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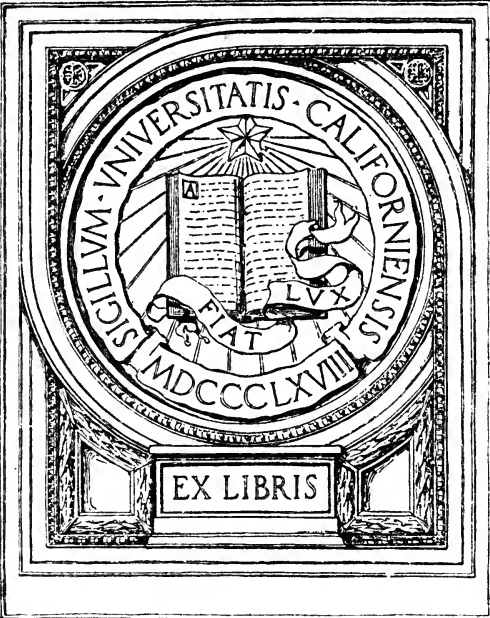
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SCHOOL LAWS *of* OKLAHOMA

1912



A COMPILATION OF ALL THAT PART OF
SNYDER'S COMPILED LAWS *of* OKLAHOMA,
1909, AND THE ACTS OF THE SECOND AND
THIRD LEGISLATURES RELATING *to* SCHOOLS
WITH ANNOTATIONS AND NOTES.

LIB. OF
CALIFORNIA
COMPILED BY

HENRY J. MILLER, *Chief Clerk*

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To Whom it May Concern:

This compilation of the school laws of Oklahoma includes all the laws now in force relating to the common schools. Where sections of the law have been construed by the courts or ruling thereon have been made by the Attorney General or the State Superintendents, notes are given at the end of the section explaining same.

We hope that county attorneys will find the annotations helpful to them for which we express our thanks to Mr. Clinton O. Bunn, attorney, of Oklahoma City. We are also grateful to Mr. Jasper Sipes, of Oklahoma City, for assistance in publishing and distributing these books.

Respectfully,

R. H. WILSON,

State Superintendent.

Oklahoma City, July 15, 1912.

TOPICAL INDEX

A		N	
Adopted books used exclusively	Sec. 259	Non-resident pupils	Sec. 105
Annual meeting	Sec. 51	Notice for transfer of pupils	Sec. 357
Annual report of district treasurer	Sec. 84	O	
Appeal from county superintendent	Sec. 50	Officers liable	Sec. 119
Apportioning school funds—county superintendent	Sec. 27	Orders for paying funds	Sec. 71
Apportionment of school funds—State superintendent	Sec. 13	P	
Arbor day	Sec. 383	Payment of school funds by county treasurer	Sec. 80
Assistant county superintendent	Sec. 37	Penalty for false report	Sec. 73
Auditing reports county superintendent	Sec. 31	Penalty for not assessing property	Sec. 339
B		Powers of district meetings	Sec. 34
Biennial report—state superintendent	Sec. 18	Powers of school boards	Sec. 65
Board of county examiners	Sec. 363	Q	
Books for libraries	Sec. 375	Qualifications—county superintendents	Sec. 24
Branches taught—public schools	Sec. 44	Qualified electors	Sec. 52
Buildings—separate schools	Sec. 209	R	
C		Relocating school houses	Sec. 61
Care of school property	Sec. 104	Removal of school house	Sec. 114
Certificates—County:		Report of district board	Sec. 72
Grades of	Sec. 365	S	
First grade	Sec. 366	Salary of county superintendent	Sec. 43
Second grade	Sec. 367	School district suits, jurisdiction	Sec. 372
Third grade	Sec. 368	School month	Sec. 45
Temporary	Sec. 370	School term	Sec. 57
Illegal issuance of	Sec. 371	Sectarian instruction prohibited	Sec. 377
Changing site of school house	Sec. 58	Sinking fund	Sec. 344
Common school districts defined	Sec. 265	Special meetings	Sec. 51
Condemning site for school house	Sec. 59	State aid for consolidated districts	Sec. 168
Consolidation of school districts	Sec. 159	State boards of education	Secs. 9-10
D		Subjects taught in public schools	Sec. 223
Delivery of records	Sec. 102	Suit on treasurer's bond	Sec. 76
E		Supplies	Sec. 107
Employment of teachers—separate schools	Sec. 212	Suspension of pupils	Sec. 109
Examinations	Sec. 364	T	
F		Tax levies	Sec. 340
Fiscal year	Sec. 338	Teachers' contracts	Sec. 106
Flag to be displayed	Sec. 376	Teacher's daily register	Sec. 110
Forfeiture of office, county superintendent	Sec. 39	Term of office—county superintendent	Sec. 40
Forfeiture of office, board member	Sec. 67	Term of district officers	Sec. 64
Formation of new districts	Sec. 49	Transfer of pupils	Sec. 356
Formation of school districts	Sec. 33	Transfer of separate school pupils	Sec. 207
I		Traveling expenses—county superintendents	Sec. 38
Increased levies	Sec. 351	Treasurer refusing to pay over funds	Sec. 97
Injuring school property	Sec. 373	Two or more school houses in same district	Sec. 55
J		U	
Jurisdiction school district suits	Sec. 372	Unauthorized supplies prohibited	Sec. 251
L		Use of school house	Sec. 115
Laber Day	Sec. 389	V	
Library appropriation	Sec. 374	Vacancy on district board	Sec. 30
Limit of issuing school warrants	Sec. 91	Vivisection prohibited	Sec. 380
		W	
		Warrants, how paid	Sec. 81

TABLE OF CONTENTS

	Page No.
ARTICLE 1.—Constitutional provisions and state board of education.....	5
ARTICLE 2.—State superintendent.....	8
ARTICLE 3.—County superintendent.....	11
ARTICLE 4.—Common school districts.....	17
ARTICLE 5.—Joint districts.....	23
ARTICLE 6.—Common school district officers—duties.....	24
ARTICLE 7.—City schools and boards of education.....	38
ARTICLE 8.—Consolidated school districts.....	47
ARTICLE 9.—Union or graded school districts.....	51
ARTICLE 10.—County high school.....	53
ARTICLE 11.—Separate schools.....	56
ARTICLE 12.—Agricultural education.....	62
ARTICLE 13.—Books and supplies.....	67
ARTICLE 14.—Child labor law.....	76
ARTICLE 15.—Compulsory attendance.....	79
ARTICLE 16.—County normal institutes.....	81
ARTICLE 17.—Kindergartens.....	85
ARTICLE 18.—Nepotism.....	86
ARTICLE 19.—School bonds.....	88
ARTICLE 20.—School bonds—refunding.....	93
ARTICLE 21.—State certificates.....	98
ARTICLE 22.—Tax levies.....	100
ARTICLE 23.—Transfer of pupils.....	105
ARTICLE 24.—Teachers and county certificates.....	107
ARTICLE 25.—Miscellaneous provisions—holidays.....	109

ARTICLE I.

Constitutional Provisions and State Board of Education.

Section

1. Provide system of education.
2. Free public schools.
3. Deaf, dumb and blind.
4. Separate schools; white and colored; definition.
5. Compulsory attendance.
6. Board of education; superintendent.

Section

7. Uniform system of text books.
8. Agriculture, horticulture, etc., to be taught.
9. State Board of Education created.
10. Duties and powers.
11. Credit for college work on teachers' certificates.

Sec. 1. Provide System of Education: Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State and free from sectarian control; and said schools shall always be conducted in English: Provided, That nothing herein shall preclude the teaching of other languages in said public schools: And Provided Further, That this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children. (Enab. Act, Sec. 3, Art. 1, Sec. 5 (Bunn's Ed. Secs. 7, 510).

Sec. 2. Free Public Schools: The Legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.

Sec. 3. Deaf, Dumb, and Blind: The Legislature shall provide for the establishment and support of institutions for the care and education of the deaf, dumb, and blind of the State.

Sec. 4. Separate Schools—White and Colored—Definition: Separate schools for white and colored children with like accommodations shall be provided by the Legislature and impartially maintained. The term "colored children," as used in this section, shall be construed to mean children of African descent. The term "white children" shall include all other children.

Sec. 5. Compulsory Attendance: The Legislature shall provide for the compulsory attendance at some public or other school, unless other means of education are provided, of all the children in the State who are sound in mind and body, between the ages of eight and sixteen years, for at least three months in each year.

Sec. 6. Board of Education—Superintendent. The supervision of instruction in the public schools shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. The Superintendent of Public Instruction shall be President of the Board. Until otherwise provided by law, the Governor, Secretary of State, and Attorney General shall be ex-officio members, and with the Superintendent, compose said Board of Education.

Sec. 7. Uniform System of Text Books: The Legislature shall provide for a uniform system of text books for the common schools of the State.

Sec. 8. Agriculture, Horticulture, etc., to be Taught: The Legislature shall provide for the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science in the common schools of the State. (Bunn's Ed. Secs. 308-314).

Sec. 9. State Board of Education Created: The State Board of Education shall consist of seven members, including the State Superintendent of Public Instruction, who shall be the President, and six members appointed

by the Governor and with the advice and consent of the Senate, for a period of six years, except as hereinafter provided. The appointive members shall possess the same qualifications and be subject to the same restrictions and limitations as are now required of the Text Book Commission, and at least two of them shall be practical school men who shall have had at least four years experience in actual school work, two years of which shall have been in the State of Oklahoma. Upon the passage and approval of this Act two members shall be appointed for a term ending June 30th, 1913, two members for a term ending June 30th, 1915, and two members for a term ending June 30th, 1917, subsequent appointments, except to fill vacancies, shall be for the full term of six years.

The appointive members of said board shall receive as compensation for their services the sum of six (\$6.00) dollars per day, their necessary traveling expenses, and actual hotel expenses not to exceed three (\$3.00) dollars per day, while in the performance of their duties and they shall not be removed during their term of office except for cause.

There shall be appointed by the President, to be approved by said board, a secretary, who shall receive a salary of two thousand dollars per annum, and a stenographer who shall receive a salary of twelve hundred dollars per annum, payable monthly and said positions are hereby created.

Sec. 10. Duties and Powers: The State Board of Education, organized in pursuance of this Act, shall be the legal successor of the State Board of Education as it now exists, the State Text Book Commission, the Board of Regents of the State University, the Board of Regents of the University Preparatory Schools at Tonkawa and Claremore, the Board of Education now in control of the State Normal Schools, the Board of Regents of the Oklahoma Industrial Institute and College for Girls at Chickasha, the Board of Regents of the School of Mines and Metallurgy at Wilburton, the Board of Control of the School for the Deaf at Sulphur, the Board of Control for the School for the Blind, the Board of Control of the Boys' Training School at Pauls Valley, the Board of Control of the Orphans' Home at Pryor Creek, the Board of Control of the Institution for the Feeble Minded at Enid, the Board of Regents of the Colored Agricultural and Normal University at Langston, the Board of Regents of the Institute for the Deaf, Blind and Orphans' Home for the Colored at Taft, and shall have all the powers, rights and privileges heretofore legally exercised by said Boards: Provided, nothing in this Act shall invalidate any contracts entered into by the Text Book Commission. Said Board shall have the following additional powers and duties:

- a. The general supervision of the public schools of the state.
- b. To formulate and adopt courses of study for the common schools and county normal institutes, and arrange courses of study and adopt text books for use in the higher educational institutions of the State.
- c. To formulate rules and regulations governing the issuance of all certificates to teach in the public schools of this State.
- d. To prepare questions for the examination of applicants for county and city certificates to teach in the public schools of the State.
- e. To examine applicants for state certificates, to teach in the public schools of the State, and for conductors' and instructors' certificates to teach in the county normal institutes.
- f. To prepare examination questions for graduates from the eighth grade of the public schools.
- g. To classify the public high schools of the State and properly accredit them to the various higher educational institutions of the State.

h. To formulate and adopt courses of study for State pupils' reading circles, and for State teachers' reading circles, and to select books to be used in said reading circles, and to prepare questions for the issuance of reading circle certificates.

i. The State Board of Education shall make a biennial report to the Governor and Legislature, setting forth the work of the board and the condition of the schools of the State. The board shall also prepare and submit to the Governor thirty days before the convening of each regular session of the Legislature a budget estimating the necessary appropriations for each of the institutions under their management and control.

j. Upon application having been made in writing by the organization representing the commercial and business colleges and institutions in this State, it shall be the duty of said board to formulate rules and regulations which shall govern the organization, operation, management and control of said commercial and business colleges; the authority herein granted is in addition to that above stated to extend to the formulation and adoption of courses of studies, the length of time necessary to complete same, and rules and regulations governing the issuance of diplomas by said commercial colleges.

History. Secs. 9 and 10, S. B. 132, L. 1911.

Sec. 11. Credit for College Work on Teachers' Certificates: That upon the application of any college or university, or educational institution of like standing, incorporated under the general laws of the State of Oklahoma, the State Board of Education shall have power to examine the courses of study prescribed and the character of the work done, and if in the judgment of said board it shall prove to have as efficient a course of study as those of the state normal schools, the said Board of Education shall have power to accept grades given on academic subjects completed in course and passed in regular examinations to persons who are graduates of or who may hereafter be graduated from such institutions, in lieu of the examinations on the same subject required for state certificate. 7956.

History. L. 1901, p. 214; effective March 8, 1901. Revision: Minor changes and corrections.

ARTICLE II.

State Superintendent.

Section	Section
12. Authority of office.	18. Biennial report.
13. Apportionment of funds.	19. Appointment of common school inspector.
14. Bond.	20. Duties of inspector.
15. Superintendent shall give opinions when requested.	21. Salary of inspector.
16. Publication of school laws.	22. Repeal.
17. Office—repository of books and	

Sec. 12. Authority of Office: The educational interests of the State shall be under the supervision and management of the state superintendent of public instruction, subject to such limitations and restrictions as or may be prescribed by law; and he shall have and exercise the powers and perform the duties pertaining to such office. (7958.)

History. S. 1890. Secs. 6387.

Sec. 13. Apportionment of Funds: Such State Superintendent shall apportion the income of the State School Fund and the annual taxes collected by the State for the support of public schools to those counties of the State from which proper reports have been received by said State Superintendent. Such apportionment shall be made as follows: All such moneys remaining in the treasury on the fifteenth day of January shall be apportioned between the fifteenth and last day of such month, and that remaining on the fifteenth of July shall be apportioned between the fifteenth and last of such month. The apportionment to each county shall be made in proportion to the number of children over the age of six years and under the age of twenty-one years, residents therein, as shown by the last annual report of the county superintendent to the State Superintendent. Such Superintendent, in distributing all funds mentioned in this section shall draw his order on the Secretary of State or other officer having custody of such fund, in favor of the county treasurers of the counties respectively entitled to school moneys for the amount of such moneys apportioned to his county, and certify the amount of such order to the Secretary of State, and also to the county clerk and superintendent of the proper county; provided, that the federal appropriation made shall be apportioned under the direction of the Governor, after the passage of this act, to the several counties in proportion to the number of children of school age shown by the national census. (7959.)

History S. 1893, Sec. 5881.

Sec. 14. Bond: Before entering upon the duties of his office, the State superintendent of public instruction shall execute a bond to the State, with good and sufficient sureties to be approved by the governor, in the penal sum of five thousand dollars.

History. New section, drafted from S. 1890. Secs. 6386 and 6548.

Sec. 15. Superintendent Shall Give Opinions When Requested: Such superintendent shall, at the request of any county or city superintendent, give his opinion upon a written statement of facts on all questions and controversies arising out of the interpretation and construction of the school laws in regard to the rights, powers and duties of township and city boards, school officers and county superintendents, and shall keep a record of all such opinions. Before giving any opinion which involves the construction of the school law, the superintendent shall submit the statement of facts

to the attorney general forthwith, for his opinion thereon. (7960.)

History.— S. 1890, Sec. 6389.

Note.—District board members should refer all matters to their county superintendent. If the county superintendent, through the advice of the county attorney, cannot adjust the matter, then same should be referred to the state superintendent.

Sec. 16. Publication of School Laws: Such superintendent, not more than once in two years, may publish the school laws in force, with such forms, regulations, instructions and decisions as he may judge expedient thereto annexed and shall cause the same to be forwarded to the persons entitled to receive them. He shall prescribe and cause to be prepared all forms and blanks necessary in the details of the public school system, so as to secure its uniform operation throughout the State, and shall cause the same to be forwarded to the several county and city superintendents, to be by them distributed to the several persons or officers entitled to receive the same. (7961.)

History. S. 1890, Sec. 6390. Revision: Provision for publication and distribution of school laws "as soon after the passage of this act as practicable" eliminated as obsolete.

Sec. 17. Office—Repository of Books and Records: Such superintendent shall have an office at the seat of government, where he shall keep all books and papers pertaining to the duties of his office, and all books, school and other, and all apparatus, maps, and charts belonging to the office of the State superintendent, and such as may hereafter be received for such office by purchase, exchange or otherwise, shall be kept and preserved in such office, and delivered by the superintendent to his successor. He shall file and carefully preserve in his office, the official reports made to him by the county superintendents of the several counties, trustees or directors of academies, graded schools or colleges. (7963.)

History. S. 1890, Sec. 6392.

Sec. 18. Biennial Report: The superintendent shall, on the first day of December preceding each regular session of the legislature, make out and deliver to the governor a report containing:

First. A statement of the number of public schools in the State, the number of pupils attending the same, their sex, and the branches taught; a statement of the number of private schools in the State, so far as can be ascertained, and the number of pupils attending the same, their sex, and the branches taught; a statement of the normal schools in the State and the number of students attending them; the number of academies and colleges in the State, the number of students and their sex attending them; and such other matters of interest as he may deem expedient, drawn from the reports of the county superintendents in the several counties in the State, and from other reports received on the subject of education from the trustees or other school boards within the State;

Second. A statement of the condition of the public school funds of the State, including moneys, school lands or other property held in trust by the State for the support of the public schools, and giving a full statement of the school land account of each county;

Third. A statement of the receipts and expenditures of the year;

Fourth. A statement of plans for the management and improvement of public schools, and such other information relating to the educational interests of the State as he may deem important. (7964.)

History. S. 1890, Sec. 6393.

Sec. 19. Appointment of School Inspector: The State Superintendent may appoint a State School Inspector, who shall visit and inspect the city,

town and rural schools of the State, and aid in giving information and assistance in the organization and maintenance thereof. This Inspector shall assist the State Superintendent in preparing such special reports to the Governor, Legislature and State Board of Education bearing upon the condition and needs of the city, town and rural schools of the State as may be advisable. It shall also be the duty of this Inspector to confer with each city and county superintendent concerning the condition and needs of the schools in his city or county, to consult with school officers, patrons and teachers in regard to school management, discipline, branches of study, school law and school sanitation, and by public lectures, conferences and meetings endeavor to arouse an intelligent interest in industrial and agricultural education, as well as in the routine work of the schools. He shall investigate and report to the Superintendent plans for a better and more economical organization of the state school system, and more perfect articulation thereof. He shall, as far as practicable, encourage and assist in the organization and establishment of consolidated rural schools and rural high schools.

Sec. 20. Duties of Inspector: The Inspector, provided for by this Act, shall work under the direction of the State Superintendent, and shall report to him as often as may be necessary concerning the condition of the schools inspected by him in the discharge of his duties. When the schools are not in session, said Inspector shall be assigned to other duties by the State Superintendent.

Sec. 21. Salary of Inspector: The State School Inspector shall receive an annual salary of eighteen hundred dollars (\$1,800.00), and shall be reimbursed for all actual and necessary traveling expenses when duly certified to by the State Superintendent.

Sec. 22. Repeal: Section 5884 of the Statutes of 1893 (the same being Section 7962 of Snyder's Compiled Laws) is hereby repealed. (S. B. 139, L. 1911.)

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ARTICLE III.
County Superintendent.

Section	Section
23. Creating office.	34. Not to affect formation of white and colored districts.
24. Vacancy and qualification.	35. Notice and first meeting.
24. Vacancy and qualification.	36. Deputy employed—qualifications.
25. Oath and bond.	37. May employ assistant.
26. Duties.	38. Traveling expenses.
27. Apportioning school funds.	39. Forfeiture of office—when.
28. Report to county clerk.	40. Term of office.
29. Report to superintendent.	41. Superintendent to appor tion debts.
30. To fill vacancy in district board.	42. To dispose of property.
31. To audit reports.	43. Compensation of county superintendent.
32. Records, etc.	
33. Division of county into school districts.	

Sec. 23. Creating Office: There is hereby created the office of county superintendent of public instruction for each county in Oklahoma, which office shall be filed as hereinafter provided by election and appointment, and when elected shall be elected at the same time and in the same manner as other county officers, and his term of office shall be for a period of two years, or until his successor is elected and qualified. (7965.)

Superintendents' powers are judicial and cannot be reviewed in court in absence of abuse. (School District vs. Jediker, 4 Okla. 599, 47 Pac. 482.)

History. S. 1893, Sec. 5749.

Sec. 24. Vacancy and Qualification: When a vacancy occurs in the office of county superintendent of public instruction, by death, resignation or otherwise, notice thereof shall be given by the county clerk to the board of county commissioners, who shall, as soon as practicable, appoint some suitable person to fill the vacancy; and the person receiving appointment shall, before entering upon the discharge of the duties of his office, file his oath or affirmation, and bond in the county clerk's office as hereinbefore provided, and shall hold his office until his successor is elected and qualified: Provided, that no person shall be eligible to the office of county superintendent of public instruction who is not a graduate of some institute of learning, which shall be shown by diploma thereof, or who is not the holder of a first-grade certificate. (7972.)

History. S. 1893, Sec. 5757. Revision: Minor changes for improvement of language, in latter part of section.

Sec. 25. Oath and Bond: The county superintendent of public instruction, shall, before he enters upon the duties of his office, take and subscribe the constitutional oath of office, and execute to the State of Oklahoma a bond in the sum of one thousand dollars, conditioned to the faithful performance of his duties; which bond, after having been approved by the board of county commissioners, together with his official oath, shall be filed in the office of the county clerk. (7966.)

History. S. 1893, Sec. 5750. Revision: Constitutional oath of office prescribed in place of the former oath.

Sec. 26. Duties: It shall be the duty of the county superintendent of public instruction to visit each school in his county at least once in each term of six months, correcting any deficiency that may exist in the government of the school, the classification of the pupils, or the method of instruction in the several branches taught; to make such suggestions in private to the teachers as he shall deem proper and necessary to the welfare of the

school; to note the character and condition of the school house, furniture, apparatus and grounds, and make a report in writing to the district board, making such suggestions as in his opinion shall improve the same; to examine the accounts and record books of the district officers, and see that they are kept as required by law; to encourage the formation of associations of teachers and educators for mutual improvement, and as far as possible to attend the meetings of such associations, and participate in the exercises of the same; to attend the normal held in his county, using his influence to secure the attendance of teachers; to make daily personal inspection of the work of the institute in session, and to keep a record of the same in his office, and do such work in connection with the exercises of the institute as he may deem necessary; to hold a public meeting in each school district of his county, at least once every year, for the purpose of discussing school questions and elevating the standard of education; to keep his office open at the county seat Saturday of each week, and in counties in which the county superintendent receives a salary of more than six hundred dollars per annum, he shall keep his office open when not necessarily absent attending to his official duties. He shall keep a complete record of his official acts; a record of the name, age and postoffice address of each candidate for a teacher's certificate, with the number of weeks said candidate has attended a normal school or institute, the number of weeks he has taught, his standing in each study and the date of issue and expiration of each certificate granted, and a record of all teachers' certificates issued in the county or indorsed by him, as provided in this chapter. He shall keep a register of the teachers employed in his county, giving name of teacher, number of district in which he is employed, dates of opening and closing term, salary per month, grade of certificate and date of superintendent's visit. He shall keep a record of the apportionments of the State and county school funds, and such other statistical records as shall be required in making reports to the State Superintendent of Public Instruction. He shall make out and transmit to the State Superintendent, on the last Mondays in March, June, September and December of each year, a report showing the number of school visits made, with the average length of time spent in each visit, the number of consultations held with school officers, the number of days his office has been kept open, the number of district treasurers' and clerks' record books examined, the number of teachers' meetings attended, the number public lectures delivered and such other information as the State Superintendent may require regarding the duties of such county superintendent; and until such reports shall have been forwarded to the State Superintendent, and a copy thereof filed with the county clerk for publication, and that fact, certified by the said county superintendent to the board of county commissioners, the warrant for his salary shall not be drawn. (7967.)

History. S. 1893, Sec. 5751.

Sec. 27. Apportioning School Funds: Within five days after receiving the certificate of the State Superintendent of Public Instruction informing him of the amount of State school fund which has been apportioned to his county, the county superintendent shall apportion the same, together with the unapportioned county school fund in the county treasury, among the school districts and parts of districts in such county in the ratio of the number of persons of school age residing in each district or part of district, as shown by the last annual reports of the several clerks of such districts and parts of districts: Provided, that no district in which a common school has not been taught for at least three months the last preceding school year shall be entitled to receive any portion of said funds, and he shall draw his order on the county treasurer in favor of each of the several school district treasurers for the amount apportioned to such district: Pro-

vided, however, that counties in which districts have not been organized, and schools taught, said districts shall be entitled to receive the school fund due said districts under the apportionment. (7968).

History. S. 1893, Sec. 5752.

Sec. 28. Report to County Clerk: It shall be the duty of the county superintendent of public instruction on or before the fourth day of July of each year, to furnish the clerk of the county a description of the boundary of each and every school district and part of districts in such county. (7969).

History. S. 1893, Sec. 5753.

Sec. 29. Annual Report to Superintendent: He shall on or before the fifteenth day of October of each year, make out and transmit in writing to the State superintendent of public instruction a report, bearing date October first, containing a statement of the number of the school districts or parts of districts in the county, and the number of children resident in each, over the age of six and under the age of twenty-one years, and their sex; a statement of the number of district schools in the county, the length of time the school has been taught in each, the number of scholars attending the same, their sex, the branches taught and the text-books used; the number of teachers employed in the same and their sex; a statement of the number of private or select schools in the county so far as the same can be ascertained, and the number of teachers employed in the same, their sex, and the branches taught; a statement of the number of graded schools in the county, the length of time school has been taught in each, and the number of scholars attending the same, their sex, and the branches taught, with the number of teachers employed in the same, and their sex; a statement of the condition of the normal school, where such school has been established, the number of students attending the same, their sex, and the number of teachers employed in the same, and their sex; a statement of the county normal institute; a statement of the number of colleges and academies in the county, and the number of students attending the same, their sex, the number of teachers employed in each and their sex; a statement of the amount of public money received in each district or part of district, and what portion of the same, if any, has been appropriated to the support of graded schools; a statement of the amount of money raised in each district by tax, and paid for teachers' wages in addition to the public money paid therefor; the amount of money raised by tax or otherwise for the purpose of purchasing school site, for building, hiring, purchasing, repairing, furnishing or insuring school house, or for any other purpose allowed by law, in the district or parts of districts. (7970.)

History.—S. 1893, Sec. 5754.

Sec. 30. To Fill Vacancy in District Board: Should a vacancy occur in the board of directors of any school district, it shall be the duty of the county superintendent to appoint some suitable person, resident of the district, to fill the same. The person so appointed shall continue in office until the next annual meeting thereafter and until his successor is elected and qualified. (7971.)

History. S. 1893, Sec. 5756.

Qualification prescribed in this section applies equally to elective as well as appointive officers. *Ter., ex rel. v. Stubblefield*, 5 Ok 310, 48 P. 112.

Note.—The last sentence in this section probably repealed by Sec. 64, this book, and appointment made by County Superintendent is for balance of the unexpired term.

Sec. 31. To Audit Reports: He shall see that the annual reports of the clerks of the several school districts and parts of districts in his county

are made correctly and in due time, and shall have power to administer oaths in all cases in which an oath is made necessary by any provision of the school law, except in the qualifying of county superintendents and their sureties. (7973.)

History. S. 1893, Sec. 5758.

Sec. 32. Records, etc.: The county superintendent of public instruction of the respective counties in this State may purchase for each organized school district in his county, not having sufficient records, one set of school district records, consisting of district clerk's records and other (order) books, district treasurer's book and a teacher's daily register; each of said books shall contain such printed forms and instructions as will enable the teacher and the school district officer to perform with correctness and accuracy their several duties as required by law: Provided, The entire set of said records as above enumerated, shall not exceed in cost four dollars for each set; and the said superintendent shall draw his order or warrant on the county treasurer in favor of the person he purchased said books of, for the amount of the purchase money, and it is hereby made the duty of said treasurer to pay said warrant or order out of any money in his hands belonging to the respective districts in his county: Provided, That no funds in the hands of the county treasurer belonging to the several school districts of his county, shall be diverted from the object for which said fund was raised, and said superintendent shall deliver said books to the clerk of the district board of said district. (7974.)

History. S. 1893, Sec. 5759.

Sec. 33. Division of County Into School Districts: It shall be the duty of the county superintendent of public instruction to divide the county into a convenient number of school districts and to change such districts when the interests of the people may require it, by making them to conform to existing topographical or physical conditions; but only after twenty days' notice thereof, by written notice posted in at least five public places in the district or districts so affected; but no district shall be formed containing less than eight persons of school age, and no district having a bonded indebtedness shall be so changed that such indebtedness shall exceed four per cent of the assessed property valuation of such district: Provided, that no district shall be changed under the provisions of this section, except upon a petition to the county superintendent, signed by at least one-third of the qualified electors of the district of territory desiring to be changed: Provided, further, that one-fourth of the qualified electors of any district affected by such change may join in appeal to the board of county commissioners from the action of the county superintendent, and their decision shall be final: Provided, that notice of such appeal shall be served on the county superintendent within ten days after the time of posting the formation or alteration of such district. Such notice shall be in writing and shall state fully the objections to the action of the county superintendent, a copy of which shall be filed with the county clerk and also with the clerks of all the districts affected by such alteration; and such appeal shall be heard and decided by a majority of the board of county commissioners at their next regular meeting, and, if such appeal is not sustained by them, the county superintendent shall proceed to appoint the time and place for said first district meeting, which shall then proceed as by law required. Such superintendent shall number school districts when they are formed, and he shall keep in a book for that purpose, a description of the boundaries of each school district and part of district in his county with a plat of same, date of organization, date and full record of all changes of boundaries, and a list of district officers in his county, the date of elec-

tion or appointment and the time the term of each is to expire.

History. S. B. 67, L. 1910.

School attendance outside of district. L. 1910-11, p. 218.

Construed and applied. Ter. et al. v. School Dist. et al., 10 Ok. 556 64 P. 241.

Changes in boundaries left to county superintendent subject to statutory restrictions. School Dist. v. Zediker, 4 Ok. 599, 47 P. 482.

County superintendent cannot change school districts except upon petition. School Dist. v. Turner, 13 Ok. 71, 73 P. 952.

Same—remedy. Injunction is proper remedy to prevent the arbitrary change of district. Id.

Old section limited by virtue of Secs. 122, 123, to country districts. Board of Education v. Boyer, 5 Ok. 225, 47 P. 1090. Citing 23 P. 122. (Kan.)

Adopted from Kansas. Id.

Note.—See note section 63

Sec. 34. Not to Affect Formation of White and Colored Districts: The provisions of this article shall not be construed as limiting the operation of law providing for the formation of separate districts for white and colored children, but the formation of any district under such law shall be construed to be the formation of a new district with like effect as though such new district was formed in territory unorganized for school purposes. (7976.)

History. L. 1897, p. 273; effective March 11, 1897.

Sec. 35. Notice and First Meeting: When a school district shall be formed in any county the county superintendent of public instruction of such county shall, within fifteen days thereafter, prepare a notice of the formation of such district, describing its boundaries and stating the number thereof. He shall cause the notices thus prepared to be posted in at least five public places in the district, and in case there shall be no appeal, shall in ten days thereafter, in like manner, appoint a time and place for special district meeting for the election of officers and the transaction of such business as is prescribed by law for regular school district meetings. (7977.)

History. S. 1893, Sec. 5761.

Sec. 36. Deputy Employed—Qualifications: He shall discharge such other duties as may be prescribed by law, and may at his own cost employ an assistant who shall have all the qualifications required of the principal, and before entering upon the discharge of the duties of his office shall take and subscribe the oath of office required by the constitution. Such assistant shall be liable to all the legal restrictions and penalties to which his principal is liable, and may, in the name of his principal, do any official act that the principal might legally do: Provided, that nothing in this section shall be construed to relieve the principal from liability on his bond for any breach of the conditions thereof by such assistant. He shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, records, and fixtures appertaining to his office. (7978.)

History. S. 1893, Sec. 5762, as amended by L. 1899, p. 227.

Note.—Probably repealed by Section 37.

Sec. 37. May Employ Assistant: That each county superintendent of this State shall have the right to employ an assistant or clerk who shall receive the sum of fifty dollars (\$50.00) per month; said salary to be paid monthly by the board of county commissioners.

Sec. 38. Traveling Expenses: That each county superintendent of this State shall be allowed all actual and necessary traveling expenses while away from home inspecting the schools of the county: Provided, No expense shall accrue for the inspection of a school more than once annually.

History. Secs. 37-38, S. B. 85, Laws 1911.

Note.—Sections 37 and 38 probably repeal section 36. As long as there is money in the salary fund of the county it is the duty of county commissioners to approve claims of the assistant superintendent or clerk. Position may be abolished only by county superintendent.

Sec. 39:..Forfeiture of Office—When: Every county superintendent who shall neglect or refuse to perform any act which it is his duty to perform, or shall corruptly or oppressively perform such duties, he shall forfeit his office and shall be liable on his official bond for all damages occasioned thereby, to be recovered in the name of the State for the benefit of the proper party, district or county. (7979.)

History. S. 1893, Sec. 5763.

Sec. 40. Term of Office: The term of office of the county superintendent of public instruction elected in each county at the general election in the year 1900, and at each general election thereafter shall commence on the first Monday in July after his election. (7980.)

History. L. 1899, p. 225.

Sec. 41. Superintendent to Apportion Debts: It shall be the duty of the county superintendent, on or before the first day of May, 1897, in each county in this State, to audit any outstanding indebtedness that may have been contracted by any school district prior to the time such district was changed, and apportion the same to the districts now comprising the territory of such district, taking as a basis of apportionment the assessed valuation of property included in the boundaries of said divided district and he shall apportion to each of the districts which have acquired the territory of said divided district such portion of said indebtedness as the assessed valuation of the property of that portion of the territory thus acquired bears to the entire assessed valuation of such divided district. (8073.)

History. L. 1897, p. 276.

Sec. 42. To Dispose of Property: The county superintendent shall have the power to dispose of any property which may belong to any such divided districts by agreement with the district board retaining the property of such divided district: Provided, That the funds arising from the sale of such property shall be applied by the county superintendent to the payment of the indebtedness of said divided district or districts. (8075.)

History. L. 1897, p. 276.

Sec. 43. Compensation of County Superintendent: The county superintendent of public instruction shall receive an annual salary to be paid quarterly out of the county treasury by order of the county commissioners, as follows: In counties having a population of not over ten thousand, eight hundred dollars; in counties having a population over ten thousand and not over twenty thousand, twelve hundred dollars; in counties having a population over twenty thousand and not over thirty thousand, fourteen hundred dollars; in counties having a population of over thirty thousand and not over forty thousand, sixteen hundred dollars; in counties having a population over forty thousand, eighteen hundred dollars. In addition to the annual salary, he shall receive one dollar for each school visited within his jurisdiction, as provided in this article: Provided, That this shall not be construed to include more than one visit in any school year. (7981.)

History. L. 1909, p. 159; effective March 24, 1909.

Note.—See Section 38, which amends this section.

ARTICLE IV.

Common School Districts.

Section

44. Branches taught.
45. School month.
46. May assess tuition fee, when.
47. Organization of district.
48. Corporation.
49. Formation of new district.
50. Aggrieved persons may appeal.
51. Annual and special meetings.
52. Who may vote.
53. Challenges.
54. Powers of district meeting.

Section

55. District may have two or more school houses.
56. Location of school house legalized.
57. School term
58. Change of school site.
59. May condemn site.
60. May purchase state school land for site.
61. Relocation of school house in districts containing towns.

Sec. 44. Branches Taught: That in each and every school district there shall be taught orthography, reading, writing, English grammar, geography, and arithmetic and such other branches as may be determined by the district board: Provided, That the instructions given in the several branches taught shall be in the English language. (8077.)

History. S. 1893, Sec. 5811.

Note.—The Constitution provides that elements of agriculture, horticulture, stock feeding, and domestic science shall be taught in the common schools of the state.

Sec. 45. School Month: A school month shall consist of four weeks of five days each, of six hours per day. (8078.)

History. S. 1893, Sec. 5812.

Sec. 46. May Assess Tuition Fee—When: Whenever there is not sufficient money belonging to any school district to support a public school the length of time prescribed by law or determined at the annual meeting or at a special meeting duly called, the district board, to meet said deficiency, may assess a tuition fee upon each scholar attending said school, the assessment to be proportioned to the number of days each pupil has been in actual attendance during the term: Provided, That no tuition shall be levied upon the pupils of any district in accordance with the provisions of this section, unless the entire amount of fifteen mills for teachers' wages, as required by law, be first assessed upon the taxable property of said district. (8079.)

History. S. 1893, Sec. 5813. Revision: Limit of taxation changed from 2 per cent to fifteen mills, in accordance with Sec. 9, Art. 10, Const.

Sec. 47. Organization of District: Every school district shall be deemed duly organized when the officers constituting the district board shall have been elected and qualified and shall have signified their acceptance to the county superintendent in writing, which the superintendent shall file in his office. (8047.)

History. S. 1893, Sec. 5764.

Capacity to sue under this article, construed. School Dist. v. Long, 2 Ok. 460, 37 Pac. 601.

Sec. 48. Corporation: Every school district organized in pursuance of this article shall be a body corporate, and shall possess the usual powers of a corporation for public purposes by the name and style of school district _____ (such a number as may be designated by the county superintendent) _____ county (the name of the county in which the district

is situated), State of Oklahoma, and in that name may sue and be sued, and be capable of contracting and being contracted with, and holding such real and personal estate as it may come into possession of by will or otherwise, or as is authorized by law to be purchased. (8048.)

History. S. 1893, Sec. 5765.

Sec. 49. Formation of New Districts: When a new district is formed in whole or in part from one or more districts possessing a school house or entitled to other property, the county superintendent, at the time of forming such new district, shall equitably determine the proportion of the present value of such school house or other property justly due to said new district. Such proportion, when ascertained, shall be levied by the district board of the district retaining the school house or other property upon the taxable property of the district, and shall be collected in the same manner as if the same had been authorized by a vote of the district for building a school house, and when collected shall be paid to the treasurer of the new district, to be applied towards procuring a school house for such district. (8049.)

History. S. 1893, Sec. 5766.

Act creating—invalid as special legislation where it affects only certain designated school districts and contravenes provisions of Act of Congress, approved July 30, 1886. *Ter. et al. v. School Dist. et al.*, 10 Ok. 556, 64 P. 241.

Effect of changing boundaries of school district upon rights in real property. 26 L. R. A. (ns) 486-n.

Sec. 50. Aggrieved Persons May Appeal: If, in the formation or alteration of, or refusal to form or alter school districts, any person or persons shall feel aggrieved, such person or persons may appeal to the board of county commissioners: Provided, That notice of such appeal shall be served on the county superintendent within ten days of the time of posting of the notices of the formation or alteration of such district. Such notice shall be in writing and shall state fully the objections to the actions of the county superintendent, a copy of which shall be filed with the county clerk, and also with the clerks of all districts affected by such alteration. Such appeal shall be heard and decided by the majority of the board of county commissioners at their next regular meeting, and if such appeal is not sustained by them, the county superintendent shall proceed to appoint the time and place for said first district meeting, which shall then proceed as by law required: Provided, That either party, or any person or persons residing in the school district affected by such formation or alteration may appeal from the finding of the board of county commissioners to the district court of the county, by filing with the county clerk, within ten days from the action of the board of county commissioners, a notice of appeal. The county clerk shall thereupon make a certified transcript of the proceedings had before the county commissioners, and shall, within twenty days from the filing of said notice of appeal, deliver or transmit to the clerk of the district court of his county the said transcript and all of the papers in said case: All further proceedings by the county superintendent shall cease and be stayed upon the filing of said notice of appeal with the county clerk, and like proceedings shall be had in the district court as are now provided by law for the hearing and trial of appeals from the judgment of a justice of the peace. 8050.)

History. S. 1893, Sec. 5767, as amended by L. 1895, p. 240; effective March 8, 1895.

Applied. *Ter. et al. v. School Dist. et al.*, 10 Ok. 556, 64 Pac. 241.

Note.—For appeal in formation of joint districts see Sec. 63.

Sec. 51. Annual and Special Meetings: An annual school meeting of each school district shall be held on the first Tuesday in June of each year and at such precincts or polling places as the board may designate, beginning at two o'clock p. m. and closing at six o'clock p. m. of said date. Notice of the time and place of the annual meeting shall be given by the clerk by posting written or printed notices in five public places in the district prior to said meeting. Special meetings may be called by a majority of the district board, or by a majority of the legal voters of the district; but notice of said special meeting, stating the purpose for which it is called, together with the time and place, shall be posted at least ten days before the meeting in five public places.

. **History.** Chap. 100, L. 1910.

Note.—The last sentence of the original law providing for a certificate of valuation to be furnished by the county clerk eliminated, being obsolete under the law providing for county excise board to make tax levies for school districts. See Article 22.

Sec. 52. Who May Vote: All persons, including females, residing in the district and possessing the qualifications of electors as defined by the constitution and the laws of the State, shall be entitled to vote at any district meeting. (8054.)

History. S. 1893, Sec. 5771. Revision: Redrafted to refer to constitutional qualifications, instead of those prescribed by the organic act, and for simplification of language.

Sec. 53. Challenges: If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter, the chairman presiding shall declare to the persons challenged the qualifications of a voter, and if such challenge be not withdrawn, the chairman, who is hereby authorized, shall tender to the person offering to vote the following oath or affirmation: "You do solemnly swear (or affirm) that you are an actual resident of this school district and that you are qualified by law to vote at this meeting." Any person taking such oath or affirmation shall be entitled to vote on all questions voted upon at such meeting. (8055.)

History. S. 1893, Sec. 5772.

Sec. 54. Powers of District Meeting: The inhabitants qualified to vote at a school meeting lawfully assembled, shall have power:

First. To appoint a chairman to preside over said meeting in the absence of the director.

Second. To adjourn from time to time.

Third. To choose a director, clerk and treasurer, who shall possess the qualifications of voters.

Fourth. To designate by vote a site for the district school house; provided, that the designation of a site for a district school house shall not be over one-half mile from the center of said district.

Fifth. To vote annually a tax not exceeding two per cent on all the taxable property in the district, as the meeting may deem sufficient for the various school purposes, and distribute the amount as the meeting shall deem proper in the payment of teachers' wages, to build, hire, or purchase a school house and to keep it in repair and to furnish the same with necessary fuel and appendages, and to purchase or lease a site; provided, that when not included within the limits of a town or village said site shall not contain less than one acre.

Sixth. To authorize and direct the sale of any school site or other property belonging to the district (when the same shall be no longer needful for the district); to give such directions and make such provisions as may be deemed necessary in relation to the prosecution or defense of any suit or

proceedings in which the district may be a party. Also, provided further, that if the inhabitants of any school district shall neglect or refuse to make such levy, then the board of county commissioners of such county, through the advice of the county superintendent of public instruction, shall levy a tax annually of not to exceed two percent on all taxable property in the district. (8056.)

History. L. 1895, p. 246.

Note.—Provisions in the above section providing for tax levies are obsolete, being in conflict with the county excise board law.

Construed. A. T. & S. F. et al. v. Haynes, 8 Ok. 576, 58 P. 738..

Majority may designate site, under this section. McCarty, et al. v. Cain, et al., 27 Ok. 82, 110 Pac. 653.

Sec. 55. District May Have Two or More School Houses: The board of education of any town or the board of directors of any school district in this State, may construct and maintain two or more school houses in any school district in this State, provided a majority of the legal voters of said district shall authorize the same at an election to be held in said district as other elections are held for school purposes. (8063.)

History. L. 1909, p. 557; effective March 17, 1909.

School district has no authority to erect more than one school building in district, and can only maintain one school. Kellogg v. School Dist., 13 Ok. 285, 74 P. 110.

Sec. 56. Location of School Houses Legalized: The location or construction of any school houses already located or constructed by the board of education or board of directors of any school district in this State are hereby legalized. (8064.)

History. L. 1909, p. 558; effective March 17, 1909.

Sec. 57. School Term: The qualified voters at each annual meeting, or any special meeting duly called, may determine the length of time a school shall be taught in their district for the then ensuing year, which shall not be less than three months and when such school shall be taught, and whether the school money to which the district may be entitled shall be applied in support of the summer or winter term of school, or a certain portion of each; but if such matters shall not be determined at the annual or any special meeting, it shall be the duty of the district board to determine the same. (8057.)

History. S. 1893, Sec. 5774.

Sec. 58. Change of School Site: In school districts having school houses the value of which is not less than five hundred dollars, the school house site shall not be changed except by a vote of at least three-fifths of the legal voters of such district in favor of such change. (8058.)

History. S. 1893, Sec. 5775.

Construed. McCarty, et al. v. Cain et al., 27 Ok. 82, 110 P. 653.

Sec. 59. May Condemn Site: In case any school district cannot by purchase at reasonable rates, or by donation, or otherwise, obtain title to the site selected by such school district; or, if it be deemed advisable by such school district, or by the district board, to add other ground to any school house site already selected; or if, in good faith, but by mistake or otherwise, a school house has been or shall be erected wholly or partially upon any land or lot to which said school district, at the time of the erection of such school building, or any addition thereto, had not acquired title, then and in any such case, upon a written application of the district board of such school district, or a majority of the board, made to the county judge of the county in which such school district is situated, the

county judge shall fix a day for the hearing of the same, not less than fifteen days, nor more than thirty days, from the date of such filing, and shall cause at least ten days notice in writing of such hearing to be given to all owners, or parties having any interest whatever of record in the land proposed to be condemned, either by personal service on each such adverse party, or by leaving a copy of such notice at his usual place of residence, or, in case any or all such parties are non-residents of the State, such notice shall be made by publication in some newspaper published in the county, for two consecutive weeks. The service of such notice, other than by publication shall be made and returned by the sheriff of the county in which the land proposed to be condemned is situated. Such notice shall set forth the number of legal designation of the applicant school district, a description of the land proposed to be condemned, and the time of the hearing upon the application. On the return day of such notice, the county judge shall examine the application and notice, and the proof of service, or publication of such notice, and if he find the same sufficient, shall immediately appoint three disinterested free holders of such county, who are not residents of such school district to condemn such site, or addition thereto, and in case such land or lot so to be condemned and appraised shall be an original selection for school house site, the amount so to be condemned and appraised shall not exceed one and one-half acres; and if it be for addition to an existing site the additional amount so condemned and appraised shall not, with the original site, exceed one and one-half acres. All of the provisions of this section shall apply to school districts within the boundaries of cities of the first class, and to a board of education of a city of the first class applying to condemn a school house site for such district, or an addition to an existing site. Provided, that the board of education of a city of the first class may, if deemed necessary, condemn an entire block, according to the plat of such city, not to exceed four acres, exclusive of streets and alleys and may condemn as many such sites as shall be deemed necessary for schools in cities of the first class. And provided further, that a board of education in a city of the first class, in any proceeding under this section, may join all the owners of, or parties having joint or several interests in the proposed site to be condemned in the same application as parties defendant thereto, and the appraisers, in condemning and appraising such site, or addition thereto, shall return a report separately of the valuation fixed by them upon each lot or separate tract included within the proposed site, or addition thereto, and any one or more land owners, or parties adversely interested, who may be dissatisfied with such appraisement may appeal as hereinafter provided, without joining the other defendants. Immediately after their appointment such appraisers shall proceed to condemn and appraise the value of the site so selected, or the addition to such existing site, and they shall, within ten days thereafter, make and sign and acknowledge a report describing the lot so condemned, the purposes for which it was so condemned, and the appraised value thereof, which report shall be by them filed in the office of the register of deeds in the county in which the land or lot is situated, and by such register duly recorded as other instruments of writing affecting the title to real estate are recorded. A copy of such report, certified by the register of deeds, shall also be filed with the county judge before whom such proceedings were had, and in case of an appeal to the district court, the original application, and notice, and proof of service, the order appointing the appraisers and such certified copy of the report shall constitute the record to be certified by such county judge to the district court. In appraising any school house site or addition thereto, to which such school district has not title at the time of erecting any school house, or addition thereto thereon, said appraisers shall exclude from their appraisement the value of such school

house or addition, and appraise such land or lot at its value, exclusive of such building, addition, or other improvements placed thereon, in good faith, but by mistake of such school district, or such school district board. Within thirty days after the report of such appraisers is filed in the office of the register of deeds, the district board of such school district shall pay to the county treasurer of the county in which said condemned land or lot is situated, for the use of the owner of such land or lots, the amount of the appraised value thereof, and also fifty cents to the register of deeds for recording said report. And upon such payment being made to such county treasurer by such district board, the title to such site, or addition thereto, shall vest in the school district. Either party, the owner of the lot or land condemned, or the school district, may appeal from such appraisement to the district court, in the same manner that appeals are taken from judgment of justices of the peace in civil actions. (8059.)

History. L. 1903, p. 251.

Sec. 60. May Purchase State School Land: Upon application of any regularly organized School District Board to the Commissioners of the Land Office, wherein it is made to appear that it is necessary to locate a site for a public school house on any of the Public School Land or State Lands, the Commissioners of the Land Office are hereby authorized and directed to have, or cause to have, such public building site surveyed, said site to not embrace more than four acres of land, and said Commissioners shall cause said site, so located and surveyed, to be appraised as provided by law, and when said School District Board shall have filed with said Commissioners of the Land Office a relinquishment of the preference right and interest held therein by the lessee of said site so located and surveyed, or when said School District Board shall have condemned the preference right and interest in said lessee in said site, express authority being herein granted to such school district board to so condemn such lessee's interest in any such land for the purposes herein mentioned under the condemnation procedure now applicable to railroads, and shall have filed with said commissioners of the land office the final judgment of the court, thereupon said commissioners of the land office shall, upon the payment to the state of the appraised value of said site and tract, so located and surveyed, make, execute and deliver to said school district board a patent to said tract, as provided by law.

History. S. B. 62, L. 1911.

Sec. 61. Re-location of School House in Districts Containing Town: Upon the petition of one-third of the voters of any school district in Oklahoma, in any district containing a town, or village, qualified to vote at a school district election, the district board of said school district shall call a meeting of the voters of said school district at the school house therein, in the manner provided by law for calling special school meetings for the purpose of determining the re-location of the school house in said district. If at such meeting the voters of the district, by vote of two-thirds of the resident voters of the district voting, determine to re-locate the school house in said district within the school district, the board of said district shall locate said school house at some point in said district in or adjoining such town or village. (8076.)

History. L. 1905, p. 380; effective March 13, 1905.

ARTICLE V.

Joint Districts.

Section	Section.
62. School district in two or more counties.	63. Appeal.

Sec. 62. School District in Two or More Counties: When it shall become necessary to form a school district lying partly in two or more counties, the county superintendents in the counties in which the said tract of country shall be situated, when application shall be made in writing to any one of them by five householders residents therein, shall, if by them deemed necessary, meet and proceed to lay off and form the same into a school district, issue notices for the first district meeting, and shall file the proper papers in their respective offices; and such district so organized shall be designated "Joint District No. —, Counties of —," and the boundaries of such district shall not be altered except by the joint action of the superintendents of the several counties represented in said district. (8080.)

History. L. 1895, p. 245; effective March 8, 1895. Revision: Proviso cut off as a separate section.

Sec. 63. Appeal: If in the alteration of or refusal to alter the boundaries of any joint school district, any person or persons shall feel aggrieved, such person or persons may appeal to the state superintendent of public instruction, and notice of such appeal shall be served on the superintendents of the several counties represented in said district within ten days after the rendition by them of the decision appealed from, which notice shall be in writing and shall state fully the objections to the actions of the county superintendents, and a copy thereof shall be filed with the state superintendent of public instruction; and it shall be the duty of the county superintendents in whose possession are the papers connected with the action appealed from, to transmit the same to the state superintendent of public instruction immediately upon being served with notice of appeal as hereinbefore provided; and thereupon the state superintendent of public instruction shall fix a time for the hearing of said appeal, and notify the several county superintendents interested, and they shall take action in accordance therewith. Provided, that each joint district, except in matters relating to the alteration of the boundaries thereof, shall be under the jurisdiction and control of the superintendent of that county represented in such district having the largest amount of territory embraced within the boundaries of such joint district. (8080.)

History. L. 1895, p. 245; effective March, 1895. Revision: Originally part of preceding section.

Note.—In case of *S. M. Woodward et al., vs. John Strosnider, et al.*, the Supreme Court decided June 25, 1912, that appeals as provided above must be made to State Superintendent and not to the County Commissioners.

ARTICLE VI.

Common School District Officers—Duties.

Section.	Section.
64. Officers—term of office.	93. Treasurer's penalty.
65. Powers of school boards.	94. Unlawful to approve or sign certain warrants.
66. Oath of office.	95. General penalty.
67. Forfeiture of office.	96. Repeal.
68. Director, duties of.	97. Treasurer refusing to pay over—penalty.
69. Duties of clerk.	99. District tax not collected.
70. Deputy clerk.	98. County school fund.
71. Orders for paying out school funds.	100. District treasurer shall pay money remaining.
72. Board to make report.	101. Penalty for failure to pay money.
73. Penalty for false report.	102. Misdemeanor not to deliver records.
74. Report of persons liable to taxation.	103. Powers and duties of board.
75. Report of clerk to county superintendent.	104. Care of school property.
76. Bond of treasurer—suit on.	105. Non-resident pupils.
77. Duty of treasurer.	106. Teachers' contracts.
78. Depository.	107. Board to provide supplies.
79. Penalty.	108. School property not taxable.
80. Payment of school funds by county treasurer.	109. Suspension of pupils.
81. Warrants—how paid.	110. Teacher's daily register.
82. Warrants to be registered.	111. Penalty.
83. Warrants paid in registration—publication of list.	112. Disposition of fines.
84. Annual report of treasurer.	113. Judgments—When board liable
85. Books and records, open for inspection.	114. Removal of school house.
86. Disbursement of school funds.	115. Use of school house.
87. Manner of payment.	116. Construction of building on rental plan—Levy.
88. Defining terms.	117. Contract to be approved by election.
89. Warrants drawn on specific fund.	118. Additional levy may be made, when.
90. Treasurer must register warrants.	119. Contracts void, when.
91. Limit of issue.	120. Officer liable.
92. Illegal issuance of warrants.	121. Resident tax-payer may maintain suit.

Sec. 64. Officers—Term of Office: The officers of each school district shall be a director, clerk and treasurer, who shall constitute the district board, and who shall be elected and hold their respective offices as follows: At the annual election in nineteen hundred eight there shall be elected in all school districts not previously organized according to Oklahoma school laws, a director who shall hold his office for three years, a clerk who shall hold his office for two years, and a treasurer who shall hold his office for one year, and thereafter at each annual meeting there shall be elected one member of said board in place of the outgoing member, who shall hold his office for three years and until his successor shall be elected and qualified; provided, that school officers holding office under the existing law shall hold office for the term for which they were elected or until their successors are elected and qualified. (8081.)

History. L. 1907-8, p. 399.

Note 1.—This section provides for the election of only one member of the school board each year and probably repeals Sec. 30, this book. See note Sec. 30. If no election is held the incumbent holds over for another term.

Note 2.—No person holding federal position can serve on any school board. See Sec. 12, Art. 2, Constitution.

Sec. 65. Powers of School Boards: Nothing in this Act shall be construed to prevent the present school boards from employing teachers for the ensuing year or entering into contracts for the building and equipping of school houses or any other necessary expenses prior to the annual school meeting in nineteen hundred eight. (8082.)

History. L. 1907-8, p. 399.

Sec. 66. Oath of Office: School district officers before entering upon their official duties shall take an oath to faithfully perform said duties, and the chairman of any regular or special meeting is hereby authorized and empowered to administer such oaths. (8083.)

History. S. 1893, Sec. 5778.

Note.—Constitutional oath is required.

Sec. 67. Forfeiture of Office: Every person duly elected to the office of director, clerk, or treasurer of any school who shall refuse or neglect, without sufficient cause to qualify within twenty days after his election or appointment, or who having entered upon the duties of his office shall neglect or refuse to perform any duty required of him by the provisions of this article, shall thereby forfeit his right to the office to which he was elected or appointed, and the county superintendent shall thereupon appoint a suitable person in his stead. (8084.)

History. S. 1893, Sec. 5779.

Sec. 68. Director—Duties Of: The directors of each district shall preside at all district meetings, and shall sign all orders drawn by the clerk, authorized by a district meeting, or by the district board, upon the treasurer of the district, for moneys collected or received by him to be disbursed therein. He shall appear for and in behalf of the district, in all suits brought by or against the district, unless other directions shall be given by the voters of such district, at a district meeting. (8085.)

History. S. 1893, Sec. 5780.

Officers can only borrow money by issuing bonds. A warrant can only issue in payment of existing indebtedness. Kellogg v. School Dist., 13 OK. 285, 74 p. 110.

Sec. 69. Duties of Clerk: The clerk of such district shall record the proceedings of his district in a book provided by the district, for that purpose, and enter thereon copies of all reports made by him to the county superintendent; and he shall keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office. (8086.)

History. S. 1893, Sec. 5781.

Sec. 70. Deputy Clerk: The said clerk shall be the clerk of the district board and of all district meetings, when present; but if such clerk shall not be present at any district meeting, the voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district. (8087.)

History. S. 1893, Sec. 5782.

Sec. 71. Orders for Paying Out School Funds: The clerk of the district shall draw orders on the treasurer of the district for moneys in the hands of such treasurer which have been apportioned to or raised by the district, to be applied to the payment of teachers' wages, and apply such money to the payment of wages of such teachers as shall have been employed by the district board; and said clerk shall draw orders on the treasurer for the moneys in the hands of such treasurer to be disbursed for any other purpose

ordered by a district meeting or by the district board, agreeable to the provisions of this act. (8088.)

History. S. 1893, Sec. 5783.

Note.—No warrant can be drawn after the total amount of the approved estimate for any fiscal year has been exhausted. See sections 88 and 92.

Sec. 72. Board to Make Report: Each school district board shall hold a meeting at least five days previous to the annual meeting in each year, for the purpose of preparing the report of the clerk and treasurer, which shall be read and submitted to the legal voters of the district at the annual meeting for their information and consideration; if any changes or alterations therein be necessary, the same shall be made and shall then be transmitted to the county superintendent of public instruction. Said report shall show:

First. The number of children, male and female, white and colored, designated separately, residing in the district, or part of district, on the fifteenth day of January previous to the date of such report, over the age of six and under the age of twenty-one years.

Second. The number of children attending the school during the year, their sex, and branches studied.

Third. The length of time a school has been taught in the district by a qualified teacher, the name of the teacher, and the wages paid.

Fourth. The amount of money received from the county treasurer arising from disbursements of the State annual school fund, the amount received from district taxes, and the amount received from all other sources during the year, and the manner in which all moneys have been expended.

Fifth. The amount of money raised by the district in such year, and the purpose for which it was raised.

Sixth. The kind of books used in the school, and such facts and statistics in regard to the district school as the county superintendent may require. (8089.)

History. S. 1893, Sec. 5784, as amended by L. 1897, p. 268; effective February 26, 1897.

Note.—Until this report is made districts may not participate in State and County apportionments. This report is also required of city districts. See Sec. 73.

Sec. 73. Penalty for False Report: Every clerk of a district who shall wilfully sign a false report to the county superintendent of his county, shall be deemed guilty of a felony, and punished by confinement in the penitentiary for not less than one year nor more than three. (8090.)

History. S. 1893, Sec. 5785.

Sec. 74. Report of Persons Liable to Taxation: It shall be the duty of the several districts clerks of this State to make out a certified list of all persons residing within their respective districts liable to pay taxes, and transmit the same to the county clerks of their respective counties on or before the twenty-fifth day of May annually. (8091.)

History. S. 1893, Sec. 5786.

Sec. 75. Report of Clerk to County Superintendent: The district clerk shall report to the county superintendent in writing the names and post office address of the district officers elected within two weeks after said officers shall have been elected or appointed and qualified. The clerk shall also report to the county superintendent the time of the commencement of each term of school, within two weeks of the commencement of such term. (8092.)

History. S. 1893, Sec. 5787.

Sec. 76. Bond of Treasurer, Suit On: The treasurer of the school district shall execute to the district a bond in double the amount, as near as it can be ascertained, to come into his hands as treasurer during each year, with sufficient sureties to be approved by the county superintendent of public schools, conditioned that he will faithfully discharge and perform all the duties of his office; and such bond shall be taken in the name of the district. Such bond shall be justified by the affidavit of the principal and sureties as required by law in other cases; and the director of the district and the county superintendent of public instruction are hereby authorized to administer the oaths for the justification of the treasurer and his sureties. Said bond shall be filed with the county superintendent of public instruction, and in case of the breach of any condition thereof, the county superintendent, or the director or clerk of the district shall cause a suit to be commenced thereon in the name of the district, and the money collected in such suit shall be applied by the board to the use of the district as the same should have been applied by the treasurer. If the county superintendent, clerk and director shall fail and refuse to prosecute said treasurer, then any taxpayer of the district may cause such prosecution to be instituted as provided in this article. (8094.)

History. S. 1893, Sec. 5789, as amended by L. 1901, p. 200.

Sec. 77. Duty of Treasurer: The treasurer of such district shall pay out on the order of the clerk of the district, attested by the seal thereof, and countersigned by the director of such district, all public moneys which shall come into his hands for the use of the district. (8095.)

History. S. 1893, Sec. 5790, as amended by L. 1901, p. 201; effective March 4, 1901.

Note.—No warrant or order should be drawn by the clerk unless ordered by the board or the annual meeting. When warrants are ordered drawn, they should be written at that time, signed by the director and registered by the treasurer. See sections 82 and 90.

Sec. 78. Depository: No treasurer of any city, town or village, treasurer of the board of education of any city, township treasurer, nor school district treasurer in this state, shall deposit any of the money belonging to such city, town, village, the board of education of such city, township treasurer or school district treasurer, in any bank which will not pay for such money not less than three per cent interest on the average daily balances of all such money in said bank; provided such interest shall become a part of the funds on deposit.

History. H. B. 396, L. 1911.

Sec. 79. Penalty: Any such treasurer who violates Section 78 of this Article shall be guilty of malfeasance in office and shall be subject to removal from office.

History. H. B. 396, L. 1911. Approved March 11, 1911.

Sec. 80. Payment of School Funds by County Treasurer: The county treasurer shall pay to each district treasurer from time to time all school moneys in the county treasury belonging to the district, upon the order of the clerk and director of the district; provided, that said order shall be accompanied by a certificate from the county superintendent stating that said treasurer has executed and filed his bond as required by law; but such order and certificate shall not be necessary except the first time money is desired to be paid to him by the county treasurer after his qualification. (8096.)

History. L. 1901, p. 201; effective March 4, 1901.

Sec. 81. Warrants—How Paid: Said district treasurer shall pay on presentation any warrant or other order properly drawn on any fund in his custody by virtue of his office; provided, there is sufficient money in his hands belonging to the fund upon which said warrant or order is drawn to pay the same; and when paid he shall write across the face of said warrant or order in red ink the word "Paid," the date when paid, the amount of principal and interest, if any paid, and shall sign the same officially. (8097.)

History. L. 1901, p. 201; effective March 4, 1901.

Sec. 82. Warrants to Be Registered: In case there is not sufficient money in the hands of any such treasurer belonging to the particular fund drawn on to pay any warrant or order when presented for payment it shall be the duty of such treasurer to make a certificate of that fact upon the back of any such warrant or order, and to date, sign, and number the same in regular order and he shall set down and enter in a book to be kept for that purpose the registry number, amount, date, and upon what fund drawn, to whom payable, and the date when presented for payment, as provided in the preceding section, and all such warrants or orders shall be paid in their order of presentation for payment and of their registration as shown by said book; and said books shall be known in each such offices as the "Warrant Register." And all warrants after registration shall draw interest at the rate of six per cent per annum from the date of such registration until fully paid; and such registration books shall be open to the inspection of any person interested at all reasonable times. (8098.)

History. L. 1901, p. 202; effective March 4, 1901.

Note.—Treasurer must register all warrants. See section 90. See note to section 77.

Sec. 83. Warrants Paid in Registration—Publication of List: Whenever any money shall come into his hands by virtue of his office, it shall be the duty of such district treasurer to set apart a sufficient sum from the several funds to which said money belongs to pay all warrants or orders that may have been registered against said several funds in compliance with the provisions of this article; or so much of said money as shall be necessary for such purpose. And if such money in any fund is not sufficient to pay all the warrants and orders registered against said fund, he shall set apart said money for the payment of the warrants registered against the fund to which said money may belong until said money is exhausted; and he shall keep the money so set apart until it is called for by the person to whom it is payable; and it shall be the duty of said treasurer to post up in three public places in his district between the fifteenth and the last days of February and August in each year a list of the warrants or orders unpaid, and for the payment of which he has sufficient funds in his hands, and one of which shall be posted on the door of the school house of his district; and from and after thirty days after such posting, interest shall cease upon the warrants which he has so posted as being payable. (8099.)

History. L. 1901, p. 202; effective March 4, 1901.

Sec. 84. Annual Report of Treasurer: The treasurer shall keep a book in which he shall keep and enter an account of all moneys received and disbursed by him, specifying particularly the source from which money has been received and the person or persons to whom and the objects for which the same was paid out. He shall present to the district at each annual meeting a report in writing containing a statement of all moneys received by him from the county treasurer during the year; also all moneys collected by him during the year from assessments in his district, and of the disbursements made by him, with the item of such disbursements and shall exhibit the

vouchers therefor; and the same shall be examined at such annual meeting of the district and if found correct shall be approved. Said report shall be in writing and shall be by the district clerk recorded at length; and within ten days after such annual meeting said district treasurer shall present a copy of said report to the county superintendent of public instruction of his county, together with all the vouchers for disbursements by him made, and said county superintendent shall examine the report and vouchers and if he finds the same correct, he shall approve it; but if not found correct, he shall take such steps as the law and the facts may require; and at the close of his term of office the said treasurer shall settle with the county superintendent and shall turn over to his successor all the books, vouchers, orders, warrants and papers coming into his hands as the treasurer of such district, together with all moneys remaining in his hands as such treasurer. (8100.)

History. S. 1893, Sec. 5793, as amended by L. 1901, p. 203; effective March 4, 1901.

Sec. 85. Books and Records—Open for Inspection: The books, records, papers, vouchers and other archives of the school district treasurer's office shall be open at all times to the inspection and examination of the county superintendent, the district clerk and director, and to all persons holding obligations against said district. (8101.)

History. L. 1901, p. 204; effective March 4, 1901.

Sec. 86. Disbursement of School Funds: All public funds of any county or of any sub-division thereof shall be disbursed only in the payment of legal warrants, bonds and interest coupons.

Sec. 87. Manner of Payment: It is hereby made the duty of every officer authorized to allow, issue, draw or attest any warrant or certificate of indebtedness against the public funds of any county, city, town, township, board of education, school district or any other sub-division of the county; to issue, draw and record all warrants, bonds, and interest coupons, in the numerical order issued on each fund, beginning with number one and issuing the same consecutively during the fiscal year. At the beginning of each fiscal year a new series shall be commenced, and said series shall be designated by writing the fiscal year on the warrant or certificate of indebtedness for which the levy to pay the same has been made.

Sec. 88. Defining Terms: The term "estimate made and approved" as used herein, is defined to mean the itemized statement of the estimated needs of municipality for its current expenses for the ensuing fiscal year, as approved and fixed by the excise board or by vote of the municipality, adding thereto the amount necessary to create a sinking fund to meet maturing bonds, judgments and interest coupons, but the amount or limit to which warrants and certificate of indebtedness may be issued, shall not include the ten per cent to be added to the estimate for delinquent taxes.

Sec. 89. Drawn on Specific Fund: Each and every warrant or certificate of indebtedness must be drawn against a specific fund, and there shall be shown on such warrant, or certificate of indebtedness, by the officer or person issuing, drawing or attesting the same, the amount of the estimate made and approved by such purpose for the fiscal year or the specific amount authorized by a bond issue for said purpose; the amount of warrants or certificates of indebtedness issued or drawn against said fund and the net balance to the credit of said fund. As soon as said warrant, certificate of indebtedness, or bond is issued, the same shall be at once signed and attested and forthwith delivered by the officer attesting the same, to



the treasurer of the county or sub-division thereof, issuing the same for registration.

Sec. 90. Treasurer Must Register Warrants: It is hereby the duty of the treasurer of the county, or the treasurer of any sub-division thereof, to whom a warrant, certificate of indebtedness or bond is directed for payment, to register the same in a book to be kept for that purpose by entering therein the number, the date, the name of the payee, the fund upon which it is drawn and the amount, and by writing in the warrant or evidence of indebtedness, the date of registration, his name and official title. All warrants, certificates of indebtedness or bonds shall be registered in the same numerical order in which they have been issued, and when so registered shall be returned to the officer attesting the same. No warrant, certificate of indebtedness or bond shall be a valid charge until registered by the treasurer of the municipality issuing the same. Warrants and all evidences of indebtedness shall bear interest at the legal rate from and after its registration by the treasurer, unless there is cash on hand to pay the same when presented for registration and then the treasurer shall make the same "payable" after registering the same, and no interest shall be computed or allowed thereon when paid. When the treasurer has money on hand to pay warrants duly registered, he shall publish notice thereof in one issue of a newspaper, or by posting five notices in public places, and interest shall cease on said warrants after thirty days from the date of said publication or posting of said notices.

Sec. 91. Limit of Issue: Warrants and certificates of indebtedness may be issued to the amount of the estimate made and approved by the excise board for the current fiscal year or to the amount authorized for such purpose by a bond issue.

Sec. 92. Illegal Issuance of Warrants: It shall be unlawful for any officer to issue, approve, sign, attest or register any warrant or certificate of indebtedness in any form in excess of the estimate of expenses made and approved for the current fiscal year or authorized for such a purpose by a bond issue, and any such warrant or certificate of indebtedness issued, approved, attested or registered in excess of the estimate made and approved or authorized by a bond issue, shall not be a charge against the municipality upon which it is issued, but may be collected by civil action from any officer issuing, drawing, approving, signing, attesting, registering or paying the same, or from either or all of them or from their bondsmen.

Sec. 93. Treasurer's Penalty: Any treasurer who shall register or pay a warrant, or certificate of indebtedness, issued in excess of the estimate made and approved by the excise board for the current fiscal year, or in excess of a bond issue for such purpose, shall be guilty of a misdemeanor.

Sec. 94. Unlawful to Approve or Sign Certain Warrants: It shall be unlawful for the board of county commissioners, the city council or the commissioners of any city, the trustees of any town, board of education, township board, school district board or any member or members of the aforesaid commissioners, or of any of the above named boards, to make any contract for, incur, acknowledge, approve, allow or authorize any indebtedness against their respective municipality or authorize it to be done by others, in excess of the estimate made and approved by the excise board for such purpose for such current fiscal year, or in excess of the specific amount authorized for such purpose by a bond issue. Any such indebtedness, contracts, incurred, acknowledged, approved, allowed or authorized in excess of the estimate made and approved for such purpose for

such current fiscal year or in excess of the specific amount authorized for such purpose by a bond issue, shall not be a charge against the municipality whose officer or officers contracted, incurred, acknowledged, approved, allowed or authorized or attested the evidence of said indebtedness, but may be collecte by civil action from any official contracting, incurring, acknowledging, approving or authorizing or attesting such indebtedness, or from his bondsmen.

Sec. 95. General Penalty: Any officer contracting, incurring, acknowledging, authorizing, allowing or approving any indebtedness, or any officer issuing, drawing, or attesting any warrant or certificate of indebtedness in excess of the estimate made and approved by the excise board for such purpose for such current fiscal year or in excess of the specific amount authorized for such purpose by a bond issue, or who violates any other provision of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars or more than one thousand dollars, and shall forfeit and be removed from his office.

Sec. 96. Repeal: All acts or parts of acts in conflict herewith are hereby repealed to the extent of such conflict.

Approved March 15, 1911.

History. Secs. 86-96 inclusive. S. B. 100, L. 1911.

Sec. 97. Treasurer Refusing to Pay Over—Penalty: If any district treasurer shall refuse to pay over to his successor any money in his hands belonging to the district, it shall be the duty of his successor in office to prosecute without delay the official bond of said treasurer for the recovery of such money. And in case such successor shall fail or neglect to proceed, any taxpayer of the district may prosecute such suit in the name of the district. Any treasurer who shall wilfully fail, refuse or neglect to pay over any money in his hands belonging to the district shall be deemed guilty of embezzlement and upon conviction thereof, shall be punished in the manner prescribed for the felonious stealing of property of the value of that embezzled. (8102.)

History. S. 1893, Sec. 5794, as amended by L. 1901, p. 204; effective March 4, 1901.

Sec. 98. County School Fund: The county commissioners shall at the time the annual taxes for State and county purposes are levied, levy on the taxable property of the county a tax, not to exceed one per cent, which shall be collected as other taxes; and the money so realized together with the proceeds of all moneys collected from fines, forfeitures, penalties, proceeds from the sale of estrays and all moneys paid by persons as equivalent for exemption from military duty, and all moneys collected from marriage licenses, shall constitute a county school fund, and be appropriated exclusively for the purpose of establishing and supporting public schools for not less than three nor more than nine months in each year, and defraying current expenses of the same of every description; and said county school fund shall be apportioned to each school district in said county in proportion to the number of children over the age of six years and under the age of twenty-one years, resident therein, as shown by the last annual enumeration of the same. The county treasurer shall pay to each district treasurer in the county all school moneys in the county treasury belonging to the district, upon the order of the director and clerk of the district; provided, that said order shall be accompanied by a certificate from the district

clerk, stating that the treasurer of the district has executed and filed his bond as required by law. (8103.)

History. S. 1893, Sec. 5791.

Construed. A. T. & S. F. R. R. Co. et al. v. Haynes et al., 8 Ok. 576, 58 P. 738.

This entire chapter is comprehensive, and covers every phase of the public school system. A. T. & S. F. R. R. Co. et al v. Haynes, 8 Ok. 576, 58 P. 738.

Fines and forfeitures. This section repeals Sec. 2841. Board of Education v. Haralson, 2 Ok. 170, 37 P. 1063.

Same—money collected under provisions of crimes act constitutes a county school fund, and must, when collected, be placed in such fund. Id.

Same—mandamus will lie to compel treasurer to credit school fund with such amount. Id.

Note.—Levy made by county excise board. See Sec. 350.

Sec. 99. District Tax Not Collected: When a school district tax has been voted, and from the fault or negligence of any officer or any other cause has not been levied and collected in any one year, the same shall be added to and collected with the taxes of the following year; and the county treasurer shall pay over to the treasurers of the respective school districts all the taxes he may have collected for said districts on the order of the district clerk, countersigned by the director, subject to the provisions contained in the preceding section. (8104.)

History. S. 1893, Sec. 5792.

Sec. 100. District Treasurer Shall Pay Money Remaining: The treasurer shall keep a book in which he shall enter all the moneys received and disbursed by him, specifying particularly the source from which money has been received, and the person or persons to whom, and the object for which the same has been paid out. He shall present to the district at each annual meeting a report in writing, containing a statement of all moneys received by him from the county treasurer during the year; also all moneys collected by him during the year from assessments in the district, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor, which report shall be recorded by the district clerk, and at the close of his term of office shall settle with the district board, and shall hand over to his successors said books and all receipts, vouchers, orders and papers coming into his hands as treasurer of the district, together with all moneys remaining in his hands as such treasurer. (8105.)

History. S. 1893, Sec. 5793.

Sec. 101. Penalty for Failure to Pay Money: If any district treasurer shall refuse or neglect to pay over any money in his hands, belonging to the district, it shall be the duty of his successor in office to prosecute without delay the official bond of such treasurer for the recovery of such money. And said district treasurer who shall refuse or neglect to pay over any money in his hands belonging to the district shall be guilty of a felony and shall be imprisoned in the penitentiary for a period of not less than one year nor more than five. (8106.)

History. S. 1893, Sec. 5794.

Sec. 102. Misdemeanor Not to Deliver Records. Every school district clerk or treasurer who shall neglect or refuse to deliver to his successor in office all records, books and papers, belonging to his office, shall be guilty of a misdemeanor, and shall be fined in any sum of not less than one

hundred dollars, nor more than five hundred, or be imprisoned in the county jail for a period of six months. (8107.)

History. S. 1893, Sec. 5795.

Sec. 103. Powers and Duties of Board: The district board shall purchase or lease a site for a school house as shall have been designated by the voters of a district meeting, in the corporate name thereof, and shall build, hire or purchase such school house as the voters of the district, in a district meeting, shall have agreed upon, out of the funds provided for that purpose, and make sale of any school house site or other property of the district, and, if necessary, execute a conveyance of the same in the name of their office, when lawfully directed by the voters of such district, at any regular or special meeting, and shall carry into effect all lawful orders of the district. (8108.)

History. S. 1893, Sec. 5796.

School house can only be removed from its location by authority of people of district. *Stayton v. Butchee et al.*, 16 Ok. 232, 82. P. 726.

Same—vote of people not required where new school house building authorized, and no change of site is made. *Id.*

Change in school district—previously selected site may be used without re-submitting question to people of district. *Id.*

School site—gift. Title passes upon acceptance. *Id.*

Sec. 104. Care of School Property: The district board shall have the care and keeping of the school house and other property belonging to the district. They shall have power to make such rules and regulations as they deem proper, and may appoint some suitable person to take charge of the school apparatus, maps, charts, etc., belonging to the district. (8109.)

History. S. 1893, Sec. 5797.

Sec. 105. Non-Resident Pupils: The district board shall have power to admit scholars from adjoining districts; provided, that said pupils shall pay a tuition fee, which fee shall be prescribed by the district board. (8110.) (8110.)

History. S. 1893, Sec. 5798.

Validity of statute giving non-resident of school district right to attend school without charge. 24 L. R. A. (ns) 1104-n.

Sec. 106. Teacher's Contract: The district board of each district shall contract with and hire qualified teachers for and in the name of the district, which contract shall be in writing, and shall specify the wages per week or month as agreed upon by the parties, and such contract shall be filed in the district clerk's office, and, in conjunction with the county superintendent, may dismiss such teacher or teachers for incompetency, cruelty, negligence or immorality. Whenever any person shall make and enter into a valid contract with any such district board to teach school in such district, such contract shall be binding upon such teacher until he has been legally discharged therefrom according to law or released therefrom by such district board in regular sessions; and until such person shall have thus been discharged or released, he shall not have authority to make and enter into any valid contract with any other such district board or board of education in the State of Oklahoma, to perform services as teacher or instructor for a period of time covered by an existing valid contract which said person has made. No district board or board of education shall have authority to pay any money or issue any warrants for the payment of money to any person for services as teacher or instructor, except for services performed under and by virtue of a valid contract

existing between such district board and such teacher to be paid. (8111.)

History. S. 1893, Sec. 5799, as amended by L. 1905, p. 362; effective April 5, 1905.

Authority to dismiss teacher. Section construed. *School Dist. v. Gautier*, 13 Ok. 194, 73 P. 954.

Statute adopted from Kansas. Id. Citing 10 Kan. 283; 28 Kan. 345, 40 P. 826.

Hiring teachers—contract must be entered into as a board and not individual members of the board. *School Dist. v. Shelton*, 26 Ok. 229, 109 P. 67; 138 Am. St. 962. Following 27 Kan. 129.

Power of board to appoint superintendents or teachers for terms extending beyond its own term. 29 L. R. A. (ns) 657-n.

Note.—Contracts for employing teachers may not be made that will be binding under the law until after the estimate for the district has been made and approved. After the annual meeting contracts may be made to employ teachers that will be binding upon the district so far as the revenues of the district will permit.

Sec. 107. Board to Provide Supplies: The district board shall provide the necessary supplies for the school house during the time the school is taught therein, and shall keep an accurate account of all expenses thus incurred, and present the same for allowance at any regular district meeting. (8112.)

History. S. 1893, Sec. 5800.

Sec. 108. School Property Not Taxable: All property held by the school district of any school district in this State for the use of public schools shall be exempt from taxation, and shall not be taken in any manner for any debt due from the district. (8114.)

History. S. 1893, Sec. 5802.

Sec. 109. Suspension of Pupils: The teachers may suspend from the privileges of a school any pupils guilty of immorality or persistent violation of the regulations of the school, which suspension shall not extend beyond the current quarter of the school; provided, that the pupil suspended shall have the right to appeal from the decision of said teacher to the board or directors which shall, upon a full investigation of the charges preferred against said pupil, determine as to the guilt or innocence of the offense charged, whose decision shall be final. (8115.)

History. S. 1893, Sec. 5803.

Right to exclude, suspend, or expel pupils for misconduct of themselves or parents. 41 L. R. A. 593-n.

110. Teacher's Daily Register—Visitation of Board: The district board shall furnish each teacher with suitable daily register, and shall visit together, or by one or two of their number, all the schools of their districts, at least twice a term, and at such other periods during the term as in their opinion the exigencies of each school may require; at which visit they shall examine the register of the teacher and see that it is properly kept, and inquire into other matters touching the school house, facilities for ventilation, furniture, apparatus, library, studies, discipline, modes of teaching and improvement of the schools, and confer with the teacher with regard to the condition and management, and make such suggestions as would, in their view, promote the interest and efficiency of the school and the progress and good of the pupils. The date and result of such visits shall be entered by the clerk of the board on their minutes. (8116.)

History. S. 1893, Sec. 5804.

Sec. 111. Penalty: Any member of any school district board or county clerk or county treasurer who shall violate any of the provisions of this article, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and any teacher who shall violate any of the provisions of this article shall be liable to immediate dismissal, and it shall be the duty of the county superintendent to prosecute and carry out the provisions of this section. (8118.)

History. S. 1893, Sec. 5806.

Sec. 112. Disposition of Fines: All fines collected for any violation of this article shall be paid to the treasurer of the county where the suit is brought for the support of the common schools. (8119.)

History. S. 1893, Sec. 5807.

Sec. 113. Judgments—When Board Liable: Whenever any final judgment shall be obtained against any school district, the district board shall provide for a tax on all taxable property in the district for the payment thereof; such taxes shall be collected as other school district taxes, but no execution shall issue on such judgment against the school district. (8120.)

History. S. 1893, Sec. 5808. Revision: Changed in accordance with the provisions of the excise board law of 1910—the latter part of the section, relative to proceedings in case the board neglect to make a levy, being eliminated.

Judgment against school district becomes dormant in five years, the same as an execution, notwithstanding this section. *Wenner v. Board of Education*, 25 Ok. 515, 106 P. 821.

Sec. 114. Removal of School House: Whenever a school house or other improvements have been made upon the claim of any settler upon any of the public or Indian lands, within this State, to which the said settler had no title, it shall be lawful for the school directors of the proper school district to remove said school house or other improvements from the said claim at any time within one year from the time that the settler in any given case may acquire a title to his said claim; provided, that if the said settler, in any given case, shall convey to said board of school directors one acre of land upon which said school house or other improvements are situated, the same shall not be removed; provided, further, that if any school house shall have been built of stone, brick or frame costing not less than five hundred dollars, the county judge shall appoint three disinterested persons, who shall appraise and condemn one acre of such land upon which said improvements shall have been located, and it shall be the duty of the school directors of such district to pay to the owner of such land the value of such land as found by said appraisers, according to the provisions of this section. (8121.)

History. S. 1893, Sec. 5809.

Construed and applied. *Stayton v. Butchee et al.*, 16 Ok. 232, 82 P. 726.

Sec. 115. Use of School House: The district board shall have the care and keeping of the school house and other property belonging to the district, as hereinbefore provided. They are hereby authorized to open the school house for the use of religious, political, literary, scientific, mechanical or agricultural societies belonging in their districts, for holding the business of public meetings of such societies, under such regulation as the school board may adopt. (8124.)

History. S. 1893, Sec. 5810.

Sec. 116. Construction of Building on Rental Plan—Levy....The school district board of any school district, or board of education of any city, in the State, if the electors entitled to vote in school elections in such districts shall by a majority vote so authorize, shall have power to contract for, acquire or construct necessary school buildings and additions thereto, to be paid for by an annual rental and to levy an annual tax of not more than three mills, for the payment of such rental: Provided, however, that the total levy upon an ad valorem basis for all purposes within any district shall not exceed the amount authorized by Section 9, of Article 10, of the constitution. (8060.)

History. L. 1907-8, p. 671; effective May 5, 1908.

Sec. 117. Contract To Be Approved by Election: Any contract made under the provisions of the preceding section, shall be approved by a majority of the voters of the district present at a regular school election, or at a special election held for that purpose. notice of which shall be given by posting five written or printed notices in the district ten days prior to such meeting or by publication in a newspaper, if a newspaper is published in said district, in at least ten issues of a daily newspaper, if a daily is published in said district; and if no daily newspaper is published in said district, notice shall be given by publication in at least two issues of a weekly newspaper, if published in said district. Such publication shall be not less than ten days prior to said election. (8061.)

History. L. 1907-8, p. 671; effective May 5, 1908.

Sec. 118. Additional Levy May Be Made, When. Where any rental contract is entered into the trustees of any school district in this State, as provided in the second preceding section, where the total amount to be paid thereunder cannot be paid within ten years by the three mill levy upon an ad valorem basis, upon all the taxable property within said district, an additional levy of an amount sufficient for such purposes may be authorized by a majority vote of the persons qualified to vote at such school district elections or meetings, at a special election called for that purpose by the trustees or such district: Provided, however, that the total amount of such increased levy shall not exceed five mills on the dollar of the assessed value of the taxable property in such school district. Notice of such special election shall be given as the notices in the preceding section. (8062.)

History. L. 1907-8, p. 672; effective May 5, 1908.

Sec. 119. Contracts Void—When: That no board of county commissioners of any county, nor city council of any city nor board of trustees of any township, town or village, nor any district board of any school district in this State shall make any contract with any of its members, or in which any of its members shall be directly or indirectly interested; and that all contracts made in violation of this section shall be wholly void. (7412.)

History. L. 1901, p. 169.

Sec. 120. Officer Liable: That every officer of any county, township, city, town, village or school district, who shall hereafter order or direct the payment of any money or transfer of any property belonging to such county, township, city, town, village or school district in settlement of any claim known to such officers to be fraudulent or void, or in pursuance of any unauthorized, unlawful, or fraudulent contract or agreement made or attempted to be made, for any such county, township, city, town, village or school district, by any officer, or officers thereof, and every person, having notice of the facts with whom such unauthorized, unlawful or fraudulent contract shall have been made, or to whom, or for whose benefit such

money shall hereafter be paid or such transfer of property shall be made, shall be jointly and severally liable in damage to all innocent persons in any manner injured thereby, and shall be furthermore jointly and severally liable to the county, township, city, town, village or school district affected for double the amount of all such sums of money so paid, and double the value of property so transferred, as a penalty, to be recovered at the suit of the proper officers of such county, township, city, town, village or school district, or of any resident taxpayer thereof, as hereinafter provided. (7413.)

History. L. 1901, p. 169.

Sec. 121. Resident Taxpayer May Maintain Suit: That upon the refusal, failure or neglect of the proper officers of any county, township, city, town, village or school district, after written demand made upon them by ten resident taxpayers of such county, township, city, town, village or school district, to institute or diligently prosecute the proper proceedings at law or in equity for the recovery of any money or property belonging to such county, township, city, town, village or school district, paid out or transferred by any officer thereof in pursuance of any unauthorized, unlawful, fraudulent or void contract, made, or attempted to be made, by any of its officers for any such county, township, city, town, village or school district, or for the penalty provided in section 120 of this article, and resident taxpayer of such county, township, city, town, village or school district affected by such payment or transfer after serving the notice aforesaid and after giving security for cost, may in the name of the State of Oklahoma as plaintiff, institute and maintain any proper action at law or in equity which the proper officers of the county, township, city, town, village or school district might institute and maintain for the recovery of such property, or for said penalty and any such municipality shall in such event be made defendant, and one-half the amount of money and one-half the value of the property recovered in any action maintained at the expense of a resident taxpayer under this section shall be paid to such resident taxpayer as a reward. (7414.)

History. L. 1901, p. 170.

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ARTICLE VII.

City Schools and Boards of Education.

Section.	Section
122. City to constitute separate district.	141. May issue bonds.
123. Annexation of territory for school purposes.	142. Notice of election.
124. School board to be body corporate.	143. Qualifications of voters; three-fifths required.
125. City to convey school property board.	144. Form of bond—limitation of indebtedness.
126. Same—how executed.	145. Signing and indorsement of bonds.
127. Board of Education—term.	146. The oath required.
128. Vacancies in board, how filled.	147. School bonds to reimburse cities and towns.
129. Powers of board.	148. Certain bonds validated, proviso.
130. Organization.	149. Same.
131. Duty of president.	150. Same—tax levies validated.
132. Vice President.	151. Limit of indebtedness.
133. Duty of clerk.	152. Electors in school elections.
134. Duties of treasurer.	153. Separate ballots.
125. Superintendent and examining board.	154. Investment of sinking fund.
136. School levy.	155. Payment of interest.
137. Same—what property taxable.	156. Security for payment of bonds.
138. Meetings.	157. Clerk to register warrants.
139. Annual report.	158. Enumeration of school children.
140. Expenses.	

Sec. 122. City to Constitute Separate District: Each city of the first class shall be governed by the provisions of this article and shall constitute a separate school district. (8009.)

History. S. 1893, Sec. 5831.

Under this provision, without the provision of Sec. 123, the school district would be composed only of territory within city limits. School Dist. v. Long, 2 Ok. 460, 37 P. 601.

Indian territory—section applied. Greenan et al. v. Carson et al., 25 Ok. 730, 737, 107 P. 925.

Sec. 123. Annexation of Territory for School Purposes: Territory outside the limits of any city, town or village for school purposes, upon application to the board of education of such city by a majority of the electors of such adjacent territory, and upon such application being made to the board of education they shall, if they deem it proper and to the best interests of the school of said city, and the territory seeking to be attached, issue an order attaching such territory to such city for school purposes, and to enter the same upon their journal; and such territory shall from the date of such order be and compose a part of such city for school purposes only, and the taxable property of such adjacent territory shall be subject to taxation and shall bear its full proportion of all expenses incurred in the erection of school buildings and in maintaining the schools of such city; and whenever the territory so attached shall have a population equal to that of any one ward of such city, or whenever the taxable property of such attached territory shall equal that of any one ward of such city, such attached territory shall be entitled to elect two members of the board of education, who shall be elected, at the same time that other members of the board are elected, by the qualified electors of such territory, at an election to be held at such places as the board of education may designate: Provided, however, That when a school district which has been regularly laid out, formed and organized includes therein an incorporated town which has become a regularly and legally

organized city of the first class, the territory lying outside of the city limits which has been included in and was a part of said school district at the time said town became a city of the first class and has been treated as a part of the city school district, shall continue to be a part of said school district and shall be governed by the provisions of this article. Provided, further, That in all cases where any town has heretofore been organized as and declared to be a city of the first class, the territory lying outside of the city limits and which was a part of the school district including said town, at the time of the change from a town to a city of the first class, and has since been treated as a part of the city school district under the management and control of the board of education of the city, is hereby declared to be a part of the said city school district; and all acts of the board of education of said city school district including said adjoining territory, all elections held therein for the purpose of authorizing the issuance of bonds or for any other legal purpose, and all levies of taxes made by said board of education against the taxable property therein, are hereby legalized and declared to be legal and binding. (8010.)

History. S. 1893, Sec. 5832, as amended by L. 1909, p. 55; effective March 20, 1909. Revision.

The words "adjacent" and "adjoining," as used in above section distinguished. School Dist. v. Long, 2 Ok. 460, 37 P. 601.

Same—what lands may be attached. Id.

Presumption of validity—acts of board. Where petition filed by electors to have adjacent territory attached for school purposes, presumption that board made order of attachment only upon its being ascertained that petition was signed by a majority of the electors as required. Board of Education v. Boyer, 5 Ok. 225, 47 P. 1090. Citing 2 Ok. 460, 37 P. 601.

Same. This section before amendment and Sec. 122, limited authority of superintendent contained in Sec. 33 to country districts. Id.

Old section adopted from Kansas. Id.

Note.—County Superintendent has no choice in attaching territory to a city school district.

Sec. 124. School Board To Be a Body Corporate. The public schools of each city organized in pursuance of this article shall be a body corporate and shall possess the usual power of corporation for public purposes, by the name and style of, "The Board of Education of the City of _____ of the State of Oklahoma," and in that name may sue or be sued and be capable of contracting or being contracted with, of holding and conveying such personal and real estate as it may come into possession of, by will or otherwise, or as is authorized to be purchased by the provisions of this article. (8011.)

History. S. 1893, Sec. 5833.

Indian territory—section applied. Grennan et al. v. Carson et al., 25 Ok. 730, 737, 107 P. 925.

Sec. 125. City to Convey School Property to Board. Any city of the first class is hereby authorized and required, upon the request of the board of education of such city, to convey to such board of education all property within the limits of any such city heretofore purchased by any such city for school purposes, and now held and used for such purposes, the title to which is vested in any such city. (8012.)

History. S. 1893, Sec. 5834.

Sec. 126. Same—How Executed. All conveyances of the property mentioned in the preceding section shall be signed by the mayor and attested by the clerk of said city, and shall have the seal of the city affixed thereto, and be acknowledged by the mayor of such city in the same manner as other conveyances of real estate. (8013.)

History. S. 1893, Sec. 5835.

Sec. 127. Board of Education—Term. A separate ballot for school purposes shall be provided by the city clerk and ballots for school officers deposited therein; it shall be the duty of the city clerk to prepare suitable places of holding such elections. At each annual city election there shall be a board of education, consisting of one member from each ward, elected by the qualified voters thereof, who shall hold his office for a term of two years, and until his successor is elected and qualified; provided, that no member of the board of education shall be a member of the council, nor shall any member of the council be a member of the board of education; provided, that the officers and members of boards of education in cities of the first class shall hold their offices for the full term to which they were elected. (8014.)

History. S. 1893, Sec. 5836.

Note.—See Chp. 136, Session Laws 1911.

Sec. 128. Vacancies in Board, How Filled. The board of education shall have power to fill any vacancy which may occur in their body: Provided, that any vacancy occurring more than ten days previous to the annual election, and having an unexpired term of one year, shall be filled at the first annual election thereafter; and the ballots and returns of elections shall be as follows: "To fill unexpired term." (8015.)

History. S. 1893, Sec. 5837.

Sec. 129. Powers of Board. The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this article; to organize and maintain a system of graded schools; to establish a high school whenever, in their opinion, the educational interests of the city demand the same; and to exercise the sole control over the schools and school property of the city. (8016.)

History. S. 1893, Sec. 5838.

Indian territory—section applied. Greennan et al. v. Carson et al., 25 Ok. 730, 737, 107 P. 925.

Power of board to appoint superintendents or teachers for terms extending beyond its own term. 29 L. R. A. (ns) 657-n.

Sec. 130. Organization: The board of education, at its regular meeting in May of each year, shall organize by the election of a president and vice president from among its own members, each to whom shall serve for the term of one year, or until their successors are elected and qualified; they shall also elect a clerk, who shall hold his office during the pleasure of the board, and who shall receive such compensation for his services as the board may allow. (8017.)

History. S. 1893, Sec. 5839.

Sec. 131. Duty of President. It shall be the duty of the president to preside at meetings of the board of education; to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school money... (8018.)

History. S. 1893, Sec. 5840.

Sec. 132. Vice President. It shall be the duty of the vice president to perform all the duties of the president in case of his absence or disability. (8019.)

History. S. 1893, Sec. 5841.

Sec. 133. Duty of Clerk. It shall be the duty of the clerk to be present at all meetings of the board; to keep an accurate journal of its pro-

ceedings to take charge of its books and documents; to countersign all warrants for school moneys drawn upon the treasurer by order of the board of education; and perform such other duties as the board of education or its committees may require; and, before entering upon the discharge of his duties, the clerk of the board of education shall give a bond in the sum of one thousand dollars, with good and sufficient sureties to be approved by the board, conditioned for the faithful performance of the duties of his office. (8020.)

History. S. 1893, Sec. 5842.

Sec. 134. Duties of Treasurer—Suspension. The treasurer shall prepare and submit in writing a monthly report of the state of the finances of the district, and shall, when required, produce at any meeting of the board, or to any committee appointed for the purpose of examining his accounts, all books and papers pertaining to his office. Upon failure to make reports, as required by law or to obey the orders of the board of education, the board may, at any meeting of the board, summarily suspend said treasurer from acting as treasurer until restored by order of the board or of a judgment of a court of competent jurisdiction, and while so suspended, no act of his as such treasurer shall be legal or binding upon the board. The board may immediately appoint some suitable person to act as treasurer during the suspension, upon said appointee giving bond and taking oath of office as is required by law, of the regular treasurer; and upon demand, the treasurer must immediately turn over to the acting treasurer all books and papers and other property pertaining to his office. He shall pay moneys only upon warrants signed by the president or in his absence, by the vice president and countersigned by the clerk; and shall execute a bond in such sum as the board may require, with sufficient securities to be approved by the board, conditioned for the faithful discharge of his duties as treasurer of such board. (8021.)

History. S. 1893, Sec. 5843, as amended by L. 1905, p. 385; effective February 25, 1905.

Note.—See Secs. 78-79, requiring additional duties of treasurer, relative to deposit of funds.

Note.—See Secs. 86-96, relative to warrants and certificates of indebtedness.

Sec. 135. Superintendent and Examining Board. The board of education, at such time as they shall deem expedient, shall elect a superintendent of schools in no case a member of their own body, whose duty it shall be to have general supervision of the schools of the city, subject to the rules and regulations of the board, who shall hold his office during the pleasure of the board, and shall receive such compensation as that body may allow. The board shall also appoint two competent persons, who, with the superintendent as chairman thereof, shall be styled the examining committee of the board of education, whose duty it shall be to examine all persons who may apply to them as teachers; and no person except one who holds a diploma, or a certificate from the board of education, shall be elected by the board as teacher who cannot produce a certificate from the examining committee signed by all or a majority of them and setting forth that such a person is competent to teach in such department of the public schools as may be stated in the certificate and is a person of good moral character, and the board may fill any vacancy which may occur in the examining committee. (8022.)

History. S. 1893, Sec. 5844.

Sec. 136. School Levy. The tax levied for the support of schools shall be a separate, distinct and specific fund for the support of the schools

for the fiscal year for which such tax is levied. All debts, contracts, and obligations made or entered into by the board of education in excess of eighty per cent of the tax so levied shall be illegal and shall not be charged against the school district. (8023.)

History. S. 1893, Sec. 5845, as amended by L. 1897, p. 275; effective March 12, 1897. Revision: First part of section, providing for levy by the board, eliminated as conflicting with the law creating the county excise board to make levies on estimates by the various municipal authorities.

“Approved by city council,” as used in this statute before amendment, meant that the proceedings of the board of education, if regular, must be approved, not a matter of discretion with the council. Board of Education v. City of Kingfisher, 5 Ok. 82, 48 P. 103.

Sec. 137. Same—What Property Taxable. The taxable property of the whole city, including the territory attached for school purposes, shall be subject to taxation. All taxes collected for the benefit of the school shall be placed in the hands of the treasurer, subject to the order of the board of education. (8024.)

History. S. 1893, Sec. 5846, as amended by L. 1895, p. 242; effective March 8, 1895.

Sec. 138. Meetings. The regular meetings of the board of education shall be upon the first Monday of each month, but special meetings may be held from time to time, as circumstances may demand. (8025.)

History. S. 1893, Sec. 5847.

Sec. 139. Annual Report. The board of education, at the close of each school year, or as soon thereafter as practicable, shall make an annual report of the progress, prosperity and condition, financial as well as educational, of all the schools under their charge; and said report or such portion of it as the board of education shall consider of advantage to the public, shall be printed, either in a public newspaper or in pamphlet form. (8026.)

History. S. 1893, Sec. 5848.

Note.—Report should be made to the county superintendent as required from other school districts. See section 158, also section 72 and note. See section 73.

Sec. 140. Expenses. No expenditures involving an amount greater than two hundred dollars shall be made except in accordance with the provisions of a written contract and no contract involving an expenditure of more than five hundred dollars for the purpose of erecting any public buildings or making any improvements shall be made except upon sealed proposals and to the lowest responsible bidder. (8027.)

History. S. 1893, Sec. 5849.

Construed by the Supreme Court on Hannan v. Bd. of Education, 25 Ok. 372, 377, 107 P. 646.

Specifications. Before advertising for bids, there must be a plan or plans open to all with definite specifications. A full discussion of the subject of public contracts. Lowest responsible bidder defined. Section construed. Hannon v. Board of Education, 25 Ok. 372, 377, 107 P. 646.

Injunction will lie, by resident tax payer. *Id.*

Sec. 141. May Issue Bonds: Whenever it shall become necessary for the board of education of any school district, in which is included in whole or in part a city of the first class, to raise sufficient funds for the purchase of a school site or sites, or to erect or purchase and equip a suitable school building or buildings, or both, it shall be lawful for such board of education of such city to borrow money, for which they are hereby authorized and empowered to issue bonds, bearing a rate of interest not exceeding five per cent per annum, payable semi-annually, at such place as may be

shown on the face of said bonds; which bonds shall be payable in not more than twenty-five years, from their date; and the board of education is hereby authorized and empowered to sell such bonds at not less than their par value: Provided, That before any bonds shall be issued, the mayor of the city, composing in whole or in part such school district, shall cause an election to be held, in such district, as hereinafter provided. (8029.)

History. L. 1909, p. 551; effective March 26, 1909. (For method of acquiring sites, see Sec. 7791, and references.)

Sec. 142. Notice of Election: It shall be the duty of the mayor of each city, governed by this article, upon the request of the board of education, forthwith to call an election, to be conducted in all respects as are special elections for city officers in the same city, except that the returns shall be made to the board of education, for the purpose of taking the sense of such district upon the question of issuing such bonds, naming in the proclamation of such election the amount of the bonds to be voted on and the purpose for which they are to be issued; and he shall cause to be published in a newspaper of general circulation published in the said district, the time and place of such election, such notice to be given at least ten days before such election. (8030.)

History. L. 1909, p. 552; effective March 26, 1909.

Applied. Board of Education et al. v. State ex rel., 26 Ok. 366, 381, 109 P. 563.

Sec. 143. Qualifications of Voters—Three Fifths Required: On the question of issuance of said bonds, no person shall be qualified to vote unless he be in all respects a qualified elector in such district. In case three-fifths of the voters thereof voting at such city election shall vote affirmatively for the issuance of said bonds, then the said board shall issue the same and not otherwise. (8031.)

History. L. 1909, p. 552; effective March 26, 1909.

Sec. 144. Form of Bond—Limitation of Indebtedness: The said bonds shall contain all necessary provisions as to form; and such school district shall, before or at the time of the issuance of the same, provide for the collection of an annual tax, sufficient to pay the interest on such indebtedness as it falls due, and also to institute a sinking fund for the payment of the principal thereof within the time for which the said bonds are to run: Provided, That no indebtedness shall ever be incurred to an amount, including this indebtedness, exceeding in the aggregate five per cent of the valuation of the taxable property of such district, to be ascertained from the last assessment for state and county purposes, previous to the incurring of such indebtedness. (8032.)

History. L. 1909, p. 552; effective March 26, 1909.

Sec. 145. Signing and Indorsement of Bonds: The bonds, the issuance of which is provided in the preceding sections, shall be signed by the president, attested by the clerk and countersigned by the treasurer of the board of education, and shall have indorsed thereon a certificate signed by the county clerk or other officer authorized by law to sign such certificate and the county attorney of the county wherein such district is located, stating that said bonds or evidence of debt is issued pursuant to law and that said issue is within the debt limit: Provided, That each of the said bonds shall be for a sum of not less than one hundred dollars. (8033.)

History. L. 1909, p. 553; effective March 26, 1909.

Sec. 146. The Oath Required: Each member of the board of educa-

tion and officer provided for in this article shall take and subscribe an oath or affirmation to support the Constitution of the United States, the Organic Act of the Territory of Oklahoma (Constitution of the State of Oklahoma), and faithfully perform the duties of his office. The oath and bond of the clerk shall be filed with the treasurer, all other oaths and bonds shall be filed with the clerk. (8041.)

History. S. 1893, Sec. 5859.

Note.—Constitutional oath of office is required.

Sec. 147. School Bonds to Reimburse Cities or Towns: The board of education of any city, or of any school district containing within its boundaries an incorporated town, which has heretofore become indebted by issuing bonds for the purpose of building and furnishing school houses, or purchasing sites therefor, may issue bonds and borrow money thereon and reimburse from the proceeds thereof said city or town. Said bonds shall be authorized in the manner and under the procedure, and of the condition and terms as is now authorized by law: Provided, That whenever any board of education or any school district shall have reimbursed any city or town as aforesaid, the proper officers thereof shall immediately convey, by good and sufficient deed, all the title and interest of said city or town in and to said school property the effect of which shall be immediately to divest said city or town of any right in or to said property, and to vest the same absolutely in said board of education or said school district. (8043.)

History. L. 1907-8, p. 673; effective March 29, 1908.

Indian territory—legislature has power to provide for reimbursement, but if bonds were issued by cities to pay for improvements, boards are without authority to reimburse such cities. Board of Education et al. v. State ex rel. Best, 26 Ok. 366, 382; 109 P. 563. Following 25 Ok. 730, 107 P. 925.

Sec. 148. Certain Bonds Validated—Proviso: In any case where an election heretofore held in any city school district of a city of the first class in the State of Oklahoma at least three-fifths of the qualified voters of said school district have voted in favor of the issuance of the bonds of the board of education of said city for the purpose of purchasing a site or sites and erecting a building or buildings thereon or of purchasing a building or buildings and equipping the same for school purposes in and for said school district, or for any one or more, or all of said purposes, whether jointly or severally stated or submitted, then in every such case all bonds of any such board of education which have been so voted and issued or which have been so voted and shall hereafter be issued in pursuance of said election are hereby declared to be lawfully issued and the legal, valid and binding obligations of said board of education: Provided, however, That said bonds do not in the aggregate, together with all existing indebtedness of said board of education or said city school district, exceed five per centum of the valuation of the taxable property in said city school district and school corporation, as shown by the last assessment for state and county purposes previous to the issuance of said bonds. (8034.)

History. L. 1909, H. B. 65.

Sec. 149. Same: All bond elections mentioned in the previous section of this article which have been fairly conducted are hereby declared valid and fully legalized notwithstanding any irregularities in the conduct of the same, or in the forms of the ballots thereat. (8035.)

History. L. 1909, H. B. 65.

Sec. 150. Same—Tax Levies Validated: All tax levies heretofore made or provided for in order to raise the necessary funds to meet the interest

on the bonds mentioned in the second section previous to this article as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the date of said bond, be and the same are hereby legalized, validated and confirmed. (8036.)

History. L. 1909, H. B. 65.

Sec. 151. Limit of Indebtedness: It shall be lawful for the board of education of any city or any school district to become indebted for the purposes, set out in the previous section of this article, or for any other purpose as now provided by law in a sum not in excess of five per centum of the assessed valuation of the taxable property within the boundaries thereof as shown by the last preceding assessment taken for the purpose of taxation. (8044.)

History. L. 1907-8, p. 673.

Sec. 152. Electors in School Elections: That all elections hereafter held in cities of the first class in this state for the election of members of the board of education, treasurer of the board of education and all elective school officers, the following persons, shall be qualified and entitled to vote at such election and for the class of offices above named, to-wit: All persons, male and female, over the age of twenty-one years, who possess the other qualifications prescribed by the organic act and general election laws of the State of Oklahoma. (8045.)

History. L. 1905, p. 126.

Sec. 153. Separate Ballots: At all such elections a separate ballot for the class of officers designated in the preceding section shall be provided and a separate ballot box provided for the reception of such ballots, but the votes shall be received at the regular polling place or places and be under the supervision of the same election board as the ballots cast for other elective officers at that election. (8046.)

History. L. 1905, p. 126.

Sec. 154. Investment of Sinking Fund: All moneys raised for the purpose of creating a sinking fund for the final redemption of all bonds issued under this article shall be invested annually by the board of education in bonds of the State of Oklahoma or of the United States or the board may buy and cancel the bonds of the district whenever such may be purchased at or below par. (8037.)

History. S. 1893, Sec. 5855.

Sec. 155. Payment of Interest: Whenever the interest coupons of the bonds hereinbefore authorized shall become due, they shall be promptly paid, on presentation, by the treasurer out of money in his hands collected for that purpose, and he shall endorse upon the face of such coupons in red ink the word "Paid," and the date of payment, and sign the initials of his name. (8038.)

History. S. 1893, Sec. 5856.

Sec. 156. Security For Payment of Bonds: The school fund and property of such city and territory attached for school purposes is hereby pledged to the payment of the interest and principal of the bonds mentioned in this article, as the same may become due. (8039.)

History. S. 1893, Sec. 5857.

Sec. 157. Clerk to Register Warrants: It shall be the duty of the clerk of the board of education to register in a book provided for that purpose the bonds issued under this article, and all warrants issued by the

board, which said register shall show the number, date and amount of said bonds and to whom made payable. (8040.)

History. S. 1893, Sec. 5858.

Sec. 158. Enumeration of School Children: The board of education shall provide for an enumeration of the children of school age between the first and fifteenth day of January of each year and forward the same to the county clerk of the county, who shall file and use such enumeration as required by law in the case of other districts. (8042.)

History. S. 1893, Sec. 5860.

Effective March 14, 1893.

Note.—Copy of this enumeration must be sent to the county superintendent. See sections 72 and 73.

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ARTICLE VIII.

Consolidated School Districts.

Section

- 159. Consolidation of school districts.
- 160. County superintendents shall declare district disorganized.
- 161. Officers of consolidated districts.
- 162. Same—Board, powers and duties of.
- 163. Bonded indebtedness.
- 164. School property.
- 165. Annual meetings.

Section

- 166. Laws applicable.
- 167. Name of consolidated district.
- 168. State aid fund.
- 169. Duty of commissioners.
- 170. Appropriation.
- 171. Duty of state board of education.
- 172. Conditions to be met.
- 173. Further conditions.

Sec. 159. Consolidation of School Districts: Meetings of the voters of any two or more adjacent school districts may be called in their respective districts for the purpose of voting on the proposition of uniting with the other said adjacent districts for the purpose of establishing a consolidated school, said call to be made in the same manner as provided by law for the calling of special district meetings. If a majority of the votes cast in each of said districts shall be in favor of such consolidation, then the clerk of each of said districts shall thereupon make a written report of such actions to the county superintendent of the county in which said districts are located. The vote in each district shall be made conditional upon its carrying in all of said districts: Provided, that unorganized territories and legally organized school districts containing a school population of one hundred persons or more may organize under the provisions of this article. (8169.)

History. L. 1905, p. 358, as amended by L. 1907-8, p. 670; effective May 2, 1908.

Sec. 160. County Superintendent Shall Declare Districts Disorganized: The county superintendent shall, upon receipt of the reports as provided in the preceding section, declare said districts disorganized and shall form a consolidated district composed of the several districts voting to unite, and he shall designate a time and place for the meeting of the voters of said districts so disorganized for the purpose of electing officers and completing the organization of said consolidated district. He shall give notice of said meeting by posting written or printed notices, stating the time, place and purpose of said meeting in at least three public places in each of the disorganized districts not less than ten days prior to the time of meeting: Provided, That in the formation of consolidated districts comprising territory lying in more than one county, the county superintendents of said counties shall act together in the same manner as provided by law in the formation and control of joint districts, and at said meeting of the voters of the newly organized school district, shall select a building site, as near the center of population of such consolidated district as practicable. (8170.)

History. L. 1905, p. 359.

Sec. 161. Officers of Consolidated Districts: The officers of each consolidated school district shall be a director, a clerk and a treasurer, who shall constitute a district board and who shall be elected, and hold their respective offices as follows: At the meeting provided for in the preceding section, there shall be elected a director who shall hold his office until the third annual meeting thereafter, and a clerk who shall hold his office until the second meeting thereafter, and a treasurer who shall hold his

office until the first annual meeting thereafter, and thereafter, at each annual meeting, there shall be elected one member of the board in place of the outgoing member, who shall hold his office for three years and until his successor is elected and qualified: Provided, That where more than two districts unite not more than one member of the board shall be elected from the territory of any one of the disorganized districts. (8171.)

History. L. 1905, p. 360.

Sec. 162. Same—board, powers and duties of. The powers and duties of the district board herein provided and of its several officers shall be the same as those provided by law for school district boards and their several officers, and in addition, it shall be the duty of said district board to provide transportation to and from school for all pupils living one and one-half miles or more therefrom in suitable vehicles of ample size, with comfortable seats arranged to conform to the sizes of the pupils to be carried with an adjustable cover for the comfort and protection of the pupils, drawn by stout, gentle teams and driven by adult persons of good moral character, who shall have control of said pupils during their transportation; provided, however, that when a majority of the voters at a special meeting called by proper notices as provided in law shall vote to do away with the transportation by the district, then transportation shall not be mandatory. H. B. 462, L. 1911.

Sec. 163. Bonded indebtedness: If any school district uniting to form a consolidated district shall have, at the time of its disorganization, a legally bonded indebtedness, such indebtedness shall attach to and become a charge against the territory comprised in such disorganized district at the time of the disorganization, and it shall be the duty of the county commissioners of the county or counties in which such territory is located to cause annually to be levied upon the property real and personal, in such disorganized territory, a tax sufficient to meet the interest and provide a sinking fund for the payment of such indebtedness: Provided, that the assets and property of any disorganized district having an indebtedness shall first be applied in payment of its floating indebtedness, if any, and then its bonded indebtedness, and the residue, if any, shall belong to the consolidated district. 8173.)

History. L. 1905, p. 360.

Sec. 164. School property. The school property of the disorganized districts shall, upon the organization of the consolidated district, become the property of said district, except as hereinbefore provided, and the district board of said district is hereby authorized to dispose of said property to the best interests of said district. (8174.)

History. L. 1905, p. 361.

Sec. 165. Annual meetings. The annual meeting of said consolidated district shall be held on the same date as fixed by law for holding the annual school meetings of each year at the school house belonging to said district, at two o'clock p. m., they shall have such powers and duties as are by law provided for annual school district meetings. (8175.)

History. L. 1905, p. 361.

Sec. 166. Laws applicable: In all matters relating to consolidated school districts, not provided for in the preceding sections, the law relating to school districts shall be in force where said laws are applicable. (8176.)

History. L. 1905, p. 361.

Sec. 167. Name of consolidated district. A consolidated district, when formed, shall be known as consolidated school district No.—, county of _____, State of Oklahoma, and shall be a body corporate with power to sue and be sued. (8177.)

History. L. 1905, p. 362.

Sec. 168. State aid fund. All the lands and funds that have heretofore been or may hereafter be derived from the sale thereof, embraced in Section 33 according to the United States survey, located in Greer county, as the county existed prior to November 16th, 1907, together with all lands selected in lieu thereof, and the proceeds of all rentals, interests and sales accrued, or that may accrue therefrom, shall be set aside and credited to a fund which is hereby created, to be known as the "Union Graded or Consolidated School District Fund" the same to be used only to assist in constructing or paying for school buildings or consolidated school districts that have been or may hereafter be constructed under existing laws pertaining to consolidated school districts.

Sec. 169. Duty of commissioners. The Commissioners of the Land Office are authorized and directed to sell and convey the lands described and set aside in Section 168 of this article; same to be sold under the provisions, limitations, exceptions, rules and regulations of lands sold under amended Senate Bill No. 1, approved March 2nd, 1909, the same being Article 2 of Chapter 28 of the Session Laws of Oklahoma, 1909, or as may be hereafter provided by law.

Sec. 170. Appropriation: Such funds as have now accrued by virtue of rentals, and such as may hereafter accrue by virtue of rentals, and the proceeds of sale and interest thereon, prior to January 1st, 1913, are hereby appropriated and placed at the disposal of the State Board of Education, subject to the conditions and limitations contained in this Act.

Sec. 171. Duty of State Board of Education: The State Board of Education in apportioning said fund shall make such rules and regulations as shall ultimately result in a fair and equitable distribution of said fund to the different counties of the state, in proportion as nearly as may be possible to the scholastic population outside of cities of the first class.

Sec. 172. Conditions to be met: In any union graded or consolidated school district that has been formed for a term of not less than six scholastic months, and has employed at least three teachers, and has an actual attendance during said term of not fewer than one hundred thirty scholastic pupils residing within the boundary of said district, (the district having furnished free transportation to such as are contemplated by the law provided for consolidated school districts), and that has already constructed and furnished a suitable building of not fewer than three rooms, upon making proof of compliance with the foregoing provisions approved by the State Superintendent of Public Instruction, shall have drawn by the State Auditor upon the State Treasury against said building fund in favor of the treasurer of said consolidated school district, a warrant for a sum not to exceed one-half the cost of said building; Provided, that in no case shall any district receive a sum exceeding twenty-five hundred (\$2,500.00) dollars, from the appropriation herein made; Provided, that the State Board of Education may decrease this amount if in its judgment the amount is greater than a fair proportion belonging to one district.

Sec. 173. Further conditions: Whenever a school district of not less than twenty-five (25) square miles in area shall have been established and

conducted for a period of not less than six months under the terms of existing laws with reference to the consolidation of schools, and a building containing not fewer than three rooms suitably constructed, equipped and furnished shall have been built, and a graded school employing not less than three teachers shall have been conducted for a term of not less than six months, upon making proof of compliance with the foregoing provisions approved by the State Superintendent of Public Instruction shall have drawn a warrant in favor of the district treasurer as provided in Section 172 of this article.

History. Secs. 168-172, H. B. 95, L. 1911. Approved March 20, 1911.

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ARTICLE IX.

Union Graded School Districts.

Section	Section
174. Districts may unite to establish graded school.	180. Treasurer.
175. Board of union district.	181. Any district may establish graded school.
176. Funds for union district.	182. Annual meeting.
177. May levy tax.	183. Existing law to apply.
178. Apportionment of school money.	184. Majority vote to decide site.
179. Clerk.	185. Contracts.

Sec. 174. Districts may unite to establish graded schools: Whenever the inhabitants of two or more school districts may wish to unite for the purpose of establishing a graded school in which instruction shall be given in the higher branches of education, the clerks of the several districts shall, upon a written application of one-third of the voters of the respective districts, call a meeting of the voters of such districts at some convenient place by posting up written notices thereof, in like manner as provided for calling district meetings; and a majority of the voters in each of the two or more districts shall vote to unite for the purpose herein stated, they shall at that meeting, or at an adjourned meeting, elect a board of directors, consisting of a director, clerk, and treasurer. (8156.)

History. L. 1895, p. 242.

Sec. 175. Board of union district: The board of directors provided in the preceding section shall, in all matters relating to the graded schools, possess all the powers and discharge all the like duties of the district board of directors, as prescribed by law. (8157.)

History. L. 1895, p. 243.

Sec. 176. Funds for union district: The union or graded school district thus formed shall be entitled to an equitable share of the school funds, to be drawn from the treasurer of each district so uniting, in proportion to the number of children attending the said graded school from each district. (8158.)

History. L. 1895, p. 243.

Sec. 177. May levy tax: The said union district may provide for taxes for the purpose of purchasing a building or furnishing proper buildings for the accommodation of the school, or for the purpose of defraying necessary expenses and paying teachers, but shall be governed in all respects by the law herein provided for levying and collecting district taxes. (8159.)

History. L. 1895, p. 243. Revision: "Levy" changed to "Provide for," in accordance with Article 22, provided for county excise board.

Sec. 178. Apportionment of school money. The clerk of the union district shall report in writing to the treasurer of each school district uniting in the union district the number of scholars attending the graded school from his district, their sex, and the branches studied; and the said district treasurer shall apportion the amount of school money due the union district and pay the same over to the treasurer of the union district on order from the clerk and director thereof. (8160.)

History. L. 1895, p. 243.

Sec. 179. Clerk. The clerk of the union district shall make a report to the county superintendent of public instruction, and discharge all the duties of clerk in like manner as clerk of the district. (8161.)

History. L. 1895, p. 243.

Sec. 180. Treasurer. The treasurer of the union district shall perform all the duties of treasurer as prescribed in this article in like manner as therein named. (8162.)

History. L. 1895, p. 243.

Sec. 181. Any district may establish graded school: Any single district shall possess power to establish graded schools, subject to the provisions of this article, in like manner as two or more districts united. (8163.)

History. L. 1895, p. 244.

Sec. 182. Annual meeting. The annual meeting of union or graded school districts shall be held on the last Wednesday in June, at such hour as may be indicated by the board. (8164.)

History. L. 1895, p. 244.

Sec. 183. Existing law to apply. Article 6, Chapter 73, of the statutes of Oklahoma Territory, being an Act for the support and regulation of common schools, shall apply to, and be made a part of this Act, for the purpose therein named. (8165.)

History. L. 1895, p. 244.

Sec. 184. Majority vote to decide site. No part of the statutes of Oklahoma shall be construed so as to prevent the location of the site for a school house in union or graded school districts by a majority of the electors of said union or graded school districts. (8166.)

History. L. 1895, p. 244.

Sec. 185. Contracts. No expenditure involving an amount greater than two hundred dollars shall be made except in accordance with the provisions of a written contract, and no contract involving an expenditure of more than five hundred dollars for the purpose of erecting any public building or making any improvements shall be made except upon sealed proposals and to the lowest responsible bidder. (8167.)

History. L. 1895, p. 244.

Construed. Hannon vs. B. of Education, 25 Ok. 372, 107 Pac. 626.

ARTICLE X.

County High School.

Section	Section
186. Trustees.	193. Pupils from other counties.
187. Organization of board.	194. Principal to conduct and govern school.
188. Tax levy.	195. Graduates may enter state colleges.
189. Same—Collection.	196. Annual report of trustees.
190. Duties of treasurer and secretary.	197. Vacancy in board.
191. Principal and teachers.	198. Salary of secretary and treasurer.
192. Rules and regulations.	

Sec. 186. Trustees. The county commissioners shall appoint six persons, who shall be residents and freeholders of the county, but not more than three of whom shall be residents of the same township or city or members of the same political party, who shall, with the county superintendent of instruction, constitute the board of trustees for the county high school. Each of said trustees, appointed as aforesaid, shall hold his office for a term of one year, or until his successor is appointed and qualified, and shall be required in ten days after appointment to qualify by taking the usual oath of office, and by giving such bond as may be required by said board of county commissioners for the faithful discharge of such duties. (8136)

History. L. 1901, p. 188. Revision: First clause, referring to method of calling election, eliminated as useless, in view of the fact that no more elections can be had; "immediately proceed to," preceding "appoint," eliminated as meaningless, the clause referred to having been stricken out.

Conveyance of site by member of board of trustees by way of donation will not be avoided, where no fraud or undue influence is shown. Ter. ex rel. v. Trustees, 13 Ok. 605, 76 P. 165.

Same. In petition for location of high school, the words, "in or near the city of Guthrie, in said county" are sufficiently definite. Id.

Same—election. Where election held under L. 1901, to determine whether high school shall be located; held; same adopted although it did not receive majority of all votes cast. Id.

Tax limitation. This act is subject to the tax limitation provided in Const. Art. 10, Sec. 9, (Bunn's Ed. 274), but, except as repugnant to said provision, it applies and furnishes a rule for the maintenance and government of county high schools then or thereafter to be established. Wilhite v. Mansfield, et al., 23 Ok. 246, 99 P. 1087.

Sec. 187. Organization of Board: The county superintendent shall, by virtue of his office, be president of said board of trustees. At the first meeting of said board of trustees in each year they shall appoint from their own numbers a secretary and treasurer who shall perform the duties devolving upon such officers and shall give such additional bond as the county commissioners shall deem sufficient. A majority of said board shall constitute a quorum for the transaction of all business, but four votes in the affirmative or negative shall be required to decide any question. (8137.)

History. L. 1901, p. 188.

Sec. 188. Tax levy. At a meeting called for such purpose prior to the fifteenth day of June of each year, the trustees shall make an itemized estimate of the amount of funds needed for payment of teachers' wages, and for payment of contingent expenses, and they shall present to the board of county commissioners a certified estimate of the rate of tax required to raise the amount desired for such purpose, and the county commissioners shall cause the same to be extended upon the tax rolls and collected as other

taxes and when collected, the same shall be paid over to the treasurer of said board of trustees to be paid out by him on the order of said board of trustees. But in no case shall the tax for teachers' wages and contingent expenses exceed in any one year three mills on the dollar on the taxable property of the county. All indebtedness created by said board of trustees for the purpose above mentioned in excess of eighty per cent of the tax so levied shall be void as against said fund but may be recovered from the individual members voting to create the same. (8138.)

History. L. 1901, p. 189, as amended by L. 1903, p. 260; effective March 17, 1903. Revision: Levy changed from three mills to one mill, in accordance with Sec. 9, Art. 10, Const., and Article 22. "Revenue and Taxation"; exception as to expenditures over eighty per cent of levy provided to cover cases where a greater proportion has been actually collected.

Sec. 189. Same—collection: Said tax shall be levied and collected in the same manner as other county taxes, and when collected the county treasurer shall pay the same to the treasurer of the county high school in the same manner that school funds are paid to the district treasurers. (8139.)

History. L. 1901, p. 189.

Sec. 190. Duties of treasurer and secretary. The said treasurer of the high school shall receive from the county treasurer and from other parties all moneys that belong to the funds of said school, and pay out the same only by direction of the board of trustees upon orders duly signed by the president and countersigned by the secretary, stating the purpose for which they were drawn. Both secretary and treasurer shall keep an accurate account of all moneys received and expended for said school, and at the close of each year or oftener if required by the board of trustees, they shall make a full statement of the financial affairs of the school. (8140.)

History. L. 1901, p. 189.

Sec. 191. Principal and teachers. The board of trustees shall employ a suitable person who shall take charge of said school and teach the same and shall be known as the principal of such school; and the trustees shall furnish such assistant teachers as they may deem necessary, and shall provide for the salaries thereof: Provided, that no member of the board of trustees or the wife, son or daughter of such member shall be employed as principal or teacher in such school. (8142.)

History. L. 1901, p. 190.

Sec. 192. Rules and regulations. Tuition shall be free to all pupils residing in the county where the school is located. The board of trustees shall make such general rules and regulations as they deem proper in regard to age and grade of attainments essential to entitle pupils to admission in such school: Provided, that no person shall be admitted to such high school who shall not have passed a satisfactory examination in all the work of the district schools of the county in which the school is situated. If there should be more applicants than can be accommodated at any one time in such high school, each district shall be entitled to send its equal proportion of pupils according to the number of pupils it may have, as shown by the last report of the county superintendent of public instruction; the board of trustees shall designate such pupils as may attend subject to the proviso above: Provided, further, that when the board of trustees shall deem the same expedient they may provide separate school facilities and teachers for pupils of colored or mixed blood who are otherwise qualified for admission to such high schools. (8143.)

History. L. 1901, p. 190.

Sec. 193. Pupils from other counties. If at any time the school can accommodate more pupils than apply for admission from that county in which the school is situated, the vacancy may be filled by applicants from other counties upon the payment of such tuition as the board of trustees may prescribe, but at no time shall such pupils continue in such school to the exclusion of such pupils residing in the county in which the school is located. (8144.)

History. L. 1901, p. 191.

Sec. 194. Principal to conduct and govern school. The principal of such high school with the approval of the board of trustees, shall make such rules and regulations as he may deem proper in regard to the studies and conduct and government of the pupils in such school; and if the pupils will not conform to nor obey the rules of the school, they may be suspended or expelled therefrom by the principal of said school subject to the approval of the board of trustees: Provided, that the principal shall have power to temporarily suspend. (8145.)

History. L. 1901, p. 191.

Sec. 195. Graduates may enter state college. Those graduating from the normal course in the county high school shall be entitled to a teachers' second grade certificate and shall be admitted to the first year of professional work at the Normal school without further examination; and those graduating from the collegiate course shall be entitled to admission to the freshman class of the State University and the State Agricultural and Mechanical College without further examination. (8146.)

History. L. 1901, p. 191.

Sec. 196. Annual report of trustees. The board of trustees shall annually on the first day of July of each year, make a report to the county commissioners, which report shall specify the number of students attending the high school during the year, their sex, and the number of branches taught, the text books used, the number of teachers employed, the salaries paid and the amounts expended respectively for library, apparatus, building, and for all other purposes; also, the amount of funds on hand, the debts unpaid, if any; the amounts due, if any; and all other information deemed important or expedient to report. Such report shall be printed in at least one newspaper of the county, if any is published therein, and a copy of the report shall be forwarded to the state superintendent of public instruction. (8147.)

History. L. 1901, p. 192.

Sec. 197. Vacancy in board. The county commissioners shall have power to fill any vacancy that may occur in the board of trustees. (8148.)

History. L. 1901, p. 192.

Sec. 198. Salary of secretary and treasurer. The county commissioners shall allow the secretary and treasurer of the board of trustees a salary not to exceed fifty dollars per annum each; the same to be audited and paid in a like manner as other claims by the said board of trustees. Said trustees shall not be entitled to receive any other additional remuneration. (8149.)

History. L. 1901, p. 192.

ARTICLE XI.

Separate Schools.

Section

- 199. Separate school required.
- 200. Definition of "colored" public schools.
- 201. Teachers violating provisions—misdemeanors.
- 202. Private institutions for mixed pupils—misdemeanor.
- 203. Instruction in same—penalty.
- 204. Mixed attendance—pupils fined.
- 205. County levies for separate schools.
- 206. No separate schools—when.
- 207. Transfer to adjoining district.
- 208. Duty of county superintendent.
- 209. Commissioners to provide buildings—when.

Section

- 210. Furniture and equipment.
- 211. School funds.
- 212. County superintendent to employ teachers.
- 213. Payment of teachers.
- 214. Expense of building and repairing school house.
- 215. District board to settle with county commissioners.
- 216. Records.
- 217. Sale of real estate authorized.
- 218. Procedure.
- 219. Notice.
- 220. Competitive bids.
- 221. Deed.

Sec. 199. Separate school required. The public schools of the State of Oklahoma shall be organized and maintained upon a complete plan of separation between the white and colored races with impartial facilities for both races. (8193.)

History. L. 1907-8, p. 694.

Employment of teachers. Section 212.

Separate school board—validity of act. L. 1897(Ch. 34, Art. 1, is because of uncertainty and inconsistency of provisions, and in violation of 15th amendment of U. S. Const. and Sec. 5, Organic Act. Porter v. Com'rs, 6 Ok. 550, 51 P. 741.

Rights of educational, charitable, or religious institutions to exclude person on account of race or color. 24 L. R. A. (ns) 447-n.

Sec. 200. Definition of "colored" public schools. The term "colored" as used in the preceding section shall be construed to mean all persons of African descent, who possess any quantum of negro blood, and the term "white" shall include all other persons. The term "public school" within the meaning of this article, shall include all schools provided for or maintained in whole or in part at public expense. (8194.)

History. L. 1907-8, p. 694.

Under S. 1890, school warrants drawn by county clerk or county treasurer in compliance with provisions of section, to be paid out of moneys of separate school fund, does not constitute a township obligation. School Dist. et al. v. Capitol Nat. Bank, 7 Ok. 45, 54 P. 309.

Sec. 201. Teachers violating provisions—misdemeanors: Any teacher in this state who shall willingly and knowingly allow any child of the colored race to attend a school maintained for the white race, or allow any white child to attend a school maintained for the colored race, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than fifty dollars, and his certificate shall be cancelled and he shall not have another issued to him for a period of one year. (8196.)

History. L. 1907-8, p. 694.

Sec. 202. Private institutions—for mixed pupils—misdemeanor: It shall be unlawful for any person, corporation, or association of persons to maintain or operate any college, school or institution in this state where persons of both the white and colored races are received as pupils for instruction, and any person or corporation who shall operate or maintain any such college, school, or institution in violation hereof, shall be deemed

guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars; and each day such school, college, or institution shall be open and maintained shall be deemed a separate offense. (8197.)

History. L. 1907-8, p. 695.

Power to regulate or prohibit private schools. 29 L. R. A. (ns) 53-n.

Sec. 203. Instructor in same—penalty. Any instructor who shall teach in any school, college, or institution, where members of the white race and colored race are received and enrolled as pupils for instruction, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than fifty dollars for each offense, and each day any instructor shall continue to teach in any such college, school, or institution shall be considered a separate offense. (8198.)

History. L. 1907-8, p. 695.

Sec. 204. Mixed attendance—pupils fined. It shall be unlawful for any white person to attend any school, college, or institution where colored persons are received as pupils for instruction; and any one so offending shall be fined not less than five dollars nor more than twenty dollars for each offense, and each day such a person so offends as herein provided, shall be deemed a distinct and separate offense: Provided, that nothing in this article shall be so construed as to prevent any private school, college or institution of learning from maintaining a separate and distinct branch thereof in a different locality. (8199.)

History. L. 1907-8, p. 695.

Sec. 205. County levies for separate schools. In all counties separate schools for white and colored children are hereby established, and such schools shall be permanently maintained, and the board of county commissioners shall annually provide for a tax on all taxable property in their respective counties sufficient to maintain said separate schools as herein after provided; said taxes shall be estimated, published, levied, and collected in the same manner as other taxes for county purposes and in school districts where such separate schools are maintained no white child shall attend a colored school or colored child attend a white school. (8200.)

History. L. 1901, p. 205. Revision: "Levy" changed to "Provide for" a tax, etc., in accordance with Article 22.

Separate buildings. School districts which include cities of first class have equal concern in education of all children in district of school age, whether white or colored, and may erect separate buildings for different classes. Kingfisher Board of Education v. Co. Com'rs, 14 Ok. 322, 78 P. 455.

Same. Separate school statute construed and held not unconstitutional. *Id.*

Mandamus granter under act to enforce a levy upon taxable property for maintenance of separate colored schools. Porter et al. v. Com'rs, 6 Ok. 550, 51 P. 741.

Township liability. When separate schools are established, under S. 1890, county commissioners must levy a tax sufficient to maintain same, and expense thereof in a township cannot be made a township obligation. School Dist. et al. v. Capitol Nat. Bank, 7 Ok. 45, 54 P. 309.

Sec. 206. No separate schools, when. In any school district in such county having both white and colored children of school age, where the number of such children either white or colored of school age does not exceed ten and they can be transferred to schools of their own color in adjoining districts, as hereinafter provided, no separate schools shall be maintained. (8201.)

History. L. 1901, p. 205.

Sec. 207. Transfer to adjoining district. When either the white or colored children of school age in any such school district, having both white and colored children of school age do not exceed ten in number, the county superintendent of schools in such county shall transfer the white or colored children that are the fewer in number to the nearest school of their own color in some adjoining district, when the same can be done with the consent of their parents, guardians or custodians; or without such consent, when any such children can be so transferred without compelling them to travel more than two and one-half miles to attend such school. And when any child is so transferred to another school under the provisions of this section, the county superintendent shall apportion its per capita of all school revenue, except local school district tax and county separate school fund, to the school district to which it is transferred, and such children shall have all the rights and privileges in the school to which it is transferred that are enjoyed by children resident in such district. (8202.)

History. L. 1901, p. 205.

Sec. 208. Duty of County Superintendent: The county superintendent of schools of each county shall ascertain what districts of his county have separate schools for white and colored children, the number of such children of each color in each district, and further ascertain the districts, if any, maintaining separate schools and have not erected school houses for both white and colored children, and report the same to the board of county commissioners of his county, and in like manner report such facts when any other district in his county may desire to establish such separate schools. (8203.)

History. L. 1901, p. 206.

Sec. 209. Commissioners to Provide Building—When: If upon the receipt of such report, the board of county commissioners of such county find from such report, or any other legal evidence that they may desire to consider, that any of such districts so maintaining, or that are entitled to maintain, separate schools for white and colored children, have not furnished or acquired a school building for that class of children, either white or colored, that is the fewer in numbers in said district, and that such children cannot be transferred to adjoining districts as provided herein, then such board of county commissioners shall cause the county superintendent of schools of such county to file with them a statement in writing, with the specifications of the kind of school house needed by the class of children that are fewer in number in said districts; and when such board of county commissioners have settled the plans and specifications for such building, suitable in their judgment for such purpose, they shall advertise for bids for the construction of such building by notice posted in such district and published at least four consecutive weeks in a newspaper published in such county, if any be published therein, and if no newspaper be published in such county, then by posting public notices in said school district and at five other public places in said county; and such contract shall be let to the lowest responsible bidder in the same manner as other contracts are let, and the board of county commissioners shall take proper bonds for the performance thereof. Such building, when completed and accepted by such board of county commissioners, shall be paid for by them by warrants drawn by them on the separate school fund of such county. (8204.)

History. L. 1901, p. 206.

Sec. 210. Furniture and Equipment: The school districts shall furnish all schools with the same kind of furniture and equipments and give

equal school facilities to both white and colored children at the expense of such school district, except as otherwise provided in this article. (8205.)

History. L. 1901, p. 207.

Disposition of schools. Separate schools erected by county commissioners do not become property of county in the sense that same may be disposed of by commissioners as county property. School Dist. v. Overholser et al., 17 Ok. 147, 87 P. 665.

Original section construed. A. T. & S. F. R. R. Co et al. v. Haynes, 8 Ok. 576, 58 P. 738.

Sec. 211. School Funds: All school funds except the county separate school fund apportioned to such district shall be carried to the regular account of such district. (8206.)

History. L. 1901, p. 207.

Sec. 212. County Superintendent to Employ Teachers and Prescribe Rules: It shall hereafter be the duty of all county superintendents of public instruction to contract with and employ all the teachers for the separate, or minority schools now maintained or hereafter to be established in their respective counties; said teachers before being so employed shall possess all the qualifications which are now required by law, and shall be paid in the same manner as is now provided by law, and the county superintendent of public instruction shall have the power to prescribe rules and regulations for the government of said separate or minority schools.

H. B. 145, L. 1911.

Sec. 213. Payment of Teachers: The teachers of the schools for that class of children, either white or colored, that are the fewer in numbers in any district, having separate schools, shall be paid out of the county separate school fund; and for such purpose the school district board shall draw their warrant on the county clerk of their county in favor of the teachers of such separate schools in such districts, and the county clerk shall draw his warrant on the county treasurer for such amount, which shall be paid out of the separate school fund of such county in the order of its registration and presentation: Provided, however, That the county clerk shall not draw on said separate school fund for any greater amount for teachers employed for any district than is paid the like number of teachers for the like time by the school district for teaching in the other schools of said district. No contract shall be let or allowance be made for building such house in any sum in excess of the moneys or bonds of such district expended for the building of a school house in such districts for the children of the other class. (8208.)

History. L. 1901, p. 208.

Sec. 214. Expense of Building and Repairing School-House: Such school house so built by the county may be built in any part of said district which in the judgment of the board of county commissioners will be most convenient to the greatest number of the children for whom it is intended; and for such purpose such board of county commissioners may receive title to a proper school site, by gift, purchase or proceedings to condemn the same, in the same manner and with like effect as when such actions are brought by school districts. Such county shall not be at any other or further expense on account of such building; but the school district, at its own expense, shall keep such house in repair and rebuild the same if destroyed. The county shall be at no expense on account of school houses, or repairing same, where districts have a school house or houses for that class of children, white or colored, that are the fewer in numbers in such district. (8208.)

History. L. 1901, p. 208.

Sec. 215. District Boards to Settle With County Commissioners. At the regular April meeting, each year, of the board of county commissioners, the school district boards of all school districts maintaining separate schools for white and colored children shall make a settlement with the board of county commissioners of their counties, which settlement shall show the amount of money drawn for them out of such separate school fund and such other facts as the board of county commissioners may desire to know, and file therewith a statement of their needs for the ensuing year; and any school board that fails to make such settlement before the time to estimate the levy for annual taxes, shall be required to pay their own expenses, of all kinds, for separate schools for the next ensuing year. (8209.)

History. L. 1901, p. 209.

Sec. 216. Records: The school district clerk, county clerk and county treasurer shall keep proper and full records showing the condition of such separate school fund and each of such officers shall preserve all vouchers, warrants and other orders pertaining to such fund and belonging to their respective offices. (8210.)

History. L. 1901, p. 209.

Sec. 217. Sale of Real Estate Authorized: The board of county commissioners of any county is hereby authorized to sell and convey any real estate deeded to, or held by such county, for the purpose of separate, or colored, schools where the same has not been used for separate school purposes for the preceding two years, and in the opinion of such commissioners, will not be needed for such purpose, such sale to be in the manner hereinafter provided.

History. L. 1910, p. 208.

Sec. 218. Procedure: Before any such sale shall be made, the board of county commissioners, in regular or special session, shall adopt a resolution declaring that said real estate had not been used for separate school purposes during two years immediately preceding the date of such resolution, and that the same is not needed for separate school purposes; said resolution to be published with other proceedings of said board and a copy of said resolutions shall be certified by the county clerk to the judge of the district court of such county and such judge shall make a finding as to whether it is to the best interests of the separate school fund that such property be sold, and if he finds that such sale is for the best interest of such fund, he shall appoint three disinterested freeholders of said county to appraise said real estate, said appraisement to be returned by said appraisers to the Board of county commissioners.

History. L. 1910, p. 208.

Sec. 219. Notice: Upon the return of the appraisement, as provided in the preceding section, the board of county commissioners shall give notice of such sale by publication in some newspaper of general circulation in such county, for a period of thirty days.

History. L. 1910, p. 208.

Sec. 220. Competitive Bids: Bids for said real estate shall be in writing, sealed, and delivered to the county clerk of such county and by him preserved unopened, until the next regular meeting of the board of county commissioners, after the expiration of ten days from the period of said publication, at which time the board of county commissioners shall open such bids and award the said real estate to the highest and best bidder for the same: Provided, That such real estate shall not be sold for less

than eighty per cent of its appraised value, and the board of county commissioners shall have the power to reject any and all bids.

History. L. 1910, p. 209.

Sec. 221. Deed: When any real estate shall have been sold as above provided, a deed shall be made therefor, signed and acknowledged by the chairman of the board of county commissioners and attested by the county clerk, which deed shall recite the several steps and proceedings taken to authorize such sale, and such recitals shall be prima facie evidence of the truth of the matters recited.

History. L. 1910, p. 209.

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ARTICLE XII.

Agricultural Education.

Section

- 222. State commissioners of agricultural and industrial education.
- 223. Certain subjects to be taught in schools.
- 224. Duty of state superintendent.
- 225. County superintendent to file reports.
- 226. Qualifications and duties of teachers.
- 227. Normal schools to give agricultural instruction.
- 228. A. & M. college to head system.
- 229. Establishment of chair.

Section

- 230. Surveys.
- 231. A. & M. graduates to receive permanent certificate.
- 232. Course of study.
- 233. A. & M. college examination questions.
- 234. A. & M. college entrance examinations.
- 235. Secondary schools.
- 236. Creation of Pan-Handle school.
- 237. Same—experimental farms.
- 238. Same—Farmers' short course.
- 239. Same—what may be taught.

Sec. 222. State Commission of Agricultural and Industrial Education: That for the purpose of carrying out the requirements of the state constitution relating to the teaching of the elements of agriculture, horticulture and stock feeding, and domestic science in the common schools of the State, there is hereby created a State commission of agricultural and industrial education, consisting of the state superintendent of public instruction, who shall be chairman thereof; the president of the State board of agriculture, and the president of the agricultural and mechanical college, each of whom shall serve without additional pay. Said commission shall conform to the rulings of the State board of education, shall co-operate with all state normal schools, the agricultural and mechanical colleges, and the State board of agriculture, and said boards and institutions are hereby required to co-operate with the state commission of agricultural and industrial education as far as practicable, and without interfering with the more immediate duties of said boards and institutions. Said commission shall make a report in writing to the governor at least thirty days prior to the regular sessions of the legislature, including the work done under its supervision and a complete account of all funds and their disbursements made in pursuance of this article, together with such recommendations as may be said commission be deemed advisable. (76.)

History. L. 1907-8, p. 13.

Sec. 223. Certain Subjects To Be Taught in Schools: The elementary principles of agriculture, horticulture, animal husbandry, stockfeeding, forestry, building country roads, and domestic science, including the elements of economics, shall be embraced in the branches taught in all the public schools of this State receiving any part of their support from this State, and these branches shall be as thoroughly studied and taught by observation, practical exercises, and the use of text and reference books, and in the same manner, as are other like required branches in said public schools. (77.)

History. L. 1907-8, p. 14.

Sec. 224. Duty of State Superintendent: The state superintendent of public instruction shall investigate and determine the character, extent and cost of courses of instruction in the branches provided for herein, including manual training adapted to the different schools, and shall, through bulletins and public addresses, give information to school boards and communities as to the courses and character of instruction which have proved most satisfactory and best adapted to various schools. He shall determine and

give information as to where the most thoroughly trained and best equipped teachers of subjects named herein may be found, and shall formulate and recommend plans for the organization of training and normal schools for the preparation of teachers of said subjects. He shall, in all proper ways, seek to awaken an active interest among teachers in the subjects required herein to be taught and shall, in all proper ways, awaken public sentiment to the importance of teaching said subjects in the common schools and all public schools with efficiency and success, and shall make such investigations as may be necessary for the proper performance of his duties as prescribed herein. (78.)

History. L. 1907-8, p. 14.

Sec. 225. County Superintendents To File Reports: All county superintendents of education shall file a written report with the president of the State board of education annually at such time as the president of said board may require, concerning the cost, character and extent of such courses of instruction in the branches provided herein to be taught in their respective counties, together with such reports on work done and suggestions in relation thereto as the president of the state board of education may require. (79.)

History. L. 1907-8, p. 15.

Sec. 226. Qualifications and Duties of Teachers: No person shall teach and no certificate be granted to an applicant to teach, in the public schools receiving aid from this State, who has not passed a satisfactory examination in the elements of agriculture and allied branches mentioned herein. It shall be the duty of teachers in all schools receiving aid from the State to file quarterly, or at such times as the county superintendent may require, a written report with the county superintendent of public instruction, of their respective counties, in full detail, of any progress made or work done in the different branches required to be taught under the terms of this article, together with such recommendations as they may deem advisable, and such other information as the county superintendent may require. Any teacher, whose duty it is to instruct in branches herein to be taught, who fails or neglects to comply with the provisions of this article, shall be discharged. (80.)

History. L. 1907-8, p. 15.

Sec. 227. Normal Schools to Give Agricultural Instruction: The State normal schools, and like schools to be hereafter created, shall lend specific assistance in carrying out the purposes of this article by preparing teachers for the work of instruction in the elements of agriculture and allied branches named herein in the same manner as teachers are prepared for other required subjects and shall render such co-operation and active support through their respective presidents, officers, and teachers as will best contribute to the successful introduction and support of a thorough system of agricultural and industrial education for the schools of the State. There shall be established in each of the State normal schools, located or to be hereafter located, a department to be known as the department of agricultural and industrial education, with a professor in charge, which shall give such instruction in the regular course or courses as may be deemed necessary for the instruction of teachers in the public schools of the State. (81.)

History. L. 1907-8, p. 15. Revision: Following "carrying out" is inserted "the purposes of this article by preparing teachers for the" —in order to carry out the sense and meaning of the section.

Sec. 228. A. & M. College to Head System: The Agricultural and Mechanical College shall be the technical head of the agricultural, industrial, and allied science system of education, and its president, professors and employees shall lend such assistance in carrying out the objects, aims and purposes of the state constitution requiring the teaching of agriculture and allied practical subjects as shall not conflict with the immediate duties incumbent on them in said institution. (82.)

History. L. 1907-8, p. 16.

Sec. 229. Establishment of Chair: There is hereby created the chair of agriculture for schools, the occupant of which shall be a member of the faculty of the Agricultural and Mechanical College, whose duty shall be to direct and advise in all matters relating to the teaching of agriculture and allied subjects in the common schools, under the supervision of the president of the Agricultural and Mechanical College, and he shall be paid from the funds of the Agricultural and Mechanical College. He shall visit the schools, the teachers' institutes, the summer normal schools, and the State normal schools, advise with the teachers and officers concerned, and plan such means of co-operation in the improvement of methods, appliances, the use of seeds, plants, and trees as may from time to time be necessary, and shall prepare, print and distribute such leaflets and other literature as may be helpful to teachers and pupils concerned or engaged in teaching industrial, practical, and scientific subjects bearing on technical and practical agriculture and its allied branches. (83.)

History. L. 1907-8, p. 16. Revision: "The occupant of which" inserted in second line, as the "chair" itself could not be a member of the family.

Sec. 230. Surveys: It shall be the duty of the Agricultural and Mechanical College, under the board of agriculture, (ex-officio board of regents of said institution), to carry on all natural history surveys, soil surveys, mineral, and forestry surveys that are now provided for by the laws of the State, or that may hereafter be provided for, and it shall be the duty of said Agricultural and Mechanical College to co-operate with the national department of agriculture, in carrying out the surveys herein mentioned, and in the construction of country roads, and in all ways and by all means to supply the schools and the people with agricultural, industrial, and technical facts demanded by the spirit of this article. (84.)

History. L. 1907-8, p. 17. Revision: Minor changes in language.

Sec. 231. A. & M. Graduates to Receive Permanent Teachers' Certificates: Any student having completed the regular four years' course of study of the Agricultural and Mechanical College and receiving a diploma from said college, shall be granted a permanent teachers' certificate of first grade by the State superintendent of public instruction, when application for such certificate has been duly made and approved by the State commission of agricultural and industrial education. (85.)

History. L. 1907-8, p. 17.

Sec. 232. Courses of Study: The State commissioners of agricultural and industrial education, with the assistance of such experts in agricultural education as may be secured from the state and national departments of agriculture, shall have the authority and it shall be their duty to prepare a detailed course of study in the elements of agriculture and allied subjects, domestic science, and economics adapted to the needs of instruction in the elementary and secondary schools of the State. The commission shall prepare a syllabus of the course of study in each subject, in such detail and with such elaboration of the body of knowledge to be considered

as may be necessary for the organization and administration of the proper courses of instruction in said branches. In preparing the courses of study required herein to be taught, any of said subjects may be combined in one text book so they will be adaptable to the various schools in which they are taught, at the same time, so far as possible, giving practical educational values to each subject. Upon the satisfactory completion of said course of study, as evidenced by a diploma or certificate signed by the county superintendent, pupils shall be admitted to the sub-freshman or higher class of the Agricultural and Mechanical College without further examination. It shall be the duty of the president of the Agricultural and Mechanical College each year to send to each school in this State, where such branches as required by this article are taught, a catalogue, and upon application to furnish said schools such other information as may be desired relative to said college. Such catalogues and other information shall be kept in each school for reference. (86.)

History. L. 1907-8, p. 17.

Sec. 233. A. & M. College Examination Questions: It shall be the duty of the State superintendent of public instruction to secure, at least twice a year, a set of examination questions in all the studies required for admission to the Agricultural and Mechanical College, and he shall send a printed list of same to each county superintendent, which shall be used in examining candidates who may desire to enter said college. (87.)

History. L. 1907-8, p. 18.

Sec. 234. A. & M. College Entrance Examination: It shall be the duty of the county superintendent to give public notice of the examination provided for in the preceding section at the time of all regular teachers' examinations, and to submit such questions to any candidate who may desire to enter the Agricultural and Mechanical College. The examination shall be conducted in the same manner as are regular teachers' examinations of the county. The work of each and every candidate, together with the name and address, shall be forwarded by the State superintendent within ten days from the date of the examination, and by him to the president of the college, who shall examine and grade the answers, and report to the candidate as soon as possible, after the receipt of the paper, the result of the examination. An average grade of seventy percent in each branch shall admit the candidate to the Agricultural and Mechanical College without further examination. (88.)

History. L. 1907-8, p. 18.

Sec. 235. Secondary Schools: There shall be established in each of the supreme court judicial districts a District Agricultural school of secondary grade for instruction in agriculture and mechanics and allied branches, and domestic science, and economics, with courses of instruction leading to the Agricultural and Mechanical College, and the State normals. Each of said agricultural schools shall be provided with not less than eighty acres of land without cost to the State, and deeded in perpetuity to the State. The location, operation, and equipment of said agricultural schools shall be under the administration of the State commission of agricultural and industrial education, subject to the approval of the board of agriculture. (89.)

History. L. 1907-8, p. 18. Revision: Provision for location of schools "beginning July, 1908," and semi-annually thereafter, eliminated, as all of said schools have been located.

Sec. 236. Creation of Panhandle Schools: The counties of Cimarron, Texas and Beaver are hereby created into a separate district to be known as the Panhandle Agricultural District and there shall be established in

said district a district agricultural school of secondary grade for instruction in agriculture and mechanics and allied branches and domestic science, and economics with courses of instruction leading to the Agricultural and Mechanical College and the State normals, said school to be known as the Panhandle Agricultural Institute: Provided, That said agricultural school shall be provided with not less than eighty acres of land without cost to the State, and deeded in perpetuity to the State. The locating of said Panhandle Agricultural Institute, and the operating and equipment of said school shall be under the administration of the State commission of agricultural and industrial education, subject to the approval of the board of agriculture: Provided, further, That the said school shall be governed and maintained as are the other agricultural schools of secondary grade heretofore established.

History.—L. 1909, p. 16; effective June 10, 1909. Revision: Reference by title to the act establishing the district agricultural schools eliminated as unnecessary.

Sec. 237. Same—Experimental Farms: There shall be an experimental farm, operated by each of said agricultural schools, on which careful trials shall be made of the best fruits, vegetables, flowers, field and forage crops, fertilizers, and stock feeds for that section, as well as the systems of dairying, drainage, irrigation and farm management that may be considered of practical value and adapted to the needs of the people in such supreme court judicial districts: Provided, That each district agricultural school shall make at least one report annually to the governor of the State covering all work done, its cost, the results, and the probable value of such experiments, which report shall be published for free distribution to farmers, fruit and vegetable growers and stockmen in the supreme court judicial district in which said school is located. (90.)

History. L. 1907-8, p. 19.

Sec. 238. Same—Farmers' Short Course: There shall be held annually by each of said agricultural schools a farmers' short course extending over at least one week and embracing practical and elementary scientific instruction in those branches of agriculture that may be deemed most important in the supreme court judicial district in which any such agricultural school is located at the time such short course of instruction is to be provided, including a course in domestic economy, canning, preserving and cooking. There shall be no fees charged for attendance on these practical courses of instruction and no entrance examinations may be required: Provided, That all citizens of the white race over fifteen years of age shall be entitled to admission to such courses. (91.)

History. L. 1907-8, p. 19.

Sec. 239. Same—What May Be Taught: No course of instruction shall be offered in such agricultural schools other than industrial courses, but this shall not exclude teaching the common school branches, the languages, manual training, manufacture, the sciences, and other necessary studies as subjects in the industrial courses. (92.)

History. L. 1907-8, p. 19.

Who?	Jasper Sipes Co.	<u>SCHOOL SUPPLIES</u>
Where?	Okla. City	WRITE FOR PRICES
What?	The Best	<u>School and Church</u> Furniture

ARTICLE XIII.

Books and Supplies.

Section

240. Text book commissioners.
241. Commissioners to select school books and supplies.
242. Bids and proposals—how filed.
243. Same—return of deposits.
244. Books to be printed in English—exchange.
245. Contracts and bonds.
246. Meeting and consideration of proposals.
247. Quality of books—contracts.
248. Price—how regulated.
249. Bidders' sworn statement of general price.
250. Attempt to change books a misdemeanor, when.
251. School authorities not to purchase unauthorized supplies.
252. Same—penalty for sale or purchase.
253. State may terminate contracts, when.

Section

254. All bids may be rejected.
255. Supplies to be placed on sale, where.
256. Making of contract to be published.
257. Penalty for charging illegal prices.
258. Supplies required to be reported.
259. Commission's selection to be used exclusively.
260. Same—failure a misdemeanor.
261. Rules—perpetuation of commission.
262. Commission may publish books, when.
263. Compensation and allowances.
264. Bribery.
265. Common schools defined.
266. Contractor to designate state agent.
267. Combination prohibited.

Sec. 240. Text Book Commission: There is hereby created a commission, to be composed of seven members, to be known as the "Text-Book Commission," consisting of the governor and six other persons of recognized ability, residents of this State, a majority of whom shall be experienced educators, who shall be appointed by the governor and approved by the senate, to serve for a term of five years and until their successors are appointed and qualified, unless sooner removed. Any vacancy occurring upon the commission from any cause, shall be filled by appointment by the governor as in the first instance. A majority of said commission shall constitute a quorum for the transaction of all business of the commission. Before transacting any business relating to the duties of the commission, they shall each, in addition to the oath prescribed by the constitution, take an oath before some person authorized to administer same, to faithfully discharge all the duties imposed upon them as members of the text book commission and that they have no interest, directly or indirectly, in any contract that may be made under this article, and will receive no personal benefit therefrom, that they will examine all books submitted carefully and faithfully, as herein directed and prescribed; and said oath shall be filed in the office of the secretary of state. The secretary of said commission shall keep a correct record of all proceedings, votes and actions of the commission, which said records shall be deposited in the office of the secretary of state, at the time when said commission is not in session. All votes upon any proposition submitted to the commission shall be by yea and nay, and recorded in the journal of the day's proceedings. No person shall be appointed to serve on said commission who has been in the employ, directly or indirectly, as traveling salesman, or otherwise, for any publisher of school text books. (7982.)

Note.—The State Board of Education is ex-officio the Text-Book Commission. See sections 9-10.

History. L. 1907-8, p. 680.

Adoption of text-books for public schools. 36 L. R. A. 277-n.

Who may complain of non-compliance with statute in adopting or changing text-books in schools. 19 L. R. A. (ns) 1003-n.

Sec. 241. Commission to Select School Books and Supplies: The text book commission shall be called together by the governor; and said commission is hereby empowered to select and adopt a uniform system or series of school text-books, registers, records, maps, charts, globes, and other school apparatus, for use in all the common schools of Oklahoma, and the series so selected shall include all the studies taught in the common schools of the State up to and including the twelfth grade: Provided, That none of said text-books shall contain anything of a partisan or sectarian character. Each bidder presenting books for adoption shall state at what price the books are offered, as basic books, and as supplementary books: Provided, further, That the commission may adopt supplementary readers, but such readers shall not be used to the exclusion of basic readers. The duly constituted authorities in charge of any private school, or other educational institution, desiring to use any of the books selected by said commission in such school, shall have the privilege of buying said books at the same price and on the same terms at which they are furnished to the common schools. (7983.)

History. L. 1907-8, p. 681: Revision: "Thirty days after the passage and approval of this act" eliminated, with reference to first meeting, as obsolete.

Sec. 242. Bids and Proposals—How Filed: The commission shall advertise for at least thirty days, in such manner as for sealed bids on proposals from publishers of said text books for furnishing books, registers, records, and apparatus to the common schools of this State, as herein-before provided. The bids or proposals shall be for furnishing the books, registers, records, and apparatus for a period of five years. Each bid shall state specifically and clearly the retail price at which each book, register, record and apparatus shall be furnished. Each bid or proposal shall be accompanied with specimen copies of each and all books offered in said bid, which specimen copies of books shall be sent, by express or mail to the governor, and it shall be required that each bidder deposit with the treasurer of the State of Oklahoma, such sum of money as the commission shall require, not less than five hundred dollars nor more than twenty-five hundred dollars, according to the value of the books, registers, records, and apparatus each bidder may propose to supply. Such deposit shall be forfeited to the State if such bidder so depositing shall fail to make and execute such contract and bond provided herein within such time as the commission may require, which time shall be specified in the notice advertised. Each bid shall be accompanied with a sworn statement, showing the ownership of such publishing house, with the interest, names and addresses of such owners, and specially stating whether or not the said publishers or the owners of any interest or share of any such publishing house is the owner of any interest or share of any other publishing house, and if so, giving the name and address thereof and further state in said affidavit that no member of the commission is in any manner interested, directly or indirectly, in such firm or corporation submitting such bid. If the fact shall be disclosed that any member of the commission is so interested, it shall work a disqualification of such member of the commission, and he shall not be permitted to serve on such commission; or if it should further appear or be disclosed that a member of the commission is interested in any book or series of books as the author or associate author, or that any member of the commission is interested in any such book or series of books in any manner, such fact shall likewise work a disqualification of such member and he shall not be permitted to serve on the commission. Each member of the commission, after a called session of the commission, at which any books are adopted, shall make out and file with the secretary of state an affidavit that he is not, and has

not been, directly or indirectly, interested in or related to any publishing house, person, firm or corporation submitting any book, register, record, manuscript, or school apparatus for adoption, or in any book, register, record, manuscript, or school apparatus offered for adoption, nor is he related to any person or agents representing such house, person, or firm or corporation, and that he will not accept any position as agent or representative of any person, firm, or corporation to whom any contract may be awarded by said commission during the term and duration of said contract, and that he is not related to any person, or agents, representing such house, firm or corporation. Any contract entered into under the provisions of this article with any publishers who may hereafter become a party to any combination or trust for the purpose of raising the price of school text books, registers, records or school apparatus used in this State, shall at the wish of the commission become null and void. (7984.)

History. L. 1907-8, p. 682.

Sec. 243. Same—Return of Deposits: All bids shall be sealed and deposited with the chairman of the commission, to be by him delivered to the commission in executive session for the purpose of considering the same. When any person, firm or corporation has been awarded a contract and the contract and bond required has been filed with the commission, it shall make an order on the treasurer of the State, reciting such fact, and thereupon the treasurer shall return the deposit of such bidder; but if any successful bidder shall fail to make the contract and bond as heretofore provided, the treasurer shall place the deposit of such bidder in the state treasury to the credit of the available school fund, and the commission shall re-advertise for other bids to supply such books or school apparatus which said bidders may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the commission has decided not to accept their bids. (7985.)

History. L. 1907-8, p. 683. Revision: Original section cut in two, for more logical division of matter.

Sec. 244. Books to be Printed in English—Exchange: All books adopted by the commission shall be printed in English, except such text books as may be adopted for the teaching of any foreign language. The commission shall stipulate in the contract that where a change shall have been made from the books now in use in this State, the contractor or contractors shall take in exchange the respective books and receive in exchange for new books at a price not less than fifty per cent of the contract price. Such exchange period shall not continue longer than one year from the date of contract. (7985.)

History. L. 1907-8, p. 683. Revision: Originally part of preceding section.

Note.—Last sentence of this section prohibits exchange of books after the first year of the contract.

Sec. 245. Contract and Bonds: The bidder or bidders to whom any contract may have been awarded shall make and execute a good and sufficient bond payable to the State of Oklahoma in the sum of not less than ten thousand dollars, to be approved by the governor, such bond to be conditioned that the contractor or contractors shall faithfully perform all conditions of the contract. The contract and bond shall be prepared by the attorney general and shall be made to conform with all the requirements of this article, and shall be payable in the county where the seat of government of this State is located, and shall be deposited in the office of the secretary of state. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount

thereof is recovered, and the commission may, after twenty days' notice, require a new bond to be given, and in the event the contractor or contractors shall fail to furnish such new bond, the contract of the contractor or contractors may, at the option of the commission, be forfeited. (7986.)

History. L. 1907-8, p. 684.

Sec. 246. Meeting and Consideration of Proposals: It shall be the duty of the commission to meet at the time and the place mentioned in the notice and advertisement, and it shall adopt such rules and regulations as may be necessary to the transaction of its business, not contrary to the provisions of this article, and shall then and there open and examine the sealed proposals received, and it shall be the duty of the commission to make a full and complete investigation of all books, registers, records and school apparatus and bids accompanying the same. Each person, company, or corporation submitting bids or proposals shall be permitted to file a written statement as to the merits of any book or books, register, record or school apparatus offered by such bidder, or they may be permitted to appear in person, or by a duly authorized agent, before said commission; and the party so appearing or representing the claims of any bidder shall deposit with the commission his proper credentials or authority to represent such bidder. Every person who appears before the commission in advocacy of the adoption or rejection of any books, register, record, manuscript, or any school apparatus shall file an affidavit showing fully in what capacity he appears and whether he is representing, as agent or otherwise, any bidder or whether he has received or has a contract to receive pay for his services in appearing before said commission: Provided, That no State official of this State shall be allowed to appear as the agent or representative of any text book company, firm or corporation. (7987.)

History. L. 1907-8, p. 684.

Sec. 247. Quality of Books—Contracts: The literary merits and historical accuracy of all books shall be the main point to be considered in their adoption, and the books shall be selected after a careful examination and consideration of all the books presented; and books selected shall be those which, in the opinion of the commission, are most acceptable for use in the various schools of the State, quality, mechanical construction, paper, print, price, authorship, and any other relevant matter being given such weight in making its decision as the commission may deem advisable: Provided, That books by Oklahoma authors shall have preference, merit and price being equal. The commission shall proceed without delay to adopt, for use in the common schools of this State, text books in the schools hereinbefore mentioned, and shall notify publishers to whom contracts are awarded. Each contract shall be duly signed by the publishing house or its authorized officers or agents, and if it is found to be in accordance with the award and all of the provisions of this article, and if the bond herein required is presented and duly approved, the commission shall approve said contract and order it to be signed on behalf of the State by the governor. All contracts shall be made in duplicate and one copy shall remain in the custody of the secretary of state and be copied in full in the minutes of the meeting of the commission in a well-bound book, and the other copy shall be delivered to the publisher or his agent. All the books, registers and records furnished under such contract shall be equal in all respects to the specimen or sample copies furnished with the bids; and it shall be the duty of the state superintendent of public instruction to preserve in his office, as the standard of quality and excellence to be maintained in such books, registers and records, during the continuance

of such contract, the specimen or sample copies of all books, registers and records which have been the basis of any contract, together with the original bid and proposal. The contract and exchange price of each book shall be plainly printed on the back of each book, together with the following notice: "The price marked hereon is fixed by the State, and any deviation therefrom should be reported to the state superintendent of public instruction." (7988.)

History. L. 1907-8, p. 685.

Sec. 248. Price—How Regulated: The commission shall not, in any case, contract with any publisher of any book or books, registers and records, or any person, firm or corporation submitting bids for furnishing charts, maps, globes or other school apparatus to be used in the common schools of this State, at a price in excess of the lowest price at which such publisher or bidders furnishes and distributes the same book or books, registers, records or school apparatus under contract with any other state, county or school district in the United States, under like conditions of distribution. (7989.)

History. L. 1907-8, p. 686.

Sec. 249. Bidders' Sworn Statement of General Price: The publishers or bidders shall file with each proposal a sworn statement of the lowest price at which each book, chart, map, globe, or other apparatus offered to be sold anywhere in the United States, under like conditions of distribution. Said publishers or bidders must further agree to reduce the price of any book or apparatus adopted by the commission, if reductions are made below such contract price anywhere in the United States, so that at no time may any book or apparatus be sold in Oklahoma at a higher price than is received for the same book, register, record, or apparatus elsewhere in the United States where like conditions of distribution prevail. (7990.)

History. L. 1907-8, p. 686.

Sec. 250. Attempt to Change Books a Misdemeanor, When: Any publisher, person, firm or corporation submitting bids, or any agent of such publisher, person, firm or corporation, who shall connive at or seek to procure a change of the series of text books, registers, records or any school apparatus by the commission before the expiration of the period in which a uniform system of text books is established in this State, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars and not more than one hundred dollars for such offense. (7991.)

History. L. 1907-8, p. 686.

Sec. 251. School Authorities Not to Purchase Unauthorized Supplies: It shall be unlawful for any teacher, trustee or school board of any common school in this State to purchase or contract for any chart, map, globe or other school apparatus, unless the same shall have been submitted to the text book commission of this State at a regular or special session and by them approved and the maximum price thereof fixed by said commission. (7992.)

History. L. 1907-8, p. 687.

Sec. 252. Same—Penalty for Sale or Purchase: Any person who shall sell to any teacher, trustee or school board of any common school of this State, any chart, map, globe or other school apparatus, which have not been approved by the text book commission of this State, and any person who shall request or endeavor to persuade any such teacher, trustee or school board, or any member thereof, to purchase any chart, map, globe

or other school apparatus, the sale of which is hereby prohibited, shall be deemed guilty of a misdemeanor and liable to a fine of not less than fifty nor more than two hundred dollars. (7993.)

History. L. 1907-8, p. 687.

Sec. 253. State May Terminate Contracts, When: It shall be a part of the terms and conditions of every contract made in pursuance of this article that the State of Oklahoma shall not be liable to any contractor thereunder for any sum whatever, but all such contracts shall receive compensation solely and exclusively from the proceeds of the sales of school books as provided herein; and it is hereby provided that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified as to make necessary or expedient that such contract should be revoked, or as to such book or books, registers and records as may be published by or at the cost of the State; Provided, that the commission shall have the power by a majority vote, to discontinue the use of unsatisfactory books, registers and records at the end of any school year during the continuance of this contract, and to make another adoption, and all contracts shall contain a stipulation to that effect. The State may, at its election, cancel any contract entered into by virtue of the provisions of this article for fraud or collusion upon the part of either party to the contract or any member of the commission, or any person, firm, corporation or their agents making said bond or contract; and for the cancellation of any such contract, the attorney general is hereby authorized to bring suit in any court of competent jurisdiction in the State, and in case of the cancellation of any contract as provided herein, the damages are fixed at not less than the amount of said bond to be recovered as liquidated damages in the same suit cancelling such said contract. And on account of the difficulty in determining the damage that might accrue by reason of such fraud and cancellation of such contract, the full amount of the bond given by any contractor shall be considered as liquidated damages to be recovered out of said bond by the State at the suit of the attorney general, and every contract shall contain a clause to this effect. (7994.)

History. L. 1907-8, p. 687.

Sec. 254. All Bids May Be Rejected: The text book commission shall have and reserve the right to reject any and all bids or proposals, if said commission be of the opinion that any or all bids should, for any reason, be rejected; and in case they fail, from among the bids or proposals submitted, to select any book or books, registers, records and apparatus upon any of the branches of study provided for herein, they may advertise for sealed bids or proposals under the same terms and conditions as before, and proceed in their investigation in all respects as they did in the first instance and as required by the terms and provisions of this article. (7995.)

History. L. 1907-8, p. 688.

Sec. 255. Supplies to Be Placed on Sale, Where: The party or parties with whom the contract shall be made shall place their books, registers, records and school apparatus on sale at as many places in each county of the State as the commission may direct for the distribution of the books to the patrons, and the contractor shall be permitted to make arrangements with merchants or other persons for the handling and distribution of the books. All books shall be sold to the consumer at the retail price fixed by the commission. Upon the failure of any contractor, under the provisions of this article, to furnish the books, registers, records or apparatus as provided in this contract, the county superintendent of

public instruction of such county shall immediately report the fact to the attorney general, and he shall bring suit on account of such failure, in the name of the State of Oklahoma, in any court of competent jurisdiction in the State, and shall recover on the bond given by such contractor for the full value of the books, registers, records and apparatus not furnished as required, and in addition thereto the sum of one hundred dollars, and the amount so recovered shall be placed to the credit of the available school fund of the State. (7996.)

History. L. 1907-8, p. 688.

Sec. 256. Making of Contract to Be Published: As soon as the State shall have entered into the contract for furnishing the books and apparatus for use in the common schools of this State, under the provisions of this article, it shall be the duty of the governor to issue his proclamation of such fact to the people of the State, and immediately thereafter the state superintendent of public instruction shall address a circular letter to the county superintendents, trustees and school boards of the various schools of the State, which circular letter shall contain a list of the books, registers, records and apparatus adopted, with their respective prices, together with such other information as he may deem advisable. (7997.)

History. L. 1907-8, p. 689.

Sec. 257. Penalty for Charging Illegal Prices: If any local agent, dealer, clerk or other person handling or selling the books, registers, records, maps, charts, globes or other apparatus adopted under this article, shall demand or receive for a copy of any of the books, registers, records, or for any chart, map, globe or other apparatus adopted under this article, more than contract price, he shall be guilty of a misdemeanor, and upon conviction shall, for each offense, be punished by a fine of not less than fifty dollars nor more than five hundred dollars. (7998.)

History. L. 1907-8, p. 689.

Sec. 258. Supplies Required to Be Reported: The trustees and school boards of the various schools of the State using books, registers, records and apparatus adopted by the commission shall hold annual meetings and make an estimate of the number of school text books, registers, records and apparatus needed in said school for the term next commencing therein, and a report thereof shall be made to said county superintendent of public instruction in said county immediately, and not later than the first day of August next thereafter; and the county superintendent shall, as soon as possible, and not later than the tenth day of August of each year, and oftener, if the necessity of a school requires it, make out his requisition from the report so received, and from any other source, and send it to the state superintendent, when such books are printed by the State or the school book publisher or publishers having contracts under the provisions of this article, stating therein the number of books, registers, records and apparatus of each kind needed for the schools of his county. (7999.)

History. L. 1907-8, p. 689.

Sec. 259. Commission's Selection to Be Used Exclusively: The books and apparatus adopted by the commission under the provisions of this article, shall be introduced and used as text books, registers, records and apparatus to the exclusion of all others in the common schools of this State as hereinbefore provided, but nothing herein shall be construed to prevent or prohibit the patrons of the common schools in the State from procuring books, registers, records and apparatus in the usual way in the event that the State does not publish such books, register, records

or manufacture such apparatus, in the event that no contracts are made, or in the event that the contractor or contractors fail or refuse to furnish the books, registers, records or apparatus provided for in this article, at the time that said books or apparatus are required for use in the schools. (8000.)

History. L. 1907-8, p. 690.

Sec. 260. Same—Failure a Misdemeanor: Any school trustee who shall prevent or aid in preventing the use in any common school in this State of the books, registers, records and apparatus, or any of them, as adopted under the provisions of this article, or any teacher in this State, who shall wilfully fail or refuse to use the books, registers, records and apparatus adopted under the provisions of this article, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not less than twenty-five dollars nor more than fifty dollars for each offense, and each day of such willful failure or refusal of said teachers or willful prevention of the use of the books, registers, records or apparatus by said school trustee, shall constitute a separate offense. (8001.)

History. L. 1907-8, p. 690.

Course of study not compulsory. Singing not obligatory. School Board, etc. et al. v. Thompson et al., 24 Ok. 1, 103 P. 578; 19 Ann. Cas. 1188, 138 Am. St. 861.

Sec. 261. Rules—Perpetuation of Commission: The commission may, from time to time, make any necessary regulations, not contrary to the provisions of this article, to secure the prompt distribution of the books, registers, records and apparatus herein provided for, and for the prompt and faithful execution of all contracts; and it is now expressly provided that said commission shall maintain its organization during the continuance of the contracts entered into during the year nineteen hundred and eight, and that after the expiration of same, the commission shall be re-organized for a period of five years as in the first instance, and enter into such other contracts in pursuance of this article as it may deem for the best interests of the patrons of the common schools of the State; Provided, that said commission shall be discontinued at such time when the efficiency for the publication of such books, registers and records provided for in this article by the State, makes the continuance of said commission unnecessary. (8002.)

History. L. 1907-8, p. 690. Revision: Language improved.

Sec. 262. Commission May Publish Books, When: If, when the proposals to furnish text books are submitted to the text book commission, it shall appear that publishers have combined upon prices and that the proposals are unreasonable, said commission is hereby empowered, with the approval of the state board of education, to do any and all acts that may be necessary for the purpose of procuring a meritorious uniform system of text books, registers and records for use in the common schools of Oklahoma. It may, with the approval of the state board of education, offer prizes for manuscripts of books or employ suitable persons to prepare or compile the same, and contract with printing concerns for publication, purchase or hire plates, maps and engravings of copyright matter; contract for or lease copyrights for the purpose of being used in compiling and printing such books, and provide for the payment of royalties or for the leasing of plates for printing of the whole or any part of said books: Provided, that the entire cost of any book so furnished shall not exceed the price of any standard book of like character which was proposed to be furnished by publishers. (8003.)

History. L. 1907-8, p. 691.

Sec. 263. Compensation and Allowances: An itemized statement of all necessary expenses of the commission, together with a sworn itemized statement of the necessary expenses of the individual members of the commission, shall be filed with the secretary of state, and the members thereof shall be allowed to receive as their only compensation for their services, the sum of six dollars per day while on duty, and their actual traveling expenses going to and returning from the place of meeting, to be paid by the state treasurer, under the direction and approval of the governor; Provided, that no per diem shall be allowed to any member of the commission who shall, at the time of service thereof, be receiving a stated salary from the State; Provided, further, that the members of said commission shall not draw pay for more than ten days for any year. (8004.)

History. L. 1907-8, p. 691. Revision: Limit on compensation for 1908 stricken as obsolete.

Note.—Partly or entirely repealed by section 9.

Sec. 264. Bribery: It shall be unlawful for any member of the text book commission to accept as a gift, or at a reduced price, any books, registers, records or school apparatus or anything of value from any person, firm or corporation interested, directly or indirectly, in any bid filed with said commission or in the adoption of any book, register, record or apparatus by said commission, and any person violating this section shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, and by imprisonment in the county jail not less than thirty days. (8005.)

History. L. 1907-8, p. 692.

Sec. 265. Common Schools Defined: The words "common schools" as used in this article shall be construed to mean all the schools of this State receiving aid from the State out of the common school fund. (8006.)

History. L. 1907-8, p. 692.

Sec. 266. Contractor to Designate State Agent: Any non-resident person or firm or foreign corporation with whom a contract has been entered into under the provisions of this article, shall designate the secretary of state of Oklahoma as its or their agent on whom citation and other writs and process may be served, in the event that any suit shall be brought against such person, firm or corporation. (8007.)

History. L. 1907-8, p. 692.

Sec. 267. Combination Prohibited: If any individual, firm, partnership, corporation, or any association of persons whatever of any nature or character shall create, enter into or become a member of any pool, trust, agreement, consideration, combination or understanding, permanent or temporary, with any other individual, firm, partnership, corporation, or association of persons whatsoever or any character or nature whatsoever to regulate or fix the price of or prevent or restrict competition in the sale or offering for sale or in any of the branches of the business of selling and furnishing any school books, desks, seats, charts, school furniture, fixtures, apparatus, or supplies, he or they shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than three hundred dollars and not more than one thousand dollars. (8008.)

History. L. 1905, p. 374.

ARTICLE XIV.

Child Labor Law.

Section	Section
268. School certificate.	271. Attendance certificate.
269. Approval of certificate.	272. Violations penalized.
270. Evidence required.	273. Repeal.
	274. What unlawful—duty of parent.

Sec. 268. School Certificate: Before any child under the age of sixteen years shall be employed in any occupation specified in section one of this act, it shall be the duty of the parent or guardian of such child to procure and furnish the employer of such child an age and schooling certificate as hereinafter provided by this article.

It shall be the duty of every person, firm or corporation of such establishments as are specified in section one of this act, or employers in such occupations to keep on file for the inspection of factory inspectors, truant officers, or other persons charged with the administration of this act, such age and schooling certificate, for every child under sixteen years of age employed in such occupation, and to keep on file and to post conspicuously in every room where such children are employed a register, with a complete list of children under sixteen years of age so employed, together with the age of each child as set forth in the age and schooling certificate opposite the name of such child, and also to keep on file and to post conspicuously in such place or establishment, in such form as the factory inspector may prescribe, the time of opening and closing such factory or other establishment the number of hours of labor required or permitted in such establishment, the hours of commencing and stopping work, and the time allowed for meals, and if there be two or more shifts in such establishment the numbers of hours in each shift during which the employes are required or permitted to work. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The inspector of factories, truant officer or other person charged with the administration of this article, may make demand on an employer in whose factory or establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this section, that such employer shall either furnish him, within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory or establishment. Such officer may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to such officer, within ten days after such demand, such evidence of age herein required by him, and shall thereafter continue to employ such child to work in such factory or establishment, proof of the giving such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this provision of this article that such child is under sixteen years of age and is unlawfully employed. (L. 1909, S. B. 11, pp. 631-2.)

Sec. 269. Approval of Certificate: The age and schooling certificate shall be approved only by the county superintendent of public instruc-

tion, or other school official designated by him, who shall, for the purpose of this article, be empowered to administer an oath. (L. 1909, S. B. 11, p. 632.)

Sec. 270. Evidence Required: The age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, or certificate of birth, or the register of the city or county, or an affidavit of the date of such birth by a legally registered physician residing therein, stating the time of birth of such child, or the school record of such child, in the public or other school, setting forth the age of such child; Provided, that, in cases where such evidence cannot be obtained and the child appears to be in good health, and of normal size, of not less than sixty inches in height and weighing not less than eighty pounds, the parent or guardian of such child may make affidavit stating the age, place and time of birth of such child, or if the child shall have no parent or guardian, such affidavit may be made by the child. The affidavits required by this section must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. The employment certificate shall not be issued until such child has further personally appeared before the officer issuing the same and he is satisfied that such child is physically able to perform the work which it intends to do. In doubtful cases, such physical fitness shall be determined by a medical officer of the board or department of health. Every employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. (L. 1909, S. B. 11, pp. 632-3.)

Sec. 271. Attendance Certificate: The age and schooling certificate shall not be approved until the parent or guardian of such child shall present a school attendance certificate as hereinafter prescribed by this article. A duplicate of such age and schooling certificate shall be filled out and sent by the school officer, before whom the same is made, to the commissioner of labor. The blank forms for school attendance certificate and for the age and schooling certificate shall be supplied to the county superintendents of public instruction by the state superintendent of public instruction as hereinafter indicated:

SCHOOL ATTENDANCE CERTIFICATE.

.....(Name of School)
(City and County)
 (Date)
 This certifies that.....(Name of child) can read and write simple sentences in the English language and that according to the records of this school and in my belief is now..... (number of years and months) old, and has attended school during the full school term of the preceding year.
(Name of Parent or Guardian.)
 (Residence)
 (Signature of Teacher)

AGE AND SCHOOL CERTIFICATE.

This certifies that I am.....(father, mother or guardian) of....
(name of child) and that he (or she) was born at.....
 (town or city).....(county)..... (state or county)
 on the(day, month and year of birth) and is now.....
 (number of years and months old.)
(Signature of parent or guardian.)
 (Date)
(City or town or county)

Personally appeared before me the above mentioned.....
(name of person signing) and made oath that the foregoing certificate is true to the best of his (or her) knowledge and belief.

I hereby approve the foregoing certificate of.....(name of child)
height(feet and inches) weight(pounds) complex-
ion.....(fair or dark) hair.....(color) eyes.....(color)
having no sufficient reason to doubt that he (or she) is of the age therein certified.

OWNER OF CERTIFICATE.

This certificate belongs to.....(name of child) and is to be surrendered to him (or her) whenever he (or she) leaves the service of the employer holding the same, but if not claimed by said child within thirty days after leaving said service, shall be sent to the commissioner of labor.

.....
(Signature of officer, with name of city, town or county and date.)

—(L. 1909, S. B. 11, pp. 632-3.)

Sec. 272. (12-S.) Violations Penalized: Any person, firm or corporation violating any of the provisions of this article shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment for not less than ten nor more than thirty days, or by both such fine and imprisonment. The employment of any child under sixteen years of age without a certificate as herein prescribed or the employment of any child under sixteen years of age or any girl or woman underground in any mine or quarry, or the signing of any false statement as to the age of any child, or the making of any false statement in an affidavit of an employer, shall be prima facie evidence of guilt. It shall be the duty of the commissioner of labor to see that the provisions of this article are enforced, with the exception of section — shall be enforced by the mine inspector or under his direction.—L. 1909, S. B. 11, p. 634.)

Sec. 273. Repeal: All laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved March 2, 1909.

(L. 1909, S. B. 11, p. 634.)

ARTICLE XV.

Compulsory Attendance.

Section	Section
275. Duty of board of education— report.	needy children.
276. Books to be furnished free to	277. In case of widowed mother.
	278. Penalty for violation.

Sec. 274. What Unlawful—Duty of Parent: It shall be unlawful for any parent or guardian living in the State of Oklahoma, to neglect or refuse to cause or compel any person or persons who are or may be under their control as children or wards to attend and comply with the rules of some public, private or other school or schools, unless other means of education are provided for a term of from three to six months, unless other means of education are provided for a term of from three to six months, in the discretion of the school district board or a board of education of cities of the first class, the term to be fixed by general order at the annual school meeting, which shall apply to all children in the district, each successive year from the time said children or wards are eight years old until they are sixteen years old, unless they are prevented by mental or physical disability, the question of disability being determined by the board, or by a certificate to that effect from a duly licensed and practicing physician, or by reason of having already become proficient in the standard studies from attendance upon such private, public or other school or schools; and provided, that in such case they shall be excused by the superintendent of a public, private, or other school, or by the board of education of the school district in which said children or ward may live at the time of such failure to attend such public, private, or other school or schools. (8220.)

History. L. 1907-8, p. 393.

Grandfather clause, section applied, *Atwater vs. Hassett et al.*, 27 Ok. 292, 316, 111 P. 807.

Note.—See section 5.

Sec. 275. Duty of Board of Education—Report: It shall be the duty of the board of education of each school district to furnish to the superintendent of all public, private, or other schools in cities, or the teachers in other districts, at the beginning of the first term of each school year, a list containing the names of all the children residing within the district who are between eight and sixteen years of age, and to require a report from the superintendent of all public, private, or other schools in cities, or the teachers in other districts, not less than fourteen nor more than twenty-six weeks before the close of the last term of school for the year; which report shall contain the names of all the children between eight and sixteen years of age who have attended said school and the period of such attendance. Immediately upon receipt of this report, the board of education shall give written notice to the parent, guardian, or custodian of such child or children who have not complied with the provisions of this article that the attendance of such child or children is required at some public, private, or other school; and if within five days such parent, guardian or custodian of such child or children does not comply with the provisions of this article, then the board of education shall make complaint against such parent, guardian or custodian of such child, or children, before any justice of the peace or other court having competent jurisdiction, for the violation of the provisions of this article; provided, that in cities or incorporated towns or villages the board of education

may appoint one or more truant officers whose duty it shall be to enforce the provisions of this article in the manner prescribed herein. (8221.)

History. L. 1907-8, p. 393.

Sec. 276. Books to Be Furnished Free to Needy Children: If any parent, guardian, or custodian of any child, or children, is financially unable to furnish such child or children with the necessary books with which to attend school, the county superintendent of public instruction of the county where such parent or guardian or custodian resides shall furnish, upon the recommendation of the school district board, or the board of education of cities of the first class books for such purpose to such child, or children, which books shall be furnished and paid upon the certificate of such officer by the board of county commissioners of said county. (8222.)

History. L. 1907-8, p. 394.

Sec. 277. In Case of Widowed Mother: If any widowed mother shall make affidavit to the effect that the wages of her child or children, under sixteen years of age, are necessary to the support of such widowed mother, then the county superintendent of public instruction may after careful investigation, in his discretion, upon the recommendation of the school district board, or board of education of cities of the first class, furnish such child or children a certificate called a "Scholarship," stating the amount of wages such child or children are receiving, or so much of said wages as shall be deemed necessary so long as such child or children shall attend the public school in accordance with the provisions of this article; which aid may be allowed and paid upon the certificate of the county superintendent of public instruction to the child or children holding such scholarship, by the board of county commissioners in the county in which such child or children reside. (8223.)

History. L. 1907-8, p. 394.

Sec. 278. Penalty for Violation: Any person or persons violating the provisions of this article shall be subject to a fine of not less than ten dollars nor more than fifty dollars, for each and every offense; said fine shall be imposed by any court having jurisdiction, and all fines so collected shall be placed in the common school fund of the district where the child or children resides, as other fines and penalties are paid. (8224.)

History. L. 1907-8, p. 395.

ARTICLE XVI.

County Normal Institutes.

Section	Section
279. County normals.	288. Two or more counties may join in institute.
280. Time and place of holding—instructors.	289. Teachers to attend separate institutes.
281. Expense, how defrayed.	290. Reports by county superintendents.
282. Designation of funds.	291. Conductors to make reports.
283. Report of superintendent to county treasurer.	292. Certificate may be revoked for non-compliance.
284. Normal fund, how disbursed.	293. Violation by superintendent a misdemeanor.
285. Payment of instructors.	
286. Course of study—renewal of certificates.	
287. County superintendent as instructor.	

Sec. 279. County Normals: The county superintendents of public instruction shall hold annually in their respective counties, for a term of not less than two weeks nor more than four weeks, ending on the last Friday of June, July or August, a normal institute for academic and professional instruction of teachers and those desiring to teach; Provided, that two or more counties may be united in holding one normal institute each year, as hereinafter provided. (8178.)

History. L. 1907-8, p. 675.

Sec. 280. Time and Place of Holding—Instructors: The county superintendents of public instruction shall determine the time, length of term, and place of holding their annual sessions, in conformity with the preceding section, and shall select and employ a conductor and instructors for the same; Provided, that all such contracts for conductor and instructors shall be approved by the state superintendent of public instruction before such contracts are valid. (8179.)

History. L. 1907-8, p. 675.

Sec. 281. Expense, How Defrayed: To defray the expenses of such institute sessions the county superintendents of public instruction shall require the payment of a uniform fee, of not less than one dollar nor more than three dollars, by each person enrolled in said institute; they shall further require the payment of the fee of two dollars by each applicant for a teacher's certificate; and, in addition to such sum, the county commissioners shall, upon recommendation of the county superintendents of public instruction, allow a sufficient sum, not to exceed two hundred dollars for each institute, to be paid out of any funds of the county not otherwise appropriated. (8180.)

History. L. 1907-8, p. 675.

Use of common school fund for normal school or teachers' training school. 20 L. R. A. (ns) 1033-n.

Sec. 282. Designation of Funds: The sum thus created shall be designated the normal institute fund, and the county treasurer shall be the custodian thereof. (8181.)

History. L. 1907-8, p. 676.

Sec. 283. Report of Superintendent to County Treasurer: The county superintendents shall, at the close of each regular teachers' examination, and at the close of each teachers' normal institute, transmit to the county treasurer all moneys received by said superintendents, as provided in the

second preceding section, together with the name of each person so contributing, the amount in each case, and the county treasurer shall place all moneys to the credit of the normal institute fund. (8182.)

History. L. 1907-8, p. 676.

Sec. 284. Normal Fund—How Disbursed: All disbursements of the normal institute fund shall be upon written order of the county superintendent of public instruction, and no order shall be drawn upon said fund, except as accompanied by a written and itemized statement of services rendered or expenses incurred, and no order shall be drawn in favor of the county superintendents of public instruction themselves. (8183.)

History. L. 1907-8, p. 676.

Sec. 285. Payment of Instructors: No county superintendent of public instruction shall pay moneys from the before mentioned fund to any conductor or instructor, unless the said conductor or instructor shall have first received an institute certificate from the state board of examiners; Provided, that all certificates issued by the board of education shall be valid for the remainder of the term for which issued, when the same shall have been examined and approved by the state superintendent of public instruction: Provided, further, that no county superintendent shall employ or pay moneys from the normal institute fund to any conductor or instructor who draws salary from the federal or state government. (8184.)

History. L. 1907-8, p. 676.

Note.—The assistant or deputy of the county superintendent cannot be employed as instructor or conductor.

Sec. 286. Course of Study—Renewal of Certificates: County superintendents of public instruction shall require both the academic and professional branches to be taught in each institute session, and all of them, as outlined in the normal institute course of study for this State, or as ordered by the state superintendent of public instruction, in the manner prescribed by him. County superintendents shall renew certificates of all teachers holding valid certificates to teach in the schools of this State under the laws thereof who, during the validity of their certificates, have attended as bona fide participants therein the sessions of the county teachers' institutes called by the county superintendents of public instruction; and the certificates held by teachers thus attending shall be renewed once without examination, once for a time equal to the original term of validity of said certificates, when the fact of such attendance shall have been properly and duly certified to the authority renewing said certificate: Provided, that teachers whose certificates are to be extended and held valid under the provisions of this section shall in no case have their certificates extended unless said teachers shall have attended at least seventy-five per cent of the sessions of the county teachers' institutes; Provided, further, that in no instance shall teachers have their certificates renewed under the provisions of this section who have not made a general average of at least seventy-five per cent in the last examination for teachers' certificates at which they were examined, and in no instance shall a certificate be extended under the provisions of this section where the teacher holding said certificate has failed to teach for at least three months in the schools of this State each year during the validity of his certificate. (8185.)

History. L. 1907-8, p. 676.

Sec. 287. County Superintendent as Instructor: County superintendents of public instruction shall not serve as conductors or instructors in

institutes in which their counties are interested; unless they have first met the requirements set forth in the second preceding section, and in no case shall they draw pay for services as conductor or instructor in their own counties. (8186.)

History. L. 1907-8, p. 677.

Sec. 288. Two or More Counties May Join in Institute: By and with the consent of the state superintendent of public instruction, two or more counties may unite in holding one normal institute each year, in one of the counties so uniting; the county superintendents of public instruction of the counties so uniting shall agree upon the time, place and length of term of such normal institute, as hereinbefore provided, but none of them shall be the conductor or instructor of such institute session, except as provided in the preceding section, and none of such superintendents of public instruction of any of the counties so forming such joint normal institutes, shall be eligible to draw a salary, or otherwise, any moneys from such normal institute fund; and the county treasurer of the county in which such joint normal institute is held, shall be the legal custodian of such fund for that session. The county superintendent of the county in which such joint normal institute is held shall draw and sign all orders upon such fund for the joint session of such normal institute; and the county commissioners in each of said counties so uniting, shall be subject to the provisions of the third section of this article, except that they shall not appropriate to the normal institute fund to exceed one hundred dollars for each of said counties so united; and at the close of such joint normal institute session of each county treasurer shall again be the custodian of all such funds in his county. No contracts shall be entered into by any two or more county superintendents for a period longer than two years, but at the end of each two years such contracts may be renewed as hereinbefore provided. (8187.)

History. L. 1907-8, p. 677.

Sec. 289. Teachers to Attend Separate Institutes: All teachers of the negro race shall attend separate institutes from those for teachers of the white race; and in all counties where the number of teachers of either race is less than twenty-five, desiring to attend such institute, they shall have the right and privilege to attend any institute for their race, or to be united with the teachers of their race in any other adjacent county, under the provisions of the preceding section, and they shall be given equal facilities with the other race in such county or counties, and their conductor and instructors shall be of their own race only; Provided, that all moneys and fees paid by them shall be used to pay their own conductor and instructors and that they shall receive their pro rata of all appropriations made by the county commissioners for institute fund in their county or counties, according to the actual attendance thereof. (8188.)

History. L. 1907-8, p. 678.

Sec. 290. Reports by County Superintendents: The county superintendents of public instruction of the respective counties of Oklahoma shall annually make a complete report to the state superintendent of public instruction, on blanks provided for the same and furnished by him, all data relative to institutes; exact time of holding the session, length of term, place—town and county,—name of conductor and instructors, and any other information required by the state superintendent of public instruction, which report must be filed at the capital not later than the first Friday of April of each year. (8189.)

History. L. 1907-8, p. 678.

Sec. 291. Conductors to Make Reports: All conductors of teachers' institutes in the respective counties of this State shall, at the close of such session, and before full compensation for such work is received, make out in duplicate form a full and complete report of such sessions, embracing the following facts: Date of opening and closing such sessions, enrollment fee, number of members enrolled, with their names, ages, sex, classification, grade, normal institute grade, experience in months, and any other facts required by the state superintendent; also the name of the conductor and instructors, the date of issue and expiration of institute certificates, salary and other compensation received, copy of the daily program used, and a certified statement to the effect that the normal institute course of study and the instructions of the state superintendent were followed both in word and in spirit during such session, together with any recommendations or suggestions to the State superintendent tending to the betterment of the course of study of the work for the succeeding institute year of June, July or August. A copy of this report shall be filed by such conductors immediately at the close of such institute session, with the respective county superintendents, to become a part of their office record, and a duplicate copy shall be transmitted by mail by such conductors to the state superintendent of public instruction to become a part of his office record of the same. (8190.)

History. L. 1907-8, p. 679.

Sec. 292. Certificate May Be Revoked for Non-Compliance: Any conductor who shall fail to comply with all the provisions of this article shall be subject to the revocation of his normal institute certificate by the state superintendent of public instruction of this State. (8191.)

History. L. 1907-8, p. 679.

Sec. 293. Violation by Superintendent a Misdemeanor: Any county superintendent who shall in any manner violate the provisions of this article upon conviction thereof shall be guilty of a misdemeanor, and for the second offense may be removed from office, as provided by law. (8192.)

History. L. 1907-8, p. 679.

ARTICLE XVII.

Kindergartens.

Section	Section
294. Establishment of kindergartens.	297. Teachers trained—normal school.
295. Same as above.	298. Kindergarten census.
296. Kindergarten defined.	299. Teachers' qualifications.

Sec. 294. Establishment of Kindergarten: The directors of any school district, board of education or other duly authorized, appointed, elected or qualified public school officers of any town, city or school district, having a population of twenty-five hundred or more, may establish and maintain kindergartens in connection with the public schools under their jurisdiction, for all children between the ages of four and six years. (8150.)

History. L. 1903, p. 257.

Note.—Children of kindergarten age are not to be counted in the apportionment of the public school funds. See sections 13 and 29, also Chap. 76, L. 1907-8, p. 666.

Sec. 295. Same as Above: The school authorized in each and every town or city of over twenty-five hundred inhabitants as shown by the last Federal census or any subsequent census authorized by the State, may establish and maintain a complete kindergarten system for all children between the ages of four and six years. (8151.)

History. L. 1903, p. 257.

Sec. 296. Kindergarten Defined: The term kindergarten shall be construed to mean the application of the methods of Froebel or some approved American development of said methods, and not merely sub-primary grades for children under six years of age shall be established under the authority of this article. (8152.)

History. L. 1903, p. 257.

Sec. 297. Teachers Trained—Normal School: Within one year after the provisions of this Act shall become law, provisions shall be made or department established for the training of kindergarten teachers in the normal schools of the State. (8153.)

History. L. 1903, p. 258.

Sec. 298. Kindergarten Census: Whenever a city, town or school district shall have established kindergartens in connection with its public school system as provided for by sections 294 and 295, the school officials of each city, town or school district shall cause (a census) to be taken of all pupils between the ages of four and six years and report said census duly certified by the clerk of said board of education, or clerk of school district to the county superintendent who shall certify the report of said census to the State superintendent of public instruction. Upon receipt of said report the State superintendent of public instruction shall apportion the funds arising from rentals on school lands in the same manner now accorded to other schools, except that such aid shall (inure) to the district maintaining the kindergartens on the basis of enumeration. (8154.)

History. L. 1903, p. 258.

Note.—Chapter 76, Session Laws 1907-8, p. 666, probably repeals this section.

Sec. 299. Teachers' Qualifications: All applicants for positions in kindergartens maintained by said towns, city or school district shall be graduates of an accredited kindergarten normal school, and subject to any examination instituted by the state superintendent of public instruction. (8155.)

History. L. 1903, p. 258.

ARTICLE XVIII.

Nepotism.

Section
300. Unlawful contracts.
301. Unlawful warrants.
302. Nepotism a misdemeanor.

Section
303. Penalty for executive.
304. Forfeiture of office.
305. Explanation of terms.

Sec. 300. Unlawful Contracts: Hereafter it shall be unlawful for any executive, legislative, ministerial or judicial officer in the State to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office, position, employment or duty in any department of the State, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages, pay or compensation of such appointee is to be paid out of the public funds or fees of office. (2796.) (L. 1907-8, p. 574.)

Sec. 301. Unlawful Warrants: It shall hereafter be unlawful for any such executive, legislative, ministerial or judicial officer mentioned in section 300 of this article, to draw or authorize the drawing of any warrant or authority for the payment out of any public fund, of the salary, wages, pay or compensation to any such ineligible person, and it shall be unlawful for any executive, legislative, ministerial or judicial officer to pay out of any public funds in his custody or under his control the salary, wages, pay or compensation of any such ineligible person. (2797.) (L. 1907-8, p. 574.)

Sec. 302. Nepotism a Misdemeanor: It shall be unlawful for any executive, legislative, ministerial or judicial officer to appoint and furnish employment for any person whose services are to be rendered under his direction and control and paid for out of the public funds, and who is related by either blood or marriage within the third degree to any other executive, ministerial or judicial officer when such appointment is made in part consideration that such other officer shall appoint and furnish employment to any one so related to the officer making such appointment. Any such officer who shall violate the provisions of this section shall be guilty of a misdemeanor and, upon conviction, be punished as provided in section 303 of this article. (2798.) (L. 1907-8, p. 574.)

Sec. 303. Penalty of Executive: An executive, legislative, ministerial or judicial officer who shall violate any provision of this article shall be deemed guilty of a misdemeanor, involving official misconduct, and shall be punished by a fine of not less than one hundred nor more than one thousand dollars, and shall forfeit his office. (2800.) (L. 1907-8, p. 574.)

Sec. 304. Forfeiture of Office: Every person guilty of violating the provisions of this Article shall, independently of, on in addition to any criminal prosecution that may be instituted, be removed from office according to the mode of trial and removal prescribed in the constitution or laws of this State. (2801.) (L. 1907-8, p. 574.)

Sec. 305. Explanation of Terms: Under the designation executive, legislative, ministerial or judicial officer as mentioned herein are included the governor, lieutenant governor, speaker of the house of representatives, corporation commissioner, all the heads of the departments of this State

government, judges of the courts of this State, mayors, recorders and aldermen of all incorporated cities and towns, public school trustees, officers and boards of managers of the State university, and its several branches, State normals, the penitentiaries and eleemosynary institutions, members of the commissioners' court and all other officials of the State, district, county, cities of other municipal subdivisions of the State. (2802.) (1907-8, p. 574.)

ARTICLE XIX.

School Bonds.

Section

- 306. Districts may issue bonds—conditions.
- 307. Voters—petition required.
- 308. Election on bond issue.
- 309. Details of issue.
- 310. Registration by county clerk.
- 311. Same—copy and statement to state superintendent.

Section

- 312. Interest and sinking fund—investment.
- 313. Penalty for fraudulent issue.
- 314. Payment and cancellation.
- 315. Bond commissioner created.
- 316. Duties of.
- 317. Not valid without certificate of.
- 318. Investing sinking funds.

Sec. 306. District May Issue Bonds—Conditions: That for the purpose of purchasing one or more school sites, erecting, purchasing or paying for and furnishing one or more school houses in and for any school district in the State of Oklahoma, the board of directors of the same shall have the power to issue the bonds of the district in an amount not exceeding, with all outstanding indebtedness, four per cent. of its taxable property, as shown by the last assessment thereof, and for the purpose of extending the time of payment of the school district indebtedness, or of the bonded indebtedness of any school district the board of directors shall have the power to issue the bonds of the district in a sum not to exceed in amount its outstanding indebtedness, including bonded indebtedness: Provided, That no bonds shall be issued until at an election called for that purpose, the question shall have been submitted to the qualified electors of the district and two-thirds of all the qualified electors voting at such election declared by their ballots in favor of issuing the same. (8066.)

History. L. 1895, p. 68.

Note.—Latter part of original section is the section following.

Sec. 307. Voters—Petition Required: Qualified electors, for the purposes of this article, are hereby declared to be all persons, male or female, over the age of twenty-one years, who are citizens of the United States and have been bona fide residents for more than three months next preceding such school district bond election, within the limits of such school district: Provided, that no such election shall be ordered unless a petition, stating the purpose for which the bonds are to be issued, and signed by at least one-third of the qualified electors, as herein defined, of such school district, as shown by the last preceding enumeration, by the township trustee of the township in which such school district is located, shall have been presented to the district board, praying that a vote be taken for the issuing of such amount of bonds as may be asked for herein; Provided, further, that it shall be unlawful for any school district to create any bonded indebtedness unless there are at least eight persons between the ages of six and twenty-one years actually residing within the limits thereof, as shown by a census taken by the clerk of such district not more than three months previous to such bond election, and by such clerk verified upon oath. (8066.)

History. S. 1893, Sec. 5823, as amended by L. 1895, p. 58.

Sec. 308. Election on Bond Issue: Whenever such a petition so signed shall be presented to the board of directors of any school district, praying that a vote be taken on the question of issuing the bonds of such district, it shall be the duty of the district board immediately to order an election for the purpose of determining the question of issuing the bonds as prayed for, and forthwith to give notice by posting up written or printed notices, signed by the clerk, in five of the most public places in the district,

which notices shall be posted up at least ten days before such election, and shall state therein the object for which the election was called, the amount of the bonds which it is expected to issue, and the manner in which the question shall be voted upon; and the said election shall be conducted by the school district board, or, in their absence, by three persons chosen by the bystanders, and shall be by ballot; and the polls shall be opened at two o'clock p. m., and closed at six o'clock p. m. The ballots used at such election shall be either written or printed and shall contain the words, if the voter wishes to vote for the issue of the bonds, "For the Bonds," and if he wishes to vote against the bonds it shall contain the words, "Against the Bonds." (8067.)

History. S. 1893, Sec. 5824, as amended by L. 1895, p. 69. Revision: Minor changes in language.

Sec. 309. Details of Issue: The bonds herein provided for shall be issued in denominations of not less than one hundred dollars and more than five hundred dollars each; they shall bear interest at a rate not to exceed seven per cent. per annum, payable semi-annually on the first days of January and July of each year, at such place as shall be designated in the bonds, the principal of the bonds being payable within twenty years from their date. The bonds shall specify on their face the date of issue, amount, for what purpose and to whom issued, the time they run, the rate and times of payment of interest, and shall have coupons attached for the interest as it becomes due, said coupons being so arranged that the last one shall fall due at the maturity of the bonds. Said bonds and the coupons thereto attached shall be signed by the director and countersigned by the clerk of the district; shall be registered in the office of the State auditor, and a transcript of all the proceedings in the voting of such bonds shall be filed therewith. Upon finding that all the proceedings have been regular, the State auditor shall so certify upon each and every one of such bonds, and shall so certify the same to the county clerk of the county in which such school district is located, who shall thereupon register the said bonds in his office; whereupon such bonds shall be negotiable and transferable by delivery, and may be disposed of by the district board at not less than ninety-five cents on the dollar, and the proceeds of the same applied as provided in the petition upon which the issuance of the bonds was authorized. (8068.)

History. S. 1893, Sec. 5825, as amended by L. 1895, p. 70.

Note.—The bonds must also be registered by the district treasurer. See section 90.

Sec. 310. Registration by County Clerk: Before delivering any school district bonds the board of directors of the district issuing the same shall cause them to be registered with the clerk of the county in which said district is located. And it shall be the duty of the county clerk on presentation of any school bonds for registration, to register the same in a book prepared for that purpose, if the said bonds contain the certificate of the State auditor that the proceedings have been regular; which register shall contain:

- First. The number of the district.
- Second. The number of the bond.
- Third. Date of bond.
- Fourth. To whom payable.
- Fifth. When and where payable.
- Sixth. When due.

Seventh. When interest due. (8069.)

Eighth. Amount of bonds.

History. S. 1893, Sec. 5826, as amended by L. 1895, p. 71. Revision: Latter part of section made a separate section.

Sec. 311. Same—Copy and Statement to State Superintendent: The county clerk shall furnish one copy of his register to the county treasurer and forward one copy to the State superintendent, together with a statement showing:

First. The number of sections of land in the district issuing such bonds.

Second. The number of acres of land assessed and subject to taxation in such district.

Third. The assessed valuation of taxable land.

Fourth. The assessed valuation of all personal property in such district, which statement shall be signed by each member of the school board issuing the bonds; and the county clerk shall certify under the official seal of his office to the correctness of the statement and the genuineness of the signatures attached thereto. (8069.)

History. See note to preceding section.

Sec. 312. Interest and Sinking Fund—Investment: It shall be the duty of the board of county commissioners of each county, to levy annually upon all the taxable property in each district in such county, a tax sufficient to pay the interest accruing upon the bonds issued by such district, and to provide a sinking fund for the fund for the final redemption of the bonds; such levy to be made with the annual levy of the county, and the taxes collected with other taxes, and when collected shall be and remain in the hands of the county treasurer, a specific fund for the payment of the interest upon such bonds, and for their final payment at maturity: Provided, that moneys in the hands of the county treasurer, belonging to the sinking funds of the several school districts in such county, shall be invested by the county treasurer:

First. In the bonds of the district to which said sinking fund belongs: Provided, that such bonds can be purchased at a price not exceeding their market or par value.

Second. In the bonds of the other school districts of the State, maturing before the bonds for which such fund is raised: Provided, that the same can be purchased at a price not exceeding their market or par value.

Third. In the bonds of the State of Oklahoma or of the United States. (8070.)

History. S. 1893, Sec. 5827, as amended by L. 1895, p. 71.

Note.—The sinking fund and interest levy is made by the county excise board. See Article 22.

Sec. 313. Penalty for Fraudulent Issue: If any school district whose officer, whose duty it is under the provisions of this article to issue or assist in any manner in the issuance of the bonds of any school district, shall prepare, sign or deliver, or aid, counsel, or assist in preparing, signing or delivering, or shall cause to be prepared, signed or delivered, any bond or bonds of any school district, at any time before such bonds are authorized to be prepared, signed or delivered, such officer shall be guilty of a felony, and upon conviction shall be fined in any sum not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the penitentiary for not less than two years nor longer than seven years, or by both such fine and imprisonment. And if the board of direc-

tors of any school district, or any member thereof, shall use or dispose of any school district bonds, or the money accruing from the sale of such bonds, in any other manner or for any other purpose than that for which the same was created or intended, he, or they, shall be liable to be punished by a fine of not less than five hundred dollars nor more than two thousand dollars, by indictment in any court of competent jurisdiction, or by imprisonment in the penitentiary not more than two years, or both such fine and imprisonment. (8071.)

History. S. 1893, Sec. 5828, as amended by L. 1895, p. 72. Revision: "Whose," preceding "officer," eliminated as superfluous; minor changes in language.

Sec. 314. Payment and Cancellation: On the payment of the bonds or coupons of any school district, the county treasurer shall immediately cancel the same and endorse thereon the date of payment, and shall thereupon present the same to the county clerk, who shall cancel said bonds or coupons on his register by indorsing thereon the date of payment of each, and immediately return the same to the county treasurer; and at the time of the settlement with the several school district treasurers of his county, the county treasurer shall deliver to each the cancelled bonds and coupons of his district, and take a receipt therefor, and such cancelled bonds and coupons shall be destroyed by the district treasurer in the presence of all the officers of the district, a complete record of their destruction being made by the district clerk. On the last Saturday of July of each year, each and every county treasurer shall make to the county clerk of his county a detailed report of all the bonds and coupons cancelled during the year, and the date of payment of the same, accompanied by the receipts given by district treasurers thereof. (8072.)

History. S. 1893, Sec. 5826, as amended by L. 1895, p. 73.

Sec. 315. Bond Commissioner Created: The attorney general is hereby made ex-officio bond commissioner of the State of Oklahoma.

History. H. B. 116, L. 1910.

Sec. 316. Duties Of: It shall be the duty of such bond commissioner to prepare uniform forms and prescribe a method of procedure under the laws of the State in all cases where it is desired to issue public securities or bonds, in any county, township, municipality, or political or other subdivision thereof of the State of Oklahoma; and it shall be the further duty of said bond commissioner to examine into and pass upon any security so issued, and such security, when declared by the certificate of said bond commissioner to be issued in accordance with the forms of procedure so provided shall be incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of the approval of said securities by the bond commissioner. (1910.)

History. H. B. 115, L. 1910.

Sec. 317. Not Valid Without Certificate Of: No bond hereafter issued by any political or municipal subdivision of this State shall be valid without the certificate of said bond commissioner. (1910.)

History. H. B. 116, L. 1910.

Sec. 318. Investing Sinking Funds: The officers having charge of any sinking fund of the State, or of any county, city, town, township, school district or other municipality thereof, may invest such sinking fund in the bonds or warrants of the State or any county, city, town, township, school district, or other municipality thereof; or in any public building warrants, maturing prior to the date of the bonded indebtedness, for the payment of

which any such sinking fund is created; or such officers may buy and cancel the outstanding bonds of the State, county, city, town, township, school district or other municipality which they represent, when the same may be purchased at or below par. (1910.)

History. H. B. 115, L. 1910.

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ARTICLE XX.

School Bonds—Refunding.

Section	Section
319. Funding bonds.	326. Duty of auditor—Treasurer to make levy—penalty.
320. Notice of issuance.	327. Sinking fund—purchase bonds.
321. Outstanding indebtedness.	328. Payment.
322. Issuance of.	329. Punishment for wrong use.
323. Limit on issue.	330. Receivable taxes.
324. Registration of bonds.	331. Cancellation.
325. Levy of taxes to pay.	

Sec. 319. (408-S.) Funding Bonds: Every county, every city of the first class, the board of education of every city, every township, and every school district, is hereby authorized and empowered to refund it indebtedness, including bonds, judgments and warrants, as hereinafter provided, upon such terms as can be agreed upon, and to issue new bonds with semi-annual interest coupons attached in payment for any sum so refunded; which bonds shall be sold at no less than par, and shall not be for a longer period than thirty years, shall not exceed in amount the actual amount of outstanding indebtedness, inclusive of attached coupons and shall draw not a greater interest than six per cent. per annum. No indebtedness, of any kind, shall be funded or refunded under the provisions of this Article, except indebtedness actually existing at the time of the passage of this Act of hereafter legally created. (408.)

Note.—See Constitution, Art. 10, Sec. 26.

320. (409-S.) Notice of Issuance: Notice of the issuance of bonds provided for in this Article, shall be given by publication in a newspaper published at the county seat and by posting a copy of the same in five public places in the municipality, stating that on the day named therein the municipality will proceed before the county court of the county, if the amount be less than one thousand dollars, or before the district court if the amount exceed one thousand dollars, to make a showing and ask the court to hear and determine the amount of the outstanding legal indebtedness of said municipality, and to sign the bonds to be issued in payment of the same, and any person interested may remonstrate against the issuance of the same. Such notice shall be given for at least ten days before the day named for said hearing. (409.)

Sec. 321. Outstanding Indebtedness: On the day named in the notice referred to in the preceding Section, the officers authorized to issue bonds under this Article shall go before the court, named in said notice, and make proof, to the satisfaction of the court,, of the existence, character and amount of outstanding legal indebtedness of said municipality. On such proof being made the court shall cause to be made upon the records of the court, statement of finding to that effect and shall then, in open court proceed to sign each bond to be issued, up to the amount of said indebtedness so proven and approved and shall, after expiration of the time for taking appeals, if no appeal be taken, deliver the same to the treasurer of said municipality issuing the same, who shall be chargeable therefor, and shall be liable on his official bond for said bonds. Appeals from the judgment of the court shall be allowed, as provided by law, upon the giving of a bond for costs and damages, such sum as the court may require, and if any appeal is taken as herein provided, then said bonds shall not be delivered to the treasurer of said municipality until the final determination of said appeal. (410.)

Sec. 322. (409-S.) Issuance Of: Bonds issued under this article by any county shall be signed by the chairman of the board of county commissioners, and attested by the county clerk under the seal of the county. Bonds issued by any city shall be signed by the mayor and attested by the city clerk, under the seal of the city. Bonds issued by any township shall be signed by the trustee, attested by the township clerk and countersigned by the township treasurer. Bonds issued by the board of education of any city shall be signed by the president, and attested by the clerk of the board under the seal of such board. Bonds issued by any school district shall be signed by the director, attested by the clerk and countersigned by the treasurer of such school district board, and the coupons shall be signed by the mayor, president, director, trustee or chairman of the board of county commissioners, and the clerks respectively. Such bonds may be in any denomination from one hundred to one thousand dollars, and made payable at such place as may be designated upon the face thereof, and they shall contain a recital that they are issued under this Article. (411.)

Sec. 323. (409-S.) Limit on Issue: When a refunding has been agreed upon it shall be the duty of the proper officers to issue such bonds at the rate agreed upon, to the holder of such indebtedness, in the manner prescribed in this article; but no bonds shall be issued under this article until the proper evidence of the indebtedness for which the same are to be issued shall be delivered up for cancellation; provided that no bonded indebtedness shall be refunded by the board of trustees of any township or any school district board, or board of education, under this article, except such as have been issued and outstanding at least two years at the time of such refunding; and provided further, that except for the refunding of outstanding debt, including outstanding bonds and matured coupons thereof, or judgments thereon, or warrants, no bonds of any class or description shall hereafter be issued where the total bonded indebtedness of said county or township would thereby exceed four (See Art. XXVIII. Also Sec. 25, Schedule of Constitution, Art. XXXIX,) per cent of the assessment for taxation as shown by the last finding and determination of the proper board of equalization, or of such city, school district, or board of education; but this restriction shall not apply to the boards of education of any city or cities of the first class. (412.) (L. 1895, p. 89. See Const. Art. X., Sec. 26.)

Sec. 324. Registration of Bonds: The clerk of every county, city, township, school district and board of education, issuing bonds under this Article shall register the same in his office. Such bonds shall also, in every case, be registered by the county clerk, showing the date, number and amount thereof, rate of interest, number of coupons and amount of each, to whom payable, where payable, date of maturity, and if optional, under what conditions; and all indebtedness refunded under this Article shall have the words "paid in full" marked in a plain manner across the face of each bond, coupon or warrant refunded; and such cancelled obligations shall be carefully preserved in the office of the county clerk or destroyed by the county commissioners, a register of the number, amount and date of issue having first been made by the county clerk. The proper officers shall, at the time of issuing refunding bonds, make out and transfer to the auditor of the State a certified statement of all proceedings had by the proper board or city council, as shown of record, and that said bonds have been issued for value in all respects in conformity to this Article for certain indebtedness surrendered, definitely describing the bonds issued and the indebtedness surrendered and that have been duly registered by the attesting clerk and county clerk as required herein; which statement shall be in such form and include such other information as the auditor of the State may require and be signed by all the officers whose signatures are attached

to such bonds, and attested by the proper clerk with the corporate seal of the county, city, township, school district or board of education, if any, and duly acknowledged before the county clerk. And the auditor shall upon being satisfied that such bonds have been issued according to the provisions of this Article, and that the signatures thereto of the officers signing the same are genuine, register the same in his office in a book kept for that purpose and shall, under his seal of office certify upon such bonds the fact that they have been registered in his office according to law. (413.)

Note.—See Const., Art. X, Sec. 29.)

Sec. 325. (409-S.) Levy of Taxes to Pay: In every instance in which any county, city, township, the board of education of any city, or any school district shall issue bonds under this Article, it shall be the imperative duty of the proper officers of such county, city, township, the board of education of any city, or of such school district whose duty it may be to levy taxes, to annually levy, at the time of making the levy of other taxes, a tax sufficient in amount to pay the interest upon said bonds and the coupons as they become due, and to create a sinking fund as provided for in this Article for the payment of the principal of such bonds, and if such officers fail or neglect to make such levy, it shall be the duty of the county clerk forthwith to levy such tax; and in case any such officer shall neglect or refuse to levy any such tax at the time aforesaid, and in case any county clerk shall neglect or refuse to extend such tax upon the roll of the county at the proper time, then and in that case, any such officer so neglecting or refusing to levy or extend such tax shall be severally and individually liable and shall also be liable upon his official bond to the holder of any such bond or coupon falling due during the year for which such tax should have been levied or extended for the full amount thereof as soon as the same is due, which liability may be enforced in a civil action in the name of the holder; and any such officer so neglecting or refusing to levy or extend such tax shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in an amount equal to the amount which it may be shown should have been so levied or extended during such year, or imprisoned in the county jail for a term not less than three nor more than twelve months. (414).

Note.—Levies as provided by this section are made in accordance with Article 22 of this book.

Sec. 326. Duty of Auditor—Treasurer to Make Levy—Penalty: Should the proper officer whose duty it is to levy the taxes to pay such bonds and coupons, fail or neglect to make such levy as provided for in this Article, it shall be the duty of the auditor of the State, at any time thereafter, to ascertain the amount of interest and sinking fund, or principal of such bonds, accrued and to accrue during that year, and shall certify the amount thereof to the treasurer of the county in which such bonds were issued, setting forth the amount thus due, and whether from the county or from a particular city, township, the board of education or any city or school district within such county; and it shall be the duty of such county treasurer, immediately upon receiving such certified statement from the auditor of the State to proceed to ascertain from the assessment roll of the county the amount of taxable property in such county, city, township, the board of education of any city, or such school district, and what percentage is required to be levied thereon to pay the said interest and sinking fund or principal, and when so ascertained shall levy such percentage upon the taxable property of such county, city, township, the board of education of any city, or such school district, as may be liable thereto, and shall immediately place the same upon the tax roll of the county in a separate column or columns, designating the purpose for which such taxes are levied; and

the said taxes shall be collected by the county treasurer of such county in the same manner that other taxes are collected. And should such county treasurer neglect or refuse to levy tax and place the same upon the tax roll for collection as herein provided, he shall be personally liable, and also liable upon his official bond to the holder of any such bonds or coupons then due, for the full amount thereof, and shall also be deemed guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the county jail for not less than three months nor more than twelve months. (415.)

Sec. 327. Sinking Fund—Purchase Bonds: It shall be the duty of every county, city, township, the board of education of any city, and of every school district, issuing bonds under this Article, and of the proper officers thereof, to create a sinking fund and to levy, annually, a sufficient tax thereof, for the redemption of such bonds, which shall be collected as other taxes, and paid into the treasury as provided by law for other taxes, and shall remain as a specific fund for the redemption of said bonds; the amount of which sinking fund shall be as follows: In every instance in which bonds shall be issued under this article for twenty years or less, the quotient fund found by dividing the amount of the principal of such bonds by such number of years shall be the amount of sinking fund to be levied each year for the redemption of such bonds; but in every instance in which such bonds shall be issued for more than twenty years, it shall not be necessary to create a sinking fund, nor to levy a tax therefor, until the twentieth year prior to maturity of such bonds, at which time, and each year thereafter, one-twentieth of the principal amount of such bonds shall be levied as a sinking fund for the redemption of such bonds; Provided, That any county, city, township, the board of education of any city, or any school district, issuing bonds under this Article, may buy in and cancel any such bonds whenever the same can be done at or below par: And Provided Further, That such sinking fund, when not required for the payment or purchase of bonds, may be invested in bonds of the United States or of the State of Oklahoma, and in no other manner: And Provided Further, That under the provisions of this Article, the proper officers are authorized, if desirable, to issue installment bonds, running thirty years, having coupons attached, representing the semi-annual interest to become due therein; and each coupon attached to any installment bond shall, after five years from its date represent one-fiftieth of its principal, which amount shall be shown by separate words and figures aside from the interest represented in the coupon; and each installment bond shall show upon its face that its principal is included in its coupons. (416.) (L. 1905, p. 93.)

Note.—See Const., Art. X., Sec. 26.

Sec. 328. Payment: Whenever the bonds or interest coupons issued under this Article shall become due, they shall be, on presentation, promptly paid by the proper disbursing officer, out of the money in his hands collected for that purpose; and he shall indorse upon the face of any bond or coupon paid by him, in red ink, the word "paid," and the date of payment, and sign his name thereto, and at each settlement he shall turn over the bonds and coupons so paid and cancelled, which shall be carefully preserved or destroyed. (417.) (L. 1905, p. 94.)

Sec. 329. Punishment for Wrong Use: Any person who shall appropriate, use or aid or abet in appropriating or using, any of the funds or moneys mentioned in this Article, for any other purpose than as in this Article provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum equal to the amount of money so appropriated or used, and imprisoned in the county jail for not less than three nor more than twelve months, and shall also be liable in a civil action for

the amount so misappropriated or used, to be prosecuted by any such bond holder or other party entitled thereto. (418) (L. 1905, p. 95.)

Sec. 330. Receivable Taxes: The interest coupons provided for in this Article shall as fast as they become due, be received in payment of taxes due to the particular county, city, the board of education of any city, the township or school district, which may have issued such coupons, and shall be received by all collecting officers the same as cash, in payment of such taxes. (419.) (L. 1905, p. 95.)

Sec. 331. Cancellation: That all county, township and municipal bonds on which final judgment shall hereafter be rendered by any court of record in this State shall be cancelled in open court, and returned by the clerk of such court to the clerk of the proper county, city or township. (420). (L. 1905, p. 95.)

ARTICLE XXI.

State Certificates.

Section	Section
332. Normal school certificates.	335. Diploma a five year certificate.
333. Normal diplomas equivalent to life certificate.	336. University diploma a life certificate.
334. Certificates from C. A. & N. University—Colored.	337. A. & M. diploma a permanent certificate—when.

Sec. 332. (8284-S.) Normal School Certificates: Each year at the closing session of the Normal Schools an examination shall be held for a first, second and third grade certificate under the direction of the State Board of education in each of the Normal schools and such students as shall be found proficient in the branches required shall receive a certificate which shall be valid in any school of the county wherein such school is located: Provided, That all applicants for such certificates shall pay a fee of two dollars which shall be added to the institute fund in the county in which the applicant resides. (L. 1905, p. 307.)

Note.—This is probably amended by Sec. (366) and by Sec. (367).

Sec. 333. (8284-S.) Normal Diplomas Equivalent to Life Certificates: Any student who shall have completed the full course of instruction in any of the normal schools shall receive a diploma which shall be signed by the president of the institution and the president and secretary of the board of regents and such diploma shall be a life certificate valid in any public school of the State. (L. 1905, p. 307.)

Sec. 334. (8339-S.) Certificates From C. A. & N University—Colored: As soon as any person has attended the Colored Agricultural and Normal University twenty-two weeks, said person may be examined in the studies required by law, and if it shall appear that such person possesses the learning and other qualifications necessary to teach a common school, said person shall receive a certificate authorizing him or her to teach a common school. (L. 1897, p. 39.)

Sec. 335. (8347-S.) Diploma a Five Year Certificate: Any person having obtained a diploma from the normal department of said (C. A. & N.) University, shall be permitted to teach in any common school of the State of Oklahoma for a period of five years from the date thereof, said authority to teach being subject to revocation for any proper and sufficient cause. (L. 1897, p. 41.)

Sec. 336. (8259-S.) University Diploma a Life Certificate, When: After any person has graduated at the University (at Norman) and after such graduation has successfully taught a public school in this State for 16 school months, the Superintendent of public instruction shall have authority to countersign the diploma of such teacher after such examination as to moral character, learning and ability to teach as to said superintendent may seem proper and reasonable. Any person holding a diploma granted by the board of regents of the University of Oklahoma certifying that the person holding the same is a graduate of said University shall after his diploma has been countersigned by the superintendent of public instruction as aforesaid be deemed qualified to teach any of the public schools of this State

and such diploma shall be a certificate of such qualifications until annulled by the superintendent of public instruction. (S. 1893. S. 6154.)

Sec. 337. (85-S.) A. & M. Diploma a Permanent Certificate, When: Any student having completed the regular *four years' course of study of the agricultural and mechanical college and receiving a diploma from said College shall be granted a permanent teacher's certificate of first grade by the State superintendent of public instruction, when application for such certificate has been duly made and approved by the State commission of agricultural and industrial education. (L. 1907-8, p. 17.)

***Note.**—The course referred to is the normal course.

For copy of rules and regulations regarding issuance of state certificates write to the Secretary State Board of Education. See section 10, paragraph c.

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ARTICLE XXII.

Tax Levies.

Section	Section
338. Fiscal year.	347. Limit for current expenses.
339. Penalty for not assessing.	348. Annual statement.
340. Tax limits.	349. County excise board.
341. Building tax limit.	350. Meeting of county excise board.
342. Three-fifths vote necessary to increase indebtedness.	351. Increased levies.
343. Increase for public utilities.	352. Fifty percent of voters required.
344. Sinking fund.	353. Canvass of returns.
345. Attorney general's and county officers' certificates.	354. Election in cities.
346. Uniform accounting.	355. Thirty per cent of voters must vote in school districts.

Sec. 338. Fiscal Year: The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law. (Article X, Sec. 1, Bunn's Constitution, p. 73.)

Sec. 339. Penalty for Not Assessing: All property which may be taxed ad valorem shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person authorized to assess values, or subjects, for taxation, who shall commit any wilful error in the performance of his duty, shall be deemed guilty of malfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law. (Article X., Sec. 8, Bunn's Constitution, p. 74.)

Sec. 340. Tax Limits: Except as herein otherwise provided, the total taxes, on an ad valorem basis, for all purposes, State, county, township, city or town, and school district taxes, shall not exceed in any one year thirty-one and one-half mills on the dollar, to be divided as follows:

State levy, not more than three and one-half mills; county levy, not more than eight mills: Provided, That any county may levy not exceeding two mills additional for county high school and aid to the common schools of the county, not over one mill of which shall be for such high school, and the aid to said common schools shall be apportioned as provided by law; township levy, not more than five mills; city or town levy not more than ten mills; school district levy, not more than five mills on the dollar for school district purposes, for support of common school: Provided, That the aforesaid annual rate for school purposes may be increased by any school district by an amount not to exceed ten mills on the dollar valuation, on condition that a majority of the voters thereof voting at an election, vote for said increase. (See Art. X., Sec. 9, Bunn's Constitution, p. 75.)

Sec. 341. Building Tax Limit: For the purpose of erecting public building in counties, cities, or school districts, the rates of taxation herein limited, may be increased, when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and a majority of the qualified voters of such county, city, or school district, voting at such election, shall vote therefor: Provided, That such increase shall not exceed five mills on the dollar of the assessed value of the taxable property in such county, city, or school district. (Art. X., Sec. 10, Bunn's Constitution, p. 75.)

Sec. 342. Three-Fifth's Vote Necessary to Increase Indebtedness: No county, city, town, township, school district, or other political corporation

or subdivision of the State, shall be allowed to become indebted, in any manner, for any purpose, to an amount exceeding in any year, the income and revenue provided for such year, without the assent of three-fifths of the voters thereof, voting at an election, to be held for that purpose, nor in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding five per centum of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to incurring of such indebtedness: Provided, That any county, city, town, township, school district, or other political corporation, or subdivision of the State, incurring any indebtedness, requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same. (Art. X., Sec. 26, Bunn's Constitution, p. 78.)

Sec. 343. Increase for Public Utilities: Any incorporated city or town in this State may, by a majority of the qualified property tax paying voters of such city or town, voting at an election to be held for that purpose, be allowed to become indebted in a larger amount than that specified in section 342, for the purpose of purchasing or constructing public utilities, ties, or for repairing the same, to be owned exclusively by such city: Provided, That any such city or town incurring any such indebtedness requiring the assent of the voters as aforesaid, shall have the power to provide for the collection of an annual tax in addition to the other taxes provided for by this constitution, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from time of contracting the same. (Art. X., Sec. 27, Bunn's Constitution, p. 78.)

Sec. 344. Sinking Fund: Counties, townships, school districts, cities, and towns shall levy sufficient additional revenue to create a sinking fund to be used, first, for the payment of interest coupons as they fall due; second, for the payment of bonds as they fall due; third, for the payment of such parts of judgments as such municipality may, by law, be required to pay. (Art. X., Sec. 28, Bunn's Constitution, p. 79.)

Sec. 345. Attorney General's and County Officer's Certificates: No bond or evidence of indebtedness of this State shall be valid unless the same shall have endorsed thereon a certificate, signed by the auditor and attorney general of the State, showing that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or any other political subdivision of any county, shall be valid unless the same have endorsed thereon a certificate signed by the county clerk, or other officer authorized by law to sign such certificate, and the county attorney of the county, stating that said bond, or evidence of debt is issued pursuant to law, and that said issue is within the debt limit. (Art. X., Sec. 29, Bunn's Constitution, p. 79.)

Sec. 346. Uniform Accounting: The legislature shall require all money collected by taxation, or by fees, fines, and public charges of every kind, to be accounted for by a system of accounting that shall be uniform for each class of accounts, State and local, which shall be prescribed and audited by authority of the State. (Art. X., Sec. 30, Bunn's Constitution, p. 79.)

Sec. 347. Limit for Current Expenses: Except as otherwise provided in this article, the total levy for current expenses of each county, city, town, township or school district, shall not exceed in any one year the following:

County levy not more than five mills, provided that any county may levy not exceeding one mill additional in aid of the common schools of the county and in any county where a county high school is located, an additional levy of not more than one mill may be made for the county high school; Provided, That where the assessed valuation of any county is less than \$4,000,000 the county levy shall not exceed six mills.

City levy, not more than seven mills.

Incorporated town levy not more than five mills.

Township levy not more than three mills.

School district levy for the support of common schools, not more than five mills.

History. H. B. 14, L. 1910.

Sec. 348. Annual Statement: Each board of county commissioners, the mayor and council of each city of the first class, or the officers exercising like powers in any city of the first class in this State, having a charter form of government, the board of trustees of each incorporated town, the directors of each township, the board of education in each incorporated city and the directors of each school district in the State, shall meet on the first Monday in July of each year and shall respectively make out an itemized statement of the fiscal condition of their respective municipalities and of the estimated needs thereof for the current expenses of the ensuing fiscal year. Said estimate shall show, first, any unexpended balance on hand of the levy for any previous year or years for current expense purposes; second, the estimated income of the municipality from all sources other than from ad valorem taxation and such estimated income for school district purposes shall include the apportionment of the income from the common school fund, based on the distribution for the next preceding fiscal year.

Third, an itemized estimate of the amount necessary for the current expenses of each municipality for the ensuing fiscal year;

Fourth, the amount necessary for a sinking fund, sufficient to pay at maturity, all bonded indebtedness coming due for such municipality.

Fifth, the amount necessary to pay the interest coupons falling due on its outstanding bonded indebtedness. The estimate for county purposes shall be itemized so as to show the amount estimated to be necessary for salaries; for court expenses; for county supplies; for the support of the poor and insane; for roads and bridges; for aid of the common schools of the county; for contingent fund; for county high school, if any; for a sinking fund which shall, with the money already in such fund, be sufficient to pay, at maturity, all bonded indebtedness of such county coming due; for the interest coupons falling due on outstanding bonds of the county and an additional sum equal to one-third of the original amount of all outstanding judgments against the county where one-third or more of such judgments remain unpaid and in case less than one-third remains unpaid, then the estimate shall include the unpaid balance. Each estimate for county, city, incorporated town, township and school district purposes as prepared in accordance with the provisions of this Article, shall be published in some newspaper published in each such county, city, incorporated town, township and school district in four consecutive issues if in a daily paper and in two consecutive issues if published in a weekly paper and if there be no such paper published in such county, city, incorporated town, township or

school district, then a copy of such estimate shall be posted in at least five public places therein, which posting shall be within five days after said first Monday in July. Said publication shall be made in each instance by the board or authority making the estimate. Said estimate so made out and published as aforesaid shall, as soon as completed, be certified to the excise board of the county hereinafter provided for, together with an affidavit showing the publication or posting thereof as required by this Article.

History. H. B. 14, L. 1910.

Sec. 349. County Excise Board: There is hereby created in each organized county in this State an excise board to be composed of the following county officers, to-wit: County clerk, county treasurer, county judge, county superintendent and county attorney, who shall perform the duties as herein provided without additional compensation. The county judge shall be chairman of the board and the county clerk secretary.

Note.—See Section 312.

Sec. 350. Meeting of County Excise Board: The excise board shall meet at the county seat on the last Saturday of July of each year for the purpose of examining the estimates of expenses for the county and for each city, incorporated town, embracing a city of the first class, township and school district therein. Their meeting shall be public and they shall keep a record of their proceedings. They shall have power to revise and correct any estimate certified to them where the amount thereof is in excess of the just and reasonable needs of the municipality for which the same is made. When they shall have approved each estimate, if the same shall be within the limit for current expenses, provided by section 349 of this Article, and shall have ascertained the assessed valuation of property taxed ad valorem in the county and in each municipal subdivision thereof, and shall have ascertained the probable income of the county and of each municipal subdivision thereof from all sources other than ad valorem taxation, they shall thereupon make the levy therefor, adding thereto the amount ascertained to be necessary for a sinking fund, which, with the money already in such fund, shall be sufficient to pay, at maturity, all bonded indebtedness of such municipality, and for the interest coupons falling due on the outstanding bonds of such municipality; to the total amount so ascertained to be necessary for current expenses, sinking fund and interest coupons shall be added ten per centum for delinquent taxes. The levies so made for them shall be certified to the county clerk, who shall extend the same upon the tax roll.

History. H. B. 14, L. 1910.

Note.—See section 312.

Sec. 351. Increased Levies: If any estimate certified to the excise board for the current expenses of any county, city, incorporated town, township, or school district shall exceed the limits prescribed by section 347 of this Article, and the excise board shall be of the opinion that such excess is reasonably necessary for the current expenses of the municipality for which the same is prepared, they shall enter such fact upon the record of their proceedings, and shall give notice by publication in one issue of some newspaper, printed in the county that a special election will be held in the county, city, incorporated town, township or school district, as the case may be, on the second Tuesday after the first Monday in August next thereafter for the purpose of submitting to the qualified electors of such county, city, incorporated town, township or school district, the question of making such increased levy. Such election shall be held under the general election laws of the State and in each election held under the pro-

visions of this Article, the amount of each proposed levy shall be printed upon the ballot with the words, "for the levy" and "against the levy" to the left of which shall be printed a square in which the elector shall stamp his choice.

Provided: In school districts not in cities of the first class the election shall be conducted as is now, or may hereafter be provided by law for such elections in school districts.

History. H. B. 14, L. 1910.

Sec. 352. Fifty Per Cent of Voters Required: No election for an increased levy for county, city, incorporated town or township purposes shall be valid unless fifty per centum of the qualified electors, as shown by the last preceding election shall vote therein.

History. H. B. 14, L. 1910.

Sec. 353. Canvass of Returns: The returns of such elections held under the provisions of this Article shall be made to the excise board, who shall meet at the county seat on the Friday following such election for the purpose of canvassing the returns. If the levies voted upon shall be approved by a majority of those voting for each levy and the total number voting shall be the proportion of the qualified electors of the county, city, incorporated town, township or school district required by this Article, the excise board shall certify the same to the county clerk, who shall extend the same upon the tax roll; and no levy for any purpose shall be valid unless made according to the provisions of this Article, and any such illegal levy, and the collections of the tax thereunder may be enjoined at the suit of any tax payer.

History. H. B. 14, L. 1910.

Sec. 354. Election in Cities: The provisions of this Article shall apply to each city whether having a charter form of government or not and to the board of education in each city, except that where an election is called for the purpose of voting a tax in excess of that prescribed by this Article, such election shall be called by the mayor and council in such city or the officers exercising like power in cities having a charter form of government and by the board of education, who shall canvass the returns thereof and make the levies and certify to the county clerk, who shall extend the same upon the tax rolls.

History. H. B. 14, L. 1910.

Sec. 355. Thirty Per Centum of Voters Must Vote: It shall be the duty of the school trustees in each school district to record in a book kept for the purpose, the names of all legal voters within such school district, and at the election where it is proposed to vote an additional levy above the five mills herein authorized for school purposes the election shall be held to be a legal election when thirty per centum of the total number of legal voters living in such school district shall participate therein.

History. H. B. 14, L. 1910.

ARTICLE XXIII.

Transfer of Pupils.

Section

- 356. Transfer may be made, when.
- 357. Notice.
- 358. New comers.
- 359. Duty of clerk.

Section

- 360. Transfer to be for one year only.
- 361. Sinking fund.
- 362. Violation a misdemeanor.

Sec. 356. Transfer May Be Made—When: The county superintendent of any county in this State, may when in his judgment the best interests of the schools will not be adversely affected, and when requested by the parents or guardian, permit children living in any school district in this State at a distance of two miles or more from the school house at the home district, to attend school in another district, by giving notice in writing to the school boards of the two districts affected, at least two months before beginning of school in either district. When the county superintendent authorizes such transfer of children from one district to another, he shall transfer the State, county and school district funds for such children from the district in which they reside to the district in which they attend school. Provided that any child prepared to enter a grade higher than is offered by the home district shall be entitled, on written request of the parent, to transfer in the same manner as described in this Article, to a district, town or city school offering such higher grade of work.

History. H. B. 108, L. 1911.

Sec. 357. Notice: After having given notice of the proposed change of districts, the parents and children shall be bound for the school year unless released by act of the majority of the school board of each district affected. The children shall be governed by the regulations, rules and the compulsory school law of the district in which they have chosen to attend school.

History. H. B. 108, L. 1911.

Sec. 358. Newcomers: Renters and others who come into a school district after the school term has begun may make a choice of schools under the above regulations by giving notice as soon as a residence has been established, and their children shall be enumerated for that year by the school board for the district in which they shall attend school.

History. H. B. 108, L. 1911.

Sec. 359. Duty of Clerk: When the county clerk receives notice of a temporary transfer of scholars from one district to another he must apportion the school district tax to the school district transferred to (8244.)

History. L. 1905, p. 382; effective February 13, 1905.

Note.—When transfers have been authorized, the authorities should transfer the per capita share of the state, county and school district funds belonging to the children transferred. No consideration should be given the taxes paid by the parent or guardian of children transferred but the per capita amount of all the funds in the district belonging to the children so transferred.

Sec. 360. Transfer to Be for One Year Only: Temporary transfers of scholars from one school district to another shall only be for one year. (8246.)

History. L. 1905, p. 382; effective February 13, 1905.

Sec. 361. Sinking Fund: If by reason of bonded indebtedness any such school district shall have a sinking fund, the county clerk shall retain in the home district the tax levied for that purpose. (8247.)

History. L. 1905, p. 382; effective February 13, 1905.

Sec. 362. Violation a Misdemeanor: Any member of any school district board, or county clerk or county treasurer, who shall violate any of the provisions of this Article regarding transfers of pupils, shall be guilty of misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars. (8248.)

History. L. 1905, p. 382; effective February 13, 1905.

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ARTICLE XXIV.

Teachers and County Certificates.

Section	Section
363. Board of county examiners.	369. Certificates—grades—where valid.
364. Examinations.	370. Temporary certificates.
365. Grades of certificates.	371. Illegal issuance of certificates—penalty.
366. First grade certificates.	
367. Second grade certificates.	
368. Third grade certificates.	

Sec. 363. Board of County Examiners: In each county there shall be a board of county examiners composed of the county superintendent, who shall be ex-officio chairman of the board, and two competent persons, holders of first grade certificates, or of state certificates, or of diplomas from some territorial or State university, normal, or agricultural college, who shall be appointed by the county superintendent and shall serve from the time of their respective appointment until their successors are appointed, and each of whom shall receive for his services the sum of three dollars per day, not to exceed five days in any one quarter of the year. (8211.)

History. S. 1893, Sec. 5814, as amended by L. 1903, p. 255; effective March 14, 1903.

Construed. Ter. ex rel. v. Stubblefield, 5 Ok. 310, 48 P. 112.

Sec. 364. Examinations: The board, two of whom shall constitute a quorum, shall, on the last Thursday and Friday of January, October, April and at the close of the county normal institute, only at such places as may be designated by the chairman (who shall give ten days' notice of examination) publicly examine all persons proposing to teach in the public schools of the county, as to their competency to teach in the branches prescribed by law; and such board of examiners shall issue certificates, as hereinafter provided, to all such applicants as shall pass the required examination and satisfy the board as to their good moral character and their ability to teach and govern schools successfully. (8212.)

History. S. 1893, Sec. 5815, as amended by L. 1905, p. 367; effective March 10, 1905.

Sec. 365. Grades of Certificates: Certificates issued by county boards shall be of three grades—first, second and third—and shall continue in force respectively three years, two years and one year. (8213.)

History. S. 1893, Sec. 5816.

Construed. Ter. ex rel. v. Stubblefield, 5 Ok. 310, 48 P. 112.

Sec. 366. First Grade Certificates: Certificates of the first grade shall certify that the person to whom issued is proficient in and fully qualified to teach orthography, reading, writing, English grammar, composition, geography, arithmetic, United States history, Oklahoma history, bookkeeping, physiology and hygiene, the theory and practice of teaching and civil government, and the elements of physics, drawing, music, agriculture and domestic science; and shall not be issued to person under twenty years of age, nor to such as have not taught successfully twelve school months; Provided, that no person who receives a first grade certificate shall make a general average of less than ninety per cent, and in no case shall a person receive a certificate of the first grade who shall fall below seventy per cent in any one branch. (8214.)

History. S. 1893, Sec. 5817, as amended by L. 1897, p. 273; effective March 12, 1897. Revision: Amended to include in general terms subjects required to be taught under Sec. 7, Art. 13, Const., and Sec. 223, in order that teachers may not be required to teach subjects which they were not otherwise required to know; "natural philosophy".

changed to "physics," as the more modern term.
Construed. Ter. v. Stubblefield, 5 Ok. 310, 4 P. 112.

Sec. 367. Second Grade Certificates: Certificates of the second grade may be issued to persons not less than eighteen years of age, who shall fully satisfy the board as to their ability to teach all the branches prescribed for first grade certificates, except bookkeeping and physics, and who have taught successfully three school months; Provided, that no person who receives a second grade certificate shall make a general average of less than eighty per cent, and in no case shall a person receive a certificate of the second grade who falls below sixty per cent in any one branch. (8215.)

History. S. 1893, Sec. 5818, as amended by L. 1897, p. 274; effective March 12, 1897. Revision: "Natural philosophy" changed to "physics."

Sec. 368. Third Grade Certificates: Certificates of the third grade shall certify that the person to whom issued is not under sixteen years of age and is proficient in and fully qualified to teach all the branches prescribed for a second-grade certificate, except civil government, and made an average of not less than seventy per cent, and not below fifty per cent, in any one branch; and no third-grade certificate shall be issued more than twice to the same person. (8216.)

History. S. 1893, Sec. 5819, as amended by L. 1897, p. 274; effective March 12, 1897.

Construed. Ter. ex rel. v. Stubblefield, 5 Ok. 310, 48 P. 112.

Sec. 369. Certificates—Grades—Where Valid: That no third-grade certificate shall be in force except in the county in which it is issued; Provided, that the county superintendent shall endorse the unexpired first-grade certificate issued in any other county, and all second-grade certificates shall be endorsed by the county superintendent of any county adjoining the county in which said second-grade certificate was issued, which certificate shall thereby be valid in the county in which such endorsement is made for the unexpired term of the certificate. A certificate issued under this Act may be revoked by the board of examiners on the ground of immorality, or for any other cause that would have justified the withholding thereof, when the same was granted. (8217.)

History. L. 1907-8, p. 668.

Construed. Ter. ex rel. v. Stubblefield, 5 Ok. 310, 48 P. 112.

First grade certificate. Duty of superintendent. Above section construed to be mandatory. Jordan v. Davis, 10 Ok. 329, 61 P. 1063.

Note.—The old law providing for a fee for endorsing certificates is repealed by this section. Attorney general's opinion.

Sec. 370. Temporary Certificate: The county superintendent, upon request made in writing by any district board, and after satisfying himself by examination of the ability or proficiency of the applicant, may grant a temporary certificate in case of necessity, valid only in the designated district, and valid only until the next regular examination by the county board of examiners; Provided, that no such temporary certificate shall be granted to any applicant who has failed in examination at any such regular meeting of the board, nor shall such certificate be granted twice to the same person; Provided, further, that the county superintendent shall not be compelled to charge for the issuance of temporary certificates. (8218.)

History. S. 1893, Sec. 5821.

Sec. 371. Illegal Issuance of Certificates—Penalty: No certificate shall be issued by any county board or county superintendent, except upon examination as herein provided and any county superintendent or the county board of examiners who violate any of the provisions of this Article by issuing a certificate except as herein provided, shall be deemed guilty of a misdemeanor and upon conviction fined in the sum of not less than one hundred dollars nor more than five hundred dollars. (8219.)

History. S. 1893, Sec. 5822.

ARTICLE XXV.

Provisions and Holidays.

Section	Section
372. Jurisdiction of school district suits.	381. Duty of school officers.
373. Penalty for injuring school property.	382. Penalty.
374. Appropriation authorized for library purposes.	383. Arbor day.
375. List of books furnished.	384. Same—public schools to conduct exercises.
376. School to own and display flag.	385. Holidays.
377. Sectarian instruction prohibited.	386. Additional holidays.
378. Morality to be taught.	387. Business days.
379. Annual studies.	388. Next business day.
380. Vivisection prohibited.	389. Labor day.
	390. Proclamation.

Sec. 372. Jurisdiction of School District Suits: Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested when the amount claimed by the plaintiff does not exceed his jurisdiction, as provided by statute, and the party shall have the right to appeal as in other cases; and all fines and penalties not otherwise provided for herein, shall be collected by an action in any court of competent jurisdiction. (8226.)

History. S. 1893, Sec. 5894; effective March 14, 1893.

Sec. 373. Penalty for Injuring School Property: Every person who shall willfully injure or destroy any building used as a school house or for other educational purposes, or any furniture, fixtures or apparatus thereto belonging, or who shall deface, mar or disfigure any such building, furniture or fixtures by writing, painting, cutting or pasting thereof any likeness, figures, words or devices, shall be fined in a sum not less than ten nor more than fifty dollars for each offense above named, to be in addition to, and not in lieu of, the punishment provided by the statute regulating crimes for such offenses; and all fines so collected shall be paid into the county treasury for the support of common schools. (8227.)

History. S. 1893, Sec. 5895; effective March 14, 1893.

Sec. 374. Appropriation Authorized for Library Purposes: At the time provided by law for making and certifying the annual levy for taxes for school purposes each year, except as hereinafter provided, the district board of each school district and the board of education of each city or town in the State of Oklahoma shall designate, set apart and appropriate out of the district fund a sum of money as a library fund, to be used in the purchase of books and periodicals for a public library for such district, city or town, as follows: In districts employing one teacher, not less than five nor more than ten dollars each year; in districts employing more than one and less than four teachers, not less than ten nor more than twenty-five dollars each year; in districts employing more than three teachers, not less than twenty-five nor more than fifty dollars each year; in cities of the first class, not less than fifty nor more than one hundred dollars each year. The board of education of each city or town and the district board of each school district, except as hereinafter provided, shall certify the appropriation herein provided to the county clerk, and the county clerk shall note the appropriation on the tax rolls and certify the same to the county treasurer, and he shall set apart the sum so designated to the credit of the district, city or town appropriating the same, as a library fund: Provided, that districts in which the maximum levy, together with all other school

funds, do not yield a revenue sufficient to support a four months' term of school, during the school year, shall not be subject to the provisions of this and the following section. (8228.)

History. L. 1899, p. 228; effective March 10, 1899.

Sec. 375. List of Books Furnished: The county board of examiners of each county shall furnish each county superintendent in Oklahoma a list of reference and literary books together with the list price of each and the price at which they may be purchased, as near as possible, which list shall designate the order of purchase and shall govern the order or purchasing, so far as the funds will permit, and the county superintendent shall, within thirty days thereafter, mail to the secretary of each district board in their respective counties the list of books furnished as herein provided, together with prices and other information and instruction for carrying out the provisions of this article. The county board of examiners shall, at periods of not longer than two years thereafter, furnish additional lists of suitable books and periodicals, to be a guide to future purchases by district boards. All purchases under this article shall follow the order given by the county board of examiners so far as the funds will permit, unless the lists include books already in the library of such school. No district board, or board of education, shall contract or pay in warrants, or otherwise more than the lowest wholesale price of the books purchased under this article and any and all warrants issued in excess of this sum shall be void as to the excess. (8229.)

History. L. 1899, p. 228.

Sec. 376. School to Own and Display Flag: Every board of education or school district board within this State shall be required to own and display within the school house a United States flag. Such boards shall purchase said flag with any moneys derived for school purposes not otherwise specifically appropriated; and any person charged with the duty imposed by this section, who shall fail to comply with the requirements of the same, or shall violate this law shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars. (8230-31-32.)

History. L. 1905, p. 368; effective July 2, 1905. Revision: The three sections comprising the original act are combined into one, by the elimination of superfluous language.

Sec. 377. Sectarian Instruction Prohibited: No sectarian or religious doctrine shall be taught or inculcated in any of the public schools of the State; but nothing in this section shall be construed to prohibit the reading of the Holy Scripture, without note or comment. (8113.)

History. New section, a consolidation of Secs. 8028 Snyder and 8113 S. 1893 (effective March 14, 1893); placed here as applicable to all schools, the sections referred to having been carried, one under "District Officers" and the other under "Cities."

Sec. 378. Morality to Be Taught: In each and every public school, it shall be the duty of each and every teacher to teach morality, in the broadest meaning of the word, for the purpose of elevating and refining the character of school children up to the highest plane of life; that they may know how to conduct themselves as social beings in relation to each other, as respects right and wrong, and rectitude of life, and thereby lessen wrongdoing and crime. (8233.)

History. L. 1905, p. 378; effective March 4, 1905.

Sec. 379. Humanity: In each and every public school, in addition to the other branches of study now prescribed, not less than one-half hour of each week, during the whole of each term of school, shall be devoted to teaching the school children attending said school kindness to and humane treatment and protection of dumb animals and birds, their lives, habits and usefulness, and the important part they are intended to fulfill in the economy of nature, and such studies on the subject as the board of public education may adopt. (8234.)

History. L. 1905, p. 378; effective March 4, 1905.

Sec. 380. Vivisection Prohibited: No experiments upon any living creature shall be permitted in any public school within the State of Oklahoma. (8235.)

History. L. 1905, p. 379; effective March 4, 1905.

Sec. 381. Duty of School Officers: It shall be the duty of the state superintendent of public instruction, the superintendent of public instruction of each county superintendent of public schools of each city and the principal of each and every public school to see that the provisions of the three preceding sections are strictly complied with in the public schools under his supervision. (8236.)

History. L. 1905, p. 379; effective March 4, 1905. Revision: Minor changes in language.

Sec. 382. Penalty: No teacher in the public schools shall be entitled to receive any portion of the public school moneys as compensation for services, unless such teacher shall have complied with the provisions of the preceding sections. (8237.)

History. L. 1905, p. 379; effective March 4, 1905.

Sec. 383. Arbor Day: The Friday following the second Monday in March of each year shall be hereafter known throughout Oklahoma as Arbor Day. (39.)

History. L. 1901, p. 62; effective March 5, 1901.

Sec. 384. Same—Public Schools to Conduct Exercises: It shall be the duty of the authorities of the public schools in this State, to assemble the pupils in their charge on that day in the school buildings, or elsewhere, as may be deemed proper, to provide for and conduct, under the general supervision of the county superintendent or city superintendent or other chief officers having the general oversight of the public schools in each county or city, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results. (40.)

History. L. 1901, p. 62; effective March 5, 1901.

Sec. 385. (2954-S.) Holidays: Holidays are: Every Sunday, the first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, the thirtieth day of May, every day on which an election is held throughout the State, and every day appointed by the president of the United States, or by the governor of this State, for a public fast, thanksgiving or holiday. (S. 1890, S. 2704.)

Sec. 386. (2955-S.) Additional holidays: If the first day of January, the twenty-second day of February, the fourth day of July, or the twenty-fifth day of December, falls upon a Sunday, the Monday following is a holiday. (S. 1890, S. 2705.)

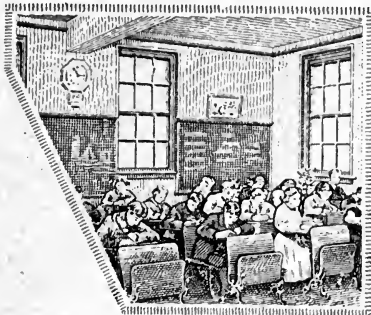
Sec. 387. (2956-S.) Business days: All other days than those mentioned in the last two Sections, are to be deemed business day for all purposes. (S. 1890, S. 2706.)

Sec. 388. (2957-S.) Next Business Day: Whenever any act of a secular nature, other than a work of necessity, or mercy, is appointed by law or contract to be performed upon a particular day, which day falls on a holiday, such act may be performed upon the next business day, with the same effect as if it had been performed upon the day appointed. (S. 1890, S. 2707.)

Sec. 389. (4065-S.) Labor Day: The first Monday of September of each year is hereby declared a legal holiday, to be known as Labor Day. (S. 1907-8, Chap. 53, Art. V.)

Sec. 390. (4066-S.) Proclamation: The governor shall issue his proclamation twenty days prior to each labor day, calling attention to that day, and each mayor of each municipality shall issue their proclamation ten days before labor day. (L. 1907-8, Chap. 53, Art. V.)

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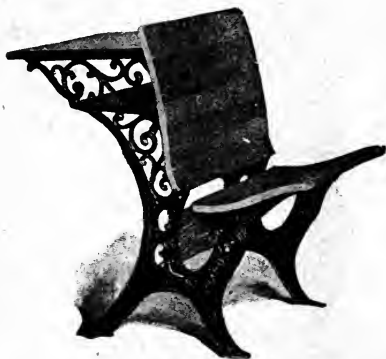
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