring endorsement of warrants not paid for want of funds, and the payment thereof in the order of presentation and endorsement, shall be a misdemeanor, punishable by a fine not exceeding one hundred (100) dollars.

§ 153. PENALTY FOR FALSE REPORTS.] Every clerk or treasurer of a district who shall willfully sign or transmit a false report to the county superintendent, or willfully 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 district shall, upon conviction, be punished by a fine of not exceeding fifty (50) dollars, or by imprisonment not exceeding fifteen days in the county jail.

§ 154. PENALTY FOR FAILURE TO TURN OVER RECORDS TO SUCCESSOR.] Every clerk or treasurer of a district who shall willfully neglect or refuse to deliver to his successor in office all records, books, papers, accounts and all other property belonging thereto,

shall upon conviction, be fined not less than five (5) dollars nor more than fifty (50) dollars; and his successor shall prosecute without delay upon the official bond of such officer for the recovery of all such property. Every treasurer of a district who shall fail, neglect or refuse to deliver to his successor in office all money belonging thereto, shall be deemed guilty of embezzlement of such sum, and upon conviction thereof shall be punished therefor as provided by law.

§ 155. PENALTY FOR WILLFUL DISTURBANCE OF PUBLIC SCHOOL.] Every person, whether pupil or not, who shall willfully molest or disturb a public school when in session, or who shall willfully interfere with and interrupt the proper order or management of a public school, by act of violence, boisterous conduct or threatening language, so as to prevent the teacher or any pupil from performing his duty, or who shall 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 twenty-five (25) dollars, or by imprisonment in the county jail not more than ten days, or both such fine and imprisonment.

§ 156. PROPOSALS FOR CONTRACTS.] No contract, except for teachers' or janitors' wages, for the expenditure of school funds, or money appropriated for any purpose relating to the educational system of this State, or any county, district or school corporation therein, where the amount exceeds one hundred (100) dollars, shall be let until proposals are advertised for, and after such advertisement only to the lowest responsible bidder. Any violation of this section shall be a misdemeanor.

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

§ 158. JURISDICTION OF JUSTICES OF THE PEACE.] Justices of the peace shall have jurisdiction in any case in which a school corporation is a party interested, when the amount claimed by the plaintiff does not exceed two hundred (200) dollars, and the parties shall have a right to appeal, as in other cases. All net proceeds of the fines and penalties collected under the provisions of this act, shall be paid into the county treasury and shall be used and applied each year for the benefit of the common schools of the State.

## ARTICLE XVII.

### BONDS.

§ 159. SCHOOL BONDS, HOW MAY BE ISSUED.] Whenever a duly constituted school district in any organized county in the State at any regular or special meeting held for that purpose, shall determine by a majority vote of all the qualified voters of said school district present at said meeting and voting, to issue school district bonds for the purpose of building and furnishing a school house

and purchasing grounds on which to locate the same, or to fund any outstanding indebtedness, the district school board may lawfully issue such bonds in accordance with the provisions of this act.

§ 160. NOTICE OF ELECTION TO VOTE BONDS.] Before the question of issuing bonds shall be submitted to a vote of the school district, notices shall be posted in at least three public and conspicuous places in said district stating the time and place of meeting, the amount of bonds proposed to be issued, and the time in which they shall be made payable; said notices shall be posted not less than twenty days before the meeting, and the voting shall be done by means of written or printed ballots, and all ballots deposited in favor of issuing bonds, shall have thereon the words, "for issuing bonds;" and those opposed thereto shall have thereon the words, "against issuing bonds," and if a majority of all the votes cast shall be in favor of issuing bonds, the school board, through its proper officer, shall forthwith proceed to issue bonds in accordance with the vote; but if a majority of all votes cast are against issuing bonds, then no further action can be had, and the question shall not be again submitted to a vote for one year thereafter, except for a different amount; *Provided, however,* That the question of issuing bonds shall not be submitted to a vote of the district, and no meeting shall be called for that purpose until the district school board shall have been petitioned in writing by one-third of the voters resident in said school district.

§ 161. DENOMINATION OF BONDS—RATE OF INTEREST—LIMIT OF ISSUE.] The denominations of the bonds which may be issued under the provisions of this act shall be fifty (50) dollars, or some multiple of fifty, not exceeding five hundred (500) dollars, and shall bear interest at the rate of not exceeding 7 per cent. per annum, payable semi-annually in accordance with interest coupons which shall be attached to said bond; and no greater amount than \$1,000 can be issued for any one school house, except in towns and villages of more than 300 inhabitants, and in such districts the amount shall not exceed 4 per cent. of its assessed valuation, and may be made payable in not less than ten nor more than twenty years from their date.

§ 162. BONDS, RECORD OF TO BE KEPT.] Whenever any bonds are issued under the provisions of this act, they shall be lithographed or printed on good bond paper, and shall state upon their face the date of their issue, the amount of the bond, to whom and for what purpose issued, also the time and place of payment and the rate of interest to be paid. They shall have printed upon the margin the words "Authorized by act of the Legislative Assembly of the State of North Dakota, A. D. 1890," and upon the back of the bonds a certificate signed by the county auditor in substantially the following form: "I certify that the within bond is issued in accordance with law, and is within the debt limits permitted by the Constitution of the State of North Dakota, and in

accordance with a vote of....school district at a regular (or special) meeting on the....day of.....A. D. 18....to issue bonds to the amount of.....dollars." They shall be signed by the president and clerk of the school board and shall be registered and numbered in a book to be kept by the clerk for that purpose, in which shall be entered the number, date and name of the person to whom issued, and the date when the same shall become due.

§ 163. SINKING FUND AND INTEREST TAX.] In addition to the amount that may already be assessed under existing laws, there shall be levied upon the taxable property of the school districts so issuing bonds, and collected as other taxes are collected, a sum sufficient, not exceeding five (5) mills on the dollar of assessed valuation of said districts, to pay interest upon such bonded indebtedness, and after five years in like manner a further tax not to exceed two (2) mills upon the dollar for a sinking fund, to be used in payment of such bonds when they become due, and for no other purpose, except that whenever there may be sufficient funds on hand belonging to such sinking fund, and the school board may, in their discretion, purchase any of its outstanding bonds at their market value and pay for the same out of the sinking fund.

§ 164. BONDS, HOW NEGOTIATED.] Whenever any bonds shall be issued under the provisions of this act, the school district treasurer shall have authority to negotiate and sell such bonds for not less than par, and the proceeds shall be used exclusively for the purpose of building and furnishing a school house, and in payment for a site for the same and for necessary outbuildings.

§ 165. BONDS A LIEN UPON ALL PROPERTY IN DISTRICT WHERE ISSUED.] Bonds issued under the provisions of this act shall be a lien upon the taxable property of the school district issuing them, and when any school board neglects or refuses to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the county auditor shall have power to levy such tax, and when collected to apply the proceeds to the payment of such coupons and bonds.

§ 166. CANCELLED BONDS, RECORD OF.] Whenever the bonds of any school district shall have been purchased by the school board, they shall be cancelled by writing or printing in red ink the words "cancelled and paid" across each bond and coupon, and the date of payment and amount paid shall be entered in the clerk's register against the proper number of the bond, and the bonds so cancelled shall be filed in the office of the district treasurer, until all the outstanding bonds are paid, when they shall be destroyed in the presence of the full board.

§ 167. PROPOSALS FOR BUILDING SCHOOL HOUSES.] Whenever any school house is built with funds provided in the manner herein authorized, the school board shall advertise at least thirty days in some newspaper printed in the county, or by posting notices for the same length of time in at least three of the most public and con-

spicuous places, if no newspaper is published in the county, for sealed proposals for building and furnishing such school house in accordance with plans and specifications which shall be furnished by the school board, reserving the right to reject any and all bids, and if any of the proposals shall be reasonable and satisfactory, said board shall award the contract to the lowest responsible bidder, and shall require of such contractor a bond in double the amount of the contract, conditioned that he will properly account for all money and property of the school district that may come into his hands, and that he will perform the conditions of his contract in a faithful manner and in accordance with its provisions; and in case all the proposals shall be rejected said board shall \*[advertise anew in the same manner as before, and until a reasonable bid shall be submitted: *Provided, however,* That no member of the district school board, clerk or treasurer, shall be interested directly or indirectly, in any contract for building or furnishing any school house provided for in this act.

§ 168. The provisions of this act shall be applicable to and authorize the issue of bonds by such school districts as have already built school houses and issued orders or warrants therefor, and any such school district may vote to bond the indebtedness incurred by reason of building and furnishing a school house, and purchasing a site for the same, and bonds may be issued in the same manner as herein provided for building and furnishing school houses.]

## ARTICLE XIX.

### SPECIAL DISTRICTS.

§ 169. CITIES GOVERNED BY PROVISIONS OF THIS ACT.] All cities and incorporated towns and villages which have heretofore been organized under the general school laws, and which are provided with a board of education (except cities governed by special acts) shall be governed by the provisions of this article. Any city, or incorporated town or village, having a population of more than 300 inhabitants, may be constituted a special school district, in the manner hereinafter prescribed, and shall then be governed by the provisions of this article; *Provided,* That any city heretofore organized for school purposes under a special act, may adopt the provisions of this article, by a majority vote of the voters therein, in the same manner as is provided for the organization of a new corporation under the provisions of this article.

§ 170. WHEN ADJACENT TERRITORY MAY BE ATTACHED TO CITY FOR SCHOOL PURPOSES.] When any city, town or village has been organized for school purposes, and provided with a board of education, under any general school law, or a special act, or under the

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\*The words included in brackets were in the bill as passed, but by error of enrollment committee, one sheet containing a portion of Section 167 and all of Section 168, was omitted, and thus does not appear in the bill approved by the Governor and on file with the Secretary of State.

provisions of this article, territory outside the limits thereof but adjacent thereto, may be attached to such city, town or village for school purposes by the board of education thereof, upon application in writing signed by a majority of the voters of such adjacent territory; and upon such application being made, if such board shall deem it proper and to the best interests of the schools of said corporation and the territory to be attached, an order shall be issued by such board attaching such adjacent territory to such corporation for school purposes and the same shall be entered upon the journal of the board; and such territory shall from the date of such order be and compose a part of such corporation for school purposes only, such adjacent territory shall be attached for voting purposes to such corporation, or if the school election is held in wards, to the ward or wards, or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers, and upon school questions.

§ 171. BODY CORPORATE.] Every such special district shall be a body corporate for school purposes by the name of "the board of education of the city, town or village (as the case may be) of ..... (here insert the corporate name of the city, town or village) of the State of North Dakota," and shall possess all the powers and duties usual to corporations for public purposes, or conferred upon it by this act or that may hereafter be conferred upon it by law; and in such name it may sue and be sued, contract and be contracted with, and hold and convey such real and personal property as shall come into its possession by will or otherwise; and it shall procure and keep a corporate seal.

§ 172. CONVEYANCE OF SCHOOL PROPERTY, HOW EXECUTED.] Any such city or incorporated town or village 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. All conveyances for such property shall be signed by the mayor, or president of board of trustees 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 or president in the same manner as other conveyances of real estate.

§ 173. SPECIAL SCHOOL DISTRICTS, HOW ORGANIZED.] When a petition signed by one-third of the voters of a city or incorporated town or village, entitled to vote at school elections, is presented to the council or board of trustees thereof asking that said city, town or village be organized as a special school district, such council or board of trustees shall order an election for the purpose, notice of which shall be given and the election conducted and returns made in the same manner as is provided by law for the annual election of municipal officers of such corporation; and



the voters thereof shall vote for or against "organization as a special school district" at such election.

§ 174. ELECTION OF BOARD OF EDUCATION.] If a majority of the votes cast at such elections be "for organization as a special school district," another election shall be called in the same manner as is prescribed in the foregoing section, at which the voters of such city, town or village shall elect five members of the board of education, two of whom shall serve until the first annual election, two until the second annual election, and one until the third annual election thereafter and until their successors are elected and qualified; and their respective terms shall be determined by lot.

§ 175. TERMS OF OFFICE—QUORUM.] The board of education of each special district shall consist of five members, who shall be elected by the legal voters thereof, and shall hold their office for the term of three years and until their successors are elected and qualified, except as provided for first elections under this article, and three members shall constitute a quorum for the transaction of business at any legal meeting.

§ 176. MEMBERS NOT TO BE INTERESTED IN SCHOOL CONTRACTS.] The members of such board shall receive no compensation, and shall not be interested, directly or indirectly, in any contract for making any improvement or repairs, for erecting any building, or for furnishing any material or supplies for their district.

§ 177. ANNUAL AND SPECIAL MEETINGS OF BOARD.] The annual meeting of such board of education shall be on the second Tuesday in July, following the annual election, at which time the newly elected members shall assume the duties of their office. Each board shall meet for the transaction of business as often as once in each calendar month thereafter and may adjourn for a shorter time. Special meetings may be called by the president, or in his absence by any two members of the board, by giving a personal notice to each member of the board, or by causing a written or printed notice to be left at his last place of residence, at least forty-eight hours before the time of such meeting.

§ 178. ORGANIZATION OF BOARD.] At the annual meeting, on the second Tuesday in July each year, such board of education shall organize by electing a president from among its members, who shall serve for one year; and they shall also elect a clerk, not one of their own number, who shall hold his office during the pleasure of the board, and receive such compensation for his services as shall be fixed by such board. In the absence of the president at any meeting, a president *pro tempore* may be elected by the board.

§ 179. DUTIES OF PRESIDENT.] The president shall preside at all meetings of the board, appoint all committees whose appointment is not otherwise provided for, and sign all warrants ordered by the board to be drawn upon the treasurer for school monies, and perform other acts authorized by law.

§ 180. DUTIES OF CLERK—RECORDS.] The clerk shall keep a

true record of all the proceedings of the board, take charge of its books and documents, countersign all warrants for school monies drawn upon the treasurer by order of the board of education and affix the corporate seal thereto, and perform such other duties as the board of education may require. The records, books, vouchers and papers of every such board shall be open to the examination of any tax payer of the district. The said record, or a transcript thereof certified by the clerk and attested by the seal of the board, shall be received in all courts as *prima facie* evidence of the facts therein set forth.

§ 181. POWERS AND DUTIES OF BOARD.] Every such board of education shall have power and it shall be their duty:

First. To establish a system of graded common schools, which shall be free to all children of legal school age residing within such special district, and shall be kept open not less than six nor more than ten months in any year.

Second. To establish and maintain such schools in their city, town or village as they shall deem requisite or expedient, and to change or discontinue the same.

Third. To establish and maintain a high school, whenever in their opinion the educational interests of the corporation demand the same, in which such courses of study shall be pursued as shall be prescribed, or approved by the State Superintendent, together with such additional courses as said board of education may thereafter deem advisable to establish.

Fourth. To purchase, sell, exchange and hire school houses and rooms, lots or sites for school houses, and to fence and otherwise improve them as they may deem proper.

Fifth. Upon such lots and upon such sites as may be owned by such special district to build, alter, enlarge, improve and repair school houses, outhouses and appurtenances as they may deem advisable.

Sixth. To purchase, sell, exchange, improve and repair school apparatus, text books for the use of the pupils, furniture and appendages, and to provide fuel for the schools.

Seventh. To have the custody of all school property of every kind and to see that the ordinances and by-laws of the city, town or village in relation thereto are observed.

Eighth. To contract with, employ and pay all teachers in said schools, and to dismiss and remove for cause any teacher whenever the interests of the schools may require it; but any such teacher shall be required to hold a certificate to teach, issued by the county or State Superintendent, and if any such teacher hold only a county certificate, the board may impose such further acquirements as the best interests of the several grades may require. No person who is a relative of any member of the board shall be employed as teacher without the concurrence of the entire board.

Ninth. To employ, should they deem it expedient, a competent and discreet person as superintendent of schools, and fix and pay

a proper compensation therefor, and such superintendent may be required to act as principal or teacher in such schools.

Tenth. To defray the necessary and contingent expenses of the board, including the compensation of its clerk.

Eleventh. To adopt, alter and repeal, whenever it may deem it expedient, rules and regulations for the organization, grading, government and instruction, and the reception of pupils, and their transfer from one school to another.

Twelfth. Each member shall visit, at least twice in each year, all the public schools in the city, town or village.

Thirteenth. To make after the close of each school year, January first or as soon thereafter as practicable, 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, together with such further information as shall be required by the State Superintendent, shall be forwarded to the county superintendent the same as reports are made by other school districts; and said report, or such portion thereof as the board of education shall consider advantageous to the public, shall be printed in a public newspaper in the city, town or village, or in cities, towns and villages of over 800 inhabitants, it may be published in pamphlet form.

Fourteenth. To admit children of persons not living within the special district into the schools of such district, and to fix and collect the tuition therefor, if in their judgment the best interests of the school will permit.

Fifteenth. To cause an enumeration of the children of school age within the special district, including those residing within any territory thereto attached for school purposes, to be made annually, as provided for other school districts, and return the same to the county superintendent.

§ 182. MONIES, HOW PAID OVER.] All monies, from whatever source, which the board of education of any special district shall be by law authorized to receive, shall be paid over to the treasurer of such board and he shall charge the same to the proper funds.

§ 183. SUPERVISORS OF SCHOOLS OF SPECIAL DISTRICT.] The schools of every special district shall be under the immediate supervision of the board of education, or the school superintendent appointed by such board, subject to such general directions and supervision by the county superintendent as are provided for in this act.

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

§ 185. ANNUAL SCHOOL TAX.] The board of education shall, on or before the 20th day of July of each year, levy a tax for the

support of the schools of the corporation, including any expenditures allowed by law, for the fiscal year next ensuing, not exceeding in any one year thirty (30) mills on the dollar on all personal, mixed and real property within the district which is taxable according to the laws of the State, the amount of which levy the clerk of the board shall certify to the auditor or 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 other taxes, and paid over by him to the treasurer of the board of education, of whom he shall take a 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.

§ 186. EXPENDITURES—CONTRACTS.] No expenditures involving an amount greater than one hundred (100) 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 (500) 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, after public notice for ten days previous to receiving such bids.

§ 187. TREASURER.] The treasurer of any city, town or village comprising a special district shall be treasurer of the board of education thereof.

§ 188. TREASURER, DUTIES OF.] The treasurer of every board of education shall keep a true account of the receipts and expenditures of the various funds separately; and shall prepare and submit in writing a quarterly report of the state of the finances of the district; and shall, when required, produce at any meeting of such board or any committee appointed for the purpose of examining his accounts, all books and papers pertaining to his office. He shall safely keep in his possession or under his control all school moneys coming into his hands, and shall pay out such moneys only upon a warrant signed by the president, countersigned by the clerk and attested by the corporate seal of such board of education.

§ 189. TREASURER'S BOND.] The treasurer of the board of education shall execute a bond to such board, with sufficient sureties to be approved by the board, in such sum and as such board may from time to time require, as near as can be ascertained, in double the amount of the monies likely to come into his hands, conditioned for the faithful discharge of his duties as treasurer; which bond shall be in addition to his other bonds to the city, town or village. In case of the failure of the city, town or village treasurer to give such bond within ten days after being required to do so by such board of education, such treasurer's office shall become vacant, and the council or board of trustees of such city, town or village shall appoint another person in his place, who shall give such additional bond.

§ 190. EQUALIZATION OF SCHOOL DEBTS AND PROPERTY.] When

any board of education shall be organized under the provisions of this article, it shall after the equalization hereinafter provided for assume control of the schools of the city, town or village, and shall be entitled to the possession of all property of the former district or districts or parts thereof lying within such city, town or village, for the use of schools; such board shall also be entitled to its due proportion of all monies on hand and taxes already levied but not collected, and shall be liable for a proper amount of the debts and liabilities of such former district, to be determined in the same manner as provided in this act for the equalization, determination and division of the debts, property and assets of school districts consolidated or divided.

§ 191. WHEN SPECIAL DISTRICT MAY DISSOLVE OR BECOME PART OF GENERAL DISTRICTS.] Any special district organized under the general school laws and provided with a board of education may become a part of the school district in which it is located whenever it is so decided by a majority vote of the school electors of the city, town or village and of such school district voting at an election called for that purpose. An election for such purpose shall be ordered and proper notice thereof given by the board of education and the school board of such district in the same manner as is required for the election for school officers in such district, when petitioned by one-third of the voters resident in such districts, and when so united the determination and division of the debts, property and assets shall be made by arbitration as provided in this act for school districts consolidated or divided. Towns and villages not incorporated but heretofore organized under the general school laws and provided with a board of education shall become a part of the school district in which they are severally located and the determination and division of the property, debts and assets shall be made by arbitration as aforesaid.

§ 192. ELECTION OF BOARDS OF EDUCATION IN SPECIAL SCHOOL DISTRICTS.] On the third Tuesday in June in the year 1890, an election shall be held in each city, town or village organized as a special school district (excluding cities organized under special acts) at which the voters shall elect at large, five members of the board of education for such city, town or village, two of whom shall serve for one year, two for two years, and one for three years, and their respective terms shall be determined in such manner as the board may decide. Such members shall supercede the members of the boards then existing, and shall enter upon the duties of their office on or before the second Tuesday in July, 1890. Annually thereafter on the third Tuesday in June, an election shall be held in each special district, at which such members of the board of education shall be elected at large as shall be necessary to fill all vacancies therein caused by expiration of terms of office or otherwise; and each member elected shall serve for a term of three years, beginning with the second Tuesday of July following his election and until his successor is elected and qualified, except

when elected to serve an unexpired term. The polls shall be opened at 9 o'clock a. m. and kept open until 4 o'clock p. m. of the day of such election.

§ 193. COUNTY SUPERINTENDENTS, WHEN ELECTED.] At such election on the third Tuesday in June, 1890, and biennially thereafter, the school voters in such city, town or village, shall also vote for a county superintendent of schools for the county, whose term of office shall be as elsewhere provided in this act.

§ 194. NOTICE OF ELECTION.] Such election shall be called by the board of education of any such special district, who shall cause notice thereof to be posted or published as is required by law for the annual election of civil officers in the city, town or village comprising such special district; such notice shall be signed by the clerk, or, in his absence, by the president of the board of education of such district, and shall state the time and place of holding such election and what officers are to be elected and their terms, and shall be substantially the following form, to-wit:

Notice is hereby given, that on Tuesday, the.....day of June, A. D.....an annual election will be held at .....(here insert polling place) for the purpose of electing the following members of the board of education.....(here insert terms for which they are to be elected) for the city, town or village of.....(here insert name) and in even numbered years, a county superintendent of schools, and the polls will be opened at 9 o'clock a. m. and closed at 4 o'clock p. m. of that day.

By order of the board of education.

Signed.....

Clerk.

§ 195. ELECTION PRECINCTS.] At least fifteen days prior to such election, the board of education of each special district shall designate one polling place, and appoint two persons to act as judges and two persons to act as clerks. Before opening the polls each of said judges and clerks shall take an oath that he will perform his duties as judge or clerk (as the case may be) according to law and to the best of his ability, which oath may be administered by any officer authorized to administer oaths or by either of said judges or clerks to the others.

§ 196. CANVASS OF RETURNS.] Such election shall be conducted and the vote canvassed in the same manner as is provided by law for elections of county officers in this State, and returns shall be made of the number of votes cast for each person for any office, which shall be signed by the judges and clerks of election, and the person receiving the highest number of votes for each office in the district, shall be declared elected, and the returns shall be filed with the clerk of the board of education within two days thereafter. A return of the votes cast for each person for county superintendent of schools shall be sealed in an envelope and forwarded by such judges of election to the county auditor, within ten days

after such election, to be canvassed by such county auditor with the returns from the other districts in the county.

§ 197. CERTIFICATES OF ELECTION.] The clerk of the board of education shall give to each person elected at such election, a certificate stating that he was elected as a member of the board of education, and the time he is to take the oath and enter upon the duties of his office. Such clerk shall also certify to the county superintendent of schools, the persons so elected and their terms as soon as possible.

§ 198. VACANCIES, HOW FILLED.] The board of education of each city, town or village shall have power to appoint a person to fill any vacancy which may occur in that body; and such appointee shall hold his office until the next annual school election, at which time a person shall be elected to serve the unexpired term; but if such vacancy shall occur within ten days before an annual election, such appointee shall hold office until the annual election of the following year. When any such appointment shall be made the clerk shall certify the same to the county superintendent.

§ 199. OATH.] Before entering upon the duties of his office, each person elected or appointed to be a member of the board of education as provided in this article, shall take an oath or affirmation that he will support the Constitution of the United States and the Constitution of the State of North Dakota, and that he will faithfully discharge the duties of his office as member of such board, according to law and to the best of his ability; which oath shall be filed with the clerk of the board of education.

§ 200. BONDS, HOW AND WHEN MAY BE ISSUED.] Whenever the taxes authorized by law shall not be sufficient or shall be deemed by the board of education to be burdensome, bonds may be issued and negotiated for the purpose of raising money to purchase a site or sites or to erect a suitable building or buildings thereon, or to fund any outstanding indebtedness of the school corporation; *Provided*, That the issuance of such bonds shall be authorized by the voters of the special district as hereinafter prescribed. Such bonds shall be signed by the president and clerk and attested by the corporate seal of the board of education, shall bear the date of their issue, and be payable in not less than five nor more than twenty years from their date, at such place as shall be designated upon their face; and such bonds shall be in denominations, not less than one hundred (100) dollars, shall bear interest at not more than seven per cent. per annum, payable semi-annually on the first day of January and July in each year, shall show upon their face that they are issued for school purposes, and shall be sold at not less than par; and each bond shall have endorsed thereon a certificate of the clerk of such board of education, that said bond is issued pursuant to law, and is within the debt limit prescribed by the Constitution of the State.

§ 201. BOND ELECTION.] Before issuing any such bonds, it will be the duty of the board of education to call an election,

notice of which shall be given in the same manner as is prescribed by law for giving notice of the annual election of the civil officers of the city, town or village comprising the special district, except that such notice shall be given twenty days before such election, and to submit to the voters of such corporation at such election the question of issuing such bonds. Such election shall be conducted and returns made in the same manner as at the annual election of members of the board of education, and may be at the annual school election or at any other time named in the notice thereof. The notice of such election shall clearly state the amount of the bonds asked for, the time in which they shall be made payable, and the purpose for which they are to be issued, and the time and place such election will be held. At such election the voters shall have written or printed on their ballots, "for issuing bonds" or "against issuing bonds;" and if a majority of the votes cast be "for issuing bonds," such bonds shall be issued and negotiated by such board of education, but if a majority thereof be not "for issuing bonds," such bonds shall not be issued, nor shall the question be again submitted for one year thereafter except for a different amount and then only upon the written petition of a majority of the school voters of the special district.

§ 202. WHAT BONDS TO SPECIFY—DEBT LIMIT.] The bonds, the issuance of which is provided for in the foregoing section, shall specify the rate of interest and the time when principal and interest shall be paid; but no corporation shall issue bonds in pursuance of this article in any sum greater than 5 per cent. of its assessed valuation, including other debts.

§ 203. LEVY FOR INTEREST AND SINKING FUND.] 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. At or before the issuance of any bonds as herein provided, the board shall by resolution provide for such annual levy to pay the interest and to create such sinking fund, and such resolution shall be irrevocable until all such bonds and the interest thereon shall have been paid.

§ 204. INVESTMENT OF SINKING FUND.] All monies raised for the purpose 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 the bonds of the State of North Dakota, or of the United States, or the board may buy and cancel the bonds of the district.

§ 205. INTEREST.] Whenever the interest coupons of the



bonds hereinbefore authorized shall become due, they shall be promptly paid upon 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.

§ 206. SECURITY.] The school fund and property of such school corporation and territory attached for such 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.

§ 207. BOND REGISTER.] 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.

§ 208. REPEAL.] All acts and parts of acts in conflict with this act or any of the provisions of this act are hereby repealed.

§ 209. EMERGENCY.] This act to take effect and be in force from and after July 1, 1890; *Provided*, That an emergency exists in that the present existing school laws provide for an annual election in June, 1890, and that the result of such election under the existing laws will not conform to the requirements of this act, neither in the name or character of the offices to be filled, nor in the corporations for which officers are to be elected, therefore, that portion of this act which provides for the change of the organization or boundaries of school corporations, and for election of school officers therein, shall take effect and be in force from and after May 1, 1890.

Approved March 20, 1890.

## CHAPTER 63.

[H. F. 63.]

### DUTIES AND POWERS OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

AN ACT to Define the Powers and Duties of the State Superintendent of Public Instruction.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. SUPERINTENDENT OF PUBLIC INSTRUCTION.] The general supervision and control of public instruction in the State of North Dakota shall be vested in the State Superintendent of Public Instruction, whose powers and duties shall be such as are provided by law.

§ 2. REPEAL OF CONFLICTING LAW.] Section 1 of Chapter 44 of the Session Laws of 1883 of the Territory of Dakota, as

amended by Section 1 of an act entitled "An act to amend Chapter 44 of the Session Laws of 1883, relating to education," approved March 11, 1887, is hereby repealed.

§ 3. POWERS AND DUTIES.] All the powers and duties heretofore conferred and devolved upon the Territorial Board of Education by any existing law are hereby conferred and devolved upon the State Superintendent of Public Instruction.

§ 4. REPEAL.] All laws and parts of laws inconsistent or in conflict with the provisions of this act are hereby repealed.

§ 5. EMERGENCY.] Whereas, an emergency exists in this, to-wit: That there are certain powers and duties needful to the proper and necessary supervision and control of public instruction in the State, which under laws heretofore existing can be exercised and performed only by the Territorial Board of Education, which board by this act is abolished, this act shall take effect and be in force from and after its passage and approval.

Approved January 23, 1890.

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## CHAPTER 64.

[S. F. 135.]

### TO ESTABLISH INDEPENDENT SCHOOL DISTRICTS.

AN ACT Providing for the Establishing of Independent School Districts, in Cities Heretofore Organized for School Purposes, Under Special Laws, and Provided With Boards of Education.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. INDEPENDENT SCHOOL DISTRICTS, HOW ORGANIZED.] Any city heretofore organized for school purposes under special laws, and provided with boards of education, may become incorporated as an independent school district under the provisions of this act in the manner following: Whenever one-eighth of the legal voters of such city, voting at the preceding municipal election shall petition the mayor and council thereof to submit the question as to whether such city shall establish an independent school district under this act to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question accordingly and to appoint a time and place or places at which such vote may be taken and to designate the persons who shall act as judges at such election, but such question shall not be submitted oftener than once in two years.

§ 2. NOTICE OF ELECTION.] The mayor of such city shall give at least twenty days notice of such election by publishing a notice

thereof in one or more newspapers within such city, but if no newspaper is published therein, then by posting at least five copies of such notice in each ward or voting precinct.

§ 3. The ballots to be used at such election shall be in the following form: "For establishing an independent school district under an act approved March.....1890," or "Against establishing an independent school district under an act approved March.....1890." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and cause the result of such canvass to be entered upon the records of such city. If a majority of the votes cast at such election shall be for establishing an independent school district under this act, such independent school district shall thenceforth be deemed to be organized under this act, and the board of education then in office, shall thereupon exercise the powers conferred upon like officers in this act until their successors shall be elected and qualified.

§ 4. BOUNDARIES OF INDEPENDENT DISTRICT.] That all that portion included within the corporate limits of any city within this State together with the additions that are now or may be hereafter added to said city limits, shall be and are hereby constituted and established as an independent school district to be designated as the "independent school district, city of.....," and a board of education is hereby established for the same.

§ 5. Said board of education shall consist of one member from each ward in said city, and when the city is divided into an even number of wards, then the said city shall elect one member of said board at large; said members shall hold their office for the terms of two years or until their successors are elected and qualified. A majority of said board shall constitute a quorum to transact business, but a smaller number may meet and adjourn. The electors in each ward in said city shall elect one member of said board, and the electors of the said city shall elect one member of the said board at large. The wards having even numbers shall hold their election in each year ending with an even number, and the wards having odd numbers shall hold their election in the years ending with odd numbers. The member at large shall be elected biennially in the even numbered years.

§ 6. DATE OF ELECTION—CANVASS OF VOTES.] The election referred to in the foregoing section shall be held on the third Monday of April in each year, and shall be held at the usual polling place for municipal elections in each ward. The mayor of the city shall have authority and is hereby empowered to appoint two judges and one clerk of said election, who shall open the polls at the hour of eleven o'clock in the forenoon and shall hold the same open until five o'clock in the afternoon of the same day. The said judges and clerk shall conduct the said election, and the said election shall be carried on in the same manner and form in all respects, and the said polls closed and votes canvassed the

same as municipal elections, and the said judges shall have the same power and authority in all and every respect as the judges of election for municipal officers, and after the said vote is canvassed, the said judges shall make their return to the city clerk or auditor as the case may be of the said city, within twenty-four hours from the time of closing said polls, and the city council shall canvass said returns within three days thereafter and declare the result, which shall be placed upon the records of said city, and it shall be the duty of the city clerk or auditor to issue certificates of election to the persons declared elected. The judges and clerks of election shall receive the same compensation for their services as at municipal elections for mayor and aldermen

§ 7. VACANCIES—HOW FILLED.] If any vacancy shall occur in said board for any cause, the remaining members of said board shall fill such vacancy by appointment, until the next annual election, and at such election a new member shall be elected to fill the unexpired term only.

§ 8. STYLE AND POWERS OF BOARD.] The board so elected shall be a body corporate in relation to all the powers and duties conferred upon them by this act, to be styled "The Board of Education of Independent School District, City of.....(here insert the name of city)" and as such shall have powers to sue and be sued, to contract and be contracted with, and shall possess all the powers usual and incident to such bodies corporate, and as shall be herein given, and shall procure and keep a common seal. At each annual meeting of the board the members thereof shall elect one of their members as president of said board, and whenever he shall be absent, a president *pro-tempore* shall be appointed, who shall preside during such absence. The members so elected shall each qualify by taking the prescribed oath of office within ten days from the time of receiving aforesaid certificate of election, and shall assume the duties of the office at the annual meeting of the board, which shall be held on the first Monday in May of each year.

§ 9. RESPONSIBILITY OF BOARD.] The members of the board shall receive no compensation, nor shall be interested, directly or indirectly, in any contract for building or making any improvements or repairs provided by this act. They shall have the care and custody of all the public property in said district pertaining to school purposes, and the general management and control of all school matters.

§ 10. MEETINGS OF BOARD.] The regular meetings of said board shall be held on the first Tuesday of each month; the board may also hold a special meeting upon notice. The regular meetings may be adjourned for any time shorter than one month. Special meetings shall be called by the president, or in case of his absence or inability to act, by any three members of the board, as often as necessary by giving a personal notice in writing to each member of the board, or by causing such notice to be left at his

place of residence at least forty-eight hours before the hour of such special meeting.

§ 11. SECRETARY—HIS DUTIES.] The said board shall appoint a secretary, who shall hold his office during the pleasure of the board, and whose compensation shall be fixed by the board. The secretary shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe. The said record, or transcript thereof, certified by the secretary and attested by the seal of the board, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such records, and all books, accounts, vouchers and papers of said board shall at all times be subject to the inspection of the members of said board, or any committee thereof, or any tax payer of said district. For the purposes of economy the said board, if they deem it advisable, may appoint one of their own members secretary. The annual report of the secretary shall contain such items as may be required by the educational department of the State.

§ 12. POWERS OF BOARD.] The said board of education of said district shall have power, and it shall be their duty to levy and raise from time to time by tax such sums as may be determined by said board of education to be necessary and proper for any and all of the following purposes:

1. To purchase, exchange, lease or improve sites for school houses.
2. To build, purchase, lease, enlarge, alter, improve and repair school houses and their out-houses and appurtenances.
3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages.
4. To procure fuel and defray the contingent expenses of the board, including the expenses of the secretary.
5. To pay teachers' wages after the application of public monies which may be by law appropriated and provided for that purpose.

§ 13. COLLECTION OF TAX.] The tax so to be levied as aforesaid and collected by virtue of this act, shall be collected in the same manner as other county taxes; and for that purpose, the said board of education shall have power to levy and cause to be collected such taxes as are herein authorized, and shall cause the amount for each purpose to be certified by the secretary to the county auditor in the time to be added to and put upon the annual tax list of the county; and it shall be the duty of the county auditor to calculate and extend upon the annual assessment roll and tax list such tax so levied by said board, and such tax shall be collected as other county taxes are collected.

§ 14. AMOUNT RAISED TO BE LIMITED.] The amount raised for teacher's wages and contingent expenses, shall be only such as together with the public monies, coming to said district from the State and county fund, and other sources, shall be sufficient to maintain efficient and proper schools for the children of said dis-

tract. Nor shall the taxes for the purchasing, leasing or improving sites, and the building, purchasing, leasing, enlarging, altering or repairing of school houses, exceed in any one year two (2) cents on the dollar of valuation of the taxable property of said district, and the same board of education are authorized and directed, when necessary to borrow in anticipation, the amount of the taxes so to be raised, levied and collected as aforesaid.

§ 15. AUTHORITY GIVEN TO ISSUE BONDS.] The board of education of said district are authorized and empowered, and it shall be their duty, whenever the said board shall deem it necessary in order to an efficient organization and establishment of schools in said district, and when the taxes authorized by this act shall not be sufficient, or shall not be deemed by said board burdensome upon the tax payers of said district, from time to time to issue bonds of said district in denomination not less than one hundred (100) dollars, payable ten years after date and bearing interest at the rate not to exceed 7 per centum per annum, payable semi-annually, and upon their face to show they are issued for school purposes, and cause the same to be sold and negotiated at not less than par value, and the money realized therefrom deposited with the city treasurer to the credit of the said board of education; and when any bonds shall be so negotiated it shall be the duty of said board of education of said district to provide by tax for the payment of the principal and interest of said bonds; *Provided, however,* That at no time shall the aggregate amount of bonds issued under the provisions of this act exceed three (3) cents on the dollar of valuation of the taxable property of said district to be determined by the last city assessment.

§ 16. MONIES OF DISTRICT TO BE PAID TO CITY TREASURER.] All monies to be raised pursuant to the provisions of this act and all school monies which shall by law be appropriated to or provided for said district, shall be paid over to the treasurer of the city....., and the county treasurer of..... shall from time to time, as he shall receive the county school funds, and at least once in each month, on the first Monday thereof, pay over to said city treasurer the proportion thereof belonging to said district, and for that purpose said board shall have power to cause all needful steps to be taken, including census reports, or other acts or things, to enable said board to receive the school money belonging to said district, as full and completely as though said district formed one of the school districts of the county where the same may be situated.

§ 17. BOND OF TREASURER.] The treasurer of said city shall give such bond to said board of education in such sums and with such conditions and securities as they shall from time to time require, in order to insure the safe keeping of the school funds, which shall be in addition to his other bonds; and the said treasurer and his sureties upon such bond shall be accountable to the board for the monies that come into his hands, and in case of

failure of such treasurer to give such bonds when required thereto by such board, within ten days thereafter, such treasurer's office shall become vacant, and the city council of said city shall appoint another person in his place.

§ 18. SCHOOL FUNDS.] All monies required to be raised by virtue of this act shall be paid in cash or in the warrants hereinafter provided, drawn on the school fund only, and such monies and all monies received by said district for the use of the common schools therein, shall be deposited for safe keeping thereof with the treasurer of said city to the credit of the board of education, and shall by him be safely kept separate and apart from any other funds of said city, until drawn from said treasurer as herein provided. The treasurer shall pay out the monies authorized by this act, to be received by him upon warrants drawn by the president, countersigned by the secretary and attested by the seal of the said board of education.

§ 19. POWERS OF BOARD.] The said board shall have power to and it shall be their duty:

1. To organize and establish such and so many schools in said district as they shall deem requisite and expedient, and to change and discontinue the same.

2. To purchase, sell, exchange and hire school houses and rooms, lots or sites for school houses, and to fence and improve them as they may deem proper.

3. Upon such lots and upon such sites as now are owned by said school district, to build, enlarge, alter, improve and repair school houses, outhouses and appurtenances, as they may deem advisable.

4. To purchase, sell exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for schools.

5. To have the custody and safe keeping of the school houses, outhouses, books, furniture and appurtenances, and to see that the ordinances of the city council in relation thereto are observed.

6. To contract with, license and employ all teachers in said schools, and at their pleasure to remove them.

7. To pay the wages of such teachers out of the money appropriated and provided by law for the support of common schools in said district, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised by this act.

8. To defray the necessary and contingent expenses of the board, including the compensation of the secretary.

9. To have in all respects the superintendence, supervision and management of the common schools of said district, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, grading, government and instruction, for the reception of pupils

and their transfer from one school to another, and generally for their good order, prosperity and utility.

10. To prepare and report to the city council of the city of . . . . . such ordinances and regulations as may be necessary and proper for their protection, safe keeping, care and preservation of school houses, lots and sites, and appurtenances and all the property belonging to the district connected with or appertaining to the schools within the city limits and to suggest proper penalties for the violation of such ordinances and regulations, and annually, on or before the first Monday in July of each year, to determine and certify to the county auditor of said . . . . . county the rate of taxation in their opinion necessary and proper to be levied under the provisions of this act, for the year commencing on the first day of July thereafter, and also at any time to determine how many and what denomination of bonds shall issue and be sold to pay the extraordinary outlays required.

§ 20. VISITING SCHOOLS.] Each member of said board shall visit all the public schools in said district at least twice in each year of his official term, and the said board shall provide that each of said schools shall be visited by a committee of three or more of their number at least once during said term.

§ 21. NON-RESIDENT PUPILS.] Said board of education shall have power to allow the children not resident in said district, to attend the schools of said district under the control and care of said board, upon such terms as said board shall prescribe, fixing the tuition which shall be paid therefor.

§ 22. EXPENDITURES NOT TO EXCEED MONIES RAISED.] It shall be the duty of the board in all their expenditures and contracts, to have reference to the amount of money which shall be subject to their order during the current year for the particular expenditures in question and not to exceed that amount.

§ 23. TITLE TO SCHOOL HOUSES, GROUNDS, ETC.] The title of the school houses, lots, furniture, books, apparatus and appurtenances and all other property belonging to any such independent school district shall be vested in the independent school district for the use of the schools, and the same while used and appropriated for school purposes shall not be levied upon or sold by virtue of any warrant or execution or other process, nor be subject to any judgment or mechanic's lien or taxation for any purpose whatever; and the said district in its corporate capacity shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise for the use of common schools of said district, whether the same be transferred in terms to said district by its proper style or by designations, or to any person or persons or body for the use of said schools.

§ 24. REAL PROPERTY, TITLE, HOW CONVEYED.] Whenever any property is purchased by the said board, the transfer or grant and conveyance therefor shall be taken to the "independent school district, city of . . . . ., State of North Dakota, for the use of



schools," and whenever any sale is made by said board, it shall be so resolved, which resolution shall be spread upon the records of said board, and the conveyance therefor shall be executed in the name of said district by the president of said board, attested by the secretary of said board, and under the seal thereof, and acknowledged by said president and secretary. And said president and secretary shall have full authority and power to execute conveyances upon such sale or exchange with or without covenants of warranty on behalf of said district.

§ 25. REPORT OF CITY TREASURER.] It shall be the duty of the city treasurer, at least fifteen days before the annual election for members of said board, in each year, and as often as called upon by said board, to prepare and report to the board of education true and correct statements of the receipts and disbursements of monies under and in pursuance of the provisions of this act, during the preceding year, which accounts shall be stated under appropriate heads:

1. The money raised by the board under Section 12 of this act.
2. The school monies received from the county treasurer.
3. The money received under Section 15 of this act.
4. All monies received by the city treasurer, subject to the order of the board, specifying the sources from which they shall have been derived.
5. The manner in which sums of money shall have been expended, specifying the amount under each head of expenditures, and the board of trustees shall, at least one week before such election, cause the same to be published in all the newspapers of the said city which will publish the same gratuitously.

§ 26. CITY COUNCIL TO PASS CERTAIN ORDINANCES.] The city council shall have the power and it shall be their duty to pass such ordinances and regulations as the said board of education may report, as necessary for the protection, preservation, safe keeping and care of the school houses, lots, sites appurtenances and appendages, libraries and all necessary property belonging to or connected with the schools of said city, and to impose proper penalties for the violation thereof; and all penalties shall be collected in the same manner that the penalties for the violation of city ordinances are by law collected, and when collected shall be paid to the treasurer of the city to the credit of the said board of education, and shall be subject to their order as herein provided.

§ 27. FORFEIT WHEN PERSONS REFUSE TO SERVE AS MEMBERS OF THE BOARD.] It shall be the duty of the clerk of said board immediately after the election of any person as a member of said board of education, personally or in writing to notify him of his election, and if any such person shall not, within ten days after receiving such notice of election, take and subscribe the oath as herein provided, and file the same with the said auditor, the board of education may consider it as a refusal to serve, and proceed to fill the vacancy occasioned by such refusal, and the person so refus-

ing shall forfeit and pay to the city treasurer, for the benefit of the schools of said district, a penalty of fifty (50) dollars, which may be recovered in the name of said city in a civil action.

§ 28. NEW DISTRICT TO ASSUME DEBTS OF OLD.] All obligations and liabilities incurred by independent school district of any such city, county of....., shall be assumed by the school district herein created.

§ 29. All acts and parts of acts inconsistent with the provisions of this so far as those districts organized under this act are hereby repealed.

Approved March 31, 1890.

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## CHAPTER 65.

[S. F. 102.]

### PROVIDING FOR ELECTION OF BOARDS OF EDUCATION IN CERTAIN CITIES.

AN ACT Providing for the Election of Boards of Education in Cities not Organized Under the General Law.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. BOARDS TO BE ELECTED AT LARGE.] In every city not organized under the general law there shall be a board of education consisting of seven members, having the qualifications of electors, who shall be elected by the electors of such city at large, qualified to vote at school elections and except as may be otherwise provided herein for the first election, two members of such board shall be elected [annually], three tri-annually at a special election to be held on the first Tuesday after the first Monday in June; *Provided*, That the provisions of this act shall not apply to cities existing under a special enactment incorporating the same and which are now conducting its schools under the general common school laws.

§ 2. TERM OF OFFICE.] The term of office of members of the boards of education, except as in this act otherwise provided, shall be three years, and they shall hold their office until their successors are elected and qualified.

§ 3 DATE OF FIRST ELECTION—TERMS OF OFFICE DECIDED BY LOT.] The first election shall be held on the third Tuesday after the first Monday in June, 1890; and immediately after the first election under this act, the members of the boards of education shall be classified by lot so that three members shall hold their

office for the term of three years, two members for the term of two years, and two members for the term of one year. The lots shall be drawn by the members, who shall for that purpose assemble at the city hall or at the place of meeting of the city council in said cities, and they shall cause the result thereof to be certified to the mayor and filed in the office of the city clerk.

§ 4. ELECTIONS, HOW CONDUCTED.] All elections under the provisions of this act shall be called, conducted, canvassed and returned in the same manner as is now provided by law for general city elections.

§ 5. ELIGIBILITY OF MEMBER OF SCHOOL BOARD.] No son, wife or daughter of any member of the school board shall be eligible to a position as teacher in schools of the district which said member represents.

§ 6. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 7. EMERGENCY.] An emergency exists in this, that in order to make this act operative for the ensuing year, it will be necessary that the election provided for by Section 3 be had; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 24, 1890.

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## ESTRAYS.

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### CHAPTER 66.

[H. F. 28.]

#### PROVIDING MANNER OF TAKING UP AND ADVERTISING ESTRAYS.

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##### AN ACT Providing for the Retention and Disposal of Estrays.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. ESTRAYS, WHO MAY TAKE UP.] No person shall take up an estray animal except in the county wherein he or she resides, and is a householder or holds a claim under the pre-emption or homestead laws, nor unless the same be found in the vicinity of his or her claim or place of residence.

§ 2. WHEN ESTRAYS MAY BE TAKEN UP.] No person shall take up an estray animal mentioned in the next section between the