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# SCHOOL LAWS OF ILLINOIS,

INCLUDING THE

## LATEST AMENDMENTS.

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1869.

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# SCHOOL LAWS OF ILLINOIS---1869.

## AN ACT

TO ESTABLISH AND MAINTAIN A SYSTEM OF

# FREE SCHOOLS,

APPROVED FEBRUARY 16, 1865;

TOGETHER WITH THE

AMENDATORY ACTS OF 1867 AND 1869.

SPRINGFIELD:

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1869.



# AN ACT

## TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS.

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### STATE SUPERINTENDENT OF PUBLIC INSTRUCTION—HIS ELECTION AND DUTIES.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at the election to be held on Tuesday after the first Monday of November, A. D. 1866, and quadrennially thereafter, there shall be elected, by the legal voters of this state, a state superintendent of public instruction, who shall hold his office for four years, and until his successor is duly elected and qualified.

Election of superintendent.

§ 2. Before entering upon his duties, he shall take and subscribe the usual oath of office, and shall also execute a bond, in the penalty of twenty-five thousand dollars, payable to the State of Illinois, with sureties to be approved by the governor, conditioned for the prompt discharge of his duties as superintendent of public instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office; said bond and oaths shall be deposited with the secretary of state, and an action may be maintained thereon by the state, at any time, for a breach of the conditions thereof.

To give bond.

§ 3. It shall be his duty to keep an office at the seat of government of the state, and to file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year separately, and to keep and preserve all other public documents, books and papers relative to schools coming into his hands as state superintendent, and to hold the same in readiness to be exhibited to the governor, or to any committee of either house of the

Keep office at the seat of government.

general assembly; and shall keep a fair record of all matters pertaining to the business of his office.

Pay over mon-  
eys.

§ 4. He shall, without delay, pay over all sums of money which may come into his hands by virtue of his office, to the officer or person entitled to receive the same, in such manner as may be prescribed by law.

To advise  
with teachers.

§ 5. He shall counsel and advise, in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools.

Supervision of  
common schools

§ 6. Said superintendent shall have the supervision of all the common and public schools in the state, and shall be the general adviser and assistant of county superintendents of schools in the state; he shall, from time to time, as he shall deem for the interest of schools, address circular letters to said superintendents, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, and procuring competent teachers.

Address circu-  
lar letters.

Report to gov-  
ernor.

§ 7. Said state superintendent shall, before the fifteenth day of December of every year preceding that in which shall be holden a regular session of the general assembly, report to the governor the condition of the schools in the several counties of the state, the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first Monday of October; what part of said number have been taught by males exclusively; what part by females exclusively; what part of said whole number have been taught by males and females at the same time; and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of white persons in each county under twenty-one years of age; the amount of township and county fund; the amount of the interest of the state or common school fund, and of the interest of the township and of the county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the prices paid for the same, and total amount purchased, and what quantity and how distributed; and the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools and the means of promoting education throughout the state; which report shall be laid before the general assembly at each regular session.

Make rules  
and regulations.

§ 8. The said state superintendent of public instruction shall make such rules and regulations as he may think necessary and expedient to carry into full effect the provi-

sions of this act, and of all the laws which now are or may hereafter be in force for establishing and maintaining schools in this state; and the said superintendent shall have power, and it shall be his duty, to explain and interpret and determine to all county superintendents, directors, township and other school officers, the true intent and meaning of this act, and their several duties enjoined thereby, and his decision shall be final, unless otherwise directed by the legislature, or reversed by a court of competent jurisdiction.

To interpret the meaning of this act.

§ 9. The said state superintendent shall have power to direct and cause the county superintendent of any county, directors or board of trustees or township treasurer of any township or other school officer, to withhold from any officer, or township, or teacher, any part of the common school, or township, or other school fund, until such officer, township, or teacher shall have complied with all the provisions of this act relating to his, her or their duties, and such rules and regulations as the state superintendent may prescribe, not inconsistent with this act; and the state superintendent may forbid the payment of any part of the common school, township, county or other school fund, to any district in which the school or schools have not been kept according to law, or in which no school has been kept for six months during the year next preceeding the demand for payment.

To cause county superintendents to withhold funds.

§ 10. And the said state superintendent shall receive annually the sum of twenty-five hundred dollars, to be paid quarterly, as a salary for the services required under the provisions of this act, or any other law that may be passed, and also for all necessary contingent expenses, for books, postage and stationery pertaining to his office, to be audited and paid by the state, as the salaries and contingent expenses of other officers are paid.

Salary of superintendent.

#### COUNTY SUPERINTENDENTS—THEIR ELECTION AND DUTIES.

§ 11. On the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November, every four (4) years thereafter, there shall be elected by the qualified voters of every county in this state, a county superintendent of schools, who shall perform the duties required by law. He shall, before entering upon his duties, take an oath for the faithful discharge of the same, and execute a bond, payable to the state of Illinois, with two or more responsible freeholders as security, to be approved by the county court or board of supervisors, in penalty of not less than twelve thousand dollars, to be increased at the discretion of said court or board of supervisors, conditioned that he will faithfully perform all the duties of his office, according to the laws which are or may

Election of county superintendents.

To give bond.

be in force; by which bond the obligors shall be bound jointly and severally, and upon which an action or actions may be maintained by the board of trustees of the proper township, for the benefit of any township or fund injured by any breach thereof; and joint action may be had for two or more funds. The said county superintendents of schools shall be successors to the school commissioners, as heretofore known and designated in the act to which this act is amendatory, and all other acts where the term "school commissioners" is used; and all rights of property, and rights and causes of action, existing or vested in school commissioners, for the use of the inhabitants of the county, or any township thereof, or any part of them, shall vest in the county superintendents of schools, as successors, in as full and complete a manner as was vested in the school commissioners.

Successors to  
school commis-  
sioners.

Form of bond.

§ 12. The bond required in the foregoing section shall be in the following form, viz:

STATE OF ILLINOIS, } ss.  
———COUNTY. }

Know all men by these presents, that we, A. B., C. D. and E. F., are held and firmly bound, jointly and severally, unto the people of the state of Illinois, in the penal sum of ——dollars, to the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof, we have hereunto set our hands and seals, this—— day of —— A. D., 18—.

The condition of the above obligation is such, that if the above bounden A. B., county superintendent of the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are, or may hereafter be in force, and shall deliver over to his successor in office all moneys, books, papers and property in his hands as such county superintendent, then this obligation to be void; otherwise to remain in full force and virtue.

A———B———, {SEAL,  
C———D———, {SEAL,  
E———F———, {SEAL,

And which bond shall be filed in the office of the county court.

Liabie to re-  
moval.

§ 13. The said superintendent shall be liable to removal by the county court, (or in counties adopting township organization, by the board of supervisors,) for any palpable violation of law or omission of duty; and if a majority of said court or board of supervisors shall at any time be satisfied that his bond is insufficient, it shall be his duty, on notice, to execute a new bond, to be payable, conditioned and approved as the first bond, the execution of which shall not affect the old bond, or the liability of the security thereof; and when the office of county superintendent shall become vacant by death, resignation, or otherwise, the county court, or board of supervisors, shall fill the same by appointment for the unexpired term, and the person so appointed shall hold his office until his successor shall be qualified.

Execute a new  
bond.

Vacancy to be  
filled by ap-  
pointment.



§ 14. The said superintendent shall provide three well bound books, to be known and designated by the letters A, B, C, for the following purposes: In book A he shall record at length all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B he shall keep an account of all sales of common school lands; which account shall contain the date of sale, name of purchaser, description of lands sold, and the sum sold for. In book C he shall keep a regular account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest; the names of the securities when personal security is taken, or if real estate is taken as security, a description of said real estate, and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales, and the accounts of each township fund to be kept separate. Said book shall be paid for out of the county treasury of the counties in which they are used.

To provide books to keep an account of sales of lands and moneys received.

§ 15. Whenever the bond of the township treasurer, approved by the board of trustees of schools, as required by law, shall be delivered to the county superintendent, he shall carefully examine the same, and if the instrument is found to be in all respects according to law, and the securities good and sufficient, he shall endorse his approval thereon, and file the same with the papers of his office; but if said bond is in any respect defective, he shall return it for correction. When the bond shall have been duly received and filed, the superintendent shall, on demand, deliver to said township treasurer, all moneys, bonds, mortgages, notes and securities, and all papers of every description belonging to said township; and the said township treasurer shall receipt for the same, which receipt shall be carefully filed and preserved by the county superintendent, and shall be evidence of the fact therein stated.

Bond of township treasurer.

§ 16. Upon the receipt of the amount due upon the auditor's warrant, the county superintendent shall apportion one-third of said amount to the several townships and parts of townships in his county, in proportion to the number of acres therein, and the remaining two-thirds to the several townships and fractional townships in his county, according to the number of white children, under twenty-one years of age, returned to him, in which townships or parts of townships schools have been kept in accordance with the provisions of the act, and with the instructions of the state and county superintendents, and shall pay over the distributive share belonging to each township and fractional township, to the respective township treasurers, or

County superintendent to apportion state fund.

other authorized persons, annually; and when there is a county fund in the hands of any county superintendent, he shall loan the same at any rate of interest not less than six per cent., nor more than ten per cent., said rate to be fixed by the county court or board of supervisors, and apportion the interest as provided in this section: *Provided*, that no part of the state, county, or other school fund shall be paid to any township treasurer or other person, authorized by said treasurer, unless said township treasurer has filed his bond as required by the fifty-fifth section of the act, nor in case said treasurer is re-appointed by the trustees, unless he shall have renewed his bond and filed the same as afore-said.

To report to  
state superin-  
tendent.

§ 17. \*On or before the second Monday of November before each regular session of the general assembly, or annually if so required by the state superintendent, the county superintendent shall communicate to said state superintendent all such information and statistics upon the subject of schools in his county as the said state superintendent is bound to embody in his report to the governor, and such other information as the state superintendent shall require; and no county from which such report is not received in the manner and within the time required by law, shall be entitled to any part of the state school fund for the year next succeeding that in which no report was made; and the county superintendent so failing or refusing to report, shall be liable to removal by the county court or board of supervisors, for such neglect of duty: *Provided*, that the state superintendent may remit the forfeiture of funds prescribed in this section, for satisfactory cause.

Liable to re-  
moval.

To deliver  
over money and  
property to suc-  
cessors.

§ 18. The county superintendent, upon his removal or resignation, or at the expiration of his term of service, (or in case of his death, his representatives,) shall deliver over to his successor in office, on demand, all moneys, books, papers and personal property belonging to the office, or subject to the control or disposition of the county superintendent.

To loan funds.

§ 19. The county superintendent may loan any money, not interest, belonging to the county fund, before the same is called for according to law by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers; and notes and mortgages taken in the name of the "county superintendent" of the proper county, shall be, and all loans heretofore made in the name of the "school commissioners," are hereby declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "county superintendents" on

\*See sec. 1, act concerning reports (p. 45).

all notes and mortgages heretofore or hereafter made payable to county superintendents.

§ 20. It shall be the duty of the county superintendent to visit every school in his county at least once each year, and oftener if practicable, and to note the methods of instruction, the branches taught, the text-books used, and the discipline, government and general condition of the schools. He shall give such directions in the science, art and methods of teaching as he may deem expedient and necessary, and shall be the official advisor and constant assistant of the school officers and teachers of his county, and shall faithfully carry out the advice and instructions of the state superintendent. He shall encourage the formation and assist in the management of county teachers' institutes, and labor in every practicable way to elevate the standard of teaching and improve the condition of the common schools of his county. In all controversies arising under the school law, the opinion and advice of the county superintendent shall first be sought, whence appeal may be taken to the state superintendent, upon a written statement of facts, certified by the county superintendent.

To visit schools in his county.

Controversies—method of adjustment.

§ 21. In all cases where the township board of trustees of any township shall fail to prepare and forward, or cause to be prepared and forwarded, to the county superintendent, the information and statistics required of them in this act, it shall be the duty of said county superintendent to employ a competent person to take the enumeration and furnish said statistical statement as far as practicable, to the superintendent; and said person so employed shall have free access to the books and papers of said township, to enable him to make such statement; and the township treasurer, or other officer or person in whose custody such books and papers may be, shall permit said person to examine such books and papers, at such times and places as such person may desire for the purposes aforesaid; and the said county superintendent shall allow, and pay, to the person so employed by him, for the services, such amount as he may judge reasonable, out of any money which is or may come into said superintendent's hands, apportioned as the share of, or belonging to such township; and the said county superintendent shall proceed to recover and collect the amount so allowed or paid for such services, in a civil action before any justice of the peace in the county, or before any court having jurisdiction, in the name of the people of the state of Illinois, of and against the trustees of schools of said township, in their individual capacity; and in such suit or suits the said county superintendent and township treasurer shall be competent witnesses; and the money so recovered, when collected, shall be paid over to the county superintendent for the benefit of said township, to replace the money taken as aforesaid.

Duty in case of failure to make returns.

Compensation.

County superintendent shall institute suit.

May re-sell  
real estate.

§ 22. When any real estate shall have been taken for debts due to any school fund, the title to which real estate has become vested in any county superintendent, or trustees of schools, for the use of the inhabitants of two or more townships, the county superintendent may re-sell such real estate for the benefit of said townships, under the provisions of this act regulating the sale of the common school lands; and the said superintendent is hereby authorized to execute conveyances to purchasers; and said superintendent shall be entitled to retain the same per centage on the amount of such sale, out of the assets thereof, as he is entitled to for selling the common school lands.

#### TOWNSHIPS—TRUSTEES OF SCHOOLS.

Trustees made  
body politic.

§ 23. Each congressional township is hereby established a township for school purposes. The business of the township shall be done by three trustees, to be elected by the legal voters of the township, who, upon their election, as hereinafter provided, shall be a body politic and corporate, by the name and style of "trustees of schools of township —, range —," according to the number. The said corporation shall have perpetual existence, shall have power to sue and be sued, to plead and be impleaded, in all courts and places where judicial proceedings are had. Said trustees shall continue in office three (3) years, and until others are elected and enter upon the duties of their office. At the first regular election of trustees, after the passage of this act, three trustees shall be elected, who shall, at their first meeting, which shall be within ten days after said election, draw lots for their respective terms of office, for one, two and three years, and thereafter one trustee shall be elected annually. If but two of the trustees elect shall be present at the first meeting as aforesaid, they shall draw lots as aforesaid, and the lot not drawn shall determine and fix the term of office of the remaining trustee.

To draw lots  
for term of office

Eligibility to  
office of trustees

§ 24. No person shall be eligible to the office of trustee of schools, unless he shall be twenty-one years of age, and a resident of the township.

Election of  
trustees.

§ 25. The election of trustees of schools shall be on the second Monday in October, annually;\* but in townships where such election has not been heretofore had, or where there are no trustees of schools, the election of trustees of schools may be holden on any Monday; notice being given as hereinafter in this section required. The first election shall be ordered, if in townships already incorporated, by the trustees of schools of the township, the township treasurer giving notice of the time and place by posting up notices of the same at least ten days previous to the day of election, at or in the school house, or in the most public place in every school district in the township. If there are no trus-

\*See sec. 1, amendment, p. 44.

tees of schools in a township, the clerk of the county court shall cause the notice to be given as aforesaid. For all subsequent elections, the like notices shall be given by the trustees of schools, through the township treasurer: *Pro-* Proviso.  
*vided*, that, if upon any day appointed as aforesaid, for election aforesaid, the said trustees of schools, or judges, shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Monday, and at the same place and hour; at which meeting the voters shall proceed as if it were not a postponed or adjourned meeting: *And*, Farther proviso  
*provided*, also, that if notice shall not have been given as above required, then, and in that case, said election may be ordered as aforesaid, and holden on the first Monday in November, or any other Monday; notice thereof being given as aforesaid: *And*, *provided*, also, that if the township treasurer shall fail or refuse to give notice of the regular election of trustees, as aforesaid, and if, in case of a vacancy, the remaining trustee or trustees shall fail or refuse to order an election to fill such vacancy, as required in section twenty-nine of the act, then, and in each case, it shall be the duty of the county superintendent to order an election of trustees, or to fill vacancies, as aforesaid, and all elections so ordered and held shall be valid to all intents and purposes whatever. Further proviso.

§ 26. Two of the trustees of schools of incorporated townships, if present, shall act as judges, and one as clerk of said election. If said trustees shall fail to attend, or refuse to act when present, and in townships unincorporated, the qualified voters present shall choose from amongst themselves, three judges and a clerk to open and conduct said election. Judges and clerks of election.

§ 27. The time and manner of opening, conducting and closing said election, and the several liabilities appertaining to the judges and clerks, and to the voters separately and collectively, and the manner of contesting said elections, shall be the same as prescribed by the general election laws of this state, defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this act: *Provided*, the judges may close said election at four o'clock, P. M. Time, etc., of election.

§ 28. No person shall vote at said election unless he possesses the qualification of a voter at a general election. In case of a tie at such election, it shall be determined by lot, on the day of election, by the judges thereof. Voters, tie.

§ 29. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Monday; notice to be given, as required in section twenty-five hereof. Vacancy.

Poll book delivered to superintendent.

§ 30. Upon the election of trustees of schools, the judges of the election shall cause the poll book of said election to be delivered to the county superintendent of the county, with a certificate thereon, showing the election of said trustees and names of the persons elected; which poll book, with the certificate, shall be filed by said superintendent, and shall be evidence of such election.

Powers of trustees and successors.

§ 31. The said trustees of schools, elected as aforesaid, shall be successors to the trustees of school lands appointed by the county commissioners' court, and of trustees of schools elected in townships, under the provisions of "An act making provisions for organizing and maintaining common schools," approved February 26, 1841, and of "An act to establish and maintain common schools," approved March 1, 1847. All rights of property, and rights and causes of action, existing or vested in the trustees of school lands, or trustees of schools appointed or elected as aforesaid, for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools as successors, in as full and complete a manner as was vested in the school commissioner, (the trustees of school lands,) or the trustees of schools appointed and elected as aforesaid.

Meeting of trustees.

§ 32. It shall be the duty of the board of trustees to hold regular semi-annual meetings on the first Mondays of April and October, and special meetings may be held at such other times as they may think proper. Special meetings of the board may be called by the president, or any two members thereof, and at all meetings two members of the board shall be a quorum for business. The board shall organize by appointing one of their number president, and some person, who shall not be a director or trustee, treasurer, who shall be, *ex-officio*, clerk of the board. The president shall hold his office for one year, and the treasurer for two years, and until their successors are appointed; but either of said officers may be removed by the board for good cause. It shall be the duty of the president to preside at the meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record, in a book to be provided for the purpose, all their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all of said proceedings, when recorded, shall be signed by the president and clerk. If the president or clerk shall be absent, or refuse to perform any of the duties of his office at any meeting of the board, a president or clerk, *pro tempore*, may be appointed.

Clerk of board.

To divide into districts and prepare maps, etc.

§ 33. Trustees of schools shall lay off the township into one or more districts, to suit the wishes and convenience of a majority of the inhabitants of their township, and shall prepare, or cause to be prepared, a map of their township, as often as may be necessary, on which map shall be desig-

nated district or districts, to be styled, "district No. —, in township No. —," which districts they may alter or change at any regular session; which map shall be certified by the president and clerk of the board, and filed with and recorded by the county clerk, in a book to be kept for that purpose, to be paid for out of the county treasury: *Provided*, that school districts may be formed out of parts of two or more townships, or fractional townships, in which case the trustees of schools of the townships interested shall concur in the formation of such districts. When a new district is formed from one or more districts, the trustees of the township or townships concerned shall make division of any tax funds, or other funds which are or may be in the hands of the township treasurer or treasurers, in proportion to the amount of taxes collected from the property remaining in each district; and all school property belonging to the district or districts out of which the new district is formed shall be appraised in a just and equitable manner, and the estimated value shall be distributed by the trustees among the districts concerned, in proportion to the amount of taxable property remaining in each, and the town treasurer or treasurers shall forthwith place the sums so distributed to the credit of the respective districts, subject to the order of the directors thereof: *Provided*, that the funds on hand shall be divided at the time such new district is formed, and that all funds payable, but not yet received by the treasurer or treasurers, shall be divided as soon as received, and that the school property shall be appraised and apportioned as aforesaid within three months from the formation of such new district. And when any two or more districts shall be consolidated into one, the new district shall own all the corporate property and funds of the several districts.

School districts may be formed from two or more townships

Funds to be divided in proportion to taxes collected.

Funds, when divided.

§ 34. At the regular semi-annual meetings on the first Mondays of April and October, the trustees shall ascertain the amount of state, county and township funds on hand and subject to distribution, and shall apportion the same as follows: First, two per cent, to the township treasurer. Second, whatever may be due for the books of the treasurer, and such sum as may be deemed reasonable for dividing school lands, making plats, etc. Third, of the remainder, one-half shall be divided among the districts in proportion to the number of children under twenty-one years of age in each, and the other half in proportion to the attendance certified in the schedules. The funds thus apportioned shall be placed on the books of the treasurer to the credit of the respective districts, and the same shall be paid out by the treasurer on the legal orders of the directors of the proper districts.

Trustees to apportion funds

§ 35. Pupils shall not be transferred from one district to another without the written consent of a majority of the

Pupils, how transferred.

directors of both districts; which written permits shall be delivered to and filed by the proper township treasurer, and shall be evidence of such consent. A separate schedule shall be kept for each district, and in each schedule shall be certified the proper amount due the teacher from that district, computed upon the basis of the total number of days' attendance of all the schedules. If the district from which the pupils are transferred are in the same township as the district in which the school is taught, the directors of said district shall deliver the separate schedules to their township treasurer, who shall credit the district in which the school was taught, and charge the other districts with the respective amounts certified in separate schedules to be due. If pupils are transferred from a district of another township, the schedule for that district shall be delivered to the directors thereof, who shall immediately draw an order on their treasurer, in favor of the teacher, for the amount certified to be due in said separate schedules.\* A majority of the directors of each of two or more districts may consolidate said districts and appoint three directors for the union district so formed, who shall be styled, "directors of union district No. —, township No. —," who shall have all the powers conferred by law upon other school directors. The proceedings of the act of consolidation shall be signed by a majority of each of the concurring boards of directors, and delivered to the trustees of the proper township, and shall be evidence of such consolidation; and upon receiving a copy of said proceedings, it shall be the duty of the trustees to change the map of the township in accordance therewith, and file the same with the clerk of the county court. The separate boards of directors shall then be dissolved, and the union directors shall draw lots for their respective terms of office and be thereafter elected as provided in the forty-second section of the act.

Schedules, how returned and paid, to be taken as evidence of credit.

Consolidation of districts.

Trustees report to county superintendent.

No. of schools.

§ 36. The board of trustees of each township in this state shall prepare, or caused to be prepared, by the township treasurer, the clerk of the board, or other person, and forwarded to the county superintendents of the county in which the township lies, on or before the second Monday of October preceding each regular session of the general assembly of this state, and at such other times as may be required by the county superintendent, or by the state superintendent of public instruction, a statement exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first Mondays of October, and ending on the last of September; which statement shall be as follows: First, the whole number of schools which have been taught in each year; what part of said schools have been taught by males exclusively; what part have been taught

\*See amendment, sec. 3, p. 43.



by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods. Second, the whole number of scholars in attendance at all the schools, giving the number of males and females separately. Third, the number of male and female teachers, giving each separately; the highest, lowest, and average monthly compensation paid to male and female teachers, giving each item separately. Fourth, the number of persons under twenty-one years of age. Fifth, the amount of the principal of the township fund; the amount of the interest on the township fund paid into the township treasury; the amount of state or common school fund received by the township treasurer; the amount raised by *ad valorem* tax and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury. Sixth, amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others. Seventh, the whole amount of the receipts and expenditures for school purposes, together with such other statistics and information in regard to schools as the state superintendent or county superintendent may require. And any township from which such report is not received in the manner and time required by law, shall forfeit its portion of the public funds for the next ensuing year: *Provided*, that upon the recommendation of the county superintendent, or for good and sufficient reasons, the state superintendent may remit such forfeiture.

§ 37. In all cases where a township is or shall be divided by a county line or lines, the board of trustees of such township shall make or cause to be made separate enumerations of male and female white persons of the ages as directed in the foregoing section of this act, designating separately the number residing in each of the counties in which such township may lie, and forward each respective number to the proper county superintendent of each of said counties; and in like manner, as far as practicable, all other statistics and information enumerated and required to be reported in the aforesaid section, shall be separately reported to the several county superintendents; and all such parts of said statistical information as are not susceptible of division, and are impracticable to be reported separately, shall be reported to the county superintendent of the county in which the sixteenth section of such township is situated.

§ 38. At each semi-annual meeting, and at such other meetings as they may think proper, the said township board shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the ac-

Number of  
scholars.

Number of  
teachers.

Number of  
children.  
Amount of fund.

Amount of tax.

Amount ex-  
pended.

Other informa-  
tion as required.

Forfeiture.

Separate enu-  
meration to be  
made.

Books and  
vouchers to be  
examined.

counts and vouchers of the township treasurer, or other township school officer, and shall make such order thereon for their security, preservation, collection, correction of errors, if any, and for their proper management, as may seem to said board necessary.

May receive  
donations, etc.

The control of  
school houses  
vested in the  
board of direct-  
ors.

§ 39. The board of trustees of each township in the state may receive any gift, grant, donation or demise made for the use of any school or schools, or library, or other school purposes within their jurisdiction; and they shall be, and are hereby invested, in their corporate capacity, with the title, care and custody of all school houses and school house sites; but the supervision and control of them is expressly vested in the directors of each district in which said property is situated; and when, in the opinion of the school directors, the school house site has become unnecessary, or unsuitable, or inconvenient for a school, said board shall sell and convey the same in the name of the said board, after giving at least twenty days' notice of such sale, by posting up written or printed notices thereof, particularly describing said property and terms of sale, and such conveyance shall be executed by the president and clerk of said board, and the avails shall be paid over to the township treasurer for the benefit of said district; and all conveyances of real estate which may be made to said board, shall be made to said board in their corporate name, and to their successors in office. -

Money to be  
paid to township  
treasurer.

§ 40. The township board shall cause all moneys for the use of the townships to be paid over to the township treasurer. They shall have power, also, to remove the township treasurer at any time, for any failure or refusal to execute or comply with any order or requisition of said board, legally made, or any other improper conduct in the discharge of his duty as treasurer, or at any time they may deem such removal expedient. They shall also have power, for any failure or refusal as aforesaid, to sue him upon his bond.

Trustees to  
purchase real-  
estate.

§ 41. The township trustees are hereby vested with general power and authority to purchase real estate, if, in their opinion, the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree wherein the said board or county superintendent are plaintiffs or complainants; and the title of such real estate so purchased shall vest in said board, for the use of the inhabitants of said township, for school purposes; and all purchases of land heretofore made by county superintendents, or trustees of school lands, or trustees of schools, for the use of any fund or township for the use of schools, are hereby declared valid. The said board are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity; or receive deeds of real estate in compromise; and to cancel in such manner as they may think proper, notes, bonds, mort-

gages, judgments and decrees, existing, or that may hereafter exist, for the benefit of the township, when the interest of said township, or the fund concerned, shall, in their opinion, require it; and their action shall be valid. Said board of trustees are hereby authorized to lease or sell, at public auction, any land that may come into their possession, in such manner, and on such terms, as they shall deem for the interest of the township: *Provided*, that in all cases of sale of land as provided in this section, the sale shall be made at the same place, and notice given of it in the same manner as is provided in this act for the sale of the sixteenth section.

May sell.

Provided.

#### SCHOOL DIRECTORS—THEIR ELECTION AND DUTIES.

§ 42. The annual election of school directors shall be on the first Monday of August,\* when one director shall be elected in each district, who shall hold his office for three years, and until his successor is elected. In new districts the first election may be on any Monday, notice being given by the township treasurer, as for the election of trustees, when three directors shall be elected, who shall, at their first meeting, draw lots for their respective terms of office, for one, two, and three years. When vacancies occur, the remaining director or directors shall, without delay, order an election to fill such vacancies. Notices of all elections in organized districts shall be given by the directors, at least ten days previous to the day of said election. Said notices shall be posted in at least three of the most public places in the district, and shall specify the place where such election is to be held, the time of opening and closing the polls, and the question or questions to be voted on. Two of the directors shall act as judges, and one as clerk of said election. But, if said directors shall fail to attend, or refuse to act, when present, and in unorganized districts, the legal voters, when assembled, shall choose three of their number to act as judges, and one as clerk of said election: *Provided*, that if upon the day appointed for said election, the said directors or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Monday, at the same place and hour, when the voters shall proceed as if it were not an adjourned meeting: *And, provided, also*, that if notice shall not have been given, as above required, then said election may be ordered as aforesaid, and holden on the third Monday in August, or any other Monday, notice thereof being given as aforesaid. In case of a tie, the judges shall decide it, by lot, on the day of election. The directors shall appoint one of their number clerk, who shall keep a

Election of directors.

First election—notice thereof

Lots to be drawn

Vacancies to be filled.

Notice given.

Judges and clerk

Election may be postponed.

Tie.

Clerk of directors—his duties

\*See amendment, sec. 1, (p. 44).

Record to be kept in suitable book.

record of all the official acts of the board, in a well bound book, provided for the purpose; which record shall be submitted to the township treasurer, for his inspection and approval, on the first Mondays of April and October, and at such other times as the township treasurer may require. Directors are authorized to use any funds belonging to their district, and not otherwise appropriated, for the purchase of a suitable book for their records, and the said records shall be kept in a punctual, orderly and reliable manner. No person shall be entitled to vote at any district election, on the question of raising money, unless he shall have resided in the district at least thirty days immediately preceding said election, nor unless he shall have paid a tax in said district the preceding year, or shall have been assessed in such district for the year in which such election is held.

Who may vote to raise money.

Poll book and certificate to be returned.

After every election of directors, the judges shall cause the poll book to be delivered to the township treasurer, with a certificate thereon showing the election of said directors and names of the persons elected; which poll book shall be filed by the township treasurer, and shall be evidence of said election. If any trustee or director shall not be an inhabitant of the district or township which he represents, an election shall be ordered to fill the vacancy, and no person shall be at the same time a director and trustee, nor shall a director or trustee be interested in any contract made by the board of which he is a member. Should the directors fail or refuse to order any regular or special election, as aforesaid, it shall be the duty of the township treasurer to order such election, and if he fails to do so, then it shall be the duty of the county superintendent to order such election of directors, within ten days, in each case, of such failure or refusal, and the election held in pursuance of such order shall be valid, the same as if ordered by the directors.

Must be a resident.

Directors may levy taxes for certain purposes.

§ 43. For the purpose of establishing and supporting free schools for six months, and defraying all the expenses of the same, of every description; for the purpose of repairing and improving school houses; of procuring furniture, fuel, libraries and apparatus; and for all other necessary incidental expenses, the directors of each district shall be authorized to levy a tax annually upon all the taxable property of the district. They may also appropriate to the purchase of libraries and apparatus, any surplus funds, after [all] necessary school expenses are paid.

May appropriate for libraries, etc.

Directors to make estimate of funds required.

§ 44. The directors of each district shall ascertain, as nearly as practicable, annually, how much money must be raised by special tax for school purposes during the ensuing year. They shall then find what rate per cent. this amount will require to be levied upon the taxable property, real and personal, of the district, which rate, with a list of the resident tax-payers, alphabetically arranged, shall be certified and returned to the township treasurer, on or before the

first Monday of September, annually. The certificate of the directors may be in the following form, viz :

We hereby certify that we require the rate of——to be levied as a Certificate.  
special tax for school purposes, on the taxable property of our district,  
for the year 18—. Given under our hands this——day of——, 18—.

A. B., ) Directors district No.— township  
C. D., ) No.—, range No.—, county of  
E. F., ) —, and State of Illinois.

It shall be the duty of the township treasurer to return said certificates and lists of tax-payers to the clerk of the county court on or before the second Monday of September; and whenever the boundaries of the districts of the township shall have been changed, the township treasurer shall return to the clerk of the county court, with the certificates and lists aforesaid, a map of the township, showing such changes, and certified as required in the thirty-third (33d) section of the act. When a district lies in two or more counties, the directors shall determine and certify the rates to be levied on the taxable property lying in each county, and return the same, with separate lists of resident tax-payers, to the township treasurer, who shall return them to the respective county clerks, as hereinbefore provided.

Treasurer to  
return map of  
township.

District lying  
partly in two or  
more counties.

§ 45. According to the rate or rates certified as aforesaid, the said county clerk, when making out the tax books for the collector, should compute each taxable person's tax in said district, taking as a basis the total amount of taxable property returned by the county assessor for that year, lying and being in said district, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies in said district. The said county clerk shall cause each person's tax so computed to be set upon the tax book to be delivered to the collector for that year, in a separate column, against each tax payer's name, or parcel of taxable property, as it appears in said collector's book, to be collected in the same manner and at the same time, and by the same persons, as state and county taxes are collected.\*

Duty of county clerk.

*Provided*, the assessments so made in the years intervening between the regular biennial assessments of real estate as provided in the revenue acts, shall be based upon the taxpayer's real estate as assessed at the regular biennial assessment. The computations of each person's tax, and the levy made by the clerk as aforesaid, shall be final and conclusive: *Provided, further*, the rate shall be uniform, and shall not exceed the rate certified by the board of directors; and the said county clerk, before delivering the tax book to the collector, shall make out and deliver, on demand, to each township treasurer of the respective townships in the county, a certificate of the amount due each district in his township.

Proviso.

Further proviso

\*See act relating to assessments, etc., p. 45.

ship of said tax so levied and placed upon the tax books; and on or before the first day of April next after the delivery of the tax books containing the computation and levy of said taxes aforesaid, or so soon thereafter as the township treasurer shall present the said certificate of the amount of said tax, and make a demand therefor, the said collector shall pay to said township treasurer the full amount of said tax so certified by the county clerk, retaining from said amount only two per centum as his fees for collection, taking of the township treasurer his receipt therefor, which receipt shall be evidence, as well in favor of the collector as against the township treasurer; and said treasurer shall enter the same in his books, under the proper heads, and pay the same out as provided for by this act. When a district is composed of parts of two or more townships, the directors shall determine and inform the collector in writing, under their hands as directors, which of the treasurers of the townships from which their district is formed shall demand and receive the tax money collected by the county collector as aforesaid.

Districts composed of two or more townships

Penalty.

§ 46. If any collector shall fail to pay the amount of said tax, or any part thereof, as required in the aforesaid section, it shall be competent for the township treasurer, or other authorized person, to proceed against such collector and his securities in an action of debt in the county court; which court is hereby vested with full power and authority to hear and determine all such suits, render judgments and issue execution; or said suit may be brought in any other court having jurisdiction; and the said collector, so in default, shall pay twelve per centum upon the amount due, to be assessed as damages, which shall be included in the judgment rendered against him: *Provided*, no collector shall be liable for such part of said tax as he shall be able to make appear he could not have collected by law, until he may be able to so collect such amount.

Proviso.

Directors for certain purposes may borrow money.

§ 47. For the purpose of building school houses, or purchasing school sites, or for repairing and improving the same, the directors, by a vote of the people, may borrow money, issuing bonds, executed by the officers, or at least two members of the board, in sums of not less than one hundred dollars; but the rate of interest shall not exceed ten per cent.; nor shall the sum borrowed in any one year exceed five per cent. of the taxable property of the district; nor shall the tax levied in any one year for building school houses, exceed three per cent. [of said taxable property.]

Directors made body corporate.

§ 48. The directors of each district are hereby declared a body politic and corporate, by the name of "school directors of district No. —, township No. —, county of —, and state of Illinois," and by that name may sue and be sued in all courts and places whatever. Two directors shall be a quorum for business. The directors shall be

liable, as directors, for the balance due teachers, and for all debts legally contracted. They shall establish and keep in operation, for at least six months in each year, and longer, if practicable, a sufficient number of free schools for the proper accommodation of all the children in the district over the age of six and under twenty-one years.\* They may adopt and enforce all necessary rules and regulations for the management and government of the schools, and shall visit and inspect the same as often as practicable. They shall appoint all teachers, fix the amount of their salaries, and may dismiss them for incompetency, cruelty, negligence or immorality. They may direct what branches of study shall be taught, and what text-books shall be used in their respective schools, and may suspend or expel pupils for disobedient, refractory or incorrigibly bad conduct. It shall not be lawful for a board of directors to purchase or locate a school house site, or to purchase, build or move a school house, or to levy a tax to extend schools beyond six months, without a vote of the people, at an election called and conducted as required in the forty-second section of the act. A majority of the votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one locality shall receive a majority of all the votes cast at such election, the directors may, if in their judgment the public interests require it, proceed to select a suitable school house site, and the site so chosen by them shall, in such case, be legal and valid, the same as if it had been determined by a majority of the votes cast.

Directors liable for balance due teachers, etc.

Powers of directors.

When vote must be taken.

Proviso.

#### OF JUDGMENTS AND EXECUTIONS AGAINST BOARDS OF TRUSTEES OR SCHOOL DIRECTORS.

§ 49. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of such judgment may have execution therefor, as follows, to-wit: It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed, by transcript or appeal from a justice of the peace, or other court, to issue thence a writ, commanding the directors, trustees and treasurer of such township to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys, unappropriated, of said townships; or if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township; and to enforce obedience to such writ by attachment, or by *mandamus*, requiring such board to levy a tax for the payment of said judgment; and all legal process, as well as

Judgment and execution ag't trustees and directors.

\*See amendment, sec. 4, p. 43.

writs to enforce payments of a judgment, shall be served either on the president or clerk of the board.

# EXAMINATION AND QUALIFICATIONS OF TEACHERS.

Examination  
of teachers.

§ 50. No teacher shall be authorized to teach a common school under the provisions of this act, who is not of good moral character, and qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States. It shall be the duty of the county superintendent to grant certificates to such teachers as may, upon due examination, by himself, or a board of examiners by him appointed, be found to possess the necessary qualifications. Said certificates shall be of two grades; those of the first grade shall be valid for two years; those of the second grade, for one year. The county superintendent may, at his option, renew said certificates, at their expiration, by his endorsement thereon, and may revoke the same at any time, for immorality, incompetency, or other just cause. Said certificates may be in the following form, viz :

Grades of certificates.

Renewal.

Revocation.

\_\_\_\_\_, ILLINOIS, \_\_\_\_\_, 18—. COUNTY.

Form of certificate.

The undersigned having examined \_\_\_\_\_ in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States, and being satisfied that \_\_\_\_\_ is of good moral character, hereby certifies that \_\_\_\_\_ qualifications in the above branches are such as to entitle \_\_\_\_\_ to this certificate, being of the \_\_\_\_\_ grade, and valid in said county for \_\_\_\_\_ year from the date hereof, renewable at the option of the county superintendent by his endorsement thereon. Given under my hand and seal, at the date aforesaid.

A. B., County Superintendent of Schools.

Shall keep record of examination.

Each county superintendent shall also keep a record, in a book provided for that purpose, of all teachers to whom he grants certificates. Said record shall show the date and grade of each certificate granted; and the name, age and nativity of each teacher; and shall give the names, etc., of male and female teachers separately. Said record may be as follows, viz :

NAME.	AGE.	NATIVITY.	DATE.	GRADE.	REMARKS.
Chas. Thompson.	25	Illinois.	March 1, 1864.	1	Has taught 5 ys.

A copy or transcript of said record shall be transmitted by the county superintendent, with his regular report, to the state superintendent.

State certificates to be issued by superintendent of public instruction.

The state superintendent of public instruction is hereby authorized to grant state certificates to such teachers as may be found worthy to receive them, which shall be of perpet-



and validity in every county and school district in the state. But state certificates shall only be granted upon public competitive examination, of which due notice shall be given, in such branches and upon such terms and by such examiners as the state superintendent and the principal of the normal university may prescribe. The fee for a state certificate shall be five dollars. Said certificates may be revoked by the state superintendent upon proof of immoral or unprofessional conduct. Every school established under the provisions of this act shall be for the purpose of instruction in the various branches of an English education, and no school funds shall be appropriated under this act for any other class or description of schools: *Provided*, that nothing herein contained shall prevent the teaching, in common schools, of other and higher branches than those enumerated in this section.\*

On public examination.

Fee.

Revocation.

Proviso.

§ 51. It shall be the duty of county superintendents to hold meetings, at least quarterly, and oftener, if necessary, for the examination of teachers, on such days and at such places in their respective counties as will, in their opinion, accommodate the greatest number of persons desiring such examination. Notice of such meetings shall be published a sufficient length of time in at least one newspaper of general circulation; the expense of such publication to be paid out of the school fund. County superintendents shall, in no case, exact or receive any fee for certificates.

Meetings for examination of teachers.

Publication of notice.

No fee.

#### TEACHERS—THEIR DUTIES.

§ 52. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of directors of any school district in this state, who shall not, before his employment, exhibit to said board, or to a committee of said board, a certificate of qualification obtained under the provisions of this act; nor shall any teacher be paid any portion of the school or public fund aforesaid, unless he shall have kept and furnished schedules as herein directed.

Certificate must be exhibited.

§ 53. Teachers shall make schedules of the names of all scholars under twenty-one years of age, attending their schools, in the form prescribed by this act; and when scholars reside in two or more districts, townships or counties, separate schedules shall be kept for each district, township or county, and the absence or presence of every scholar shall be set down under the proper date, and opposite the name on every day that school is open, and the absence of a scholar shall be signified by a blank—the presence by a mark. The schedule to be made and returned by the teacher shall be, as near as circumstances will permit, in the following form, viz :

Schedule.

\*See amendment, sec. 3, p. 44.

Form of  
schedule.

*SCHEDULE of a common school kept by A. B., at —, in district number —, in township number —, range number —, of the — principal meridian, in the county of —, in the State of Illinois:*

Names and ages of scholars attending my school, and residing in district number — in township — north, range — west, in — county.		1883	Monday,	January	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	February	1	2	3	4	5	6	7	8	9	Total No. of days each scholar.
Name.	Age.		Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,			
John Smith.....	10	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	
Isaac Meslier.....	13	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	11	
Sarah Danforth.....	16	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20	
Mary Newman.....	19	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	19	

Grand total number of days.....64

	Males.	Females.	Total.
Number of scholars.....	2	2	4

Average daily attendance .....3.2

Teacher's certificate.

And said teacher shall add up and set down the whole number of days' attendance of each scholar, and add up said whole numbers, and make out the grand total number of days' attendance. He shall also note the whole number of scholars, giving the males and females separately; the average daily attendance; and shall set the age of each pupil opposite the name of said pupil, as in the form above prescribed, and shall attach thereto his certificate, which shall be in the following form, viz:

I certify that the foregoing schedule of scholars attending my school, as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct; and that it was a school for the purpose of teaching various branches of an English education.

A. B., Teacher.

Schedule to be delivered to directors.

When the teacher shall have completed his or her schedule or schedules, as above required, he or she shall deliver it to some one of the directors, and it shall be the duty of said director, in connection with one other director of the board, to carefully examine such schedule or schedules, and, after correcting all errors, and if they shall find such schedule to have been kept according to law, they shall certify to the same, as near as practicable, in the following form, viz:

STATE OF ILLINOIS, } ss.  
— COUNTY.

We, the undersigned, directors of —, in township number —, range number —, in the county aforesaid, certify that we have examined the foregoing schedule, and find the same to be correct, and that the school was conducted according to law. That there is now due said C. D, teacher,

as per contract, the sum of — dollars and — cents, and that the said teacher has a legal certificate of good moral character, and of qualification to teach a common school (or of such grade as the case may be.)

Witness our hands, this — day of — A. D. 18—.

A. B., } Directors.  
C. D., }

Which schedule or schedules, certified as aforesaid by at least two directors, shall be filed by said directors with the township treasurer; and until such schedule and report, as aforesaid, shall have been filed as aforesaid, it shall not be lawful for said treasurer to pay said teacher, or any two members thereof to draw an order in favor of said teacher.

Schedules to be filed.

§ 54. School directors shall certify no schedule that reaches back to a time more than six months from the time fixed by law for the regular return of schedules to the township treasurer. Schedules, made and certified as aforesaid, shall, at least two days before the first Monday in April and October, be delivered by the directors to the township treasurer. The director, or directors, to whom the schedule is delivered by the teacher, shall receipt for the same; which receipt shall be evidence in favor of the teacher, and against the director or directors; and the directors shall be personally liable for any loss sustained by the teacher through their failure to deliver the schedule to the township treasurer within the time fixed by law. Teachers' schedules are hereby declared payable on the first Mondays in April and October of each year;\* and for any portion of the amount certified in said schedules, by the directors, to be due, and remaining unpaid after said first Mondays in April and October, respectively, teachers shall be entitled to interest, at the rate of ten (10) per cent. per annum, until paid; and it is hereby made the duty of all school directors, trustees and township treasurers, to allow and pay said rate of interest upon all unpaid balances due teachers as aforesaid; and said balances shall be paid out of the first moneys coming into the hands of the township treasurer, to the credit of the proper district, and not otherwise previously and specifically appropriated.

Directors limited as to date of schedule.

When to be delivered.

Directors must receipt.

When payable.

Unpaid at interest.

#### TOWNSHIP TREASURER—HIS DUTIES.

§ 55. The township treasurer, appointed by the board of trustees, shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board, as securities, payable to the board of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer, in township —, range —, in — county, according to law. The security shall be approved by at least a majority of the board, and shall be delivered by one of the trustees to the county superinten-

Treasurer to give bond.

\*See amendment, sec. 2, p. 44.

dent of the proper county. And in all cases where such treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal, and belonging to the township for which he is appointed treasurer, the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects. And every township treasurer appointed subsequent to the first, as herein provided, shall execute bond, with security, as is required of the first treasurer. The bond required in this section shall be in the following form, viz :

STATE OF ILLINOIS, } ss.  
 \_\_\_\_\_ COUNTY. }

Form of bond.

Know all men by these presents, that we, A. B., C. D., and E. F., are held and firmly bound, jointly and severally, unto the board of \_\_\_\_\_, in said county, in the penal sum of \_\_\_\_\_ dollars, for the payment of which, we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof, we have hereunto set our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—.

The condition of the above obligation is such, that if the above bounden A. B., township treasurer of township \_\_\_\_\_, range \_\_\_\_\_, in the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are, or may hereafter be in force, and shall deliver to his successor in office all moneys, books, papers, securities and property in his hands as such township treasurer, then this obligation to be void; otherwise to remain in full force and virtue.

A. B., { SEAL.  
 C. D., { SEAL.  
 E. F., { SEAL.

Approved and accepted by

G. H., }  
 I. J., } Trustees.  
 K. L., }

To provide  
 book and keep  
 account of mon-  
 ey received.

§ 56. Every township treasurer shall provide himself with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating the charge, when, from whom and on what account received; and credit himself with all moneys paid or loaned, the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities, or, if real estate be taken, a description of the same. He shall also enter, in separate accounts, moneys received and moneys paid out, charging the first to debit account, and crediting the latter as follows, to-wit: First, the principal of the township fund, when paid in and when paid out. Second, the interest of the township fund, when received and when paid out. Third, the common school fund, and other funds, when received from the county superintendent, and when paid out. Fourth, the taxes received from the county collector, distinguishing between that for general school purposes and that levied for the purpose of prolonging schools. Fifth, donations received. Sixth, moneys coming from all other

sources; and in all cases entering the date when received and when paid out; and he shall also arrange and keep his books and accounts in such other manner as may be directed by the state or county superintendent, or the board of trustees. He shall also provide a book, to be called a journal, in which he shall record, fully and at length, the acts and proceedings of the board, their orders, by-laws and resolutions; which book shall be at all times subject to the inspection of said board, or other person authorized by this act, or of any committee appointed by the inhabitants of the township to examine the same. And he shall also provide a book, to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any remarks to show where or in what condition it is, as in the following form, viz:

Form.				
MAKERS' NAMES.	DATE OF NOTE.	WHEN DUE.	AMOUNT.	REMARKS.
A B, C D, E F.	January 1st, 18—.	January 1st, 18—.	\$90 00	January 6, 18—, handed to I J, for collection, (or January 6, 18—, paid.)

§ 57. Township treasurers shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall not be less than six per cent., nor more than ten per cent. per annum, payable half-yearly in advance; the rate of interest to be determined by a majority of the township trustees, at any regular or special meeting of their board. No loans shall be made for less than six months, or more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, two responsible securities shall be given; for all sums over one hundred dollars, and for all loans for more than one year, security shall be given by mortgage on real estate, unincumbered, in value double the amount loaned, with a condition, that in case additional security shall, at any time, be required, the same shall be given to the satisfaction of the board of trustees for the time being: *Provided*, that nothing herein shall prevent the loaning of township funds to boards of school directors, taking bonds therefor, as provided in section forty-seven of the act: *And, provided, further*, that all loans of school money, made by township treasurers and school officers, during the past two years, in accordance with the instructions of the state superintendent, are hereby declared lawful, as if made under the provisions of this section, as

To loan funds.

Provide.

Further provide

amended. Notes, bonds, mortgages and other securities taken for money or other property, due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name suits, actions and complaints, and every description of legal proceedings, may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided, however*, that notes, bonds, mortgages and other securities in which the name of the county superintendent, or of the trustees of schools, are inserted, shall be valid to all intents and purposes; and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgager (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act.

Proviso.

§ 58. Mortgages, to secure the payment of money loaned under the provisions of this act, may be in the following form, viz :

Form of mortgage.

I, A. B., of the county of ———, and state of ———, do hereby grant, convey and transfer to the board of trustees of township ———, range ———, in the county of ———, and state of Illinois, for the use of the inhabitants of said township, the following described real estate, to-wit: (Here insert premises.) Which real estate I declare to be in mortgage for the payment of ——— dollars loaned to me, and for the payment of all interest that may accrue thereon, to be computed at the rate of ——— per cent. per annum until paid. And I do hereby covenant to pay the said sum of money in ——— years from the date hereof, and to pay interest on the same at the rate aforesaid, half-yearly in advance. I further covenant that I have a good and valid title to said estate, and that the same is free from all incumbrance; and that I will pay all taxes and assessments which may be levied on said estate; and that I will give any additional security that may at any time be required by said board of trustees; and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises; and in consideration of the premises, C., wife of said A. B., doth hereby release to the said board all her right and title of dower in the aforegranted premises, for the purposes aforesaid.

In testimony whereof, we have hereunto set our hands and seals this ——— day of ——— 18—.

A. B., [SEAL.]  
C. D., [SEAL.]

To be recorded.

Which mortgage shall be acknowledged and recorded as is required by law for other conveyances of real estate, the mortgager paying the expenses of acknowledgment and recording, and fifty cents as a fee to the township treasurer.

Breach of condition.

§ 59. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; but mortgages made in any other form to secure payment as aforesaid shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law,

the value of improvements liable to be destroyed shall not be included.

§ 60. In all cases where the board of trustees shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon, to the date of judgment: *Provided*, that proof be made of the said requisition. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral and other expenses attending the last sickness, not including the physician's bill. And it shall be the duty of the township treasurer to attend at the office of the probate justice upon the proper day, as other creditors, and have any debts, as aforesaid, probated and classed, to be paid as aforesaid.

Additional security.

§ 61. If default be made upon the payment of interest due upon money loaned by any county superintendent or township treasurer, or in the payment of the principal, interest at the rate of twelve per cent. per annum shall be charged upon the principal and interest from the day of default, which shall be included in the assessment of damages, or in the judgment in suit or action brought upon the obligation to enforce payment thereof; and interest as aforesaid may be recovered in action brought to recover interest only. And the said township treasurers are hereby empowered to bring appropriate actions, in the name of the board of trustees, for the recovery of the half-yearly interest, when due and unpaid, without suing for the principal, in whatever form secured, and justices of the peace shall have jurisdiction in such cases of all sums under one hundred dollars.

Default in payment of interest

Bring suit.

§ 62. All suits brought, or actions instituted under the provisions of this act, may be brought in the name of the "board of trustees of township —, range —," except as is provided for action *qui tam* in this act, or in favor of county superintendents. The township treasurer shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township. He shall keep the township fund loaned at interest; and if, on the first Monday of October in any year, there shall be any interest or other funds on hand which shall not be required for distribution, such amount, not required as aforesaid, may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs, and loaned as such.

All suits and actions brought in the name of the board.

§ 63. On the first Mondays of April and October, of every year, the township treasurer shall lay before the board of trustees a statement, showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half-yearly meeting on the town-

Statement to be made in April and October.

Settlement.

ship lands and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees all books, notes, bonds, mortgages and all other evidence of indebtedness belonging to the township, for the examination of the trustees, and shall make such other statement as the board may require touching the duties of his office. The township treasurer shall also, on the first Mondays of April and October of each year, make a full settlement with the respective boards of directors in his township, and shall deliver to the clerk of each of said boards, on demand, a statement or exhibit, showing the exact condition of the account of each district, and the amount of funds, of every description, in his hands to the credit of, and belonging to, each district respectively, and subject to the order of the directors thereof.

Penalty.

§ 64. For any failure or refusal to perform all the duties required of township treasurer by law, he shall be liable to the board of trustees upon his bond, to be recovered by action of debt by said board, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if said treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then and in that case the members of the said board aforesaid, or those of them voting for said requisition or order aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township, to be recovered by action of *assumpsit*, in the official name of the county superintendent of schools, for the use of the proper township.

Bonds, mortgages, etc., to be delivered to successors.

§ 65. When a township treasurer shall resign, or be removed, and at the expiration of his term of office, he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description, in which the corporation may have any interest whatever; and in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section. And for any failure to comply with the requisitions of this section, he shall be liable to a penalty of not less than ten nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining or payment of said judgment shall in no wise discharge or diminish the obligation of his official bond.

#### TOWNSHIP AND COUNTY SCHOOL FUNDS.

School fund to be added to principal in certain cases.

§ 66. All bonds, notes, mortgages, moneys and effects, which have heretofore accrued, or may hereafter accrue,



from the sale of the sixteenth section of the common school lands of any township or county, or from the sale of any real estate or other property, taken on any judgment or for any debt due to the principal of any township or county fund; and all other funds of every description, which have been or may hereafter be carried to and made part of the principal of any township or county fund, by any law which has heretofore been, is now, or may hereafter be enacted, are hereby declared to be, and shall forever constitute the principal of the township or county fund, respectively, and no part thereof shall ever be distributed or expended for any purpose whatever, but shall be loaned out, and held to use, rent or profit, as provided by law. But the interest, rents, issues and profits, arising and accruing from the principal of said township or county fund, shall be distributed in the manner and at the times as provided in this act and the act of which this is amendatory; nor shall any part of such interest, rents, issues and profits, be carried to the principal of the respective funds.

§ 67. School funds collected from special taxes, levied by order of school directors, or from the sale of property belonging to any district, shall be paid out on the order of the proper board of directors; and all other moneys and school funds, liable to distribution, paid into the township treasury, or coming into the hands of the township treasurer, shall, after said funds have been apportioned by the township trustees, as required in section thirty-four of the act of which this act is amendatory, be paid out only on the order of the proper board of directors, signed by the president and clerk of said board, or by a majority thereof. For all payments made, receipts shall be taken and filed. In all such orders shall be stated the purpose for which, or on what account drawn. Said orders may be in the following form, viz:

School funds to be paid out on order of directors.

The treasurer of township No. —, range No. — in — county, will pay to —, or bearer, — dollars and — cents, (on his contract for repairing school house, or whatever the purpose may be.)

Form of order.

By order of the board of directors of district No. —, in said township.

A. B., President.

C. D., Clerk.

Which order, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer.

Order and receipts to be filed

#### COMMON SCHOOL FUNDS.

§ 68. The common school fund of this state shall consist of such sums as will be produced by the annual levy and assessment of two mills upon each dollar's valuation of all the taxable property in the state; and there is hereby levied and assessed, annually, in addition to the revenue for state

Common school fund.

purposes, the said two mills upon each dollar's valuation of all the taxable property in the state, to be collected and paid, and the amount due from the state, according to a statement and settlement of the account between the state and that fund, under the provisions of an act entitled "An act to provide for the distribution and application of the interest on the school, college and seminary fund," approved on the seventh of February, one thousand eight hundred and thirty-five, and of all funds which have been or may be received by the State from the United States, for the use and support of common schools; and also of the money added to the common school fund, which was received from the United States under an act of Congress providing for the distribution of the surplus revenue of the United States, and which was invested in bank stock by authority of the state, and of the amount added to the school fund under an act requiring the three per cent. fund to be invested in state bonds: *Provided*, that in cases where heretofore the state taxes have not been collected in any county, such county shall not be entitled to a distribution of the college, seminary and school fund for the period of time that no such taxes have been collected, and that the portion of the fund aforesaid shall in such cases be distributed without regard to such county.

Proviso.

State to pay interest.

§ 69. The state shall pay an interest of six per cent. per annum upon the amount of the aforesaid common school funds, except on so much thereof as may be realized from the levy of the tax directed to be levied under the provisions of this act, which shall be paid annually, and applied to the support of common schools, as herein provided. The state shall also pay, as aforesaid, and at the same time, an interest of six per centum per annum upon the amount due the college and seminary fund; which interest shall be loaned to the common school fund, and known in this law and applied in all cases as interest on the common school fund as aforesaid.

Duty of auditor.

§ 70. On the first Monday in January, in each and every year next after taking the census of the state, the auditor of public accounts shall, under the supervision of the commissioner of the school fund of the state, ascertain the number of white children in each county in the state under twenty years of age, and shall thereupon make a dividend to each county of two-thirds the sum from the tax levied and collected under the provisions of the sixty-eighth section of this act; and the interest due on the school, college and seminary fund, in proportion to the number of white children in each county under the age aforesaid; and of the remaining one-third, in proportion to the number of townships and parts of townships in each county, and issue his warrant to the superintendent of schools of each county upon the collector thereof. And upon presentation of said

warrant by the county superintendent to the collector of his county, said collector or treasurer shall pay over to the county superintendent the amount of said warrant out of the first specie funds which may be collected by him, and not otherwise appropriated by law, taking said superintendent's receipt therefor; and on settlement with the auditor said collector shall be credited with the amount specified in said receipt, in the same manner as if it had been paid into the treasury. Dividends shall be made as aforesaid, according to the proportions ascertained to be due to each county annually thereafter, until another census shall have been taken, and then dividends shall be made and continued as aforesaid, according to the last census: *Provided*, that if any collector shall fail or refuse to pay, in gold or silver, the amount of the aforesaid warrant, or any part thereof, by the first day of March, annually, or so soon thereafter as it may be presented, it shall be competent for the county superintendent to proceed against said collector and his securities, in an action of debt, in the county court; which court is hereby vested with full power and authority to hear and determine all such suits, render judgment, and issue execution; or said suit may be brought in any court having jurisdiction; and the said collector shall pay twelve per centum, to be assessed as damages, upon the amount due, and which shall be included in the judgment obtained against him.

#### COMPENSATION OF OFFICERS.

§ 71. Collectors of the two mill tax, authorized under section sixty-eight (68) of the act of which this act is amendatory, shall be entitled to only two per cent. on the amount collected by them. County superintendents shall be allowed to retain, out of the township funds of the township for which the services may be rendered, three per cent. upon the amount of sales of school lands, and upon the real estate taken for debt, for their services in making such sales, including such other services, connected therewith, as are required by the provisions of this act and the act of which this act is amendatory; and two per cent. they may retain upon the amount of all sums distributed, paid or loaned out by them for the support of schools. And for their services as county superintendents of schools, including the duties enjoined by the sixth [twentieth] section of this act, they shall be entitled to receive\* three dollars per day for any number of days not exceeding two hundred in any one year; which account shall be certified and sworn to by the county superintendent, and shall be paid semi-annually, from the county treasury. County courts and boards of supervisors are also authorized to make additional appropriations to county superintendents for their services, if deemed pro-

Compensation  
of collectors and  
of county super-  
intendents.

Per diem.

Appropriations  
for institutes.

\*See amendment, sec. 1, p. 43.

per, and also for the maintenance and encouragement of county teachers' institutes, for the improvement and benefit of the teachers of common schools in their respective counties.

Compensation  
of township  
treasurers.

§ 72. Township treasurers shall be allowed to retain two per cent. upon all sums paid out or loaned by them, including moneys raised by virtue of any district tax. County treasurers shall not be entitled to any commissions upon school taxes collected and paid over to them by county or township collectors, any law of this state to the contrary notwithstanding. Boards of township trustees shall, and it is hereby made their duty to make a reasonable allowance, annually, to said treasurers, for their services performed as clerks of said boards, to be paid out of the township funds. County superintendents, trustees of schools, school directors, and all other school officers, shall be exempted from working on the roads and military duty.

As clerks.

Exemption.

#### LIABILITIES OF OFFICERS.

Liabilities of  
officers.

§ 73. If any county superintendent, trustee of schools, township treasurer, director, or any other person entrusted with the care, control, management or disposition of any school, college, seminary or township fund for the use of any county, township, district or school, shall convert any such funds, or any portion thereof, to his own use, he shall be liable to indictment, and upon conviction shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one or more than twelve months at the discretion of the court.

Liability of  
trustees.

§ 74. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against said treasurers and their securities, for or on account of any default of any such treasurer, on which the money shall not be made for want of sufficient property whereon to levy execution, actions on the case may be maintained against said trustees jointly or severally, and the amount not collected on said judgment shall be recovered with costs: *Provided*, that if said trustees can show, satisfactorily, that the security taken from the treasurer as aforesaid was, at the time of said taking, good and sufficient, they shall not be liable as aforesaid.

Proviso.

Lien upon real  
estate from date  
of process.

§ 75. The real estate of county superintendents, of township treasurers, and all other school officers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said superintendents and treasurers and other officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation of real

estate by any superintendent, treasurer or other officer, or security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned or claimed as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

§ 76. Trustees of schools, or either of them, failing or refusing to make returns of children in their township, according to the provisions of this act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars nor more than one hundred dollars, to be recovered by action of *assumpsit*, before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund; and if any county superintendent, director or trustee, or either of them, or other officer whose duty it is, shall negligently or willfully fail or refuse to make, furnish or communicate the statistics and information, or shall fail to discharge the duties enjoined upon them, or either of them, at the time and in the manner required by the provisions of this act, such delinquent or party offending shall be liable to a fine of twenty-five dollars, to be recovered before any justice of the peace, on information, in the name of the people of the state of Illinois, and when collected shall be paid to the county superintendent of the proper county, for the use of schools.

Failure to make returns.

§ 77. County superintendents, trustees of schools, directors and township treasurers, or either of them, and any other officer having charge of school funds or property, shall be responsible for all losses sustained by any county, township or school fund, by reason of any failure on his or their part to perform the duties required of him or them by this act, or by any rule or regulation authorized to be made by this act; and each and every of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount thereof may be recovered in a civil action before any court having jurisdiction thereof, at the suit of the state of Illinois, for the use of the county, township or fund injured; and the amount, when collected, shall be paid to the proper officer, for the benefit of said county, township or fund injured.

All officers responsible.

#### COSTS, TENURE OF OFFICERS AND CONTRACTS UNDER FORMER LAWS.

§ 78. No justice of the peace, probate justice, constable, clerk of any court or sheriff, shall charge any costs in any suit where any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be, from any cause, unsuccessful in such suit. County superintendents appointed heretofore shall continue

No cost to be charged in certain cases.

Term of office.

Leases remain valid.

in office until superseded, according to the provisions of this act, and their duties, responsibilities and powers shall be governed by the provisions herein named. Trustees of school lands heretofore appointed, and trustees of schools heretofore elected, shall also continue to discharge the duties of their office until trustees of schools are elected under the provisions of this act. Townships heretofore incorporated shall, without any further action or proceeding, be considered as incorporated under the provisions of this act; and the trustees and other officers shall continue to discharge their duties till suspended by appointment or election under this law; and all school directors and officers heretofore appointed shall continue in office until superseded by the election, as provided in this act, and shall be governed by the provisions of the laws heretofore in force, unless otherwise directed by this act. Leases of school lands shall remain valid and be executed according to the laws under which they were made. Common school lands, valued and offered for sale, and remaining unsold, shall be sold upon terms prescribed by this act. All taxes levied and contracts made under the laws hereby repealed shall remain valid, and all rights, remedies, defenses and causes of action existing, or which may hereafter exist or arise, under or by virtue of said repealed laws, shall continue and remain valid, and shall be enforced, notwithstanding the repeal of said laws, unless canceled according to the provisions of this act.

#### OF CITIES AND INCORPORATED TOWNS.

Of cities and incorporated towns.

§ 79. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities or incorporated towns, except that it shall be the duty of the several boards of education or other officers of any city or incorporated town, having in charge schools under the provisions of any of the said special acts, or of any ordinance of any city or incorporated town, on or before the second Monday of October preceding each regular session of the general assembly of this state, or annually, if required so to do by the state superintendent, to make out and render a statement of all such statistics and other information in regard to schools, and the enumeration of children or white persons, as required to be communicated by township boards of trustees or directors under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the county superintendent of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or town is situated; nor shall it be lawful for the county superintendent, or any other officer or person, to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education or

other officer or person of any township, city or incorporated town, unless a report of the number of children or white persons, and other statistics relative to schools, and a statement of such other information as are required of the boards of trustees or directors, as aforesaid, and of other school officers and teachers under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the school commissioner of the proper county, as aforesaid.

§ 80. In townships in which there shall be persons of color, the board of trustees shall allow such persons a portion of the school fund equal to the amount of taxes collected for school purposes from such persons of color in their respective townships.

Schools of  
persons of color

#### COMMON SCHOOL LANDS.

§ 81. Section number sixteen in every township granted to the state by the United States for the use of schools, and such sections and parts of sections as have been or may be granted as aforesaid, in lieu of all or part of section number sixteen, and also the lands which have been or may be selected and granted as aforesaid, for the use of schools to the inhabitants of fractional townships in which there is no section number sixteen, or where such section shall not contain the proper proportion for the use of schools in such fractional townships, shall be held as common school lands; and the provisions of this act referring to common school lands shall be deemed to apply to the lands aforesaid.

Common  
school lands.

Section sixteen.

§ 82. All the business of such townships, so far as relates to common school lands, shall be transacted in that county which contains all or a greater portion of said lands. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log, standing or being upon any school lands, such person shall forfeit and pay for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars; which penalty shall be recovered, with costs of suit, by an action of debt or *assumpsit*, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by action of *qui tam*, in the name of any person who will first sue for the same—one-half for the use of the person suing, the other half to the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed. Every trespasser upon common school lands shall be liable to indictment, and, upon conviction, fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as

Penalty for  
trespass.

Two or more.

in other cases of misdemeanor. All penalties and fines collected under the provisions of this section shall be paid to the township treasurer, and be added to the principal of the township fund. And all other fines, penalties and forfeitures imposed or incurred in any of the courts of record, or before any of the justices of the peace of this state, except fines, forfeitures and penalties incurred or imposed in incorporated towns or cities, for the violation of the by-laws or ordinances thereof, shall, when collected, be paid to the school superintendent of the county wherein such fines, forfeitures and penalties have been imposed or incurred, who shall give his receipt therefor; and the same shall be distributed by said superintendent, annually, in the same manner as the common school funds of the state are distributed; and it shall be the duty of the state's attorneys of the several judicial circuits, to enforce the collection of all fines, forfeitures and penalties imposed or incurred in the courts of record in their several circuits, and to pay the same over to the school superintendents of the counties wherein the same have been imposed or incurred, retaining therefrom the fees and commissions allowed them by law; and it shall be the duty of the said justices of the peace to enforce the collection of all fines imposed by them, by any lawful means; and, when collected, the same shall be paid by the officer charged with the collection thereof, to the school superintendent of the county in which the same was imposed.

To whom paid, Clerks and justices of the peace shall report, under oath, to the school superintendent of their respective counties, by the first of March, annually, the amount of such fines, penalties and forfeitures imposed or incurred in their respective courts, and the amount of such fines, forfeitures and penalties collected by them, giving each item separately, and the officer charged with the collection thereof; and said clerks and justices of the peace, for a failure to make such report, shall be liable to a fine of twenty-five dollars for each offense, to be recovered in a civil action at the suit of the school superintendent of the proper county. For a failure to pay any such fines, forfeitures or penalties, on demand, to the person who is by law authorized to receive the same, the officer having collected the same or having the same in his possession shall forfeit and pay double the amount of such fine, penalty or forfeiture as aforesaid, to be recovered before any court having jurisdiction thereof, in a *qui tam* action, one-half to be paid to the informer and one-half to the school fund of the proper county.

Duty of state's attorney to enforce.

Clerks and justices to report under oath.

Forfeit.

#### SALE OF COMMON SCHOOL LANDS.

School lands, how sold. § 83. When the inhabitants of any township, or fractional township, shall desire the sale of the common school



land of the township, or fractional township, they shall present a petition to the county superintendent of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two-thirds of the white male inhabitants of the township, or fractional township, of and over twenty-one years of age. The signing of the petition must be in the presence of two citizens of the township, after the true meaning thereof shall have been explained; and when signed, an affidavit shall be affixed thereto by the two citizens, proving the signing in the manner aforesaid, and stating the number of white male inhabitants in the township, or fractional township, of and over twenty-one years of age; and said petition, so proved, shall be delivered to the county superintendent for his action thereon: *Provided*, that no whole section shall be sold in any township containing less than two hundred inhabitants; and common school lands in fractional townships may be sold when the number of inhabitants and number of acres are in the ratio of two hundred to six hundred and forty, but not before.

§ 84. When the petition and affidavits are delivered to the county superintendent as aforesaid, he shall notify the trustees of said township thereof, and said trustees shall immediately proceed to divide the land into tracts or lots of such form and quantity as will produce the largest amount of money; and, after making such division, a correct plat of the same shall be made, representing all divisions, with each lot numbered and defined, so that its boundaries may be forever ascertained. Said trustees shall then fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, stating the value of each lot per acre, or per lot, if less than one acre, and referring to and describing the lot in the certificate, so as fully and clearly to distinguish and identify each lot; which plats and certificate shall be delivered to the county superintendent, and shall govern him in advertising and selling said lands.

§ 85. In subdividing common school lands for sale, no lot shall contain more than eighty acres, and the division may be made into town or village lots, with roads, streets or alleys between them, and through the same; and all such divisions, with all similar divisions hereafter made, are hereby declared legal, and all such roads, streets and alleys, public highways.

§ 86. The terms of selling common school lands shall be to the highest bidder, for cash, with the privilege to each purchaser of borrowing from the county superintendent the amount of his bid, for any period not less than one or more than five years, upon his paying interest and giving security, as in case of money loaned by township treasurer, as provided in this act.

Place of sale.

§ 87. The place of selling common school lands shall be at the court house of the county in which the lands are situated; or the trustees of schools may direct the sale to be made on the premises; and upon the reception by the county superintendent of the plat and certificate of valuation from the trustees, he shall proceed to advertise the said land for sale in lots, as divided and laid off by said trustees, by posting notices thereof in at least six public places in the county, forty days next anterior to the day of sale, describing the land and stating the time, terms and place of sale; and if any newspaper is published in said county, said advertisement shall be printed therein for four weeks before the day of sale—if none, then it shall be sold under the notice aforesaid.

Notices.

Manner of sale.

§ 88. Upon the day appointed, the county superintendent shall proceed to make sales as follows, viz: He shall begin at the lowest number of lots, and proceed regularly to the highest, till all are sold or offered. No lot shall be sold for less than its valuation by the trustees. Sales shall be made between the hours of ten o'clock, A. M., and six o'clock, P. M., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any one present to bid who desires it.

Payment to  
be secured  
lands resold.

§ 89. Upon closing the sales each day, the purchasers shall each pay or secure the payment of the purchase money, according to the terms of sale; or, in case of his failure to do so by ten o'clock the succeeding day, the lot purchased shall be again offered at public sale, on the same terms as before, and if the valuation or more shall be bid, shall be stricken off; but if the valuation be not bid, the lot shall be set down as not sold. If the sale is or is not made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot; and in case of his failing to make such payment, the county superintendent may forthwith institute an action of debt or *assumpsit*, in his name, as superintendent, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit; which, when collected, shall be added to the principal of the township fund. And if the amount claimed does not exceed one hundred dollars, the suit may be instituted before a justice of the peace; but if more than that sum, then in the circuit court of any county wherein the party may be found.

Unsold lands.

§ 90. All lands sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and county superintendents are authorized and required, when in their power, to sell all such lands at private sale, upon the terms at which they are offered at public sale.

§ 91. In all cases where common school lands have been heretofore valued, and have remained unsold for two years, after having been offered for sale, or shall hereafter remain unsold for that length of time, after being valued and offered for sale in conformity to this act, the trustees of schools where such lands are situated may vacate the valuation thereof, by an order to be entered in book A, of the county superintendent, and cause a new valuation to be made, if in their opinion, the interests of the township will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the county superintendent a plat of such second valuation, with the order of vacation to be entered as aforesaid; whereupon said county superintendent shall proceed in selling said lands in all respects as if no former valuation had been made: *Provided*, that the second valuation may be made by the trustees of schools, without petition, as provided in this act.

Unsold lands to be re-valued.

Proviso.

§ 92. Upon the completion of every sale by the purchaser, the county superintendent shall enter the same on book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and the price paid therefor; which certificate shall be evidence of the facts therein stated.

Certificate of purchase to be delivered.

§ 93. At the first regular term of the county court, in each year, the county superintendent shall present to the court of his county—first, a statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book, (book B); second, statements of the amount of money received, paid, loaned out and on hand, belonging to each township or fund under his control—the statement of each fund to be separate; third, statements copied from his loan book (book C), showing all the facts in regard to loans which are required to be stated upon the loan book; all of which the county court shall thereupon examine and compare with the vouchers; and the said county court, or so many of them as may be present at the term of the court, shall be liable, individually, to the fund injured, and to the securities of said county superintendent, in case judgment be recovered of said securities, for all damages occasioned by a neglect of the duties, or any of them required of them by this section: *Provided*, nothing herein contained shall be construed to exempt the securities of said county superintendent from any liability as such securities, but they shall still be liable to the fund injured the same as if the county superintendents were not liable.

Superintendent must present statement of sales.

Moneys.

Facts.

Proviso.

§ 94. The county superintendent shall also, at the time aforesaid, transmit to the auditor of public accounts a full and exact transcript, from book B, of all the sales made subsequent to each report. The statement required to be

Transcript to be furnished the auditor.

presented to the county court shall be preserved, and copied by the clerk of said court, into a well bound book, kept for that purpose; and the list transmitted to the auditor shall be filed, copied and preserved in like manner.

Purchaser to  
receive patent.

§ 95. Every purchaser of common school land shall be entitled to a patent from the state, conveying and assuring the title. Patents shall be made out by the auditor, from returns made to him by the county superintendent. They shall contain a description of the land granted; and shall be in the name of, and signed by the governor, countersigned by the auditor, with the great seal of the state affixed thereto by the secretary of state, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the county superintendent of the proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase; which certificate, when returned, shall be filed and preserved by the county superintendent.

Duplicate copy  
how obtained.

§ 96. Purchasers of common school lands, and their heirs and assigns, may obtain duplicate copies of their certificates of purchase and of patents, upon filing affidavit with the county superintendent in respect to certificates, and with the auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have all the force and effect of the originals.

#### ACTS REPEALED—PUBLICATION AND DISTRIBUTION OF THE ACT.

Acts repealed.

§ 97. An act entitled "An act to establish and maintain common schools," approved February 12th, 1849, and an act to amend said act, approved February 12th, 1851, and an act entitled "An act to increase the school fund," approved February 10th, 1853, and all other acts and parts of acts coming in conflict with the provisions of this act, are hereby repealed. This act to be in force from and after its passage.

§ 98. The public printer is hereby required to print fifty thousand copies of the whole act as amended, under the direction of the superintendent of public instruction, and to be distributed by him to the several counties of the state according to population.

APPROVED February 22, 1861.

[The last section to the amendatory act is as follows:]

§ 29. All acts and parts of acts coming in conflict with the provisions of this act are hereby repealed. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1865.

AN ACT to repeal so much of the school law as exempts school officers from serving on juries in courts of record.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of section seventy-two of an act entitled "An act to establish and maintain a system of free schools," approved February 16, 1857, as exempts school officers from serving on juries in courts of record in this state, is hereby repealed. Acts repealed.

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

APPROVED February 16, 1865.

AN ACT to amend an act entitled "An act to establish and maintain a system of free schools in the state of Illinois," approved February 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in order to enable county superintendents of schools to discharge their duties with greater efficiency, they shall be entitled, in lieu of the per diem now allowed by law, and exclusive of commissions, to be paid semi-annually from the county treasury of their respective counties, as compensation for their services, the sum of five dollars per day for services actually rendered: *Provided,* That the provisions of this section shall not apply to Cook county. Pay of county superintendents

§ 2. The clerk of each board of school directors shall report to the township treasurer of the proper township, on or before the first Monday of October, annually, such statistics and other information in relation to the schools of their respective districts as the township treasurer is bound to embody in his report to the county superintendent, and the particular statistics to be so reported shall be determined and designated by the state superintendent of public instruction. District reports.

§ 3. When a school is composed of pupils from different townships, the teacher shall, in all cases, be paid by the treasurer of the township in which the school is taught, and the duty of collecting the amount due from the other townships shall devolve upon the directors.

§ 4. All returned soldiers, who, during the late war, entered the army while in their minority, shall be allowed to attend, free, any public school in the districts where they severally reside, for a time equal to the portion of their minority spent in the military service of the United States. Returned soldiers.

§ 5. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed. This act shall take effect and be in force from and after its passage.

APPROVED February 28, 1867.

## AN ACT to amend the school law.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the election of trustees of schools shall be on the second Monday of April, annually: *Provided,* That in counties under township organization, the election of trustees in each and every township whose boundaries coincide and are identical with those of the town as established under the township organization laws, shall be on the day of the stated annual town meeting. The annual election of school directors shall be on the first Monday of April.

Time of election of trustees and directors.

Schedules to be made monthly.

§ 2. Teachers of public schools are hereby authorized to make out their schedules monthly, and upon the presentation of said schedules, duly certified by the directors, it shall be the duty of township treasurers to pay the same, out of any funds in their hands belonging to the respective districts from which said schedules are returned.

Lawful to speak German, etc.

§ 3. When the German, French, or other modern language is taught in a public school, it shall be lawful for the teacher thereof, to employ or use said German or other modern language as the medium of communication in teaching the same, to the end that the colloquial forms of such language, and facility in the use thereof, may the more quickly and thoroughly be acquired by the pupils.

Teachers attending institute not to lose time.

§ 4. When a teachers' institute is held in a county, school directors shall allow their teachers to attend such institute, if they desire to attend, and no reduction of pay or loss of time shall be incurred by the teachers so attending, for the number of days during which they were in actual attendance upon such institute, as certified by the county superintendent of schools: *Provided,* That when such institute is held during a term of school, such leave of absence shall not be granted more than once during any one period of six months, nor for more than one week at any one time.

School month.

§ 5. The school month in this State shall be the same as the calendar month, excluding the Saturdays and Sundays, and lawful holidays. The lawful holidays shall be the Fourth of July; from Christmas to New Year's day, both inclusive; and all thanksgiving or fast days appointed by state or national authority; and teachers shall not be required to teach on such holidays, nor to make up the time.

§ 6. The provisions of all acts and parts of acts inconsistent with this act are hereby repealed. This act shall be in force from and after its passage.

APPROVED March 30, 1869.

## AN ACT relating to assessments and taxation in school districts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of town assessors, when making assessments of personal property, to designate the number of the school district in which each person so assessed resides, which designation shall be made by writing the number of such district opposite each person's assessment of personal property, in a column provided for that purpose in the assessment roll, returned by the assessor to the county clerk.

Duty of assessor.

§ 2. It shall be the duty of the county clerk to copy said numbers of school districts, as returned by the assessor, into the collector's book, and to extend the school tax on each person's assessment of personal property according to the rate designated by the directors of the school district in which such person resides.

Of county clerk.

§ 3. It is hereby made the duty of the proper officers, in preparing blank books and notices for the use of assessors, to provide columns and blanks for the use of assessors as above described.

Blank books.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED March 29, 1869.

## AN ACT concerning reports of school-officers and of incorporated institutions of learning.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the annual reports now required by law of school directors shall be made on or before the first Monday of August, the reports of township trustees on or before the second Monday of August, and the reports of county superintendents on or before the second Monday of September.

Reports—time to be sent.

§ 2. It shall also be the duty of the president, principal, or other proper officer of every organized university, college, seminary, academy or other literary institution, heretofore incorporated, or hereafter to be incorporated, in this State, to make out, or cause to be made out, and forwarded to the office of the superintendent of public instruction, on or before the 15th day of September in each year, a report setting forth the amount and estimated value of real estate owned by the corporation, the amount of other

Reports from literary institutions.

To be sent Sept. 15th.

funds and endowments, and the yearly income from all sources, the number of instructors, the number of students in the different classes, the studies pursued and the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said superintendent, or as may be deemed proper by the president or principal of such institutions, to enable the superintendent of public instruction to lay before the legislature a fair and full exhibit of the affairs and condition of said institutions, and of the educational resources of the state.

§ 3. The provisions of all acts or parts of acts inconsistent with this act are hereby repealed. This act shall be in force from and after its passage.

APPROVED March 29, 1869.

#### AN ACT to enable counties to establish County Normal Schools.

By whom established.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That in each county adopting township organization, the board of supervisors, and in other counties the county court, may establish a county normal school for the purpose of fitting teachers for the common schools. That they shall be authorized to levy taxes and appropriate moneys for the support of said schools, and also for the purchase of necessary grounds and buildings, furniture, apparatus, etc., and to hold and acquire, by gift or purchase, either from individuals or corporations, any real estate, buildings or other property, for the use of said schools, said taxes to be levied and collected as all other county taxes: <i>Provided</i> , that, in counties not under township organization, county courts shall not be authorized to proceed under the provisions of this act until the subject shall have been submitted to a vote of the people, at a general election, and it shall appear that a majority of all the votes cast on the subject, at said election, shall be in favor of the establishment of a county normal school. The ballots used in voting on this subject may read "for a county normal school," or "against a county normal school."
Powers.	
To be voted for.	
Management.	§ 2. The management and control of said schools shall be in a county board of education, consisting of not less than five nor more than eight persons, of which board, the chairman of the board of supervisors or the judge of the county court, as the case may be, and the county superintendent of schools, shall be <i>ex-officio</i> members. The other members shall be chosen by the board of supervisors or county court, and shall hold their offices for the term of three years. But at the first election one-third shall be
County board of education.	
Election.	



chosen for one year, one-third for two years, and one-third for three years, and thereafter one-third shall be elected annually. Said elections shall be held at the annual meeting of the board of supervisors in September, or at the September term of the county court, as the case may be.

§ 3. Said board of education shall have power to hire teachers, and to make and enforce all needful rules and regulations for the management of said schools. A majority of said board shall constitute a quorum for the transaction of business, and a meeting of said board may be called at any time by the president or secretary, or by any three of the members thereof. Said board shall proceed to organize, within twenty days after their appointment, by electing a president, who shall hold his office for one year, and until his successor shall be appointed. The county superintendent shall be, *ex-officio*, secretary of the board. Said board shall make to the board of supervisors, at their annual meeting in September, or to the county court at the September term, as the case may be, a full report of the condition and expenditures of said county normal school, together with an estimate of the expenses of said school for the ensuing year.

Powers of said board.

§ 4. Two or more counties may unite in establishing a normal school, in which case the per cent. of tax levied for the support of said school shall be the same in each county.

Two counties may unite.

§ 5. In all counties that have already established normal schools, the action of the board of supervisors in so doing, and all appropriations made by them for their support, are hereby legalized; and said boards of supervisors are hereby authorized and empowered to make further appropriations for the support of such schools already established, until such schools shall have been established under the previous sections of this act.

To legalize those already established.

§ 6. No member of the aforesaid county board of education shall be entitled to compensation for services rendered as a member of such board.

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

APPROVED March 15, 1869.

AN ACT for the establishment and maintenance of a Normal University.

In force Feb. 18, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That C. B. Denio, of JoDaviess county, Simeon Wright, of Lee county, Daniel Wilkins, of McLean county, C. E. Hovey, of Peoria county, George P. Rex, of Pike county, Samnel W. Moulton, of Shelby county, John Gillespie, of Jasper county,*

Corporators.

- George Bunsen, of St. Clair county, Wesley Sloan, of Pope county, Ninian W. Edwards, of Sangamon county, John Eden, of Moultrie county, Flavel Mosely, of Cook county, William H. Wells, of Cook county, Albert R. Shannon, of White county, and the superintendent of public instruction, *ex-officio*, with their associates, who shall be elected as herein provided, and their successors, are hereby created a body corporate and politic, to be styled "The Board of Education of the State of Illinois," and by that name and style shall have perpetual succession, and have
- Style.**
- General powers.** power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to acquire, hold and convey real and personal property; to have and use a common seal, and to alter the same at pleasure; to make and establish by-laws, and alter or repeal the same as they shall deem necessary for the government of the normal university hereby authorized to be established, or any of its departments, officers, students or employees, not in conflict with the constitution and laws of this state, or of the United States; and to have and exercise all powers, and be subject to all duties usual and incident to trustees of corporations.
- Superintendent.** § 2. The superintendent of public instruction, by virtue of his office, shall be a member and secretary of said board, and shall report to the legislature at its regular sessions the condition and expenditures of said normal university, and communicate such further information as the said board of education or the legislature may direct.
- Members not to receive compensation.** § 3. No member of the board of education shall receive any compensation for attendance on the meetings of the board, except his necessary traveling expenses; which shall be paid in the same manner as the instructors employed in the said normal university shall be paid. At all the stated and other meetings of the board, called by the president or secretary, or any five members of the board, five members shall constitute a quorum, provided all shall have been duly notified.
- Object of association.** § 4. The objects of the said Normal University shall be to qualify teachers for the common schools of this state, by imparting instruction in the art of teaching, in all branches of study which pertain to a common school education, in the elements of the natural sciences, including agricultural chemistry, animal and vegetable physiology, in the fundamental laws of the United States and the state of Illinois, in regard to the rights and duties of citizens, and such other studies as the board of education may, from time to time, prescribe.
- Time of meeting of board of education.** § 5. The board of education shall hold its first meeting at the office of the superintendent of public instruction, on the first Tuesday in May next, at which meeting they shall appoint an agent, fixing his compensation, who shall

visit the cities, villages and other places in the state which may be deemed eligible for the purpose, to receive donations and proposals for the establishment and maintenance of the normal university. The board shall have power, and it shall be their duty, to fix the permanent location of said normal university at the place where the most favorable inducements are offered for that purpose: *Provided*, that such location shall not be difficult of access, or detrimental to the welfare and prosperity of said normal university.

§ 6. The board of education shall appoint a principal, lecturer on scientific subjects, instructors and instructresses, together with such officers as shall be required in the said normal university, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause, after having given ten days' notice of any charge, which may be duly presented, and reasonable opportunity for defense. They shall also prescribe the text-books, apparatus and furniture to be used in the university, and provide the same; and shall make all regulations necessary for its management. And the board shall have the power to recognize auxiliary institutions when deemed practicable: *Provided*, that such auxiliary institutions shall not receive an appropriation from the treasury, or the seminary or university fund.

Appoint principal and lecturer.

Text books.

Provide auxiliary.

§ 7. Each county within the state shall be entitled to gratuitous instruction for one pupil in said normal university; and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The county superintendent in each county shall receive and register the names of all applicants for admission in said normal university, and shall present the same to the county court, or, in counties acting under township organization, to the board of supervisors, as the case may be; shall, together with the county superintendent, examine all applicants so presented in such a manner as the board of education may direct, and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot; and in representative districts composed of more than one county, the county superintendent and county judge, or the county superintendent and chairman of the board of supervisors, in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court or board of supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The board of education shall have the discretionary power, if any candidate

Each county entitled to gratuitous instruction for pupils.

Application of pupils.

Selected by lot.

Required to file declaration.

does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the state, in case that engagements can be secured by reasonable efforts, to require such candidate to provide for the payment of such fees for tuition as the board may prescribe.

Appropriation.

§ 8. The interest of the university and seminary fund, or such part thereof as may be found necessary, shall be and is hereby appropriated for the maintenance of said normal university, and shall be paid on the order of the board of education from the treasury of the state; but in no case shall any part of the interest of said fund be applied to the purchase of sites, or for buildings for said university.

§ 9. The board shall have power to appropriate the one thousand dollars received from the Messrs. Merriam, of Springfield, Massachusetts, by the late superintendent, to the purchase of apparatus for the use of the normal university, when established; and hereafter, all gifts, grants and demises which may be made to the said normal university shall be applied in accordance with the wishes of the donors of the same.

Term of office.

§ 10. The board of corporators herein named, and their successors, shall each of them hold their office for the term of six years: *Provided*, that at the first meeting of said board, the said corporators shall determine, by lot, so that one-third shall hold their office for two years, one-third for four years, and one-third for six years. The governor, by and with the advice and consent of the senate, shall fill all vacancies which shall at any time occur in said board, by appointment of suitable persons to fill the same.

Vacancies:  
how filled.

Elect president.

§ 11. At the first meeting of the board, and at each biennial meeting thereafter, it shall be the duty of said board to elect one of their number president, who shall serve until the next biennial meeting of the board, and until his successor is elected.

Appointment  
of treasurer.

§ 12. At each biennial meeting it shall be the duty of the board to appoint a treasurer, who shall not be a member of the board, and who shall give bond, with such security as the board may direct, conditioned for the faithful discharge of the duties his office.

§ 13. This act shall take effect on and after its passage, and be published and distributed as an appendix to the school law.

APPROVED February 18, 1857.

AN ACT entitled an act supplementary to the acts heretofore passed in relation to the Normal University. In force March 10, 1869.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, in addition to the sum now appropriated by law for the maintenance of the normal university, and expended for salaries of professors in the university and for the current expenses of the institution, the sum of nine thousand dollars be and the same is hereby appropriated to supply deficiencies in the salaries of professors and teachers and in the current expenses of the university; said sum to be annually paid at the commencement of each year, beginning with the year 1869, by the treasurer of the state, upon the warrant of the auditor of public accounts. Additional appropriation.

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APPROVED March 10, 1869.

[The remainder of the provisions of this act, being of a special and temporary character, do not properly belong in this compilation of the school laws.—N. B.]

#### SOUTHERN ILLINOIS NORMAL UNIVERSITY.

AN ACT to establish and maintain the Southern Illinois Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a body politic and corporate is hereby created by the name of the Southern Illinois Normal University, to have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive, by any legal mode of transfer or conveyance, property of any description, and to have, hold and enjoy the same, with the rents and profits thereof, and to sell and convey the same; also, to make and use a corporate seal, with power to break or change the same, and to adopt by-laws, rules and regulations for the government of its members, officers, agents and employees: *Provided*, such by-laws shall not conflict with the constitution of the United States or of this state. Name. General powers. Proviso.

§ 2. The objects of the said Southern Illinois Normal University shall be to qualify teachers for the common schools of this state by imparting instruction in the art of teaching in all branches of study which pertain to a common school education, in the elements of the natural sciences, including agricultural chemistry, animal and vege- Objects.

table physiology, in the fundamental laws of the United States, and of the state of Illinois, in regard to the rights and duties of citizens, and such other studies as the board of education may, from time to time, prescribe.

**Powers vested in trustees.** § 3. The powers of the said corporation shall be vested in and its duties performed by a board of trustees, not exceeding five in number, to be appointed as hereinafter provided.

**Appointment of trustees.** § 4. Upon the passage of this act the governor shall nominate and, by and with the advice of the senate, appoint five citizens of the state as trustees of said institution, two of whom shall serve for two years, and three for four years, and until their successors are appointed and enter on duty, and successors in each class shall be appointed in like manner for four years: *Provided*, That in case of a vacancy by death or otherwise, the governor shall appoint a successor for the remainder of the term vacated: *Provided*, That not more than two members of said board shall be residents of any one county.

**Appointment of treasurer.** § 5. The said trustees shall hold their first meeting at Centralia, within one month after the passage of this act, at which meeting they shall elect one of their body as president and another as secretary; and cause a regular record to be made and kept of all their proceedings. The said board shall also, whenever his services shall be required, appoint a treasurer, not a member of the board, who shall give bonds to the people of the state of Illinois in double the amount of the largest sum likely to come into his hands, the penalty to be fixed by the board, conditioned for the faithful discharge of his duties as treasurer, with two or more securities; the treasurer may also be required to execute bonds from time to time as the board may direct.

**Duties of treasurer.** § 6. The treasurer shall keep an accurate account of all moneys received and paid out; the account for articles and supplies of every kind purchased shall be kept and reported, so as to show the kind, quantity and cost thereof.

**Contracts.** § 7. No member, officer, agent or employee of the board shall be a party to or interested in any contract for materials, supplies or services other than such as pertain to their positions and duties.

**Accounts.** § 8. Accounts of this institution shall be stated and settled annually with the auditor of public accounts, or with such person or persons as may be designated by law for that purpose. And the trustees shall, ten days previous to each regular session of the general assembly, submit to the governor a report of all their actions and proceedings in the execution of their trust, with a statement of all accounts connected therewith, to be by the governor laid before the general assembly.

**Meet quarterly.** § 9. The said board shall meet quarterly at such places or place as may be agreed on, and, until the buildings are

completed, as much oftener as may be necessary; and thereafter the meetings shall be at the university.

§ 10. The trustees shall, as soon as practicable, advertise for proposals from localities desiring to secure the location of said normal university, and shall receive, for not less than three months from the date of their first advertisement, proposals from points situated as hereinafter mentioned, to donate lands, buildings, bonds, moneys, or other valuable consideration, to the state in aid of the foundation and support of said university; and shall, at a time previously fixed by advertisement, open and examine such proposals, and locate the institution at such point as shall, all things considered, offer the most advantageous conditions. The land shall be selected south of the railroad, or within six miles north of said road, passing from St. Louis to Terre Haute, known as the Alton and Terre Haute railroad, with a view of obtaining a good supply of water and other conveniences for the use of the institution.

Location.

Limits.

§ 11. Upon the selection and securing of the land aforesaid, the trustees shall proceed to contract for the erection of buildings in which to furnish educational facilities for such number of students as hereinafter provided for, together with the out-houses required for use, also for the improvement of the land so as to make it available for the use of the institution. The buildings shall not be more than two stories in height, and be constructed upon the most approved plan for use, shall front to the east, and shall be of sufficient capacity to accommodate not exceeding three hundred students, with the officers and necessary attendants. The outside walls to be of hewn stone or brick, partition walls of brick, roofs of slate, and the whole buildings made fire-proof, and so constructed as to be warmed in the most healthy and economical manner, with ample ventilation in all its parts. The out-houses shall be so placed and constructed as to avoid all danger to the main buildings from fire originating in any one of them. The board shall appoint an honest, competent superintendent of the buildings and improvements aforesaid, whose duty it shall be to be always present during the progress of the work, and see that every stone, brick, and piece of timber used is sound and properly placed, and whose right it shall be to require contractors and their employees to conform to his directions in executing their contracts: *Provided, however*, that said board of trustees may appoint any one of their number such superintendent: *And provided, further*, that the buildings aforesaid may be erected and improvements made under the direction of the board and its superintendent, without letting the same to contractors.

Erection of buildings.

Construction

Proviso.

§ 12. The said board of trustees shall appoint instructors and instructresses, together with such other officers as may be required in the said normal university, fix their

Instructors.

Text-books. respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause, after having given ten days' notice of any charge which may be duly presented, and reasonable opportunity of defense. They shall also prescribe the text-books, apparatus and furniture to be used in the university and provide the same, and shall make all regulations necessary for its management.

Each county to send two pupils gratuitously. § 13. All the counties shall be entitled to gratuitous instruction for two pupils for each county in said normal university, and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: the superintendent of schools in each county shall receive and register the names of all applicants for admission in said normal university, and shall present the same to the county court, or, in counties acting under township organization, to the board of supervisors, which said county court or board of supervisors, as the case may be, shall, together with the superintendent of schools, examine all applicants so presented, in such manner as the board of trustees may direct; and from the number of such as shall be found to possess the requisite qualifications such pupils shall be selected by lot, and in representative districts composed of more than one county, the superintendent of schools and county judge, or the superintendent of schools and chairman of the board of supervisors in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court or board of supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The board of trustees shall have discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the state not less than three years, in case that engagements can be secured by reasonable efforts, to require candidate to provide for the payment of such fees for tuition as the board may prescribe.

Appropriation therefor. § 14. To enable the board of trustees to erect the buildings and make the improvements preparatory to the reception of pupils in said institution, and to supply the necessary furniture for the same, the sum of seventy-five thousand dollars is hereby appropriated out of the state treasury, payable on the order of said board, as required for use, in sums not exceeding ten thousand dollars per month. The first payment to be made on the first day of June next, and subsequent payments monthly thereafter, but each successive



order for subsequent payments shall be accompanied by an account sustained by vouchers, showing, to the satisfaction of the auditor, the expenditure of the previous payment.

§ 15. The expense of building, improving, repairing, and supplying fuel and furniture, and the salaries or compensation of the trustees, superintendent, assistants, agents and employees, shall be a charge upon the State treasury; all other expenses shall be chargeable against pupils, and the trustees shall regulate the charges accordingly. Expenses.

§ 16. If the buildings and improvements herein provided for shall be ready for the reception of pupils before the next regular session of the general assembly, the governor is authorized to make orders on the auditor, directing him to issue warrants at the end of each quarter of the fiscal year for amounts sufficient to pay the expenses chargeable against the state, and the auditor shall issue warrants accordingly, which shall be paid by the treasurer. Auditor to issue warrants.

§ 17. The trustees of this institution shall receive their personal and traveling expenses, and the auditor is hereby authorized to issue his warrants quarterly, upon taking the affidavit of the trustees as to the actual time employed, and their personal and traveling expenses. Expenses of trustees.

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

APPROVED March 9, 1869.

UNITED STATES OF AMERICA, }  
STATE OF ILLINOIS. } ss.

OFFICE OF SECRETARY.

I, EDWARD RUMMEL, Secretary of State of Illinois, do hereby certify that the foregoing printed laws are true and correct copies of said laws as enrolled and now on file in this office. In witness whereof, I hereunto set my hand and affix the Great Seal of State, at the city of Springfield, this 31st day of March, A. D. 1869.

EDWARD RUMMEL, *Secretary of State.*

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