

stopped on the premises of any person in this territory, and no person shall appear to claim the same for the space of two months, the owner [or] occupant of said land may convert the said logs or timber to his own use.

Of damage to
or secretion of
marked saw logs.

SECT. 18. Any person who shall wilfully cut, split, or otherwise injure any saw log that is marked or branded, or shall wilfully drive any saw logs into any slough, or on any island or bottom land, with a view to secrete the same, shall be liable to pay double damages to the owner of such logs.

Take effect,
when.

SECT. 19. This act to take effect from and after its passage, and approval by the governor.

Approved May 15, 1862.

W. JAYNE, *Governor.*

SCHOOLS.

CHAPTER 81.

AN ACT FOR THE REGULATION AND SUPPORT OF COMMON SCHOOLS.

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

County com-
missioners to ap-
point superinten-
dent.

SECTION 1. That the board of county commissioners of each county shall appoint a county superintendent of public instruction.

He shall take
oath and give
bond.

SECT. 2. The county superintendent of public instruction shall have charge of the common-school interests of the county. He shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States, and the act organizing this territory, and faithfully to discharge the duties of his office, which oath or affirmation shall be filed in the office of the register of deeds. He shall also execute a bond with approved security, payable to the board of

county commissioners, for the use of common schools in said county, in a sum to be fixed by the said commissioners. Said bond must be approved by the register of deeds, and filed in his office.

SECT. 3. It shall be the duty of the board of county commissioners to divide the county into a convenient number of districts, and divide the same when the interests of the inhabitants of the several districts may require it; and shall describe and number the school districts of the county, and a copy of the paper or papers containing such description shall be delivered by the register of deeds to the county superintendent of public instruction.

Commissioners
to divide county
into districts.

SECT. 4. It shall be the duty of the judge of probate, on the first Monday of April in each year, to furnish the county superintendent of public instruction with a statement of the amount of money in the county treasury belonging to the school fund, and he shall pay the same upon the order of the said superintendent.

Judge of pro-
bate to notify
superintendent
of amount of
money yearly.

DUTIES OF THE COUNTY SUPERINTENDENT.

SECT. 5. It shall be the duty of the county superintendent of public instruction, on the second Monday of April in each year, or as soon thereafter as he shall receive the statement of the judge of probate, certifying the amount of money in the county treasury, for the use of common schools for the current year, to apportion such amount to the several districts, or parts of districts, within the county, in proportion to the number of white children residing in each, over the age of five, and under the age of twenty-one years, as the same shall appear from the last annual reports of the clerks of the respective districts, and he shall draw his order on the county treasurer in favor of the several district treasurers for the amount apportioned to each district: *Provided*, No district shall be entitled to receive any portion of the common-school fund in which a common school has not been taught at least three months during the year.

Superintendent
to apportion
money to dis-
tricts, when.

Proviso.

SECT. 6. He shall visit each school in the county at least once each term, for the purpose of examining into the condition of the school, of ascertaining the text-books used, and of giving such advice as he may deem proper, in reference to

Visit schools,
when.

the course of studies pursued, and the general interests of the school.

See to annual report.

SECT. 7. He shall see that the annual reports of the clerks of the several school districts in his county are made correctly, and in due time.

Shall examine teachers and give certificates.

SECT. 8. He shall examine annually, all persons offering themselves as teachers of common schools in his county, in regard to moral character, learning, and ability to teach school, and he shall give to each person examined and found qualified to teach, a certificate signed by him, officially, and any person receiving such certificate, shall be deemed a qualified teacher within the meaning of this act.

When school district is formed.

SECT. 9. Whenever a school district shall be formed in any county, the county superintendent of public instruction of such county shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries, and stating the number thereof, and appointing a time and place for the district meeting. He shall cause the notice thus prepared, to be posted in at least five public places in the district, at least ten days before the time appointed for such meeting.

Shall perform other lawful duties, and deliver books, &c., to successor.

SECT. 10. The county superintendent of public instruction shall perform all other duties of his said office that now are, or hereafter may be, prescribed by law, and he shall deliver to his successor within ten days after the expiration of his term of office, all the books and papers appertaining to his office.

In case of vacancy in office of superintendent.

SECT. 11. If a vacancy occurs in the office of county superintendent of public instruction, by death, resignation, or otherwise, notice thereof shall be given by the register of deeds to the board of county commissioners, who shall, as soon as practicable, appoint some suitable person to fill the vacancy, and the person receiving such appointment shall, before entering upon the discharge of the duties of his office, file his oath or affirmation in the register of deeds' office, as hereinbefore provided, and he shall discharge all the duties of the office of county superintendent of public instruction until a successor is elected and qualified. He shall also give a like bond to that required by this act to be given by the county superintendent of public instruction.

SECT. 12. The inhabitants qualified to vote at a school

district meeting, lawfully assembled, shall have power: 1. To appoint a chairman to preside at said meeting in the absence of the director. 2. To adjourn from time to time. 3. To choose a director, clerk, and treasurer, who shall possess the qualifications of voters as prescribed in the next section of this act, at the first and each annual meeting thereafter. 4. To designate by vote a site for a district school-house. 5. To vote a tax annually, not exceeding one half of one per cent. on taxable property in the district, as the meeting shall deem sufficient to purchase or lease a site: *Provided*, When not included within the limits of an incorporated town or village, said site shall not contain less than one acre, and to build, hire, or purchase such school-house, and to keep in repair and furnish the same, with the necessary fuel and appendages. 6. To vote a district tax annually, not exceeding one fourth of one per cent. on the taxable property in the district for the pay of teachers' wages in the district. 7. To authorize and direct the sale of any school-house, site, or other property belonging to the district, when the same shall no longer be needful for the use of the district. 8. To vote such tax as may be necessary to furnish the school-house with blackboards, outline maps, and apparatus necessary for illustrating the principles of science, or to discharge any debts or liabilities of the district, lawfully incurred: *Provided*, The said tax shall not exceed one fourth of one per cent. per annum. 9. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defence of any suit or proceeding in which the district may be a party. 10. To alter or repeal their proceedings from time to time as occasion may require, and to do any other business contemplated in this act.

SECT. 13. The following persons shall be entitled to vote at any district meeting: all persons possessing the qualifications of electors, as defined by the act organizing this territory, and the laws of said territory, and who shall be residents of the district at the time of offering to vote at such election.

SECT. 14. If any person offering to vote at a school-district meeting shall be challenged as unqualified by any legal voter, the chairman presiding shall declare to the person challenged the qualifications of a voter, and if such challenge be not

Powers of school district meeting.

Proviso.

Proviso.

Persons entitled to vote.

If person is challenged as unqualified.

withdrawn, the chairman, who is hereby authorized, shall tender to the person offering to vote, the following oath or affirmation: "You do solemnly swear (or affirm) that you are an actual resident of this school district, and that you are qualified by law to vote at this meeting." Any person, taking such oath or affirmation, shall be entitled to vote on all questions voted upon at such meeting.

Of the formation of school districts.

SECT. 15. Every school district shall be deemed duly organized when the officers constituting the district board shall be elected; they shall signify their acceptance to the county superintendent, in writing, which he shall file in his office. Every person duly elected to the office of director, clerk, or treasurer of any school district, who shall refuse or neglect, without sufficient cause, to accept of such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this act, shall forfeit the sum of ten dollars.

Officers and term of office.

SECT. 16. The officers of each school district shall be a director, clerk, and treasurer, who shall constitute the district board, and who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors are elected and qualified.

Districts considered bodies corporate, with what powers.

SECT. 17. Every school district, organized in pursuance of this act, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of school district No. — (such a number as may be designated by the county commissioners), — county (the name of the county in which the district is situated), Territory of Dakota, and in that name may sue and be sued, and be capable of contracting and being contracted with, and holding such real or personal estate as it may come in possession of by will or otherwise, or as is authorized to be purchased by the provisions of this act.

Annual and special meetings.

SECT. 18. An annual meeting of each school district shall be held on the last Saturday of September of each year, at such hour as the board of directors shall name. Special meetings may be called by any member of the district board, or by any five legal voters, but notice of such special meeting, stating the purposes for which it is called, shall be posted in

at least three public places within the district, ten days previous to the time of meeting.

SECT. 19. Whenever the time for holding an annual meeting in any district shall pass without said meeting being held, the clerk, or, in his absence, any other member of the district board, within twenty days after the time for holding said annual meeting shall have passed, may give notice of a special meeting by putting up written notices thereof in three public places within the district, at least five days previous to the time of meeting; but if such meeting shall not be notified within twenty days as aforesaid, the county superintendent may give notice of such meeting in the manner provided for forming new districts, and the officers chosen at such special meeting shall hold their offices until the next annual meeting, and until their successors are elected and qualified.

When time passes without meeting.

SECT. 20. The qualified voters at each annual meeting, or at any special meeting duly called, may determine the length of time a school shall be taught in their district for the then ensuing year, which shall not be less than three months, and whether such school shall be taught by a male or female teacher, or both, and whether the school money to which the district may be entitled shall be applied to the support of the summer or winter term of the school, or a certain portion to each; but if such matters shall not be determined at the annual or any special meeting, it shall be the duty of the district board to determine the same.

Powers of meeting.

SECT. 21. The director of each district shall preside at all district meetings, and shall sign all orders drawn by the clerk, authorized by a district meeting or by the district board, upon the treasurer of the district for moneys collected or received by him to be disbursed therein. He shall appear for and in behalf of the district in all suits brought by or against the district, unless other direction shall be given by the voters of such district, at a district meeting.

Duties of director.

SECT. 22. The clerk of each district shall record the proceedings of his district in a book provided by the district for that purpose, and enter therein copies of all reports made by him to the county superintendent, and he shall keep and preserve all records, books, and papers belonging to his office, and deliver the same to his successor in office.

Duties of clerk.

SECT. 23. The said clerk shall be clerk of the district

In case of his absence.

board and of all district meetings when present; but if such clerk shall not be present at any district meeting, the voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.

Clerk to give what notice, and when.

SECT. 24. It shall be the duty of the clerk to give at least ten days notice previous to any annual or special district meeting, by posting up notices thereof at three or more public places in the district, one of which notices shall be affixed to the outer door of the school-house, if there be one in the district, and said clerk shall give the like notice of every adjourned meeting, when such meeting shall have been adjourned for a longer period than one month. Every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting, not specified in said notice.

To draw orders for money.

SECT. 25. The clerk of the district shall draw orders on the treasurer of the district, for moneys in the hands of such treasurer, which have been apportioned to or raised by the district to be applied to the payment of teachers' wages, and apply such money to the payment of teachers' wages as shall have been employed by the district board, or by the citizens of the district, and the said clerk shall draw orders on the said treasurer for moneys in the hands of such treasurer, to be disbursed for any other purpose ordered by a district meeting, or by the district board agreeably to the provisions of this act.

To make out tax lists.

SECT. 26. It shall be the duty of the clerk to make out tax lists of all taxes legally authorized by the district, and annex to such tax lists a warrant under the hand of said clerk, directed to the treasurer of said district, requiring said treasurer to collect the sums therein named.

Make out what reports, and when.

SECT. 27. The clerk of each district shall, between the first and fifteenth days of September in each year, make out and transmit a report in writing to the county superintendent of public instruction, showing: 1. The number of white children, male and female, designated separately, residing in the district or parts of districts, on the last day of August previous to the date of such report, over the age of five and under the age of twenty-one years. 2. The number of white children attending school during the year, their sex, and

branches studied. 3. The length of time a school has been taught in the district by a qualified teacher, the name of the teacher, the length of time taught, and the wages paid. 4. The amount of money received from the county treasurer within the year, and the manner in which the same has been applied. 5. The amount of money raised by the district in such year, and the purposes for which it was raised. 6. The kind of books used in the school, and such other facts and statistics in regard to the district schools as the county superintendent may require.

SECT. 28. Whenever a school district shall lie partly in two or more counties, the clerk of such district, in making his annual report, shall carefully designate the number of children resident in the parts of the counties composing the district, and shall report to the county superintendent of public instruction of each of the counties in which such district may be partly situated.

When district lies in more than one county.

SECT. 29. The treasurer shall execute to the district a bond in double the amount of money, as near as can be ascertained, to come into his hands as treasurer of the district during the year, with sufficient securities to be approved by the director and clerk, conditioned to the faithful discharge of the duties of said office. Such bond shall be filed with the district clerk, and in case of the breach of any condition thereof, the director shall cause a suit to be commenced thereon, in the name of the district, and the money collected shall be applied by such director to the use of the district, as the same should have been applied by the treasurer, and if such director shall neglect or refuse to prosecute, then any householder of the district may cause such prosecution to be instituted.

Treasurer to execute bond.

SECT. 30. If the treasurer shall fail to give bond as required in this act, or from sickness or any other cause, shall be unable to attend to the duties of said office, the district board shall appoint a treasurer, who shall possess all the powers of the district treasurer, and shall, before entering upon the duties of said office, give a bond as the district treasurer is required to give.

If he fails to give bond.

SECT. 31. The treasurer of each district shall apply for and receive from the county treasurer all school moneys apportioned to his district, and shall collect all district taxes

Powers and duties of treasurer.

assessed in pursuance of the provisions of this act, and pay over on the order of the clerk, signed by the director of such district, all moneys so received or collected by said treasurer.

If he refuses to pay over money to successor.

SECT. 32. If any district treasurer shall refuse or neglect to pay over any money in the hands of such treasurer belonging to the district, it shall be the duty of his successor in office to prosecute without delay the official bond of such treasurer, for the recovery of such money.

If school moneys lost by neglect.

SECT. 33. If by the neglect of any treasurer any school moneys shall be lost to any school district, which might have been received from the county treasurer, or collected from the district tax assessed, said treasurer shall forfeit to such district the full amount of the moneys so lost.

Treasurer to make annual report of moneys, &c.

SECT. 34. The treasurer shall present to the district at each annual meeting, a report in writing, containing a statement of all moneys received by him from the county treasurer during the year, also all moneys collected by him during the year from assessments in the districts, and the disbursements made, and exhibit the vouchers therefor, which report shall be recorded by the clerk, and if it shall appear that any balance of money is in his hands at the time of making such report, he shall immediately pay over such balance to his successor in office.

Clerk to record same.

DISTRICT BOARD.

District board's duties relating to school-house, &c.

SECT. 35. The district board shall purchase or lease such a site for a school-house as shall have been designated by the voters at a district meeting, in the corporate name thereof, and shall build, hire, or purchase such school-house, as the voters of the district in a district meeting shall have agreed upon, out of the funds provided for that purpose, and make sale of any school-house site or other property of the district, and, if necessary, execute a conveyance of the same in the name of their office, when lawfully directed by the voters of such district at any regular or special meeting, and shall carry into effect all lawful orders of the district.

Other duties.

SECT. 36. The district board shall have the care and keeping of the school-house, and other property belonging to the district. They shall have power to make such rules and regulations relating to the district library, as they may deem

proper, and to appoint some suitable person to act as librarian, and to take charge of the school apparatus belonging to the district.

SECT. 37. The district board shall have power to admit scholars from adjoining districts, and remove scholars for disorderly conduct. May admit and remove scholars.

SECT. 38. The district board in each district shall contract with and hire qualified teachers for and in the name of the district, which contract shall be in writing, and shall specify the wages per week or month, as agreed upon by the parties, and such contract shall be filed in the district clerk's office. Of contracting with teachers.

SECT. 39. The district board shall provide the necessary appendages for the school-house, during the time a school is taught therein, and shall keep an accurate account of all expenses thus incurred, and present the same for allowance at any regular district meeting. Shall provide necessary appendages.

SECT. 40. The district schools established under the provisions of this act, shall at all times be equally free and accessible to all the white children resident therein over five and under the age of twenty-one years, subject to such regulations as the district board in each may prescribe. Schools, free to whom.

SECT. 41. In every school district there shall be taught orthography, reading, writing, English grammar, geography, and arithmetic, if desired, during the time the school shall be kept, and such other branches of education as may be determined by the district board. What branches shall be taught.

SECT. 42. If a vacancy should occur in the district board, in any district, the county superintendent shall appoint some suitable person to fill such vacancy. If a vacancy in district board.

DISTRICT TAXES.

SECT. 43. All taxes raised and collected in any school district for any of the purposes authorized in this act, shall be assessed on the same kind of property as taxes for county purposes are assessed. Taxes, how assessed.

SECT. 44. The clerk of the school district, in making out any tax lists, shall enter therein the names of all persons liable to pay a school-district tax in such district, the amount of personal property to be taxed to each such person, and a description of all taxable real estate in the district, distinguishing Duty of clerk in making out tax lists.

that owned by non-residents of the district, and he shall set opposite to each description of taxable property the valuation of the same, and the amount of tax charged upon such property, and to each person respectively, or tract of land owned by non-residents; and such description and valuation of taxable property, shall be ascertained as far as possible from the last assessment roll of the county.

When real estate not separately valued.

SECT. 45. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the county, and the value of such real estate cannot be definitely ascertained from such assessment roll, the district board of such district shall estimate the value of the same and apportion the taxes thereon.

Warrant to be under hand of clerk, and contain what.

SECT. 46. The warrant annexed to any tax list shall be under the hand of the clerk of the district, and shall command the treasurer of such district to collect from each of the persons and corporations named in said tax list, and of the owners of the real estate described therein, the several sums set opposite to the persons and corporations so named, and to the several tracts of land owned by non-residents. within forty days from the date thereof, and within twenty days from the date of such warrants, to personally demand such tax of the persons charged therewith; and that if any tax shall not be paid within thirty days thereafter, to collect the same by distress and sale of property in the same manner as county taxes, and the said treasurer shall execute the said warrant and return the same to the clerk at the expiration of the time limited therein, for the collection of such tax list.

May be executed, where.

SECT. 47. The warrant issued by the clerk of any school district, for the collection of any district tax authorized by any of the provisions of this act, may be executed anywhere within the limits of the county, and such warrants shall have the like force and effect as a warrant issued for the collection of county taxes; and the treasurer of the district, to whom any such warrants may be delivered for collection of a tax list, shall possess the like powers in the execution of the same as are provided by law for the collection of county taxes.

Powers of treasurer, execution of same.

When money improperly collected.

SECT. 48. Whenever any error may be discovered in any district tax list, the district board may order any money which may have been improperly collected on such tax list, to be re-

funded, and may authorize the clerk of the district to amend and correct such error in said tax list.

SECT. 49. Whenever any district tax, lawfully assessed, shall be paid by any person on account of any real estate whereof he is only a tenant, such tenant may charge and collect of the owner of such estate the amount of tax so paid by him, unless some agreement to the contrary shall have been made by the tenant.

When district tax collected of tenant.

SECT. 50. It shall be the duty of the register of deeds of each county, as soon as the annual assessment roll shall be completed in each year, to make out for each district in such county, a description of all taxable property therein, with the valuations affixed thereto, as the same shall appear in the last assessment roll, which shall be certified by him and delivered to the clerk of each school district in the county.

Register of deeds to make what report to district clerks.

GRADED SCHOOLS.

SECT. 51. Whenever the inhabitants of two or more school districts may wish to unite for the purpose of establishing a graded school in which instruction shall be given in the higher branches of education, the clerks of the several districts shall, upon written application of five voters of the respective districts, call a meeting of the voters of such districts, at some convenient place, by posting up written notices thereof in like manner as provided for calling district meetings, and if a majority of the voters of each of the two or more districts shall vote to unite for the purpose herein stated, they shall at that meeting or at an adjourned meeting, elect a board of directors, consisting of a director, clerk, and treasurer.

Graded schools, how formed.

SECT. 52. The board of directors, provided in the preceding section, shall, in all matters relating to the graded schools, possess all the powers and discharge all the like duties of the district board of directors as prescribed in this act.

Their board have same powers as the regular.

SECT. 53. The union district thus formed, shall be entitled to an equitable share of the school funds, to be drawn from the treasurer of each district so uniting, in proportion to the number of white children attending the said graded school for each district.

Entitled to equitable share of school funds.

SECT. 54. The said union district may levy taxes for the

May levy taxes for what.

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

Clerk to make report to treasurers of district.

SECT. 55. The clerk of the union district shall report in writing to the treasurer of each school district uniting in the union district, the number of scholars attending the graded school from his district, their sex, and the branches studied, and the said district treasurer shall apportion the amount of school money due the union school district, and pay the same over to the treasurer of the union district on order of the clerk and director thereof.

To make report to county superintendent.

SECT. 56. The clerk of the union district shall make a report to the county superintendent of public instruction, and discharge all the duties of clerk, in like manner as the clerk of the district.

Treasurer give bond, &c.

SECT. 57. The treasurer of the union district shall perform all the duties of treasurer, and give the bond as prescribed in this act, in like manner as the district treasurer.

Public schools regulated by special law, have their share of school moneys.

Proviso.

SECT. 58. The public schools of any city, town, or village, which may be regulated by special law set forth in the charter of such city, town, or village, shall be entitled to receive their proportion of the public school fund: *Provided*, The clerk of the board of education in such city, town, or village, shall make due report within the time and manner prescribed in this act, to the county superintendent of public instruction.

Single districts may establish graded schools.

SECT. 59. Any single district shall possess power to establish graded schools, subject to the provisions of this act, in like manner as two or more districts united.

Duties of county treasurer relating to school moneys.

SECT. 60. The county treasurer shall collect all moneys due the county for school purposes, from fines, forfeitures, or proceeds from the sale of estrays, and all moneys paid by persons as equivalent for exemption from military duty, and he shall pay the same to the said district treasurer, as prescribed in this act. He shall also collect the delinquent taxes on real estate in any district, in the same manner as county taxes are collected, whenever such delinquent tax list shall have been lawfully reported and returned to him, and he shall pay the same over to the treasurer of the district to which

delinquent taxes are due, and if any county treasurer shall refuse to deliver over to the order of the county superintendent any money in his possession, or shall use, or permit to be used for any other purpose than is specified in this act, any school money in his possession, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

If county treasurer refuses to deliver money.

MISCELLANEOUS.

SECT. 61. It shall be the duty of the teacher of every district school or graded school, to make out and file with the district clerk at the expiration of each term of the school, a full report of the whole number of scholars admitted to the school during such term, distinguishing between male and female, the text-books used, the branches taught, and the number of pupils engaged in the study of each of said branches. Any teacher who shall neglect or refuse to comply with the requirements of this section, shall forfeit his or her wages for teaching such school, at the discretion of the district board.

Teachers to make what report.

SECT. 62. Every clerk of a district who shall wilfully sign a false report to the county superintendent of his county, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months.

If clerk make false report. Penalty.

SECT. 63. Every school district clerk or treasurer who shall neglect or refuse to deliver to their successors in office all records, books, and papers belonging severally to their offices, shall be subject to a fine not exceeding fifty dollars.

Clerk or treasurer refusing to deliver records, &c., to successor. Penalty.

SECT. 64. Whenever any final judgment shall be obtained against any school district, the district board shall levy a tax on the taxable property in the district, for the payment thereof; such tax shall be collected as other school district taxes, but no execution shall issue on judgment against a school district.

When final judgment rendered against school district.

SECT. 65. Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested, when the amount claimed by the plaintiff shall not exceed one

Justices have jurisdiction in what cases.

hundred dollars, and the parties shall have the right of appeal as in other cases.

School officers
not to receive pay
out of school
moneys.

SECT. 66. No school officer mentioned in this act shall receive any compensation for his services out of the territorial or school-district fund.

Fines and pen-
alties, how col-
lected.

SECT. 67. All fines and penalties not otherwise provided for in this act, shall be collected by an action in any court of competent jurisdiction.

Acts repealed.

SECT. 68. All acts and parts of acts, inconsistent with this act, upon the subject of education, are hereby repealed.

SECT. 69. The following forms shall be substantially followed in all cases where they apply.

FORMS.

FORM OF NOTICE FOR THE FIRST SCHOOL DISTRICT MEETING.

Form of notice
for the first
school district
meeting.

SECT. 70. To —, a householder in school district number —.

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

This — day of —, 186—.

—, County Sup't Pub. Instruction.

FORM OF NOTICE FOR ANNUAL DISTRICT MEETING.

Form of notice
for annual dis-
trict meeting.

SECT. 71. Notice is hereby given to the voters of school district number —, of — county, that the annual meeting of said district will be held at —, on the — day of —, 186—, at — o'clock, —.

This — day of —, 186—.

—, District Clerk.

FORM OF ORDER ON DISTRICT TREASURER.

SECT. 72. To —, treasurer of school district number —, county of —: Form of order on district treasurer.

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

This — day of —, 186—.

—, District Clerk.

—, Director.

FORM OF BOND OF DISTRICT TREASURER.

SECT. 73. Know all men by these presents: that we, — treasurer of school district number —, county of —, and — his surety, are held and firmly bound unto the said school district, for the sum of — dollars, to be paid to the school district, for the payment of which we bind ourselves severally and jointly, our heirs, executors, and administrators, firmly by these presents. Form of bond of district treasurer.

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

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

Signed, sealed, and delivered in presence of — [SEAL.]

— [SEAL.]

FORM OF WARRANT FOR THE COLLECTION OF DISTRICT TAX.

SECT. 74. To —, the treasurer of school district number —, county of —. Form of warrant for the collection of district tax.

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

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

—, District Clerk.

[FORM OF] VOUCHERS.

Form of vouchers.

SECT. 75. Received —, 186—, of —, treasurer of school district number —, county of —, — dollars for services rendered as teacher in the said school district, for the term of — months.

—, Teacher.

FORM OF CONTRACT BETWEEN DISTRICT AND TEACHER.

Form of contract between district and teacher.

SECT. 76. It is hereby agreed between school district number —, county of —, and —, teacher, that the said — is to teach the common school of said district for the term of — months, for the sum of — dollars per —, commencing on the — day of —, 186—; and for such services properly rendered, the said school district is to pay — the amount that may be due, according to this contract, on or before the — day of —, 186—.

—, District Clerk.

This — day of —, 186—.

—, Teacher.

FORM OF ANNUAL REPORT OF DISTRICT TREASURER.

Form of annual report of district treasurer.

SECT. 77. I —, treasurer of school district number —, county of —, submit the following report of all moneys received and disbursed by me since the last annual meeting:

Amount received from my predecessor, . . . \$—
 Amount received from county treasurer, . . . —
 Amount raised by tax in district and collected, . . . —
 Total amount received, . . . \$—
 Paid out, on order of district clerk (date of order), \$—
 On order of district clerk, —, . . . —
 Balance on hand, . . . \$—
 This — day of —, A. D. 186—.

—, Treasurer.

[FORM OF] REPORT OF DISTRICT CLERK TO THE COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION.

Form of report of district clerk to the county superintendent of public instruction.

SECT. 78. — school district number —, county of —. Number of white children residing in the district over five and under the age of twenty-one years:

Males, —
 Females, —
 Total number, —

Number who have attended school during the year :

Males, _____

Females, _____

Total number, _____

Number of months a school has been taught, _____

_____ months by Mr. _____, _____

_____ months by Miss _____, _____

Wages paid Mr. _____, _____

Amount of school money received from _____, county treasurer, \$ _____

Amount raised by district tax for teachers' wages, \$ _____

Amount raised by district tax for building school-house, \$ _____

Amount raised by district tax for furnishing school-house, \$ _____

Amount expended for teachers' wages, \$ _____

Amount expended for building school-house, \$ _____

Amount expended for furnishing school-house, \$ _____

This _____ day of _____, 186-.

_____ _____, District Clerk.

Add a copy of teacher's report.

SCHOOL TEACHER'S CERTIFICATE.

SECT. 79. DAKOTA TERRITORY, }
 _____ county, }

_____, A. D. 186-.

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

School teacher's certificate.

_____,
 Sup. of Pub. Instruction of _____ county.

[NOTE.— Sects. 80, 81, 82, and 83 consisted of forms for "Teacher's Daily" and "General Register," and form of reports "to District Clerks" and of "Branches of Study Taught," which were not enrolled with the law.— PRINTER.]

FORM OF DEED.

SECT. 84. This indenture, made the _____ day of _____, one thousand eight hundred and sixty _____, between _____ and _____ his wife, of the county of _____, Dakota Territory, par-

Form of deed

ties of the first part, and — of district board of district number —, county and territory aforesaid, witnesseth, That the said parties of the first part, in consideration of — dollars to them duly paid before the delivery hereof, have bargained and sold, and by these presents do grant and convey to the said parties of the second part, their successors in office, and assigns forever (here describe the premises), with the appurtenances and all the estate, title, and interest of the said parties of the first part therein. And the said parties of the first part do hereby covenant and agree with the said parties of the second part, that at the time of the delivery hereof, the said parties of the first part were the lawful owners of the premises above granted, and seized thereof, in fee-simple absolute, and they will warrant and defend the above-granted premises, in the peaceful possession of the said parties of the second part, and their successors and assigns forever.

_____ [SEAL.]
 _____ [SEAL.]

Sealed and delivered in presence of

 THE TERRITORY OF DAKOTA, }
 _____ county. }

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

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

Take effect,
when.

SECT. 85. This act shall take effect from and after its passage, and approval by the governor.

Approved May 13, 1862.

W. JAYNE, Governor.