

Normal Schools.

CHAPTER 98.

ALEXANDRIA.

AN ACT to Locate, Establish and Endow a State Normal School.

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

§ 1. NORMAL SCHOOL ESTABLISHED AT ALEXANDRIA. ITS OBJECT. PROVISIO.] That a Normal School for the Territory of Dakota be established at Alexandria, in Hanson county D. T., the exclusive purpose of which shall be the instruction of persons, both male and female, in the art of teaching and in all the various branches that pertain to a good common school education; also to give instruction in the mechanical arts and in husbandry and agricultural chemistry, in the fundamental law of the United States, and in what regards the rights and duties of citizens. *Provided:* That a tract of land, not less than one hundred [and] sixty (160) acres, within one mile from the corporate limits of the town of Alexandria, aforesaid, be donated and secured to the Territory of Dakota, in fee simple, as a site for said Normal School, within six months after the passage and approval of this act; and the governor of the Territory is hereby empowered and it is made his duty to see that a good and sufficient deed be made to the Territory for the same.

§ 2. SUPERVISION.] That said Normal School shall be under the direction of a board of education and shall be governed and supported as hereinafter provided.

§ 3. BOARD TO ERECT BUILDING, ETC.] The said board of education are hereby authorized and it is made a part of their duty to immediately commence the erection and construction of a suitable building for said Normal School upon the grounds specified in this act, as a site for the same, as soon as a sufficient appropriation is secured for the erection thereof. They shall have the power to let contracts for the building and completing of said Normal School building, and shall have

the entire supervision of its construction, providing that all contracts let for the erection and completion of said institution shall be let to the lowest responsible bidder, after the letting of said contract shall have been published in at least four of the leading newspapers, located in different parts of the Territory, for at least thirty (30) days before the letting of said contract, and the said board shall have the power to reject any or all bids. It is also the duty of said board of education and they are hereby empowered to make the selection of said site for said Normal School.

§ 4. NUMBER OF BOARD AND TERMS OF OFFICE. REPORTS, ETC.] Said board of education shall consist of five (5) members, three of whom shall be appointed by the governor and by and with the consent of the legislative council—one of whom shall hold his office six years, one for four (4) years, and one for two (2) years. The governor shall designate the one who shall hold his office for six (6) years, the one for four (4) years, and the one for two (2) years. The territorial treasurer and superintendent of public instruction shall by virtue of their offices be members of said board. The territorial treasurer, by virtue of his office, shall be treasurer of said board, and the members thereof shall annually elect from their number a president and secretary. It shall be the duty of the secretary to keep an exact detailed account of the doings of said board and he shall submit such reports to the legislature as are required by this act; and no member of said board of education shall during his continuance in office as a member of said board, act as agent of any publisher or publishers of school books or school library books, either directly or indirectly; and the governor of the Territory is hereby authorized and required upon satisfactory evidence being produced to him that any member of said board is employed as such agent or is interested, as aforesaid, to remove such member of said board from office and to appoint another in his place to fill such vacancy.

§ 5. POWERS OF BOARD TO APPOINT AND REMOVE.] Said board shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each and prescribe their several duties. They shall also have power

to remove either the principal, assistant or teachers and appoint others in their stead. They shall prescribe the various books to be used in said school and make all regulations and by-laws necessary for the good government and management of the same.

§ 6. NOTICE WHEN SCHOOL IS READY FOR PUPILS.] As soon as said Normal School is prepared to receive pupils, the superintendent of public instruction shall give notice of the fact to each county clerk in the Territory and shall publish said notice in a newspaper published in each judicial district.

§ 7. APPLICATIONS FOR ADMISSION.] The board of education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as shall be prescribed by the board, and if it shall appear that the applicant is not a person of good moral character, will not make an apt and good teacher, such applicant shall be rejected. The board of education may, in their discretion, require any applicant for admission into said school, prior to such admission, to sign and file with said board a declaration of intention to follow the business of teaching schools in this Territory, to pay or secure to be paid such fees for tuition as to said board shall seem reasonable.

§ 8. CONDITIONS OF ADMISSION TO SCHOOL.] Any person may be admitted as a pupil of said Normal School, who shall pass a satisfactory examination, provided that the applicant shall before admission, sign a declaration of intention to follow the business of teaching schools in this Territory. *And provided further:* That the pupil may be admitted without signing such declaration of intention, on such terms as the Normal School board may require or prescribe; and each county shall be entitled to send pupils in ratio to their representation in the legislature to which it may be entitled, not to exceed such number as the board may prescribe.

§ 9. VISITING SCHOOL BY COMMITTEE.] After said Normal School shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members, to be appointed by the board of education, who shall examine thoroughly into the affairs of the school and report to the superintendent of public instruction or auditor their views in regard to its condition, success and

usefulness, and any other matter they may judge expedient. Such visitors shall be appointed annually.

§ 10. LECTURES.] Lectures in chemistry, comparative anatomy, the mechanical arts, agricultural chemistry and any other science, or any other branches of literature that the board of education may direct, may be delivered to those attending such school, in such manner and on such terms and conditions as the board of education may prescribe.

§ 11. CERTIFICATE TO QUALIFIED PUPIL.] As soon as any person has attended said institution twenty-two (22) weeks, said person may be examined in the studies required by the board in such manner as may be required by them, and if it shall appear that such person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate which shall entitle the holder to teach a common school in any county in the Territory, for the time and in the branches stated in said certificate.

§ 12. SCHOOL FUNDS—HOW DISBURSED.] All funds appropriated for the use and benefit of said Normal School shall be under the direction and control of the board of education, subject to the provisions herein contained. The treasurer of the Territory shall pay out of such funds all orders or drafts for money to be expended under the provisions of this act, such orders or drafts to be drawn by the territorial auditor, on certificate of the secretary, countersigned by the president of the board. No such certificate shall be given except upon accounts audited and allowed by the board at their regular meetings.

§ 13. PAYMENT OF SALARIES, ETC.] Services and all other necessary traveling expenses, as hereinafter provided, incurred by the board of education in carrying out the provisions of this act, shall be paid on the proper certificate out of any funds belonging to said institution in the hands of the treasurer. Until the erection and completion of the necessary buildings, the principal, assistants, teachers, board of education and other officers employed in said school, shall be paid out of the Normal School fund, and from the receipts for tuition after the erection of the necessary buildings. The members of the board of education shall be entitled to three dollars per day and ten cents per mile actually and necessarily traveled in attending the meetings of the board.

§ 14. SCHOOL LANDS TO BE SELECTED AND SOLD.] For the purpose of erecting said Normal School building, the governor, secretary of state and auditor, shall within six months after the admission of Dakota as a State, or as soon thereafter as the government shall cede to the State of Dakota the school lands lying within her border, set apart for the erection of said Normal school building twenty (20) sections of land belonging to the State of Dakota, which lands shall be selected from any lands not otherwise appropriated: and the governor, secretary of state and auditor may, at their discretion, after advertising four months in at least four newspapers published in the State, sell said lands to the highest bidder at public sale; said land to be sold in quantities, not exceeding one hundred and sixty (160) acres to any one person at one bid. *Provided, however:* That no part of said land shall be sold for less than three dollars (\$3.00) per acre.

§ 15. DISPOSITION OF FUNDS ARISING FROM SALE.] The proceeds of said sale shall be deposited with the treasurer as a Normal School fund and shall be drawn therefrom upon the warrant of the auditor, to be issued in pursuance of a certificate of the board of education, signed by their president and countersigned by the secretary, that the money is due and payable to the principal of the Normal School or his assistants, as the teachers or officers employed, or the members of the board of education, as herein authorized, or for necessary incidental expenses in the support and maintenance of said school, or for the erection and completion of the Normal School building.

§ 16. VACANCIES.] That it shall be the duty of the governor to fill, by appointment, all vacancies that may occur in said board of said school from neglect of duty.

§ 17. ADJOURNMENT OF SALE OF LANDS.] That the governor, secretary of state and auditor may adjourn the sale of said lands from time to time, as they may deem necessary. *Provided:* That such adjournment shall in no case extend beyond a period of one year from the day first appointed for said sale.

§ 18. MEETINGS OF THE BOARD.] The board of education shall hold regular meetings in each year, to-wit: During the first week in June and the first week in January in each year, at which first meeting the officers of the board shall be elected.

All meetings of the board shall, when practicable, be in the Normal School building, and all financial matters, allowances, claims and accounts, shall be disposed of at such regular meetings only. Special meetings of the board may be called upon written order of the president of the same, which order shall specify the object of the meeting. An adjournment may be had from a regular or special meeting, but the adjournment must in either case state the reason in full of the same. A majority of the board shall constitute a quorum to transact business. A true and faithful journal of their proceedings shall be kept, subject, at any time, to the inspection of any member of the board.

§ 19. REPORT OF THE BOARD.] The clerk of the board of education shall, on the first day of January of each year, transmit to the governor a full report of the expenditures of the same for the previous year, setting forth, in full, each item and the date thereof.

§ 20. NO RELIGIOUS TESTS REQUIRED.] The board of education, in their regulations, and the principal in his supervision and government of the schools, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance at said school, but no religious or sectarian tests shall be applied in the selection of teachers and none shall be adopted in the school.

§ 21. PAYMENT OF EXPENSES OF SALES OF LANDS.] That all necessary expenses arising from the advertising and sale of said lands shall be paid from the funds arising from said sale, by a warrant drawn by the auditor upon the state treasurer. *Provided:* That all accounts for expenses, above specified, shall first be approved by the superintendent of public instruction.

§ 22. This act shall be in force and effect from and after its passage.

ENDORSED.—Received at Executive Office, February 28th, at 5:30 P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,

Secretary of the Territory.

CHAPTER 99.

MADISON.

AN ACT to Locate, Establish and Endow a State Normal School.

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

§ 1. NORMAL SCHOOL LOCATED AT MADISON. PURPOSE. PROVISIO.] That a Normal School for the Territory of Dakota be established at Madison, in Lake county, D. T., the exclusive purpose of which shall be the instruction of persons both male and female in the art of teaching and in all the various branches that pertain to a good common school education; also to give instruction in the mechanical arts and in husbandry and in agricultural chemistry, in the fundamental laws of the United States and in what regards the rights and duties of citizens: *Provided*, That a tract of land not less than one hundred and sixty acres within one mile from the corporate limits of the town of Madison aforesaid, be donated and secured to the Territory of Dakota, in fee simple, as a site for said Normal School, within six months after the passage and approval of this act; and the governor of the Territory is hereby empowered and it is made his duty to see that a good and sufficient deed be made to the Territory for the same.

§ 2. SUPERVISION.] That said Normal School shall be under the direction of a board of education, and shall be governed and supported as hereinafter provided.

§ 3. BOARD TO ERECT BUILDING, ETC.] The said board of education are hereby authorized and it is made a part of their duty to immediately commence the erection and construction of a suitable building for said Normal School upon the grounds specified in this act as a site for the same, as soon as a sufficient appropriation is secured for the erection thereof. They shall have the power to let contracts for the building and completing of said Normal School building, and shall have the entire supervision of its construction; providing that all contracts let for the erection and completion of said institution shall be let to the lowest responsible bidder, after notice of the letting of said contract shall have been published in at

least four of the leading newspapers located in different parts of the Territory, for at least thirty (30) days before the letting of said contract, and the said board shall have the power to reject any or all bids. It is also the duty of the said board of education and they are hereby empowered to make the selection of said site for said Normal School.

§ 4. NUMBER OF BOARD AND TERMS OF OFFICE. REPORTS, ETC.] Said board of education shall consist of five (5) members, three of whom shall be appointed by the governor and by and with the consent of the Legislative Council—one of whom shall hold his office six years, one for four (4) years and one for two (2) years. The governor shall designate the one who shall hold his office for six (6) years, the one for four (4) and the one for two (2) years. The territorial treasurer and superintendent of public instruction shall by virtue of their offices be members of said board. The territorial treasurer by virtue of his office shall be treasurer of said board, and the members thereof shall annually elect from their number a president and secretary. It shall be the duty of the secretary to keep an exact detailed account of the doings of said board, and he shall submit such reports to the legislature as are required by this act; and no member of said board of education shall, during his continuance in office as a member of said board, act as an agent of any publisher or publishers of school books or school library books, either directly or indirectly; and the governor of the Territory is hereby authorized and required, upon satisfactory evidence being produced to him that any member of said board is employed as such agent or interested as aforesaid, to remove such member of said board from office and to appoint another in his place to fill such vacancy.

§ 5. POWERS OF BOARD TO APPOINT AND REMOVE.] Said board shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each and prescribe their several duties. They shall also have power to remove either the principal, assistant or teachers and appoint others in their stead. They shall prescribe the various books to be used in said school, and make all regula-

tions and by-laws necessary for the good government and management of the same.

§ 6. NOTICE WHEN SCHOOL IS READY FOR PUPILS.] As soon as said Normal School is prepared to receive pupils the superintendent of public instruction shall give notice of the fact to each county clerk in the Territory, and shall publish said notice in a newspaper published in each judicial district.

§ 7. APPLICATIONS FOR ADMISSION.] The board of education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as shall be prescribed by the board, and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good teacher. such applicant shall be rejected. The board of education may, in their discretion, require any applicant for admission into said school, prior to such admission, sign and file with said board a declaration of intention to follow the business of teaching schools in this Territory, to pay or secure to be paid such fees for tuition as to said board shall seem reasonable.

§ 8. CONDITIONS OF ADMISSION TO SCHOOL.] Any person may be admitted as a pupil of said Normal School who shall pass a satisfactory examination, provided that the applicant shall, before admission, sign a declaration of intention to follow the business of teaching schools in this Territory. *And provided further*, That the pupil may be admitted without signing such declaration of intention, on such terms as the Normal School Board may require or prescribe; and each county shall be entitled to send pupils in ratio to their representation in the legislature to which it may be entitled, not to exceed such number as the board may prescribe.

§ 9. VISITING SCHOOL BY COMMITTEE.] After said Normal School shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members, to be appointed by the board of education, who shall examine thoroughly into the affairs of the school and report to the superintendent of public instruction or auditor their views in regard to its condition, success and usefulness, and any other matter they may judge expedient. Such visitors shall be appointed annually.

§ 10. LECTURES.] Lectures in chemistry, comparative anatomy, the mechanical arts, agricultural chemistry, and any other science, or any other branches of literature that the board of education may direct, may be delivered to those attending such school, in such manner and on such terms and conditions as the board of education may prescribe.

§ 11. CERTIFICATE TO QUALIFIED PUPIL.] As soon as any person has attended said institution twenty-two (22) weeks said person may be examined in the studies required by the board in such manner as may be required by them, and if it shall appear that such person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate which shall entitle the holder to teach a common school in any county in the Territory for the time and in the branches stated in said certificate.

§ 12. SCHOOL FUNDS—HOW DISBURSED.] All funds appropriated for the use and benefit of said Normal School shall be under the direction and control of the board of education subject to the provisions herein contained. The treasurer of the Territory shall pay out of such funds all orders and drafts for money to be expended under the provisions of this act, such orders or drafts to be drawn by the territorial auditor, on certificate of the secretary, countersigned by the president of the board. No such certificates shall be given except upon accounts audited and allowed by the board at their regular meetings.

§ 13. PAYMENT OF SALARIES, ETC.] Services and all other necessary traveling expenses, as hereinafter provided, incurred by the board of education in carrying out the provisions of this act, shall be paid on the proper certificate, out of any funds belonging to said institution in the hands of the treasurer. Until the erection and completion of the necessary buildings, the principal, assistants, teachers, board of education and other officers employed in said school shall be paid out of the Normal School fund and from the receipts for tuition after the erection of the necessary buildings. The members of the board of education shall be entitled to three dollars per day and ten cents for each mile actually and necessarily traveled in attending the meetings of the board.

§ 14. SCHOOL LANDS TO BE SELECTED AND SOLD.] For the purpose of erecting said Normal School building, the governor, secretary of state or territory and auditor, shall, within six months after the admission of Dakota as a state, or as soon thereafter as the government shall cede to the State of Dakota the school lands lying within her border, set apart for the erection of said Normal School building twenty (20) sections of land belonging to the State of Dakota, which lands shall be selected from any lands not otherwise appropriated; and the governor, secretary of state and auditor, may, at their discretion, after advertising four months, in at least four newspapers published in the state, sell said lands to the highest bidder at public sale; said land to be sold in quantities, not exceeding one hundred and sixty (160) acres, to any one person at one bid: *Provided, however,* That no part of said land shall be sold for less than three dollars (\$3) per acre.

§ 15. DISPOSITION OF FUNDS ARISING FROM SALE.] The proceeds of said sale shall be deposited with the treasurer as a Normal School fund, and shall be drawn therefrom upon the warrant of the auditor, to be issued in pursuance of a certificate of the board of education, signed by the president and countersigned by the secretary, that the money is due and payable to the principal of the Normal School or his assistants, or the teachers or officers employed or the members of the board of education as herein authorized, or for necessary incidental expenses in the support and maintenance of said school or for the erection and completion of the Normal School building.

§ 16. VACANCIES.] That it shall be the duty of the governor to fill by appointment all vacancies that may occur in said board of said school from neglect of duty.

§ 17. ADJOURNMENT OF SALE OF LANDS.] That the governor, secretary of state and auditor may adjourn the sale of said lands from time to time as they may deem necessary: *Provided,* That such adjournment shall in no case extend beyond a period of one year from the day first appointed for said sale.

§ 18. MEETINGS OF THE BOARD.] The board of education shall hold regular meetings in each year, to-wit: During the

first week in June and the first week in January in each year at which first meeting the officers of the board shall be elected. All meetings of the board shall when practicable be in the Normal School building, and all financial matters, allowances, claims and accounts shall be disposed of at such regular meetings only. Special meetings of the board may be called upon written order of the president of the same which shall specify the object of the meeting. An adjournment may be had from a regular or special meeting, but the adjournment must in either case state the reason in full of the same. A majority of the board shall constitute a quorum to transact business. A true and faithful journal of their proceedings shall be kept subject at any time to the inspection of any member of the board.

§ 19. REPORT OF THE BOARD.] The clerk of the board of education shall on the first day of January of each year transmit to the governor a full report of the expenditures of the same for the previous year, setting forth in full each item and the date thereof.

§ 20. NO RELIGIOUS TESTS REQUIRED.] The board of education in their regulations, and the principal in his supervision and government of the schools shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance at said school; but no religious or sectarian tests shall be applied in the selection of teachers, and none be adopted in the school.

§ 21. PAYMENT OF EXPENSES OF SALE OF LANDS.] That all necessary expenses arising from the advertising and sale of said lands shall be paid from the funds arising from said sale, by a warrant drawn by the auditor upon the state treasurer: *Provided*, That all accounts for expenses above specified shall first be approved by the superintendent of public instruction.

§ 22. This act shall be in force and effect from and after its passage.

Approved, March 5, 1881.

CHAPTER 100.

SPEARFISH.

AN ACT to Locate, Establish and Endow a Territorial Normal School.

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

§ 1. NORMAL SCHOOL ESTABLISHED AT SPEARFISH. ITS DESIGN, PROVISIO.] That a Normal School for the Territory of Dakota be established at Spearfish, in Lawrence county, Territory of Dakota, the exclusive purpose of which shall be the instruction of persons both male and female in the art of teaching, and in all the various branches that pertain to a good common school education; also to give instruction in the mechanical arts, and in husbandry and agricultural chemistry, in the fundamental laws of the United States, and in what regards the rights and duties of citizens: *Provided*, That a tract of land, not less than forty acres, adjacent to said town of Spearfish be donated and secured to the Territory of Dakota, in fee simple, as a site for said Normal School, within six months from the taking effect of this act; and the governor of the Territory is hereby empowered and it is made his duty to see that a good and sufficient deed, so far as can be, be made to the Territory for the same.

§ 2. SUPERVISION.] The said Normal School shall be under the direction of a board of education, and shall be governed and supported as hereinafter provided.

§ 3. BOARD TO ERECT BUILDING, ETC.] The board of education are hereby authorized and it is made their duty to immediately commence the erection and construction of a suitable building for said Normal School upon the ground specified in this act as a site for the same, as soon as sufficient appropriation is secured for the erection thereof. They shall have the power to let contracts for the building and completion of said Normal School building, and shall have the entire supervision of its construction: *Provided*, That all contracts connected with the erection of said building shall be let to the lowest responsible bidder, after notices of the letting of such contracts shall have been published in two of the leading newspapers located in the western part of the Territory for at least thirty days before the letting of said contracts, and the board shall have the power to reject any or all bids.

§ 4. NUMBER OF BOARD AND TERMS OF OFFICE. REPORTS, ETC.] Said board of education shall consist of five members, three of whom shall be appointed by the governor and by and with the consent of the Legislative Council—one of whom shall hold his office for six years, another for four years, another for two years. The governor shall designate which person shall hold his office for six years, which for four years and which for two years. The territorial treasurer and superintendent of public instruction shall by virtue of their offices be members of said board. The territorial treasurer by virtue of his office shall be treasurer of said board, and the members thereof shall annually elect from their number a president and secretary. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and he shall make such reports to the legislature as are required by this act.

§ 5. POWERS OF BOARD TO APPOINT AND REMOVE.] Said board of education shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each and prescribe their several duties. They shall also have power to remove either the principal, assistant or teachers and appoint others in their stead. They shall prescribe the various books to be used in said school, and shall make all the regulations and by-laws necessary for the good government and management of the same.

§ 6. NOTICE WHEN SCHOOL IS READY FOR PUPILS.] As soon as said Normal School is prepared to receive pupils the superintendent of public instruction shall give notice of the fact to each county clerk in the Territory, and shall publish said notice in a newspaper published in each judicial district.

§ 7. APPLICATIONS FOR ADMISSION.] The said board of education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as shall be prescribed by the board and the board may, in their discretion, require an applicant for admission into said school, other than such as shall, prior to such admission, sign and file with said board a declaration of intention to follow the business of teaching

schools in this Territory, to pay or secure to be paid such fees or tuition as to said board shall seem reasonable.

§ 8. VISITATIONS.] After said Normal School shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons not members, to be appointed by the board of education, who shall examine thoroughly into the affairs of the school, and report to the superintendent of public instruction or auditor their views in regard to its condition, success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually.

§ 9. CERTIFICATE TO QUALIFIED PUPIL.] As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the board, in such manner as may be prescribed by them; and if it shall appear that such person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate which shall entitle the holder to teach a common school in any county in the Territory, for the time and in the branches stated in said certificate.

§ 10. FUNDS—HOW DISBURSED.] All funds appropriated for the use and benefit of said Normal School shall be under the direction and control of the board of education subject to the provisions herein contained. The treasurer of the Territory shall pay out of such funds all orders or drafts for moneys to be expended under the provisions of this act, such orders or drafts to be drawn by the territorial auditor, on certificates of the secretary, countersigned by the president of the board. No such certificates shall be given except upon accounts audited and allowed by the board at their regular meetings.

§ 11. PAYMENT OF EXPENSES. SALARIES, ETC.] Services and all other necessary traveling expenses as hereinafter provided, incurred by members of the board of education in carrying out the provisions of this act, shall be paid on the proper certificate out of any funds belonging to said institution in the hands of the treasurer, until the erection and completion of the necessary buildings. The principal, assistants, teachers, board of education and other officers employed in said school shall be paid out of the Normal School fund and from receipts for tuition after the erection of the necessary buildings. The

members of the board of education shall be entitled to three dollars per day and ten cents for each mile necessarily traveled in attending meetings of the board.

§ 12. SCHOOL LANDS TO BE SELECTED AND SOLD.] For the purpose of erecting said Normal School building, the governor, secretary of state and auditor, shall, within six months after the admission of Dakota as a state, or as soon thereafter as the government shall cede to the State of Dakota the school lands lying within her borders, set apart for the erection of said Normal School building, twenty sections of land belonging to the state, which lands shall be selected from any lands not otherwise appropriated, and the governor, secretary of state and auditor, may, at their discretion, after advertising three months, in at least four newspapers published in the state, sell said lands to the highest bidder at public sale; said lands to be sold in quantities not exceeding one hundred and sixty acres to any one person at one bid: *Provided, however,* That no part of said land shall be sold for a less sum than three dollars per acre.

§ 13. FUNDS ARISING FROM SALE, HOW DISPOSED OF.] The proceeds of said sale shall be deposited with the treasurer as a Normal School fund, and shall be drawn therefrom upon a warrant of the auditor, to be issued in pursuance of a certificate of the board of education, signed by the president and countersigned by the secretary, that the money is due and payable to the principal of the Normal School, or his assistants, or the teachers or officers employed, or members of the board of education as herein authorized, or for necessary incidental expenses in the support and maintenance of said school, or the erection and completion of Normal School buildings.

§ 14. VACANCIES.] That it shall be the duty of the governor to fill by appointment all vacancies that may from any cause occur in the board of education of the Territorial Normal School, and he may, for neglect of duty or any violation of the trust reposed, or the arbitrary exercise of the power conferred, remove any member of said board and appoint a suitable person in his stead.

§ 15. ADJOURNING SALE.] That the governor, secretary of state and auditor may adjourn the sale of said lands from time to time as they deem necessary: *Provided,* That such

adjournment shall in no case extend beyond a period of one year from the day first appointed for the sale of said land.

§ 16. MEETING OF BOARD.] The board of education shall hold two regular meetings in each year, viz: during the first week in June and the first week in January in each year, at which first meeting the officers of the board shall be elected. Special meetings of the board may be called upon the written order of the president of the same, which order shall specify the object of the meeting. All financial matters, allowances, claims and accounts shall be disposed of at such board meetings only. A majority of the board shall constitute a quorum to transact business. A true and faithful journal of their proceedings shall be kept subject at any reasonable time to the inspection of any member of the board.

§ 17. REPORTS.] The clerk of the board of education shall on the first day of January in each year, transmit to the governor a full report of the expenditures of the same for the previous year, setting forth in full each item and the date thereof.

§ 18. NO RELIGIOUS TEST TO GOVERN.] The board of education in their regulations, and the principal in his supervision and government of the school, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance on the same, but no religious or sectarian tests shall be applied in the selection of teachers, and none shall be adopted in the school.

§ 19. INCIDENTAL EXPENSES OF SALE—HOW PAID.] That all necessary expenses arising from the advertising and sale of said lands shall be paid from the funds arising from said sale by a warrant drawn by the auditor upon the state treasurer: *Provided*, That all amounts for expenses above specified shall be first approved by the superintendent of public instruction.

§ 20. This act shall take effect from and after its passage and approval.

ENDORSED.—Received at Executive Office, February 21, 1881, at 8 o'clock P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,

Secretary of the Territory.

CHAPTER 101.

SPRINGFIELD.

AN ACT to Locate, Establish and Endow a Territorial Normal School.

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

§ 1. LOCATION OF NORMAL SCHOOL AT SPRINGFIELD. ITS OBJECT. PROVISIO.] That a Normal School for the Territory of Dakota be established at Springfield, in Bon Homme county, Territory of Dakota, the exclusive purpose of which shall be the instruction of persons both male and female in the art of teaching, and in all the various branches that pertain to a good common school education; also to give instruction in the mechanical arts, and in husbandry and agricultural chemistry, in the fundamental laws of the United States, and in what regards the rights and duties of citizens: *Provided*, That a tract of land, not less than eighty acres, adjacent to said town of Springfield be donated and secured to the Territory of Dakota, in fee simple, as a site for said Normal School, within six months from the taking effect of this act; and the governor of the Territory is hereby empowered and it is made his duty to see that a good and sufficient deed be made to the Territory for the same.

§ 2. SUPERVISION.] The said Normal School shall be under the direction of a board of education, and shall be governed and supported as hereinafter provided.

§ 3. BOARD TO ERECT BUILDING, ETC.] The board of education are hereby authorized and it is made their duty to immediately commence the erection and construction of a suitable building for said Normal School upon the ground specified in this act as a site for the same, as soon as sufficient appropriation is secured for the erection thereof. They shall have the power to let contracts for the building and completion of said Normal School building, and shall have the entire supervision of its construction: *Provided*, That all contracts connected with the erection of said building shall be let to the lowest responsible bidder, after notices of the letting of such contracts shall have been published in at least four of the lead-

ing newspapers located in different parts of the Territory for at least thirty days before the letting of said contracts, and the board shall have the power to reject any or all bids.

§ 4. NUMBER OF BOARD AND TERMS OF OFFICE. REPORTS, ETC.] Said board of education shall consist of five members, three of whom shall be appointed by the governor and by and with the consent of the Legislative Council—one of whom shall hold his office for six years, another for four years, another for two years. The governor shall designate which person shall hold his office for six years, which for four years and which for two years. The territorial treasurer and the superintendent of public instruction shall by virtue of their offices be members of said board. The territorial treasurer by virtue of his office shall be treasurer of said board, and the members thereof shall annually elect from their number a president and secretary. It shall be the duty of the secretary to keep an exact and detailed account of the doings of said board, and he shall make such reports to the legislature as are required by this act; and no member of said board of education shall during his continuance in office as a member of said board, act as agent of any publisher or publishers of school books or school library books, or be or become interested in the publication or sale of such books as agent or otherwise, and the governor of this Territory is hereby authorized and required upon satisfactory evidence being produced to him, that any member of said board is employed as such agent or is interested as aforesaid, to remove such member of said board from office and appoint another in his place to fill such vacancy.

§ 5. POWERS OF BOARD TO APPOINT AND REMOVE.] Said board of education shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each and prescribe their several duties. They shall also have power to remove either the principal, assistant or teachers and appoint others in their stead. They shall prescribe the various books to be used in said school, and shall make all the regulations and by-laws necessary for the good government and management of the same.

§ 6. NOTICE WHEN SCHOOL IS READY FOR PUPILS.] AS SOON AS

said Normal School is prepared to receive pupils the superintendent of public instruction shall give notice of the fact to each county clerk in the Territory, and shall publish said notice in a newspaper published in each judicial district.

§ 7. APPLICATIONS FOR ADMISSION.] The board of education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as shall be prescribed by the board, and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good teacher, such applicant shall be rejected. The board of education may, in their discretion, require an applicant for admission into said school, other than such as shall prior to such admission sign and file with said board a declaration of intention to follow the business of teaching schools in this Territory, to pay or secure to be paid such fees or tuition as to said board shall seem reasonable.

§ 8. CONDITIONS OF ADMISSION TO SCHOOL.] Any person may be admitted as a pupil of said Normal School, who shall pass a satisfactory examination, provided that the applicant shall before admission, sign a declaration of intention to follow the business of teaching schools in this Territory. *And provided further*, That the pupils may be admitted without signing such declaration of intention, on such terms as the Normal School board may prescribe; and each county shall be entitled to send pupils in the ratio of their representation in the legislature to which it may be entitled, not to exceed such a number as the board may prescribe.

§ 9. VISITING SCHOOL BY COMMITTEE.] After said Normal School shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members, to be appointed by the board of education, who shall examine thoroughly into the affairs of the school and report to the superintendent of public instruction or auditor their views in regard to its condition, success and usefulness, and any other matter they may judge expedient. Such visitors shall be appointed annually.

§ 10. LECTURES.] Lectures in chemistry, comparative anatomy, the mechanical arts, agricultural chemistry and any

other science, or any other branches of literature that the board of education may direct, may be delivered to those attending such school, in such manner and on such terms and conditions as the board of education may prescribe.

§ 11. CERTIFICATE TO QUALIFIED PUPIL.] As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the board in such manner as may be prescribed by them, and if it shall appear that such person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate which shall entitle the holder to teach a common school in any county in the Territory, for the time and in the branches stated in said certificate.

§ 12. SCHOOL FUNDS—HOW DISBURSED.] All funds appropriated for the use and benefit of said Normal School shall be under the direction and control of the board of education, subject to the provisions herein contained. The treasurer of the Territory shall pay out of such funds all orders or drafts for money to be expended under the provisions of this act, such orders or drafts to be drawn by the territorial auditor, on certificate of the secretary, countersigned by the president of the board. No such certificate shall be given except upon accounts audited and allowed by the board at their regular meetings.

§ 13. PAYMENT OF SALARIES, ETC.] Services and all other necessary traveling expenses, as hereinafter provided, incurred by the board of education in carrying out the provisions of this act, shall be paid on the proper certificate out of any funds belonging to said institution in the hands of the treasurer. Until the erection and completion of the necessary buildings, the principal, assistants, teachers, board of education and other officers employed in said school, shall be paid out of the Normal School fund, and from the receipts for tuition after the erection of the necessary buildings. The members of the board of education shall be entitled to three dollars per day and ten cents for each mile necessarily traveled in attending the meetings of the board.

§ 14. SCHOOL LANDS TO BE SELECTED AND SOLD.] For the purpose of erecting said Normal School building, the governor, secretary of state and auditor, shall within six months after

the admission of Dakota as a State, or as soon thereafter as the government shall cede to the State of Dakota the school lands lying within her border, set apart for the erection of said Normal school building twenty sections of land belonging to the State, which lands shall be selected from any lands not otherwise appropriated: and the governor, secretary of state and auditor may, at their discretion, after advertising three months in at least four newspapers published in the State, sell said lands to the highest bidder at public sale; said land to be sold in quantities, not exceeding one hundred and sixty acres to any one person at one bid. *Provided, however:* That no part of said land shall be sold for a less sum than three dollars per acre.

§ 15. DISPOSITION OF FUNDS ARISING FROM SALE.] The proceeds of said sale shall be deposited with the treasurer as a Normal School fund and shall be drawn therefrom upon the warrant of the auditor, to be issued in pursuance of a certificate of the board of education, signed by the president and countersigned by the secretary, that the money is due and payable to the principal of the Normal School or his assistants, or the teachers or officers employed, or the members of the board of education, as herein authorized, or for necessary incidental expenses in the support and maintenance of said school, or for the erection and completion of the Normal School building

§ 16. VACANCIES.] That it shall be the duty of the governor to fill, by appointment, all vacancies that may from any cause occur in the board of education of the Territorial Normal School, and he may from neglect of duty or any violation of the trust reposed, or the arbitrary exercise of the power conferred, remove any member of said board and appoint a suitable person in his stead.

§ 17. ADJOURNMENT OF SALE OF LANDS.] That the governor, secretary of state and auditor may adjourn the sale of said lands from time to time, as they may deem necessary. *Provided:* That such adjournment shall in no case extend beyond a period of more than one year from the day first appointed for the sale of said land.

§ 18. MEETINGS OF THE BOARD.] The board of education shall hold two regular meetings in each year, viz: during the first week in June and the first week in January in each year,

at which first meeting the officers of the board shall be elected. All meetings of the board shall, when practicable, be in the Normal School building, and all financial matters, allowances, claims and accounts, shall be disposed of at such regular meetings only. Special meetings of the board may be called upon written order of the president of the same, which order shall specify the object of the meeting. An adjournment may be had from a regular or special meeting, but the journal must in either case state the reasons in full for the same. A majority of the board shall constitute a quorum to transact business. A true and faithful journal of their proceedings shall be kept, at any reasonable time [open] to the inspection of any member of the board.

§ 19. REPORT OF THE BOARD.] The clerk of the board of education shall, on the first day of January of each year, transmit to the governor a full report of the expenditures of the same for the previous year, setting forth, in full, each item and the date thereof.

§ 20. NO RELIGIOUS TESTS REQUIRED.] The board of education, in their regulations, and the principal in his supervision and government of the schools, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance on the same, but no religious or sectarian tests shall be applied in the selection of teachers, and none shall be adopted in the school.

§ 21. PAYMENT OF EXPENSES OF SALES OF LANDS] That all necessary expenses arising from the advertisement and sale of said lands shall be paid from the funds arising from said sale, by a warrant drawn by the auditor upon the state treasurer. *Provided:* That all accounts for expenses, above specified, shall be first approved by the superintendent of public instruction.

§ 22. This act shall take effect from and after its passage and approval.

ENDORSED.—Received at Executive Office, February 10th, at 12:30 P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the Council of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,

Secretary of the Territory.

CHAPTER 102.

WATERTOWN.

AN ACT to Locate, Establish and Endow a State Normal School.

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

§ 1. NORMAL SCHOOL LOCATED AT WATERTOWN. OBJECT. PROVISIO.] That a Normal School for the Territory of Dakota be established at Watertown, in Codington county, D. T., the exclusive purpose of which shall be the instruction of persons both male and female in the art of teaching and in all the various branches that pertain to a good common school education; also to give instruction in the mechanical arts and in husbandry and in agricultural chemistry, in the fundamental laws of the United States and in what regards the rights and duties of citizens. *Provided:* That a tract of land not less than eighty (80) acres within one mile from the corporate limits of the city of Watertown aforesaid, be donated and secured to the Territory of Dakota, in fee simple, as a site for said Normal School, within six months after the passage and approval of this act; and the governor of the Territory is hereby empowered and it is made his duty to see that a good and sufficient deed be made to the Territory for the same.

§ 2. SUPERVISION.] That said Normal School shall be under the direction of a board of education, and shall be governed and supported as hereinafter provided.

§ 3. BOARD TO ERECT BUILDING, ETC.] The said board of education are hereby authorized and it is made a part of their duty to immediately commence the erection and construction of a suitable building for said Normal School upon the grounds specified in this act as a site for the same, as soon as a sufficient appropriation is secured for the erection thereof. They shall have the power to let contracts for the building and completing of said Normal School building, and shall have the entire supervision of its construction; providing that all contracts let for the erection and completion of said institution shall be let to the lowest responsible bidder, after notice of the letting of said contract shall have been published in at

least four of the leading newspapers located in different parts of the Territory, for at least thirty (30) days before the letting of said contract, and the said board shall have the power to reject any or all bids. It is also the duty of the said board of education and they are hereby empowered to make the selection of said site for said Normal School.

§ 4. NUMBER OF BOARD AND TERMS OF OFFICE. REPORTS, ETC.] Said board of education shall consist of five (5) members, three of whom shall be appointed by the governor and by and with the consent of the Legislative Council—one of whom shall hold his office six years, one for four (4) years and one for two (2) years. The governor shall designate the one who shall hold his office for six (6) years, the one for four (4) years and the one for two years. The territorial treasurer and superintendent of public instruction shall by virtue of their offices be members of said board. The territorial treasurer by virtue of his office shall be treasurer of said board, and the members thereof shall annually elect from their number a president and secretary. It shall be the duty of the secretary to keep an exact detailed account of the doings of said board, and he shall make such reports to the legislature as are required by this act; and no member of said board of education shall, during his continuance in office as a member of said board, act as agent of any publisher or publishers of school books or school library books, either directly or indirectly; and the governor of the Territory is hereby authorized and required, upon satisfactory evidence being produced to him that any member of said board is employed as such agent or is interested as aforesaid, to remove such member of said board from office and to appoint another in his place to fill such vacancy.

§ 5. POWERS OF BOARD TO APPOINT AND REMOVE.] Said board shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each and prescribe their several duties. They shall also have power to remove either the principal, assistant or teachers and appoint others in their stead. They shall prescribe the various books to be used in said school, and make all regula-

tions and by-laws necessary for the good government and management of the same.

§ 6. NOTICE WHEN SCHOOL IS READY FOR PUPILS.] As soon as said Normal School is prepared to receive pupils the superintendent of public instruction shall give notice of the fact to each county clerk in the Territory, and shall publish said notice in a newspaper published in each judicial district.

§ 7. APPLICATIONS FOR ADMISSION.] The board of education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as shall be prescribed by the board, and if it shall appear that the applicant is not a person of good moral character, or will not make an apt and good teacher, such applicant shall be rejected. The board of education may, in their discretion, require any applicant for admission into said school, prior to such admission, to sign and file with said board a declaration of intention to follow the business of teaching schools in this Territory, to pay or secure to be paid such fees for tuition as to said board shall seem reasonable.

§ 8. CONDITIONS OF ADMISSION TO SCHOOL.] Any person may be admitted as a pupil of said Normal School who shall pass a satisfactory examination, provided that the applicant shall, before admission, sign a declaration of intention to follow the business of teaching schools in this Territory. *And provided further*, That the pupil may be admitted without signing such declaration of intention, on such terms as the Normal School Board may require or prescribe; and each county shall be entitled to send pupils in ratio to their representation in the legislature to which it may be entitled, not to exceed such number as the board may prescribe.

§ 9. VISITING SCHOOL BY COMMITTEE.] After said Normal School shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members, to be appointed by the board of education, who shall examine thoroughly into the affairs of the school and report to the superintendent of public instruction or auditor their views in regard to its condition, success and usefulness, and any other matter they may judge expedient. Such visitors shall be appointed annually.

§ 10. LECTURES.] Lectures in chemistry, comparative anatomy, the mechanical arts, agricultural chemistry, and any other science, or any other branches of literature that the board of education may direct, may be delivered to those attending such school, in such manner and on such terms and conditions as the board of education may prescribe.

§ 11. CERTIFICATE TO QUALIFIED PUPIL.] As soon as any person has attended said institution twenty-two (22) weeks said person may be examined in the studies required by the board in such manner as may be required by them, and if it shall appear that such person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate which shall entitle the holder to teach a common school in any county in the Territory for the time and in the branches stated in said certificate.

§ 12. SCHOOL FUNDS—HOW DISBURSED.] All funds appropriated for the use and benefit of said Normal School shall be under the direction and control of the board of education subject to the provisions herein contained. The treasurer of the Territory shall pay out of such funds all orders or drafts for money to be expended under the provisions of this act, such orders or drafts to be drawn by the territorial auditor, on certificate of the secretary, countersigned by the president of the board. No such certificates shall be given except upon accounts audited and allowed by the board at their regular meetings.

§ 13. PAYMENT OF SALARIES, ETC.] Services and all other necessary traveling expenses, as hereinafter provided, incurred by the board of education in carrying out the provisions of this act, shall be paid on the proper certificate, out of any funds belonging to said institution in the hands of the treasurer. Until the erection and completion of the necessary buildings, the principal, assistants, teachers, board of education and other officers employed in said school shall be paid out of the Normal School fund and from the receipts for tuition after the erection of the necessary buildings. The members of the board of education shall be entitled to three dollars per day and ten cents for each mile actually and necessarily traveled in attending the meetings of the board.

§ 14. SCHOOL LANDS TO BE SELECTED AND SOLD.] For the purpose of erecting said Normal School building, the governor, secretary of state or territory and auditor, shall, within six months after the admission of Dakota as a state, or as soon thereafter as the government shall cede to the State of Dakota the school lands lying within her border, set apart for the erection of said Normal School building twenty (20) sections of land belonging to the State of Dakota, which lands shall be selected from any lands not otherwise appropriated; and the governor, secretary of state and auditor, may, at their discretion, after advertising four months, in at least four newspapers published in the state, sell said lands to the highest bidder at public sale; said land to be sold in quantities, not exceeding one hundred and sixty (160) acres, to any one person at one bid: *Provided, however,* That no part of said land shall be sold for less than three dollars (\$3) per acre.

§ 15. DISPOSITION OF FUNDS ARISING FROM SALE.] The proceeds of said sale shall be deposited with the treasurer as a Normal School fund, and shall be drawn therefrom upon the warrant of the auditor, to be issued in pursuance of a certificate of the board of education, signed by the president and countersigned by the secretary, that the money is due and payable to the principal of the Normal School or his assistants, or the teachers or officers employed or the members of the board of education as herein authorized, or for necessary incidental expenses in the support and maintenance of said school or for the erection and completion of the Normal School building.

§ 16. VACANCIES.] That it shall be the duty of the governor to fill by appointment all vacancies that may occur in said board of said school from neglect of duty.

§ 17. ADJOURNMENT OF SALE OF LANDS.] That the governor, secretary of state and auditor may adjourn the sale of said lands from time to time as they may deem necessary: *Provided,* That such adjournment shall in no case extend beyond a period of one year from the day first appointed for said sale.

§ 18. MEETINGS OF THE BOARD.] The board of education shall hold regular meetings in each year, to-wit: During the

first week in June and the first week in January in each year at which first meeting the officers of the board shall be elected. All meetings of the board shall when practicable be in the Normal School building, and all financial matters, allowances, claims and accounts shall be disposed of at such regular meetings only. Special meetings of the board may be called upon written order of the president of the same which shall specify the object of the meeting. An adjournment may be had from a regular or special meeting, but the adjournment must in either case state the reason in full of the same. A majority of the board shall constitute a quorum to transact business. A true and faithful journal of their proceedings shall be kept subject at any time to the inspection of any member of the board.

§ 19. REPORT OF THE BOARD.] The clerk of the board of education shall on the first day of January of each year transmit to the governor a full report of the expenditures of the same for the previous year, setting forth in full each item and the date thereof.

§ 20. NO RELIGIOUS TESTS REQUIRED.] The board of education in their regulations, and the principal in his supervision and government of the schools shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance at said school; but no religious or sectarian tests shall be applied in the selection of teachers, and none shall be adopted in the school.

§ 21. PAYMENT OF EXPENSES OF SALE OF LANDS.] That all necessary expenses arising from the advertising and sale of said lands shall be paid from the funds arising from said sale, by a warrant drawn by the auditor upon the state treasurer: *Provided*, That all accounts for expenses above specified shall first be approved by the superintendent of public instruction.

ENDORSED.—Received at Executive Office, February 21, 1881, at 8 o'clock P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,
Secretary of the Territory.