

SCHOOLS

CHAPTER XLI.

AN ACT FOR THE REGULATION AND SUPPORT OF COMMON SCHOOLS.

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

Who to constitute board of education.

Section 1. The governor, secretary, and treasurer are hereby constituted a board of education for the Territory of Dakota.

Board to hold meetings--when and where.

Sec. 2. Said board shall hold an annual meeting at the capital of the territory, commencing on Tuesday of the second week of the session of the legislature ; and such special meetings during the year as the board may, in their judgment, deem necessary.

Board to appoint superintendent of public instruction.

Sec. 3. Immediately after the passage of this act, and thereafter, at the annual meeting, said board shall appoint a suitable and competent person to be the superintendent of public instruction, for the Territory of Dakota, and secretary of said board, whose duties shall be : first, to keep a record of all the official duties of said board ; second, to exert himself constantly and faithfully to promote the highest interests of education in the Territory, by and with the advice of the board of education, and to this end he shall confer with county superintendents, and visit schools in connection with them, and furnish and distribute to them blank forms for collecting statistics of the various schools in the territory. He shall prepare and present to the board of education, on the first day of their annual session, a report of his official doings, for the preceding year, and a statement of the condition of the common schools of the Territory ; of the expenditure of the school moneys therein ; and such suggestions for improving their organization and modes of instruction, together with such other information in regard to systems of schools in other states and countries, as he shall deem proper.

Duties of superintendent.

Sec. 4. Said board of education shall, from time to time, as they shall judge proper, recommend to the legislature such alterations, revisions, or amendments of existing laws, relating to common schools and seminaries of learning, as in their judgment are demanded, in order to the perfecting of a system of general education in the Territory, and they shall annually, when required by a resolution of the House of Representatives so to do, make a report of their official doings and of the state and condition of the schools in the Territory, to the Legislature.

Board to report to legislature—when.

Sec. 5. Said board may at any time fill a vacancy in the office of superintendent of public instruction.

To fill vacancy.

Sec. 6. The compensation to the members of said board and the superintendent of public instruction, for their services, shall be as follows: To each member of the board for each day's necessary attendance on the meetings of the same, the sum of three dollars, and the same mileage as is now provided by law for members of the legislature; to the secretary the sum of three dollars per day for the time spent in the discharge of his official duties, and the expenses of procuring blank forms and postage; all of which allowances shall be paid by the treasurer of the Territory, on the certificate of the Governor.

Compensation to members and superintendent.

Sec. 7. The board of election shall select a list of books for the different branches usually taught in common schools, which list shall constitute the text books for district schools, and shall cause such list to be published in all the newspapers in Dakota; and on and after such publication, no other books but those prescribed in the list by said board, shall be used in any of the district schools in this Territory.

Board to select text books.

Sec. 8. The superintendent of public instruction shall annually prepare and present, and have ready for distribution, on or before the first day of the annual meeting of the board of education, a sufficient number of copies of his annual report, to be distributed as follows: three copies to each member of the board of education, one copy to each member of the legislature, one copy to each county superintendent, one copy to each school district officer, and one copy to each teacher in the Territory whose certificate of qualifications has not expired.

Superintendent to prepare report.

COUNTY SUPERINTENDENTS.

Sec. 9. The several counties in this Territory shall, at their

County superin-
tendent—how
elected.

annual election, elect a competent person to be superintendent of common schools within such county, who shall hold his office during the school years commencing on the first of November, or until his successor is elected and qualified; who shall receive for his services two dollars for each day spent in the discharge of his legal duties, and a reasonable sum for his annual report to the superintendent of public instruction; and every superintendent of schools shall make out in detail his account for official services, stating the date and time spent, as well as the kind of service rendered, and make oath or affirmation to the correctness of the same, before some justice of the peace in the county in which he resides, which oath or affirmation shall be certified by said justice before such superintendent's account shall be presented to the Territorial auditor for allowance, who shall audit and allow the same, or so much thereof as is just and reasonable, and the same shall be paid out of the territorial treasury upon the order of the auditor, who is empowered to draw orders for the same; but no order shall be drawn to any superintendent until he shall have filed with the auditor, the receipt of the superintendent of public instruction for the statistical returns of the preceding school year, in pursuance of the requirements of section — of this act.

He shall take
oath and give
bond.

Sec. 10. 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.

Commissioners
to divide county
into districts.

Sec. 11. 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.

Sec. 12. It shall be the duty of the judge of probate, on the first Monday of April in each year, to furnish the county superintendent of public instruction with 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 probate to notify superintendent of amount of money yearly.

DUTIES OF THE COUNTY SUPERINTENDENT.

Sec. 13. 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 districts, when.

Provided

Sec. 14. It shall be the duty of the county superintendent to visit all such common schools within their respective towns as shall be organized according to law, at least once in each year, and oftener if they shall deem it necessary. At such visitation the superintendents shall examine into the state and condition of such schools, as respects the progress of the school in learning and the order and government of the schools; and they may give advice to the teacher of such schools as to the government thereof, and course of study to be pursued therein, and shall adopt all requisite measures for the inspection, examination and regulation of the schools, and for the improvement of the scholars in learning. Every superintendent of common schools shall also make out his account for official services in the manner hereinbefore required, and deliver a

Visit schools—when.

copy of the same to the county clerk, in which such superintendent was elected or appointed, on or before the day previous to the annual county election next after the election or appointment of such superintendent, and the same shall be filed and kept in the office of the county clerk.

See to annual report.

Sec. 15. He shall see that the annual reports of the clerks of the several school districts in his county are made correctly and in due time.

Shall examine teachers and give certificate.

Sec. 16. 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 declared a qualified teacher, within the meaning of this act.

When school district is formed.

Sec. 17. 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.

Sec. 18. 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.

Sec. 19. 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.

Sec. 20. The county superintendents shall make full and complete annual returns to the superintendent of public instruction, between the first and tenth day of November, in each year, of the number of children between the ages of five and twenty, in the school districts within their respective counties; also, the number of qualified teachers employed, the length of time each district school has been taught during the year, the amounts expended in each district, out of any moneys raised for educational purposes, and for what purpose such amount was expended, the amounts raised in each county and district by taxation or otherwise for educational interests, and any other items that may be of service to the superintendent of public instruction, in preparing his annual report.

Powers of
school district
meeting

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

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

2. To adjourn from time to time.

3. To choose a director, clerk, and treasurer, who shall possess the qualifications of voters as prescribed [in] the next section of this act, at the first and each annual meeting thereafter.

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

5. To vote a tax annually, not exceeding one half of one per cent. on taxable property in the district, as the meeting shall deem sufficient to purchase or lease a site: *Provided*, Provide. 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 principle 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.

Proviso.

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.

Persons entitled to vote.

Sec. 22. 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 the territory, and who shall be residents of the district at the time of offering to vote at such election.

If person is challenged as unqualified.

Sec. 23. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter, the chairman presiding shall declare to the person challenged the qualifications of a voter, and if such challenge be not withdrawn, the chairman, who is hereby authorized, shall tender to the person offering to vote, the following oath or affirmation: "You do solemnly swear (or affirm) that you are an actual resident of this district, and that you are qualified by law to vote at this meeting." Any person, taking such oath or affirmation, shall be entitled to vote on all questions voted upon at such meeting.

Of the formation of school districts.

Sec. 24. Every school district shall be deemed duly organized when the officers constituting the district board shall be elected; they shall signify their acceptance to the county superintendent, in writing, which he shall file in his office. Every person duly elected to the office of director, clerk, or treasurer of any school district, who shall refuse or neglect, without sufficient cause, to accept of such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this act, shall forfeit the sum of ten dollars.

Sec. 25. The officers of each school district shall be a di-

rector, clerk, and treasurer, who shall constitute the district board, and who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors are elected and qualified.

Officers and term of office.

Sec. 26. Every school district, organized in pursuance of this act, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of school district No..... (such number as may be designated by the county 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.

Districts considered bodies corporate, with what powers.

Sec. 27. An annual meeting of each school district shall be held on the last Saturday of September of each year, at such hour as the 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.

Annual and special meetings.

Sec. 28. 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.

Sec. 29. The qualified voters at each annual meeting, or at any special meeting duly called, may determine the length of time a school shall be taught in their district for the then en-

Powers of meeting.

suing 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.

Duties of director.

Sec. 30. The director of each district shall preside at all district meetings, and shall sign orders drawn by the clerk, authorized by a district meeting, or by the district board, upon the treasurer of the district for moneys collected or received by him to be disbursed therein. He shall appear for and in behalf of the district in all suits brought by or against the district, unless other direction shall be given by the voters of such district, at a district meeting.

Duties of clerk.

Sec. 31. The clerk of each district shall record the proceedings of his district in a book provided by the district for that purpose, and enter therein copies of all the reports made by him to the county superintendent, and he shall keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office.

In case of his absence.

Sec. 32. The said clerk shall be clerk of the district board of all district meetings when present; but if such clerk shall not be present at such district meeting, the voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.

Clerk to give what notice, and when.

Sec. 33. It shall be the duty of the clerk to give at least ten days notice previous to any annual or special district meeting, by posting up notices thereof at three or more public places in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district, and said clerk shall give the like notice of every adjourned meeting, when such meeting shall have been adjourned for a longer period than one month. Every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting, not specified in said notice.

Sec. 34. 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 draw orders for money.

Sec. 35. 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.

To make out tax lists.

Sec. 36. The clerk of each district shall, between the first and fifteenth days of September in each year, make out and transmit a report in writing to the county superintendent of public instruction, showing:

Make out what reports, and when.

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.

Sec. 37. Whenever 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 resi-

When district lies in more than one county

dent 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.

Treasurer to execute bond.

Sec. 38. The treasurer shall execute to the district a bond in double the amount of money, as near as can be ascertained, to come into his hands as treasurer of the district during the year, with sufficient securities to be approved by the director and clerk, conditioned to the faithful discharge of the duties of said office. Such bond shall be filed with the district clerk, and in case of the breach of any condition thereof, the director shall cause a suit to be commenced thereon, in the name of the district, and the money collected shall be applied by such director to the use of the district, as the same should have been applied by the treasurer, and if such director shall neglect or refuse to prosecute, then any householder of the district may cause such prosecution to be instituted.

If he fails to give bond.

Sec. 39. 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.

Powers and duties of treasurer

Sec. 40. 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 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 the said treasurer.

If he refuses to pay over money to successor.

Sec. 41. If any district treasurer shall refuse or neglect to pay over any money in the hands of such treasurer belonging to the district, it shall be the duty of his successor in office to prosecute without delay the official bond of such treasurer, for the recovery of such money.

If school money lost by neglect.

Sec. 42. 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.

Sec. 43. The treasurer shall present to the district at each annual meeting, a report in writing, containing a statement of all moneys collected by him from the county treasurer during the year from assessments in the districts, and the disbursements made, and exhibit the vouchers therefor, which report shall be recorded by the clerk, and [if] it shall appear that any balance of money is in his hands at the time of making such report, he shall immediately pay over such balance to his successor.

Treasurer to
make annual re-
port of moneys,
&c.

DISTRICT BOARD.

Sec. 44. The district board shall purchase or lease such a site for a school-house as shall have been designated by voters at a district meeting, in the corporate name thereof, and shall build, hire, or purchase such school-house, as the voters of the district in a district meeting shall have agreed upon, out of the funds provided for that purpose, and make sale of any school-house site or other property of the district, and, if necessary, execute a conveyance of the same in the name of their office, when lawfully directed by the voters of such district at any regular or special meeting, and shall carry into effect all lawful orders of the district.

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

Sec. 45. The district board shall have the care and keeping of the school-house, and other property belonging to the district. They shall have power to make such rules and regulation 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.

Other duties.

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

May admit and
remove schola.

Sec. 47. The district board in each district shall contract with and hire qualified teachers for and in the name of the district, which contract shall be in writing, and shall specify the wages per week or month, as agreed upon by the parties, and such contract shall be filed in the district clerk's office.

Of contracting
with teachers.

Sec. 48. The district board shall provide the necessary appendages for the school-house, during the time a school is

Shall provide
necessary ap-
pendages.

taught therein, and shall keep an accurate account of all expenses thus incurred, and present the same for allowance at any regular district meeting.

Schools, free to whom.

Sec. 49. The district schools established under the provisions of this act, shall at all times be equally free and accessible to all the white children resident therein over five and under the age of twenty-one years, subject to such regulations as the district board in each may prescribe.

What branches shall be taught.

Sec. 50. In every school district there shall be taught orthography, reading, writing, English grammar, geography and arithmetic, if desired, during the time the school shall be kept, and such other branches of education as may be determined by the district board.

If a vacancy in district board.

Sec. 51. If a vacancy should occur in the district board, in any district, the county superintendent shall appoint some suitable person to fill such vacancy.

DISTRICT TAXES.

Duty of county assessor.

Sec. 52. It shall be the duty of the county assessor of each county, at the time of making the annual assessment, to levy a tax of one dollar on each elector in the county for the support of district schools, to be collected at the time and the manner prescribed by law for the collection of taxes; which said tax, when collected, shall be distributed to the several school districts in each county in proportion to the number of electors therein; and shall be drawn from the county treasury, in the manner prescribed in section — of this act.

Taxes—how assessed.

Sec. 53. All taxes raised and collected in any school district for any of the purposes authorized in this act, shall be assessed on the same kind of property as taxes for county purposes are assessed.

Duty of clerk in making out tax lists.

Sec. 54. The clerk of the school district, in making out any tax list, shall enter therein the names of all persons liable to pay a school [tax,] the amount of personal property to be taxed to each such person, and a description of all taxable real estate in the district, distinguishing that owned by non-residents of the district, and he shall set opposite to each description of taxable property, the valuation of the same, and the amount of tax charged upon such property, and to each per-

son 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.

Sec. 55. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the county, and the value of such real estate cannot be definitely ascertained from such assessment roll, the district board of such district shall estimate the value of the same and apportion the taxes thereon.

When real estate not separately valued.

Sec. 56. The warrant annexed to any tax list shall be under the hand of the clerk of the district, and shall command the treasurer of such district to collect from each of the persons and corporations named in said tax list, and of the owners of the real estate described therein, the several sums set opposite 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.

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

Sec. 57. The warrant issued by the clerk of any school district, for the collection of any district tax authorized by any of the provisions of this act, may be executed 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.

May be executed, where.

Sec. 58. Whenever any error may be discovered in any district tax list, the district board may order any money which may have been improperly collected on such tax list, to be refunded, and may authorize the clerk of the district to amend and correct such error in said tax list.

When money improperly collected.

When district tax collected of tenant.

Sec. 59. Whenever any district tax, lawfully assessed, shall be paid by any person on account of any real estate whereof he is only a tenant, such tenant may charge and collect of the owner of such estate the amount of tax so paid by him, unless some agreement to the contrary shall have been made by the tenant,

Register of deeds to make what report to district clerks.

Sec. 60. 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.

GRADED SCHOOLS.

Graded schools, how formed.

Sec. 61. Whenever the inhabitants of two or more school districts may wish to unite for the purpose of establishing a graded school in which instruction shall be given in the higher branches of education, the clerks of the several districts shall, 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.

Their board have same powers as the regular.

Sec. 62. The board of directors, provided in the preceding section, shall, in all matters relating to the graded schools, possess all the powers and discharge all the like duties of the district board of directors as prescribed in this act.

Entitled to equitable share of school funds.

Sec. 63. The union district thus formed, shall be entitled to an equitable share of the school funds, to be drawn from the treasurer of each district so uniting, in proportion to the number of white children attending the said graded school for each district.

May levy taxes for what.

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

ing necessary expenses and paying teachers, but shall be governed in all respects by the law herein provided for levying and collecting district taxes.

Sec. 65. The clerk of the union district shall report in writing to the treasurer of each school district uniting in the union district, the number of scholars attending the graded school, from his district, their sex, and the branches studied, and the said district treasurer shall apportion the amount of school money due the union school district and pay the same over to the treasurer of the union district on order of the clerk and director thereof.

Clerk to make report to treasurers of district

Sec. 66. 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.

Sec. 67. The treasurer of the union district shall perform all duties of treasurer, and give the bond as prescribed in this act, in like manner as the district treasurer.

To make report to county superintendent.

Sec. 68. The public schools of any city, town, or village, which may be regulated by special law set forth in the charter of such city, town [or] village, shall be entitled to receive their proportion of the public fund: *Provided*, The clerk of the board of education in such city, town, or village, shall make due report within the time and manner prescribed in this act, to the county superintendent of public instruction.

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

Proviso.

Sec. 69. Any single district shall possess power to establish graded schools, subject to the provisions of this act, in like manner as two or more districts united.

Single districts may establish graded schools.

Sec. 70. The county treasurer shall collect all moneys due the county for school purposes, from fines, forfeitures, or proceeds from the sale of estrays, and all moneys paid by persons as equivalent for exemption from military duty, and he shall pay the same to the said district treasurer, as prescribed in this act. He shall also collect the delinquent taxes on real estate in any district, in the same manner as county taxes are collected, whenever such delinquent tax list shall have been lawfully reported and returned to him, and he shall pay the same over to the treasurer of the district to which delinquent taxes are due, and if any county treasurer shall refuse to deliver

Duties of county treasurer relating to school moneys.

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.

MISCELLANEOUS.

Teachers to
make what re-
port.

Sec. 71. It shall be the duty of the teacher of every district school or graded school, to make out and file with the district clerk at the expiration of each term of the school, a full report of the whole number of scholars admitted to the school during such term, distinguishing between male and female, the text books used, the branches taught, and the number of pupils engaged in the study of each of said branches. Any teacher who shall neglect or refuse to comply with the requirements of this section, shall forfeit his or her wages for teaching such school, at the discretion of the district board.

If clerk make
false report.
Penalty.

Sec. 72. Every clerk of a district court who shall willfully sign a false report to the county superintendent of his county, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months.

Clerk or treas-
urer refusing to
deliver records,
&c to successor.
Penalty.

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

When final judg-
ment rendered
against school
district.

Sec. 74. When any final judgment shall be obtained against any school district, the district board shall levy a tax on the taxable property in the district, for the payment thereof; such tax shall be collected as other school district taxes, but no execution shall issue on judgment against a school district.

Justices have
jurisdiction in
what cases.

Sec. 75. Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested, when the amount claimed by the plaintiff shall not exceed one hundred dollars, and the parties shall have the right of appeal as in other cases.

Sec. 76. No school officer mentioned in this act shall re-

ceive any compensation for his services out of the territorial or school district fund.

School officers not to receive pay out of school moneys.

Sec. 77. Any person duly elected at the annual district school meeting to either of the district offices mentioned in this act, who shall omit or refuse to serve as such officer, shall forfeit the sum of ten dollars for such omission or refusal; which amount may be recovered by the district in civil action before any justice of the peace in the county where such district is located; and shall be appropriated to the support of schools in the district by whom such action was prosecuted.

Fines and penalties, how collected.

Sec. 78. All fines and penalties not otherwise provided for in this act, shall be collected by an action in any court of competent jurisdiction.

Sec. 79. All acts and parts of acts, inconsistent with this act, upon the subject of education, are hereby repealed.

Acts repealed.

Sec. 80. That the forms now in use, and which are appended to chapter 81, entitled "An act for the regulation and support of common schools," of the laws of 1862, are hereby adopted a part of this act, and shall be substantially followed in all cases where they apply.

What forms adopted.

Sec. 81. This act shall take effect from and after its passage.

Take effect when

Approved, January 15, 1864.

FORMS.

FORM OF NOTICE FOR THE FIRST SCHOOL DISTRICT MEETING.

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

The county commissioners have formed school district number ——, in the county of ——, of which the following is a description ——, and you are hereby directed to post this notice in at least five public places in the said district, notifying the voters of the district to attend the first meeting there-

Form of notice for annual district meeting.

of, 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.

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.

Form of order :
on district
treasurer.

To _____, treasurer of school district number _____, county of _____ :

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

This _____ day of _____, 186—.

_____, District Clerk.

_____, Director.

FORM OF BOND OF DISTRICT TREASURER.

Form of bond of
district treasurer.

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.

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.

_____ [SEAL.]

Signed, sealed, and delivered in presence of

_____ [SEAL.]

FORM OF WARRANT FOR THE COLLECTION OF DISTRICT TAX.

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.

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.

Form of vouchers.

_____, Teacher.

FORM OF CONTRACT BETWEEN DISTRICT AND TEACHER.

It is hereby agreed between school district number _____, county of _____, and _____, teacher, that the said _____

Form of contract between district and teacher.

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 ta 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.

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.

_____ 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 paid 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.

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 teachers
 certificates.*

—— ———,
 Sup. of Pub. Instruction of ——— county.

FORM OF DEED.

This indenture, made the ——— day of ———, one thousand eight hundred and sixty——, between ———, and ———, his

Form of deed.

Form of deed.

wife, of the county of _____, Dakota Territory, parties 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—.