

School Districts.

CHAPTER 60.

GRAND FORKS COUNTY.

AN ACT establishing School District Number One of Grand Forks County, Dakota Territory, as an Independent School District, to be designated as Independent School District Number One of Grand Forks County, Dakota Territory.

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

§ 1. BOUNDARIES OF INDEPENDENT DISTRICT.] That all that portion of Grand Forks county, Dakota Territory, described as follows, viz: all that portion embraced within the limits of the city of Grand Forks, together with the balance of section three (3) not included within said city limits; all of sections four (4), five (5) and six (6), in township number one hundred and fifty-one (151), north of range number fifty (50) west, and sections thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34) and thirty-five (35), in township one hundred and fifty-two (152) north, of range number fifty (50) west, and any other territory that now is embraced and known as school district number one of said county shall be and is hereby constituted and established as an independent school district to be known and designated as independent school district number one of Grand Forks county, D. T., and a board of education is hereby established for the same.

§ 2. BOARD OF EDUCATION OF WHOM TO CONSIST.] Said board of education shall consist of seven persons, a majority of whom shall constitute a quorum to transact business. Four members of said board shall be elected annually by the electors of said district, at the annual election held for the election of city officers for the city of Grand Forks, and for the purpose of this act each ward of the city of Grand Forks shall elect one member of said board, and all that portion of said independent school district situate outside of the city limits shall elect one member of said board.

§ 3. TERM OF OFFICE.] The persons hereinafter appointed

from wards numbered one, three, five, and outside limits, shall hold their office until the city election in 1881; and those persons hereinafter appointed from the second, fourth and sixth wards of said city shall hold their office until the city election in the spring of 1882; and when the members are hereafter elected as provided for in this section, they shall be elected for two years or until their successors are elected and qualified.

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

§ 5. STYLE AND POWERS OF BOARD.] The board of education shall be a body corporate in relation to all the powers and duties conferred upon them by this act, to be styled "The Board of Education of Independent School District Number One, Grand Forks county," and as such shall have the power to sue and be sued, to contract and be contracted with, and shall possess all the powers usual and incident to bodies corporate, and as shall be herein given, and shall procure and keep a common seal. At each annual meeting of the board the members thereof shall elect one of their number as president of said board, and whenever he shall be absent a president *pro tempore* shall be appointed by them.

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

§ 7. MEETINGS OF BOARD.] The annual meeting of said board shall be held on the first Tuesday after the annual election in each year. The board shall also meet for the transaction of business as often as once in each month, and may adjourn for any shorter term. Special meetings may be called by the president, or in case of his absence or inability to act, by any three members of the board, as often as necessary, by giving a personal notice to each member of the board, or by causing

a written or printed notice to be left at his last place of residence, at least forty-eight hours before the hour for such special meeting.

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

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

1. To purchase, exchange, lease or improve sites for school houses.
2. To build, purchase, lease, enlarge, alter, improve and repair school houses and their outhouses and appurtenances.
3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages, but the powers herein granted shall not be deemed to authorize the furnishing with class or text books any scholar whose parents or guardians shall be able to furnish the same.
4. To procure fuel and defray the contingent expenses of the board, including the compensation of the secretary.
5. To pay teachers wages after the application of public moneys, which may by law be appropriated and provided for that purpose.

§ 10 COLLECTION OF TAX.] The tax so to be levied as aforesaid and collected by virtue of this act, shall be collected in the same manner as other county taxes, and for that purpose

the said board of education shall have power to levy and cause to be collected such taxes as are herein authorized, and shall cause the rate for each purpose to be certified by the secretary to the county clerk in the time to be added to and put upon the annual tax list of the county; and it shall be the duty of the county clerk to calculate and extend upon the annual assessment roll and tax list such tax so levied by said board, and such tax shall be collected as other county taxes are collected.

§ 11. AMOUNT RAISED TO BE LIMITED.] The amount raised for teachers' wages and contingent expenses shall be only such as together with the public money, coming to said district from the territorial and county fund, and other sources, shall be sufficient to maintain efficient and proper schools for the children in said district, nor shall the tax for the purchasing, leasing or improving sites, and the building, purchasing, leasing, enlarging, altering or repairing of school houses, exceed in any one year two cents on the dollar of valuation of the taxable property of said district, and the same board of education are authorized and directed, when necessary, to borrow in anticipation the amount of the taxes so to be raised, levied and collected as aforesaid.

§ 12. AUTHORITY GIVEN TO ISSUE BONDS.] The board of education of said district are authorized and empowered and it shall be their duty, whenever the said board shall deem it necessary, in order to an efficient organization and establishment of schools in said district, and when the taxes authorized by this act shall not be sufficient, or shall be deemed by said board burdensome upon the taxpayers of said district, from time to time to issue the bonds of said district in denominations of not less than one hundred dollars, payable ten years after date and bearing interest at the rate not to exceed ten per centum per annum, payable semi-annually on the first days of January and July, and upon their face to show they are issued for school purposes, and cause the same to be sold and negotiated at not less than par value, and the money realized therefrom deposited with the city treasurer to the credit of the said board of education. And when any bonds shall be so negotiated it shall be the duty of the said board of education of said district to provide by tax for the payment of

the principal and interest of said bonds: *Provided, however,* That at no time shall the aggregate amount of bonds issued under the provisions of this act exceed twenty thousand dollars.

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

§ 14. **BOND OF TREASURER.]** The treasurer of said city shall give such bonds to such board of education in such sums and with such conditions and sureties as they shall from time to time require, in order to insure the safe keeping of the school funds, which shall be in addition to his other bonds; and the said treasurer, and his sureties upon such bond, shall be accountable to the board for the school moneys that come into his hands; and in case of failure of such treasurer to give such bonds when required thereto by such board, within ten days thereafter such treasurer's office shall become vacant, and the city council of said city shall appoint another person in his place.

§ 15. **SCHOOL FUNDS.]** All moneys required to be raised by virtue of this act shall be paid in cash, or in the warrants hereinafter provided, drawn on the school funds only, and such moneys and all moneys received by said district for the use of the common schools therein, shall be deposited for safe keeping thereof with the treasurer of said city to the credit of the board of education, and shall be by him safely kept separate and apart from any other funds of said city, until drawn from said treasury as herein provided. The

treasurer shall pay out the moneys authorized by this act, to be received by him upon the warrants drawn by the president, countersigned by the secretary and attested by the seal of said board of education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 20. TITLE TO SCHOOL HOUSES, GROUNDS, ETC.] The title of the school houses, lots, furniture, books, apparatus and appurtenances, and all other property belonging to the school district number one of Grand Forks county, and all such property in this act mentioned shall be vested in the city of Grand Forks for the use of schools, and the same while used or appropriated for school purposes shall not be levied upon or sold by virtue of any warrant or execution or other process,

nor be subject to any judgment lien, nor be subject to taxation for any purpose whatever; and the said city in its corporate capacity shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise for the use of common schools of said city, whether the same be transferred in terms to said city, by its proper style, or by designations, or to any person or persons or body for the use of said schools.

§ 21. REAL PROPERTY—TITLE HOW CONVEYED.] Whenever any real property is purchased by said board the transfer or grant and conveyance therefor shall be taken to the “city of Grand Forks for the use of schools,” and whenever any sale is made by said board it shall be so resolved, which resolution shall be spread upon the record of said board, and the conveyance therefor shall be executed in the name of the city of Grand Forks, by the president of said board, attested by the secretary of said board, and under the seal thereof, and acknowledged by said president and secretary. And said president and secretary shall have full power and authority to execute conveyances upon such sale or exchange, with or without covenants of warranty on behalf of said city.

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

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

newspapers of said city which will publish the same gratuitously.

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

§ 24. FINES AND PENALTIES TO GO TO SCHOOL FUND.] All fines, penalties and forfeitures for the violation of any city ordinance of said city, and all fines, penalties and forfeitures for any criminal offense committed within said city shall when collected be paid by the officers receiving them into the city treasury to the credit of said board of education and subject to their order as other moneys raised pursuant to the provisions of this act.

§ 25. FORFEIT WHEN PERSON REFUSES TO SERVE AS MEMBER OF BOARD.] It shall be the duty of the clerk of said city, immediately after the election of any person as a member of said board of education, personally or in writing to notify him of his election, and if any such person shall not within ten days after receiving such notice of his election, take and subscribe the oath as herein provided, and file the same with the said clerk, the board of education may consider it as a refusal to serve and proceed to fill the vacancy occasioned by such refusal. And the person so refusing shall forfeit and pay to the city treasurer, for the benefit of the schools of said district, a penalty of fifty dollars, which may be recovered in the name of said city in a civil action.

§ 26. NAMES OF MEMBERS OF FIRST BOARD.] That John G. Hamilton from the first ward, Ed. Dow from the second ward, Donald Stewart from the third ward, Alexander Griggs from the fourth ward, Charles Freeman of the fifth ward, M. L.

McCormack from the sixth ward, and George A. Wheeler from the outside limits, are hereby appointed members of said board of education, and they shall on or before the first Tuesday in March next, qualify by taking and subscribing an oath to support the constitution of the United States, and the Organic act of this Territory, and to honestly and faithfully discharge the duties of their offices, and file the same with the city clerk; and if they shall neglect so to qualify by that time, the board of education shall proceed to fill such vacancy or vacancies by the election of suitable and proper persons as provided herein, who shall hold their office as herein provided for such persons herein appointed; and the person or persons so failing to qualify, shall forfeit and pay the penalty as prescribed in section 25, to be recovered in the manner herein prescribed.

§ 27. BOARD TO ORGANIZE AND ASSUME MANAGEMENT OF SCHOOLS.] The board so appointed or elected shall meet on the first Tuesday of March, 1881, and shall organize, and upon such organization shall at once assume the management and control of the public schools in said district, and the present school officers of the district number one shall turn over to them all moneys and other property belonging to such district; and from thence such district shall cease to exist, and all property belonging thereto shall vest in the city of Grand Forks for the use of schools under the provisions of this act: *Provided, however,* That the tax heretofore raised and voted therein and not collected, so far as the same shall have been assessed upon the property of said district, shall be collected by the proper officers as though this act had not passed, and paid over to the city treasurer for the use of said board of education, and the debts and liabilities of said district shall be assumed and paid by said district through the said board of education, the same as though they had been incurred and contracted by said board, and to that end it shall be the duty of the officers of said school district to make full, true and accurate statements of the property, finances and condition of said district to said board immediately upon their organization.

§ 28. FUNDING INDEBTEDNESS OF OLD DISTRICT.] That the outstanding indebtedness, if any, of the school district number

one, as assumed by the said board of education, as herein created, shall be funded by the said board of education by issuing bonds of denominations of one hundred or five hundred dollars, said bonds to run ten years, and to bear interest at the rate not to exceed ten per cent. per annum, payable annually, and said bonds shall be dated on the first day of July, 1881, and shall show upon their face that they are issued for school purposes. The secretary shall keep a book in which shall be recorded all bonds issued under this act, and said board of education shall levy a tax and provide for the payment of interest upon said bonds, and shall also provide for a sinking fund tax to pay said bonds at maturity, and said bonds shall be sold, and as fast as sold the money so received shall be used to pay the [in]debtedness herein mentioned.

§ 29. BOARD TO DESIGNATE CERTAIN POLLING PLACE.] The said board of education are further empowered and authorized to designate the place where the polls shall be held within said district, outside of the limits of the city of Grand Forks, and to appoint judges of election therefor, which said judges shall appoint the clerks of election; and the said judges and clerks shall make returns to the city clerk, who shall canvass the same as provided by city ordinance for the canvass of city and school officers. The compensation to be paid said judges and clerks shall be paid by the board of education out of the general school fund. The compensations for judges and clerks within the city limits shall be paid by the city council out of the city funds.

§ 30. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 31. This act shall take effect and be in force from and after its passage and approval: *Provided, nevertheless,* That the school district officers of school district number one shall continue to act as such, and said district shall continue its existence in law until the organization of said board of education as herein provided, and no longer.

COUNCIL CHAMBER, }
Yankton, D. T., Feb. 23, 1881. }

I hereby certify that on this 23d day of February, 1881, this act was returned to the council, the house in which it originated, without the approval

of his excellency, Governor N. G. Ordway, with his objections to this bill in writing. His objections were entered at large on the journal of the council, and the council proceeded to reconsider the bill, and after such reconsideration, two-thirds of the council voted to pass the bill, the objections of the governor to the contrary, notwithstanding.

Attest:

E. B. DAWSON,
Chief Clerk of the Council.

GEO. H. WALSH,
President of the Council.

HOUSE OF REPRESENTATIVES, }
Yankton, Feb. 23, 1881. }

I hereby certify that the within act establishing an Independent School District No. 1, of Grand Forks, D. T., was taken up by the House of Representatives on the 23d day of February, and the objections of the Governor read at length. The House then proceeded to reconsider the bill, and the question being, "Shall the bill pass, notwithstanding the objections of the governor?" the bill did pass, more than two-thirds voting in the affirmative.

Attest:

FRANK J. MEAD,
Chief Clerk of the House.

J. A. HARDING,
Speaker of the House.

CHAPTER 61.

LAKE COUNTY.

AN ACT establishing that part of School District Number Twenty-eight of Lake County, Dakota Territory, comprising that tract of land embraced within the Corporate limits of the Town of Madison, as an independent School District, to be designated as Independent School District Number One, of Lake County, Dakota Territory.

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

§ 1. BOUNDARIES OF DISTRICT.] That all that portion of Lake county, Dakota Territory, described as follows, viz:—all that portion embraced within the corporate limits of the town of Madison, all of said land being in township number one hundred and six (106), north of range number fifty-two (52) west, shall be and is hereby constituted and established as an independent school district, to be known and designated as Independent School District Number One, of Lake county,

D. T., and a board of education is hereby established for the same.

§ 2. BOARD—HOW ELECTED.] Said board shall consist of three persons, a majority of whom shall constitute a quorum to transact business. One (1) member of said board shall be elected annually by the electors of said district, at the annual election held for the election of town officers for the town of Madison, and for the purpose of this act each district or ward of the town of Madison shall elect one member of said board.

§ 3. TERM OF OFFICE OF PERSONS APPOINTED.] The persons hereinafter appointed from districts or wards numbered one, two and three, shall hold their office until the town election in 1881, at which time a member shall be elected; members to hold their offices as follows: From the first district or ward, for one (1) year; from the second district or ward, for two (2) years; from the third district or ward, for three (3) years; and when the members are elected after the town election in 1881, as provided for in this section, they shall be elected for three years or until their successors are elected and qualified.

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

§ 5. BOARD TO BE BODY CORPORATE, ETC.] The board of education shall be a body corporate in relation to all the powers and duties conferred upon them by this act, to be styled "The Board of Education of Independent School District Number One, Lake county," and as such shall have the power to sue and be sued, to contract and be contracted with, and shall possess all the powers usual and incident to bodies corporate, and as shall be herein given, and shall procure and keep a common seal. At each annual meeting of the board the members thereof shall elect one of their number as president of said board, and whenever he shall be absent a president *pro tempore* shall be appointed by them.

§ 6. RESPONSIBILITY OF BOARD] The members of the board shall receive no compensation, nor shall be interested directly or indirectly in any contract for building, or for making any

improvement or repairs provided for by this act. They shall have the care and custody of all the public property in said district pertaining to school purposes, and the general management and control of all school matters.

§ 7. MEETINGS.] The annual meeting of said board shall be held on the first Tuesday after the annual election in each year. The board shall also meet for the transaction of business as often as once in each month, and may adjourn for any shorter term. Special meetings may be called by the president, or in case of his absence or inability to act, by any three members of the board, as often as necessary, by giving a personal notice to each member of the board, or by causing a written or printed notice to be left at his last place of residence, at least forty-eight hours before the hour for such special meeting.

§ 8. SECRETARY.] The said board shall appoint a secretary who shall hold his office during the pleasure of the board, and whose compensation shall be fixed by the board. The said secretary shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe. The said record or transcript thereof, certified by the secretary and attested by the seal of the board shall be received in all courts as *prima facie* evidence of the facts therein set forth, and such records and all books, accounts, vouchers and papers of said board shall at all times be subject to the inspection of the electors or any committee thereof or any taxpayer of said district. For the purposes of economy the said board, if they deem it advisable, may appoint one of their own number secretary.

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

1. To purchase, sell, exchange, lease or improve sites for school houses.

2. To build, purchase, sell, lease, enlarge, alter, improve and repair school houses and their outhouses and appurtenances.

3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages, but the powers herein granted shall not be deemed to authorize the furnishing with class or text books any scholar whose parents or guardians shall be able to furnish the same.

4. To procure fuel and defray the contingent expenses of the board, including the compensation of the secretary.

5. To pay teachers wages after the application of public moneys, which may by law be appropriated and provided for that purpose.

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

§ 11. TAX NOT TO EXCEED REQUIREMENTS.] The amount raised for teachers' wages and contingent expenses shall be only such as together with the public money coming to said district from the territorial and county fund, and other sources, shall be sufficient to maintain efficient and proper schools for the children in said district, nor shall the tax for purchasing, leasing or improving sites, and the building, purchasing, leasing, enlarging, altering or repairing of school houses exceed in any one year two cents on the dollar of valuation of the taxable property of said district, and the said board of education are authorized and directed, when necessary, to borrow, in anticipation, the amount of taxes so to be raised, levied and collected as aforesaid.

§ 12. MAY ISSUE BONDS.] The board of education of said district are authorized and empowered and it shall be their duty, whenever the said board shall deem it necessary, in order to an efficient organization and establishment of schools in said district, and when the taxes authorized by this act

shall not be sufficient, or shall be deemed by said board burdensome upon the taxpayers of said district, from time to time to issue the bonds of said district, in denominations of not less than one hundred dollars, payable in not less than ten years after date, and bearing interest at the rate not to exceed eight per centum per annum, payable annually on the first day of July, and upon their face to show they are issued for school purposes, and cause the same to be sold and negotiated at not less than par value, and the money realized therefrom deposited with the town treasurer to the credit of the said board of education. And when any bonds shall be so negotiated, it shall be the duty of the said board of education of said district to provide by tax for the payment of the principal and interest of said bonds: *Provided, however,* That at no time shall the aggregate amount of bonds issued under the provisions of this act exceed ten thousand dollars.

§ 13. CUSTODY OF MONEYS.] All moneys to be raised pursuant to the provisions of this act, and all school moneys which shall by law be appropriated to or provided for said district shall be paid over to the treasurer of the town of Madison, and the county treasurer of Lake county shall from time to time, as he shall receive the county school funds, and at least once in each month on the first Monday thereof, pay over to said town treasurer the proportion thereof belonging to the said district, and for that purpose said board shall have power to cause all needful steps to be taken, including census reports, or other acts or things, to enable said board to receive the school moneys belonging to said district as fully and completely as though said district formed one of the school districts of said Lake county.

§ 14. BONDS OF TREASURER.] The treasurer of said town shall give such bonds to such board of education, in such sums and with such conditions and sureties as they shall from time to time require, in order to insure the safe keeping of the school funds, which shall be in addition to his other bonds; and the said treasurer, and his sureties upon such bond, shall be accountable to the board for the school moneys that come into his hands, and in case of a failure of such treasurer to give such bonds when required thereto by such board, within ten days thereafter such treasurer's office shall become vacant,

and the trustees of said town shall appoint another person in his place.

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

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

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

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

3. Upon such lots and upon such sites as now are owned by school district number twenty-eight, or upon such lots or sites as may hereafter be purchased by said Independent School District Number One (1), of Lake county, D. T., to build, enlarge, alter, improve and repair school houses, outhouses and appurtenances as they may deem advisable.

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

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

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

7. To pay the wages of such teachers out of the money appropriated and provided by law for the support of com-

mon schools in said district, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised by this act.

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

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

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

§ 17. VISITING SCHOOLS.] Each member of said board shall visit all the public schools in said district at least twice during each term.

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

§ 19. EXPENDITURES NOT TO EXCEED INCOME.] It shall be the duty of the board, in all their expenditures and contracts, to have reference to the amount of moneys which shall be sub-

ject to their order during the current year, for the particular expenditures in question, and not to exceed that amount.

§ 20. TITLE TO SCHOOL PROPERTY.] The title of the school houses, sites, lots, furniture, books, apparatus and appurtenances, and all other property belonging to the school district number one, of Lake county, and all such property in this act mentioned, shall be vested in the town of Madison for the use of schools, and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution or other process, nor be subject to any judgment lien, nor be subject to taxation for any purpose whatever; and the said city, in its corporate capacity, shall be able to take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of the common schools of said city, whether the same be transferred in terms to said city by its proper style or by designations, or to any person or persons or body for the use of said schools.

§ 21. TITLES—HOW TAKEN.] Whenever any real property is purchased by said board, the transfer or grant and conveyance therefor shall be taken to the "Town of Madison for the use of schools;" and whenever any sale is made by said board, it shall be so resolved, which resolution shall be spread upon the record of said board, and the conveyance therefor shall be executed in the name of the Town of Madison, by the president of said board, attested by the secretary of said board, and under the seal thereof, and acknowledged by said president and secretary. And said president and secretary shall have full power and authority to execute conveyances upon such sale or exchange, with or without covenants of warranty on behalf of said town.

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

1. The moneys raised by the board under section 12 of this act.

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

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

§ 24. FINES AND FORFEITURES.] All fines, penalties and forfeitures for the violation of any ordinance of said town, and all fines, penalties and forfeitures for any criminal offense committed within said town shall when collected be paid by the officers receiving them into the town treasury to the credit of said board of education and subject to their order as other moneys raised pursuant to the provisions of this act.

§ 25. CLERK TO NOTIFY PARTY ELECTED. FORFEIT.] It shall be the duty of the clerk of said town immediately after the election of any person as a member of said board of education, personally or in writing to notify him of his election, and if any such person shall not within ten days after receiving such notice of his election, take and subscribe the oath as herein provided, and file the same with the said clerk, the board of education may consider it as a refusal to serve and

proceed to fill the vacancy occasioned by such refusal. And the person so refusing shall forfeit and pay to the town treasurer, for the benefit of the schools of said district, a penalty of fifty dollars, which may be recovered in the name of said town in a civil action.

§ 26. WHO TO COMPOSE FIRST BOARD.] That Philip H. Harth, from the first district or ward; William McCollister, from the second district or ward; Alexander McKay, from the third district or ward, are hereby appointed members of said board of education, and they shall on or before the third Tuesday in March next, qualify by taking and subscribing an oath to support the constitution of the United States, and the Organic act of this Territory, and to honestly and faithfully discharge the duties of their office, and file the same with the town clerk; and if they shall neglect so to qualify by that time, the board of education shall proceed to fill such vacancy or vacancies by the election of suitable and proper persons as provided herein, who shall hold their office as herein provided for such persons herein appointed; and the person or persons so failing to qualify shall forfeit and pay the penalty as prescribed in section 25, to be recovered in the manner herein prescribed.

§ 27. BOARD TO ORGANIZE AND ASSUME MANAGEMENT OF SCHOOLS.] The board so appointed or elected shall meet on the third Tuesday of March, 1881, and shall organize, and upon such organization shall at once assume the management and control of the public schools in said district, and the present school officers of the district number twenty-eight shall turn over to them all moneys and other property, including school house, belonging to such district; and from thence such district shall cease to exist, and all property belonging thereto shall vest in the town of Madison for the use of schools under the provisions of this act: *Provided, however,* That the tax heretofore raised and voted therein and not collected, so far as the same shall have been assessed upon the property of said district, shall be collected by the proper officers as though this act had not passed, and paid over to the town treasurer for the use of said board of education, and the debts and liabilities of said district number twenty-eight shall be assumed and paid by said Independent District Number One

(1), through the said board of education, the same as though they had been incurred and contracted by said board, and to that end it shall be the duty of the officers of said school district to make full, true and accurate statements of the property, finances and condition of said district to said board immediately upon their organization.

§ 28. OUTSTANDING INDEBTEDNESS OF OLD DISTRICT TO BE FUNDED.] That the outstanding indebtedness, if any, of the school district number twenty-eight, as assumed by the said board of education of Independent School District Number One, of Lake county, D. T., as herein created, shall be funded by the said board of education by issuing bonds of denominations of fifty to two hundred dollars, said bonds to run ten years, and to bear interest at the rate of eight per cent. per annum, payable annually, and said bonds shall be dated on the first day of July, 1881, and shall show upon their face that they are issued for school purposes. The secretary shall keep a book in which shall be recorded all bonds issued under this act, and said board of education shall levy a tax and provide for the payment of interest upon said bonds, and shall also provide for a sinking fund tax to pay said bonds at maturity, and said bonds shall be sold, and as fast as sold the money so received shall be used to pay the indebtedness herein mentioned.

§ 29. BONDS NOT AUTHORIZED UNLESS SUBMITTED TO VOTE.] Nothing in this act shall be so construed as to authorize the board of education of Independent School District No. 1, Lake county, D. T., to issue bonds of said district without first having been authorized so to do by a majority of the voters of said district present and voting at any annual or special election of said district.

§ 30. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 31. This act shall take effect and be in force from and after its passage and approval: *Provided, nevertheless,* That the school district officers of school district number twenty-eight shall continue to act as such, and said district shall continue its existence in law until the organization of said board of education as herein provided, and no longer.

Approved, March 5, 1881.

CHAPTER 62.

MOODY COUNTY.

AN ACT establishing a portion of School District Number One, of Moody County, Dakota Territory, as an Independent School District, to be designated as Independent School District Number One, of Moody County, Dakota Territory.

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

§ 1. BOUNDARIES OF DISTRICT.] That all that portion of Moody county, Dakota Territory, described as follows, viz:— all that portion embraced within the limits of the town of Egan, together with the west half of section seventeen (17), and the west half of sections five (5) and eight (8), in township number one hundred and six (106), north of range forty-eight (48) west, and the north half of section thirty-one (31), and southwest quarter of section thirty-two (32), in township one hundred and seven (107), north of range number forty-eight (48) west, shall be and is hereby constituted and established as an independent school district, to be known and designated as Independent School District Number One, of Moody county, D. T., and a board of education is hereby established for the same.

§ 2. BOARD OF EDUCATION, NUMBERS, ETC.] Said board shall consist of five persons, a majority of whom shall constitute a quorum to transact business. Two (2) members of said board shall be elected annually by the electors of said district, at the annual election held for the election of town officers for the town of Egan.

§ 3. TERM OF OFFICE.] The persons hereinafter appointed from said town shall hold their office until the town election in 1881, and when the members are hereafter elected as provided for in this section, they shall be elected for two years or until their successors are elected and qualified.

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

§ 5. BODY CORPORATE, ETC.] The board of education shall be a body corporate in relation to all the powers and duties conferred upon them by this act, to be styled "The Board of Education of Independent School District Number One, Moody county," and as such shall have the power to sue and be sued, to contract and be contracted with, and shall possess all the powers usual and incident to bodies corporate, and as shall be herein given, and shall procure and keep a common seal. At each annual meeting of the board the members thereof shall elect one of their number as president of said board, and whenever he shall be absent a president *pro tempore* shall be appointed by them.

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

§ 7. MEETINGS OF BOARD.] The annual meeting of said board shall be held on the first Tuesday after the annual election in each year. The board shall also meet for the transaction of business as often as once in each month, and may adjourn for any shorter term. Special meetings may be called by the president, or in case of his absence or inability to act, by any three members of the board, as often as necessary, by giving a personal notice to each member of the board, or by causing a written or printed notice to be left at his last place of residence, at least forty-eight hours before the hour for such special meeting.

§ 8. SECRETARY.] The said board shall appoint a secretary who shall hold his office during the pleasure of the board, and whose compensation shall be fixed by the board. The said secretary shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe. The said record or transcript thereof, certified by the secretary and attested by the seal of the board shall be received in all courts as *prima facie* evidence of the facts therein set forth, and such records and all books, accounts, vouchers and papers of said board shall at all times be sub-

ject to the inspection of the electors or any committee thereof or any taxpayers of said district. For the purposes of economy the said board, if they deem it advisable, may appoint one of their own number secretary.

§ 9. BOARD TO LEVY CERTAIN TAXES.] The said board of education of said district shall have power and it shall be their duty to levy and raise from time to time by tax such sums as may be determined by said board of education to be necessary and proper for any or all of the following purposes:

1. To purchase, sell, exchange, lease or improve sites for school houses.

2. To build, sell, purchase, lease, enlarge, alter, improve and repair school houses and their outhouses and appurtenances.

3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages, but the powers herein granted shall not be deemed to authorize the furnishing with class or text books any scholar whose parents or guardians shall be able to furnish the same.

4. To procure fuel and defray the contingent expenses of the board, including the compensation of the secretary.

5. To pay teachers wages after the application of public moneys, which may by law be appropriated and provided for that purpose.

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

§ 11. LIMIT OF TAX.] The amount raised for teachers' wages and contingent expenses shall be only such as together with the public money coming to said district from the territorial

and county fund, and other sources, shall be sufficient to maintain efficient and proper schools for the children in said district, nor shall the tax for purchasing, leasing or improving sites, and the building, purchasing, leasing, enlarging, altering or repairing of school houses exceed in any one year two cents on the dollar of valuation of the taxable property of said district, and the said board of education are authorized and directed, when necessary, to borrow, in anticipation, the amount of taxes so to be raised, levied and collected as aforesaid.

§ 12. MAY ISSUE BONDS.] The board of education of said district are authorized and empowered and it shall be their duty, whenever the said board shall deem it necessary, in order to an efficient organization and establishment of schools in said district, and when the taxes authorized by this act shall not be sufficient, or shall be deemed by said board burdensome upon the taxpayers of said district, from time to time to issue the bonds of said district, in denominations of not less than one hundred dollars, payable not to exceed twenty years after date, and bearing interest at the rate not to exceed eight per centum per annum, payable annually on the first day of January in each year, and upon their face to show they are issued for school purposes, and cause the same to be sold and negotiated at not less than par value, and the money realized therefrom deposited with the city treasurer to the credit of the said board of education. And when any bonds shall be so negotiated, it shall be the duty of the said board of education of said district to provide by tax for the payment of the principal and interest of said bonds: *Provided, however,* That at no time shall the aggregate amount of bonds issued under the provisions of this act exceed eight thousand dollars.

§ 13. CUSTODY OF SCHOOL FUNDS.] All moneys to be raised pursuant to the provisions of this act, and all school moneys which shall by law be appropriated to or provided for said district shall be paid over to the treasurer of the town of Egan, and the county treasurer of Moody county shall from time to time, as he shall receive the county school funds, and at least once in each month on the first Monday thereof, pay over to said town treasurer the proportion thereof belonging to the said district, and for that purpose said board shall have power

to cause all needful steps to be taken, including census reports, or other acts or things, to enable said board to receive the school moneys belonging to said district as fully and completely as though said district formed one of the school districts of said Moody county.

§ 14. BONDS OF TOWN TREASURER.] The treasurer of said town shall give such bonds to such board of education, in such sums and with such conditions and sureties as they shall from time to time require, in order to insure the safe keeping of the school funds, which shall be in addition to his other bonds; and the said treasurer, and his sureties upon such bond, shall be accountable to the board for the school moneys that come into his hands, and in case of a failure of such treasurer to give such bonds when required thereto by such board, within ten days thereafter, such treasurer's office shall become vacant and the town council shall appoint another person in his place.

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

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

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

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

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

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

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

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

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

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

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

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

§ 17. VISITING SCHOOLS.] Each member of said board shall

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

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

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

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

§ 21. SAME.] Whenever any real property is purchased by said board, the transfer or grant and conveyance therefor shall be taken to the Town of Egan, for the use of schools; and whenever any sale is made by said board, it shall be so resolved, which resolution shall be spread upon the record of said board, and the conveyance therefor shall be executed in the name of the Town of Egan, by the president of said board, attested by the secretary of said board, and under

the seal thereof, and acknowledged by said president and secretary. And said president and secretary shall have full power and authority to execute conveyances upon such sale or exchange, with or without covenants of warranty on behalf of said town.

§ 22. TOWN TREASURER TO MAKE REPORT.] It shall be the duty of the town treasurer, at least fifteen days before the annual election for members of said board in each year, to prepare and report to the board of education, true and correct statements of the receipts and disbursements of moneys, under and in pursuance of the provisions of this act, during the preceding year, which accounts shall be stated under appropriate heads:

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

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

§ 24. CLERK TO NOTIFY PARTY ELECTED.] It shall be the duty

of the clerk of said town immediately after the election of any person as a member of said board of education, personally or in writing, to notify him of his election; and if any such person shall not, within ten days after receiving such notice of his election, take and subscribe the oath as herein provided, and file the same with the said clerk, the board of education may consider it as a refusal to serve, and proceed to fill the vacancy occasioned by such refusal. And the person so refusing shall forfeit and pay to the town treasurer, for the benefit of the schools of said district, a penalty of fifty dollars, which may be recovered in the name of said town in a civil action.

§ 25. NAMES OF MEMBERS OF FIRST BOARD.] That Samuel Buck, Alfred Brown, H. A. Leinbach, Henry K. White and John Hobert are hereby appointed members of said board of education to hold their office until the general election in April, 1881, and they shall on or before the third Tuesday in March next qualify by taking and subscribing an oath to support the constitution of the United States, and the Organic act of this Territory, and to honestly and faithfully discharge the duties of their office, and file the same with the town clerk; and if they shall neglect so to qualify by that time the board of education shall proceed to fill such vacancy or vacancies by the election of suitable and proper persons as provided herein, who shall hold their office as herein provided for such persons herein appointed, and the person or persons so failing to qualify shall forfeit and pay the penalty as prescribed in section 24, to be recovered in the manner herein prescribed.

§ 26. BOARD TO ORGANIZE AND ASSUME MANAGEMENT OF SCHOOLS.] The board so appointed or elected shall meet on the third Tuesday of March, 1881, and shall organize, and upon such organization shall at once assume the management and control of the public schools in said district, and the present school officers of the district number one shall turn over to them all moneys and other property belonging to such district; and from thence such district shall cease to exist, and all property belonging thereto shall vest in the town of Egan, for the use of schools, under the provisions of this act: *Provided, however,* That the tax heretofore raised and voted therein and not collected, as far as the same shall have been

assessed upon the property of said district, shall be collected by the proper officers as though this act had not passed, and paid over to the town treasurer for the use of said board of education; and the debts and liabilities of said district shall be assumed and paid by said district, through the said board of education, the same as though they had been incurred and contracted by said board, and to that end it shall be the duty of the officers of said school district to make full, true and accurate statements of the property, finances and condition of said district to said board immediately upon their organization.

§ 27. OUTSTANDING INDEBTEDNESS OF OLD DISTRICT TO BE FUNDED.] That the outstanding indebtedness, if any, of the school district number one, as assumed by the said board of education as herein created, shall be funded by the said board of education by issuing bonds of denominations of one hundred or five hundred dollars, said bonds to run not to exceed twenty years, and to bear interest at the rate of eight per cent per annum, payable annually; and said bonds shall be dated on the 1st day of July, 1881, and shall show upon their face that they are issued for school purposes. The secretary shall keep a book in which shall be recorded all bonds issued under this act, and said board of education shall levy a tax and provide for the payment of interest upon said bonds, and shall also provide for a sinking fund tax to pay said bonds at maturity, and said bonds shall be sold at not less than their face value, and as fast as sold the money so received shall be used to pay the indebtedness herein mentioned.

§ 28. BOARD TO DESIGNATE CERTAIN VOTING PLACE.] The said board of education are further empowered and authorized to designate the place where the polls shall be held within said district, outside of the limits of the town of Egan, and to appoint judges of election therefor, which said judges shall appoint the clerks of election; and the same judges and clerks shall make returns to the town clerk, who shall canvass the same as provided by town ordinance for the canvass of town and school officers. The compensation to be paid said judges and clerks shall be paid by the board of education out of the general school fund. The compensation for judges and clerks

within the town limits shall be paid by the town council out of the town funds.

§ 29. NO BONDS TO ISSUE WITHOUT VOTE OF THE PEOPLE.] Nothing in this act shall be so construed as to authorize the board of education of Independent School District No. 1, Moody county, D. T., to issue bonds of said district without first having been authorized so to do by a majority of the voters of said district present and voting at any special or general election of said district.

§ 30. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 31. This act shall take effect and be in force from and after its passage and approval: *Provided, nevertheless,* That the school district officers of school district number one shall continue to act as such, and said district shall continue its existence in law until the organization of said board of education as herein provided, and no longer.

Approved, March 5, 1881.

CHAPTER 63.

VALLEY SPRINGS.

AN ACT to establish an Independent School District in the Village of Valley Springs.

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

§ 1. BOUNDARIES OF DISTRICT.] That sections two (2), three (3), and east half of sections four (4) and five (5); all of sections nine (9), ten (10), fifteen (15) and sixteen (16), and east half of section seventeen (17), all in township one hundred and one (101) of range forty-seven (47); also sections thirty-two (32), thirty-three (33) and thirty-four (34), in township one hundred and two (102) of range forty-seven (47), so far as located in the county of Minnehaha, and Territory of Dakota,

and constituting school district No. 15, in said county, be and the same are hereby made to constitute an independent school district.

§ 2. **STYLE OF DISTRICT. DIRECTORS WHEN TO BE ELECTED, ETC.]** Said school district shall be known by the corporate name of "The Independent School District of Valley Springs," and shall in all respects be subject to the provisions of an act of the Thirteenth Legislative Assembly, in the year 1879, establishing the Independent School District of Sioux Falls, so far as the same are applicable: *Provided*, That the directors for such district shall be elected at a special election, duly called, upon the petition of a majority of the legal voters in said district, and the officers shall determine by lots who shall hold for the long term and who for the short terms of office.

§ 3. This act shall take effect and be in force from and after the date of its adoption by a majority vote of said district.

Approved, March 3, 1881.

Townships.

CHAPTER 64.

GRAND FORKS COUNTY.

AN ACT to amend Sections Thirty-three (33), Thirty-seven (37) and Fifty (50) of Chapter Fifty-nine (59) of the Session Laws of 1879, of Dakota Territory, entitled "Townships," approved February 18, 1879.

Be it enacted by the Legislative Assembly of Dakota Territory:

§ 1. **TAX LIST.]** That sections numbered thirty-three (33), thirty-seven (37) and fifty (50) of chapter numbered fifty-nine (59) of the session laws of 1879, Dakota Territory, entitled "Townships," approved February 18, 1879, be and are hereby amended so as to read as follows, viz: "§ 33. As soon as practicable after the township taxes are levied by the board of supervisors of each township, it shall be the duty of the