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School laws
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THE
School Laws

OF
SOUTH DAKOTA

REVISED 1897

WITH THE
Laws of 1899
AS APPENDIX.

1900
STATE PUBLISHING CO.
PIERRE, S. D.





State of South Dakota,

Office of Superintendent of Public Instruction,

Pierre.

Edward S. Collins, Superintendent.
S. J. Schellenger, Deputy.

Nov. 27, 1900.

Mr. J. D. Layman,
Berkeley, Cal.

Dear Sir:-- Yours of 21st inst. is at hand, and by same mail as this we send you under separate cover a copy of the school law of South Dakota. All that we have for distribution are those bound in paper, hence we have sent you the best we have.

Yours truly,

By *S. J. Schellenger*

Deputy.

E. S. Collins
Superintendent.



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THE
SCHOOL LAWS

OF

SOUTH DAKOTA

REVISED 1897

WITH THE

Laws of 1899

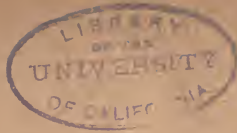
AS APPENDIX.

1899
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EDUCATION.

Chapter 57 of the Session Laws of 1897, Which Repeals all Acts Relating to Education, Except Special Acts Organizing Particular School Districts.

CHAPTER I.

STATE SUPERVISION.

§ 1. SUPERINTENDENT—DUTIES OF.] The superintendent of public instruction shall be charged with the general supervision of all the county schools and of all the county superintendents of the state. He shall meet county superintendents in convention at least once each year, at such points in the state as he may deem most suitable for that purpose, and by explanation and discussion endeavor to secure a more uniform and efficient administration of the school laws. He shall attend teachers' institutes in the several counties in the state as far as may be consistent with other duties imposed by law, and assist, by lecture or otherwise, in their instruction and management. The state superintendent shall prescribe rules and regulations for holding county normal institutes. He shall render a written opinion to any county superintendent asking it, touching the exposition or administration of the school law, and shall determine all cases appealed from the county superintendent.

§ 2. OFFICE OF.] An office shall be provided for him at the seat of government in which he shall file all papers, reports and public documents transmitted to him by the county superintendents each year separately, and hold the same in readiness to be exhibited to the governor or a committee of either house of the legislature at any time when required; and he shall keep a faithful record of all matters pertaining to his office. All books presented to his office or purchased therefor shall be carefully preserved and catalogued by him. The educational library thus formed shall be open to the teachers of the state for reference and examination.

§ 3. SHALL PRINT LAWS.] Immediately after the adjournment of this legislature, and every two years thereafter if

deemed necessary he shall cause the school law to be printed, with all the amendments thereto, with such notes, rulings, forms and decisions as may seem of value to aid the school officers in the discharge of their duties. Appropriate reference shall be made to the previous law that has been amended or changed, so as clearly to indicate such amendments or changes. He shall send to each county superintendent a number of copies sufficient to supply the school officers of the county with one copy each.

§ 4. SHALL MAKE REPORT.] On or before the 31st day of December preceding each regular session of the legislature, he shall present a biennial report to the governor, which report shall show the condition and needs of the public schools throughout the state, and the workings of the educational system of the state.

§ 5. TO PREPARE EXAMINATION QUESTIONS.] It shall be his duty to prepare all questions for the examination of teachers by the county superintendents, and no county superintendent shall examine teachers with questions not thus furnished. Whosoever shall sell, barter or give away to applicants for certificates or to any other person the questions prepared by the superintendent of public instruction, to be used by the county superintendent in the examination of teachers, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five (\$25) or more than one hundred (\$100) dollars.

§ 6. MAY APPOINT DEPUTY.] He shall have power to appoint one assistant, or deputy, who shall receive a salary of one thousand two hundred (\$1,200) dollars, and shall perform such duties pertaining to the office as the superintendent may direct.

§ 7. INSTITUTE CONDUCTORS.] He shall, on or before March 1st in each year, prepare and send to each county superintendent a list of the names of institute conductors, and county superintendents shall engage conductors for their county normal institutes from the list sent by the superintendent of public instruction.

§ 8. MEETING OF INSTITUTE CONDUCTORS.] He shall, on or before the first day of April of each year, call a meeting of the county institute conductors for the purpose of exchanging views relative to the best methods of teaching and for outlining, as far as practicable, a general plan for institute work.

§ 9. BLANKS AND BLANK FORMS.] All the necessary blanks to be used in transacting the business between the county and the state superintendent shall be supplied by the state superintendent. He shall also furnish each county superintendent with the necessary supply of blanks for the reports of teachers, district clerks and treasurer, and with a book of

forms or blanks not furnished by the state, and all blanks used in a county or district must correspond with a form in such book.

§ 10. COMPENSATION OF.] He shall receive such salary as is prescribed by law, and also a sum not exceeding two hundred (\$200) dollars per annum for traveling and other expenses, while traveling on the business of the department. The traveling expense account and the certified bills for necessary office expenses, and for the printing of such blanks and reports as are required by law, shall be paid on the warrant of the state auditor.

§ 11. STATE CERTIFICATES AND DIPLOMAS.] He shall have power to grant state certificates and state diplomas. He shall keep a full record of all examinations for state certificates and diplomas, and carefully file in his office all papers relating thereto, the names of all persons to whom certificates or diplomas are issued, and the names of all persons applying for the same shall be preserved with a report of the action in the case. He shall at the close of each quarter send to each county superintendent in the state, a list of the persons receiving state certificates and diplomas.

§ 12. EXAMINATION FOR SAME.] Public examinations for state certificates and state diplomas shall be held by the superintendent of public instruction at least twice each year, at such time and place as he may select, as will best accommodate the teachers of the state.

§ 13. STATE CERTIFICATE—HOW SECURED.] A state certificate shall be valid for five years, authorizing the person to whom it is issued to teach in any of the common schools for the state, including those in cities and towns, for the period of five years aforesaid. Candidates for state certificates shall present satisfactory evidence of three years' successful experience, such evidence to be genuine, reliable and from disinterested persons. They shall pass a satisfactory examination in each of the following branches: Algebra, geometry, natural philosophy, physiology and hygiene, drawing, civil government, didactics, general history and American literature. The character of the papers submitted in the examination shall determine the candidate's knowledge of the English grammar, orthography and penmanship. The possession of a good moral character shall be deemed a necessary requisite in every candidate, and satisfactory recommendation to establish this shall be submitted by each candidate. Any resident graduate of either of the state normal schools or the state university of South Dakota shall, upon the presentation of his or her diploma, be entitled to receive such state certificate free of charge, provided the graduates of said university have taken a course of pedagogy as given in that institution. A candidate for state

certificate, a resident graduate of any college in this state, having taken a course of study equivalent to the advanced course of study prescribed in either of the state normal schools, or the collegiate department of the state university of South Dakota, shall upon filing with the state superintendent his or her diploma, a copy of the course of study pursued and the written endorsement of the faculty of instruction, be exempt from the required examination; Provided, the applicant has taught successfully in the public schools for at least one year. The superintendent of public instruction shall issue such state certificate free of charge.

§ 14. RENEWAL OF SAME.] Any person receiving two successive five-year certificates, shall be entitled to a renewal of the latter upon presentation of his state certificates, and evidence of continued employment and successful experience in the business of teaching.

§ 15. STATE DIPLOMA—HOW SECURED.] A state diploma shall be valid for life, and shall authorize the holder thereof to teach in any of the public schools of the state. The requirements for a state diploma shall be as follows:

First. The candidate must present the diploma of the institution of which he is a graduate, with a copy of the course of study therein taught, or he must pass an examination in such branches as will be selected by the superintendent of public instruction.

Second. He must present ample proof that he has had at least ten (10) years successful experience as a teacher.

Third. He must pass a satisfactory examination in the science and art of education. This shall be more or less extensive as the candidate is or is not a graduate of some reputable normal school.

Fourth. He must pass an examination in two branches selected by him from the following: Geometry, trigonometry, astronomy, chemistry, zoology or geology. He must also pass an examination in two branches selected by him from the following: English literature, rhetoric, general history, political economy and psychology.

Fifth. He must write a thesis of not less than three thousand (3,000) nor more than five thousand (5,000) words upon some special topic embraced in one of the branches in which he is examined. His thesis the superintendent shall submit to two persons of acknowledged ability to review.

Sixth. All papers must show a correct and intimate knowledge of English.

Seventh. He must be recommended by persons of liberal education, disinterested and having full knowledge of his experience.

Eighth. He must submit a thesis in his own hand writing upon some professional subject chosen by the superintendent.

Ninth. He must submit evidence of a good moral character.

§ 16. CERTIFICATE FREE [FEE].] Each applicant except resident graduates from the normal schools of the state, and the state university, for a state certificate, shall pay a fee of five dollars (\$5.00), and for state diplomas shall pay a fee of ten dollars (\$10.00). All fees thus collected shall be paid by the superintendent into the state treasury, and shall constitute the teachers' reading circle fund, and shall be subject to the order of the state auditor for that purpose; Provided, that should an applicant fail in said examination, one-half of the fee shall be returned; Provided, that the state auditor shall issue his warrant on the state treasurer in favor of the treasurer of the state teachers' reading circle upon vouchers filed by the superintendent of public instruction.

§ 17. MAY BE REVOKED.] The superintendent of public instruction shall have power to revoke any state certificate or diploma for any cause that would have prevented its issue.

CHAPTER II.

COUNTY SUPERVISION.

§ 1. SUPERINTENDENT—DUTIES OF.] The county superintendent of schools shall be charged with the general supervision of the schools of his county. He shall visit each school in his county as frequently as possible, at least once each school year, correcting any deficiency that may exist in the government of the school, in the classification of the pupils, or in the methods of instruction in the several branches taught; make such suggestions as he shall deem proper and necessary for the welfare of the school; note the character and condition of the school house, furniture, apparatus and grounds, making such suggestions to the district officers as will in his opinion improve the same. He shall keep a complete record of his official acts, a record of the name, age and postoffice address of each candidate for certificate to teach, the standing in each study, and the grade, date of issue and expiration of each certificate granted. He shall keep on file the papers of each candidate for a certificate except the papers of applicants for first grade, at least for the period for which a certificate is granted. He shall keep a register of the teachers employed in his county, giving name of teacher, district in which employed, date of opening and closing, terms, salary per month, grade of certificate, and date of superintendent's visits. He shall keep a record of all apportionments of the state and county school fund, and such other statistical records as shall be required in making reports to the

superintendent of public instruction. In addition to his annual report he shall, whenever called upon by the superintendent of public instruction, make such special report as may be required.

§ 2. SHALL ENCOURAGE TEACHERS' INSTITUTES.] The county superintendent of schools shall encourage teachers' institutes and associations, and shall labor in every practicable way to elevate the standard of teaching, urge the continual employment of successful and efficient teachers, and prevent by all proper means the employment of those who are incompetent and inefficient, and seek to make the employment of all teachers a responsible public duty, for the public advantage only, and free from favor and sectarian interest.

§ 3. COUNTY CERTIFICATES—REQUIREMENTS FOR.] On the first Friday of March, June, September and November, of each year, the county superintendent shall examine persons offering themselves as teachers for the public schools, at least two of which examinations shall be held at the county seat, notice of which examination shall be duly published in the newspapers of the county. The ratio of correct answers, compared with the per centum established by the superintendent of public instruction for the granting of certificates, all evidence disclosed by the examination and the superintendent's personal knowledge of the candidate's ability to teach and govern shall be the reasons for granting or refusing a certificate to any applicant. Provided, that no person shall be granted a certificate who does not possess a good moral character.

§ 4. GRADES OF SAME.] County Certificates shall be of three grades. The first grade certificates shall be valid for a term of three years in every county in the state. Applicants for a certificate of this grade shall pass an examination in orthography, reading, writing, arithmetic, geography, including physical geography, English grammar, physiology, hygiene, history of the United States, civil government, current events, book keeping, American literature, drawing and didactics. The papers of applicants for first grade certificates shall be marked by the county superintendent and forwarded by him to the superintendent of public instruction who shall, after inspection and approval of the same issue said certificates and send lists of the same without delay to all of the county superintendents of the state. The second grade certificate shall be valid for a term of two years. Applicants for certificates of this grade shall pass examinations in orthography, reading, writing, arithmetic, physiology, hygiene, geography, English grammar, history of the United States, civil government and didactics. Applicants for third grade certificates shall pass examinations in orthography, reading, writing, arithmetic, hygiene, geography, English grammar, history of the United States and didactics. The third grade certificate shall be valid for a term of not more

than one year, or less, in the discretion of the county superintendent. Examinations for third grade certificates may be held privately, subject to rules and regulations prescribed by the superintendent of public instruction. Second and third grade certificates shall be issued by the county superintendent. The second grade shall be valid in any school in the county in which it is issued, and the third grade certificate shall be valid only in such school as may be designated by the county superintendent. The county superintendent shall require a fee of one (1) dollar from every applicant for a certificate and all fees so collected shall at the close of each examination be deposited with the county treasurer to the credit of the county institute fund.

§ 5. AGE OF APPLICANT.] No first or second grade certificate shall be issued to any person under 18 years of age; no third grade certificate shall be issued to any person under 17 years of age. No person shall be allowed to teach in any school of the state who is not the holder of a valid certificate. All contracts made in violation of the provisions of this section shall be void.

§ 6. REVOCATION OF CERTIFICATE.] The county superintendent is authorized and required to revoke at any time any certificate held in his county under authority of Section four (4) of this chapter for any cause which would have authorized or required a refusal to grant the same if known at the time it was granted, and for incompetency, immorality, intemperance, violation of the state law, cruelty, general neglect of business of the school, or for refusal or neglect to attend a county institute, and at least one district institute each year, after due notice; Provided, that holders of first grade county certificates, in force, who have attended at least four (4) normal institutes, may be excused by the county superintendent, in his discretion, from attendance at institutes for such current year; and the revocation shall terminate the employment of such teacher in the school where he or she may be at the time employed; but the teacher must be paid up to the time of receiving such revocation. The county superintendent must at once notify the district board by whom such teacher is employed of such revocation, and at the same time shall notify the teacher. And in case of a revocation of a first grade certificate he shall notify the superintendent of public instruction by an abstract of the charges thereof. The county superintendent must enter his action in such case of revocation in the books of his office. In revoking a certificate the county superintendent may act upon his personal knowledge or upon competent evidence obtained from others. In either case the action shall be taken after a fair hearing, and the teacher must be notified of the charge and given a chance to make a defense at some time and place stated in said notice. The state superintendent shall notify

every county superintendent in the state of the revocation of a first grade certificate. When certificates are revoked the same shall be returned to the office of the county superintendent revoking the same; Provided that if any teacher refuse to deliver said certificate that has been revoked, it shall be the duty of the county superintendent to publish notice of such revocation in the official papers of the county.

§ 7. COUNTY NORMAL INSTITUTE.] The county superintendent shall hold annually a normal institute, between the first day of April and the fifteenth day of September, of not less than five days' duration, for the instruction of teachers and those who desire to teach, and he shall procure such assistance in addition to the conductors as he may deem necessary. At the close of the normal institute the conductor thereof shall immediately forward to the county auditor a certified list of the persons enrolled therein, together with a certified copy of the certificate of appointment of the conductor, and the county auditor shall present the said list and copy of such certificate to the county treasurer who shall thereupon transfer the sum of two dollars (\$2) for each and every person named in said list from the county general school fund account to the county institute account. All disbursements of the institute fund shall be upon a warrant of the county superintendent, and no warrant shall be drawn, and no money shall be paid as provided in this section unless the list and copy of the certificate has been filed and then only upon certified, itemized bills presented to the county superintendent and approved by him for services rendered or expenses incurred in connection with the normal institute.

§ 8. MEDIUM OF COMMUNICATION.] The county superintendent shall at all times conform to the instructions of the superintendent of public instruction as to matters within the jurisdiction of the latter. He shall serve as the medium of communication between the superintendent of public instruction and the district officers.

§ 9. SALARIES OF SUPERINTENDENTS.] The county superintendent shall receive a salary payable monthly and to be determined as follows: By the value of the property in their respective counties as fixed by the state board of equalization for the preceding year, and by the population of their respective counties. The entire vote of the county multiplied by five shall be the basis of reckoning the population. They shall be entitled to receive one (1) mill on each dollar of the first one hundred thousand dollars (\$100,000), and three-eighths ($\frac{3}{8}$) of one mill on each dollar from one hundred thousand dollars (\$100,00) to six hundred thousand dollars (\$600,000); and one-fourth ($\frac{1}{4}$) of one mill on each dollar from six hundred thousand dollars (\$600,000) to one million one hundred thousand dollars (\$1,100,000) and one tenth ($\frac{1}{10}$) of one mill on each dollar

from one million one hundred thousand dollars (\$1,100,000) to two million six hundred thousand dollars (\$2,600,000) and one-twentieth (1-20) of one mill on each dollar on all sums above two million six hundred thousand dollars (\$2,600,000). And in addition to the above named sum he shall receive for the first one thousand inhabitants within his county the sum of seventy-five dollars (\$75); for each additional one thousand (1,000) inhabitants within his county or major fraction thereof, he shall receive fifty dollars (\$50). Provided, that he shall not receive more than fifteen hundred dollars (\$1,500) in any county nor any other compensation; Provided, further, that in counties having an assessed valuation of less than three hundred thousand dollars (\$300,000) the salary shall not exceed two hundred dollars (\$200). Provided, further, that the county superintendent shall sign his name in the attendance register of each school he visits, showing the date thereof, and that he carry a record book of such visits, which book shall be signed by the teacher of the school visited by him, and such book shall be filed with the county auditor along with the bill of such superintendent's salary for the last month of the calendar year; and it shall be the duty of the county commissioners to deduct from the salary of such superintendent for such last month ten dollars (\$10) for each and every school in the county under the direct supervision of such superintendent, and not visited by him within such calendar year; Provided, this act shall not reduce the salary of the county superintendents who were elected and qualified prior to the taking effect hereof.

§ 10. MAY CLOSE SCHOOL.] The county superintendent shall have power to close any school under his supervision on account of contagious disease, or for other good and sufficient cause known to him. The county superintendent of any county in this state shall have power, and it shall be his duty, whenever petitioned so to do by any land owner whose place of residence on such land in any independent school district in such county, or whose dwelling house thereon is more than three miles from the location of the school house in such district, to make an order attaching such land, not to exceed one hundred and sixty acres, to any adjoining school district, the school house in which is located within three miles or less of said residence or dwelling house, and thereafter said land shall be a part of the district to which it is so attached.

§ 11. VISITING SCHOOLS.] It shall be the duty of the county superintendent of schools to visit the schools of independent districts. In towns having less than one thousand inhabitants he shall have authority of direct supervision.

§ 12. CERTIFICATE NOT REQUIRED.] In cities and other independent districts, persons exclusively engaged in teaching music, drawing, penmanship, bookkeeping, foreign languages,

or kindergarten methods, shall not be required to hold a county certificate.

§ 13. TO EXAMINE ACCOUNTS.] It shall be the duty of the county superintendent to examine at least once each year the records and accounts of the district officers, and to advise them as to the proper form of keeping such accounts. Should any such officer fail to make his report according to law and at the time required, the county superintendent is authorized to procure the same by examination of the records, files and accounts of such officer for the purpose of obtaining such information. It shall be the duty of the county superintendent to file with the chairman of the district board a certified statement of the condition of the records, accounts and funds of the treasurer and clerk as shown by said examination.

§ 14. VACANCY—HOW FILLED.] When the office of county superintendent shall become vacant by death, resignation, removal or otherwise, the county board of commissioners shall fill the vacancy by appointment, and the person so appointed shall hold his office until the next election of county officers.

§ 15. TREASURER'S BOND.] The county superintendent may at any time require a new or additional bond for the district officers whenever it may be deemed necessary by him, or upon the failure, death or removal from the county of any one of the sureties. All such bonds shall be filed with the county auditor, and in the case of the breach of any conditions thereof, the county superintendent shall cause an action to be commenced and prosecuted thereon in the corporate name of the school district, and all moneys so collected shall be paid into the county treasury to be applied to the use of the schools of said district. If the county superintendent either fail or refuse to bring such action upon the breach of the bond, then any taxpayer of the district may cause such action to be commenced, and the necessary expenses of such action shall be paid, unless otherwise ordered by the court, out of the county treasury from the funds apportioned to such district.

§ 16. OATH OF OFFICE.] The county superintendent shall have power to administer oaths of office to all subordinate school officers in his county and to certify to the same, and district clerks are hereby empowered to administer oaths in all matters to which their respective districts may be a party.

§ 17. QUALIFICATIONS.] The county superintendent shall qualify on or before the first Tuesday in January of the year following the one in which he is elected, by taking the proper oath of office, and executing a bond in the sum of five hundred (500) dollars with two or more sureties to be approved by the board of county commissioners. The oath shall be subscribed upon the back of the bond, which shall be filed with the county auditor. The sureties of such bond shall be bound jointly and

severally, and upon it an action or actions may be maintained by the board of county commissioners for the benefit of the district, or person, or fund injured by the breach of the conditions thereof.

§ 18. MAY PROVIDE OFFICE.] The county superintendent may provide at the county seat a suitable office for the transaction of business, when not provided by the board of county commissioners, and they shall allow accounts for all necessary expenditures for the use and furnishing of said office and for necessary stationery and printing. All books and pamphlets, circulars of information and other publications from the bureau of information of the United States, and all official publications of this state and other public documents and books relating to education, officially received by him, shall be deemed public property and shall be kept in his office and with other public property and records delivered to his successor. He shall furnish the board of county commissioners such statistics relating to the schools of the county and the officers thereof as they shall desire, and as shall enable them to perform their duties correctly.

§ 19. SHALL REPORT ENUMERATION.] For the purpose of this act, all children in the state, over six and under twenty-one years of age, shall be considered of legal school age and the county superintendent shall, on or before the first day of July of each year, report under oath to the commissioner of school and public lands the enumeration of persons in his county of school age. Such enumeration to be based upon the annual census taken by the district clerks of his county.

§ 20. SHALL MAKE ANNUAL REPORT.] The county superintendent shall, on or before the first Monday of September of each year, make a report to the superintendent of public instruction, containing a full abstract of the reports made to him by the district officers and such other matters as he shall be directed to report by the said superintendent, and as he himself may deem essential in exhibiting the true condition of the schools under his charge. Should he fail to make such report he shall forfeit to the school fund of his county the sum of one hundred (100) dollars and shall, besides, be liable for all damages caused by such neglect.

§ 21. APPEALS FROM DISTRICT SCHOOL BOARDS.] The county superintendent of schools shall, when requested, give advice relative to school matters to any school officer or person within the county. But such advice shall be advisory only. Any party dissatisfied with a decision of a district school board or board of education relative to school matters may appeal therefrom to the circuit court of the county, at any time within thirty days after the rendering of such decision. Said appeal

is taken by serving a notice of appeal upon the district school board or board of education or any member thereof and by filing such notice of appeal and a bond for costs with the clerk of the school district or board of education. Said notice of appeal must state the decision appealed from, in a clear and concise manner. Said bond for costs shall be in the sum of one hundred dollars with two or more sureties approved by the clerk of said circuit court, conditioned that appellant shall pay all costs therein that may be adjudged against him. When said notice for appeal and bond for costs is filed with the clerk of the school district or board of education as above, said school clerk shall within five days thereafter transmit to the clerk of the circuit court a certified copy of his record of the decision appealed from, and all original papers filed in his office in said matters, including the notice of appeal and bond for costs, therein; and said clerk may be compelled by said circuit court by an order entered upon motion to transmit such certified copies or original papers, and may be fined for neglect or refusal to transmit the same. For such transcript and return, the said school clerk shall receive the usual copying fees, and mileage one way, same to be taxed as part of the costs of suit. And the clerk of the circuit court shall receive and file said papers, and docket same, in the same manner, and shall receive the same fees therefor as in appeals from justices' courts to circuit courts, provided his costs need not be paid beforehand. When any matter is so appealed and filed with the clerk of the circuit court, it shall be docketed in the name of the dissatisfied party as appellant against the school district by its proper name as appellee, and it shall be tried anew in the circuit court according to the regular procedure provided by law therein and shall in all respects be treated as a regular case or action in said circuit court, save as hereinafter expressly provided. No notice of trial or note of issue need be served to have such matter placed upon the trial calendar, and the clerk of said circuit court shall at once enter same upon the trial calendar, and same shall come on for trial in its regular order, except as provided below herein; and the same proceedings shall be had and all judgments or orders therein shall be valid and mandatory as by law provided in any other regular case or action or proceeding in said circuit court; Provided, that above parties may agree upon a statement of facts in any actual case and have said case or matter tried anew thereon, before the court in chambers or in open court, after proper appeal and consent of parties. In all of above the circuit court shall render judgment therein and may render final judgment or make such order and direction therein as the circumstances of the case may require and as the very right of the case may appear and enforce the same upon execution or by mandamus or attachment as for contempt.

§ 22. APPEALS FROM COUNTY SUPERINTENDENTS.] Appeals relative to school matters may be taken from the circuit court to the supreme court of the state, and the same proceedings shall be had, and all judgments or orders therein shall be valid and mandatory as by law provided in any other case, or action or appeal or proceeding in said supreme court.

§ 23. TAX LEVY.] The county commissioners shall at the time of making the annual assessment and levy of taxes, levy a tax of one dollar (\$1) on each elector in the county for the support of the common schools and a further general tax of two mills on the dollar upon all taxable property in the county to be applied to the same purpose, which shall, with the money received from the state constitute and be known as the county general school fund; and they shall levy such further tax upon the taxable property of each school district as the board thereof shall certify is required for the support of the schools of that district, which latter special tax when collected shall be credited to the district to which it belongs, to be collected at the same time and in the same manner as perscribed by law for the collection of other county and state taxes. The county treasurer shall on the first Monday in January, April, July and October, furnish the county superintendent with a statement of all moneys in the county treasury belonging to the county general school fund, and shall pay the same upon the order of the superintendent to the treasurers of the respective public school corporations of the county. The county treasurer shall also pay at such times as are required by law to the treasurer of each school corporation, all of the school money collected for such corporation, and shall take duplicate receipts for the money paid. He shall send one of the receipts to the clerk of the said school corporation.

§ 24. APPORTIONMENT OF SCHOOL MONEY.] The county superintendent shall, on or before the second Monday in January, April, July and October of each year, apportion the money in the county treasury belonging to the county general school fund to the several public school corporations within the county in proportion to the number of children of school age residing therein. He shall also draw orders on the county treasurer in favor of the several school treasurers of the county for the amount apportioned to them, and shall take their receipts therefor.

§ 25. DISTRICT INSTITUTES.] It shall be the duty of county superintendents to hold district institutes during the school year, and he shall actively and earnestly promote the same. In holding said institutes he may group two or more districts in institute organization. Said institutes shall be so arranged that the teachers in each district or group of districts

shall have the benefit of such institutes at least twice during the school year.

§ 26. NOT HOLD OTHER OFFICE.] The county superintendent shall not hold the office of county commissioner or school district officer; Provided, that no person shall hereafter be elected or appointed to the office of county superintendent who is not the holder of at least a valid first grade county certificate secured at least one year prior thereto, and who has not had at least twenty-four (24) months of actual experience in school teaching.

§ 27. CLERK'S REPORT.] The clerk of each school district shall, on or before the first day of August of each year make, sign, transmit, or deliver to the county superintendent, an annual report in writing, covering the preceding school year and including all the facts and statistics of the school district, which are required to be included in the county superintendent's state report, and in the same order therein required except any item therein peculiar to the county and not belonging to the district. He shall also report the branches of study in the graded and ungraded schools separately, the names and addresses of the district school officers, and the dates when their terms severally expire, and all other facts and statistics which the county superintendent may require for his report to the superintendent of public instruction. He shall also enumerate the number of children of legal school age, male and female, designating each separately, residing in the districts on the first day of May previous to the date of such report, and shall file such census report with the county superintendent on or before the first Monday of June of each year.

§ 28. TREASURER'S REPORT.] At the annual meeting of the school board on the second Tuesday of July in each year, the incoming district board shall make settlement with the district treasurer, who shall at that meeting make his annual report in triplicate, one copy to be preserved in the treasurer's office, and upon approval of the same by the district board, one approved copy to [be] filed with the district clerk and one approved copy to be transmitted by said clerk to the county superintendent on or before the first day of August in each year. On making said settlement it shall be the duty of the district board to compare the certified bills allowed by the board with the orders issued, also to compare the orders paid by the district treasurer the preceding year with the clerk's record of orders issued; and also compare the record of money received and orders paid by said treasurer with his annual report, and if found correct the report shall be approved, the orders cancelled and filed with the district clerk. The board shall cause to be posted in three public places or published in a newspaper of general

circulation in the county an itemized statement of the receipts and expenditures for the preceding school year.

§ 29. FAILURE OF OFFICER TO REPORT.] If any district officer fails or neglects to transmit or deliver to the county superintendent the annual report of his district at the time required by law it shall become the duty of the county superintendent to visit said district officer at his residence in said district and to obtain such report. Upon sworn statement of such visit being filed by the county superintendent with the county auditor, the county commissioners shall order the sum of five dollars to be transferred from the general fund of said district to the county general fund and a county warrant for that amount shall be issued to the county superintendent.

§ 30. MILEAGE OF COUNTY SUPERINTENDENT.] The county superintendent shall receive five (5) cents per mile each way for every mile necessarily traveled in attending such meetings of county superintendents as may be convened by the state superintendent at any time; Provided, that such mileage shall not be regarded as compensation.

CHAPTER III.

SCHOOL CORPORATIONS.

§ 1. SCHOOL CORPORATIONS DEFINED.] In all counties organized for school purposes under the district system, at the taking effect of this act, each school district shall be and remain a district school corporation, and each civil township in every county in the state not organized for school purposes under the district system at the taking effect of this act shall be and is hereby constituted a district school corporation. Each township in every county in the state which at the taking effect of this act consists of territory not organized into a civil township shall be and remain a district school corporation; Provided, whenever such school township shall be organized into or annexed to a civil township, such civil township shall thenceforth constitute a district school corporation; Provided, further, nothing in this act shall be construed to alter the boundary lines of any school district, or of any school township organized prior to the passage of this act, except as hereinafter provided.

§ 2. NEW COUNTIES—DISTRICTS OF.] In any county hereafter organized the county commissioners shall divide the county, or the settled portions thereof, into school districts. In the formation of such districts and the arrangement of their boundaries as provided for in this section, the boundary lines of congressional townships shall be made the boundaries of the districts; Provided that no district shall be thus formed in which there are not at the time of its formation at least ten children of legal school age.

§ 3. TOWNSHIP DISTRICT—HOW SUBDIVIDED.] (1) In any county containing township districts, such districts may be divided as follows: Upon a receipt of a petition signed by at least one-third of the qualified electors of any township district it shall be the duty of the district clerk to post a notice on the door of each school house in said district calling an election for the purpose of dividing said township district into new districts of one school each. The election shall be held on the second Tuesday of March at a convenient place designated by the school board, at a regular or special meeting thereof; Provided, that said petition and posted notices shall contain a plat of the proposed division, and a copy of said plat shall be posted by the district clerk at the polling place on the day of election; Provided, further, that said petition shall be filed with the district clerk at least twenty days prior to said election, and said notices shall be posted at least ten days before said election specifying time and place thereof. The provisions appertaining to the election of district school officers shall apply to this election as near as applicable. If a majority of the votes cast at this election are in favor of division and said petition and the poll book of said election are on file with the county auditor, the board of county commissioners and county superintendent shall at the next regular meeting of the board of county commissioners in April following such election divide the said township into districts in accordance with the returns of said petition and election. Any township district which comprises two or more civil townships may be divided into school districts corresponding to the civil townships. The division and apportionment of indebtedness shall be made and the officers of such new districts elected in the manner provided in the case of the division of township districts into districts of one school each.

(2) At the regular [meeting] of the board of county commissioners in July following said election, the county commissioners and the county superintendent shall make an equitable apportionment of the property and indebtedness (other than bonded) of the township district among the new districts formed therefrom; Provided, that should there be any bonded indebtedness outstanding against the township district, the county commissioners shall levy a tax annually on the property of the new districts formed therefrom sufficient to pay the interest and principal of the bonds as the same become due. The county treasurer shall apply such tax to the payment of said bonded indebtedness, and when the bonds are paid and cancelled the county treasurer shall place the unused balance, if there be any, of such tax, to the credit of the districts formed therefrom.

(3) Upon the receipt of a petition signed by a majority of the qualified electors of any civil township in said county, having districts smaller than civil townships, the county commissioners

and the county superintendent of schools shall declare that the school district shall comprise a civil township and the county superintendent shall appoint the necessary officers as herein-after provided in Section 1 of Chapter 4 of this act, who shall hold until the next election; Provided, that in the union of said minor districts all indebtedness shall be adjusted as provided in Paragraph 2 of this section.

§ 4. OFFICER'S REPORT IN CASE OF SUBDIVISION.] In each new district formed by division as provided for in Section 3, the officers thereof shall be chosen at the annual school meeting following. The clerk of each original township district shall, on or before the first Monday in July following the division as provided for in Section 3 of this chapter, forward to the county auditor a certified statement of the finances of the township district, including the bonded and other indebtedness. The treasurer of each original township district shall also within the same time turn over to the county treasurer all money belonging to said district and such money shall be apportioned to the districts succeeding as provided in Section 3 of this chapter.

§ 5. NAME OF SCHOOL DISTRICT.] Every school district which consists of a civil township shall be named the..... school district of..... county, State of South Dakota, with the name of the civil township inserted in the blank before the word school, and the name of the county in which it is situated inserted before the word county. Every school district consisting of territory not organized into a civil township, but which has been named by a distinctive name shall have such distinctive name inserted in the blank before the word school. Every school district consisting of territory not organized into a civil township and which has no distinctive name, shall be called school district No..... of..... county, with its proper number inserted in the blank after the word number, and the proper name of the county inserted.

§ 6. BOUNDARIES—HOW CHANGED.] After the boundary lines of the several school districts in a county are established as provided for in the preceding sections of this chapter, such boundaries at any regular meeting may be changed, or new districts created by the board of county commissioners and the county superintendent of schools, upon a petition for such change signed by ten legal voters residing in the district to be affected by such change; due notice having been given by the county auditor to the school board of the districts to be affected by such proposed change; if, in the judgment of the commissioners and the superintendent such change is for the best interest of the patrons of the schools; Provided, that when petition is made for the formation of a district from parts of two or more counties, the commissioners of the said counties may

in their discretion appoint a joint commission to establish the boundaries of the proposed district and to adjust all accounts relating thereto. The said joint commission shall appoint the necessary officers in said district. It shall be the duty of the county superintendent of the county in which the school house of said district is located to fill all vacancies that may occur thereafter; to license the teacher for said school and to have supervision of the same. Whenever district boundaries shall be changed under the provisions of this act, it shall be the duty of the county commissioners and the county superintendent to make an apportionment of property and indebtedness as provided in Section 3 of this chapter.

§ 7. SCHOOL DISTRICT CORPORATIONS.] Every school district established under the provisions of this act shall be and is hereby constituted a district corporation for school purposes and under its own proper name or number of such corporation, may sue and be sued, contract and be contracted with, and acquire, purchase, hold and use personal and real property for the purposes mentioned in this act; and sell and dispose of the same.

§ 8. COUNTY SUPERINTENDENTS SHALL MAKE PLAT OF COUNTY.] The county superintendent shall, within thirty days after the first school election held as provided herein, transmit to the superintendent of public instruction a plat of the county showing the boundaries and name of each school district therein. He shall also record a copy of the same, together with all the proceedings of the county board done under this act in a proper book kept for the purpose. He shall promptly furnish such officer with a corrected plat, showing any changes at any time in the boundaries of school corporations. The superintendent of public instruction shall furnish directions for the suitable preparation and construction of such plats in regard to the scale of marking, etc., in order to secure a uniform series of maps for binding for office use.

CHAPTER IV.

DISTRICT SCHOOL BOARD.

§ 1. SCHOOL DISTRICT OFFICERS.] On the third Tuesday in June, 1891, [1897] there shall be elected in each district a school board consisting of a chairman, clerk and treasurer, for the term of one, two and three years respectively, and annually thereafter one member of said board for the term of three years; Provided, that in districts containing two schools, not more than two of such officers shall be patrons of the same school, and in districts containing three schools not more than one such officer shall be elected from any school in said district; Provided further, in districts containing more than three schools, the patrons who are electors of such schools as are not repre-

sented on the school board by the school officers herein provided for, shall meet on the fourth Tuesday in June at their respective school houses and elect one of their number a member of the school board whose term of office shall be for one year. Each officer and member elected under the provisions of this act shall qualify on or before the second Tuesday in July following his election, and shall hold his office for the number of years for which he is elected, and until his successor is elected and qualified. Whenever a new school district shall be formed, the county superintendent of schools shall appoint temporary officers for such school district who shall serve until the first annual school election following and until their successors are elected and qualified. Whenever a vacancy may occur from any cause in any school office under the supervision of the county superintendent, he shall also fill such vacancy by appointment, and such officer shall hold such office until the next election when the vacancy shall be filled by a vote of the people.

§ 2. ANNUAL ELECTION OF SCHOOL OFFICERS.] Not less than ten days before the election required under Section 1 of this chapter, the district clerk shall post notices in three public places in the district. Said notices shall specify the time and place of holding the election, and the hours during which the polls shall be kept open. The chairman and clerk of the district board shall serve as judge and clerk of the election. If they are not present at the time of opening the polls, voters present may select a judge and clerk from their number. The polls shall be opened at 2 p. m. and kept open two hours in districts having but one school, and four hours in districts having more than one school. All persons who are qualified electors under the constitution of the state shall be qualified to vote at any school district election. The voting must be by ballot and the polls and tally lists supplied through the county superintendent must be kept and returned to the district clerk, who shall, upon the receipt of the same, issue the certificate of election to the persons receiving the greatest number of votes as shown by the certified returns; Provided, that in case of a tie, in the election of an officer, the contest shall be settled at once by lot by the board of election.

§ 3. SCHOOL BOARDS—MEETINGS OF.] District boards having under their control more than one school shall hold four regular meetings each year for the transaction of business, to-wit: On the second Tuesday in July, the last Tuesday of August, November and March, at such place and hour as may be fixed by the school board. District school boards having under their control but one school shall meet annually on the second Tuesday in July; Provided, that the district clerk shall when requested by a majority of the board call a special meeting at any time by giving written notice to each member

of the board; Provided also, that in any school district five legal voters may petition the clerk to call a special meeting of the voters at any time, and it shall be the duty of the clerk to call each meeting by posting such notices at least ten days prior to the time of meeting in three of the most conspicuous places in the district. Said notices shall give the date, hour and object of the meeting.

§ 4. CHAIRMAN—DUTIES OF.] The Chairman shall preside at all meetings of the board. In his absence the chairman pro tempore shall preside. The chairman shall perform such other duties as are prescribed in this act. He shall receive two (2) dollars for each regular meeting of the district board attended by him, and shall receive no other compensation for his services as a district officer.

§ 5. CLERK—DUTIES OF.] Clerk of the board shall keep an accurate record of all proceedings of the board, give or post all notices, make out all reports and statements, shall take census of the children of legal school age in his district and file the same with the county superintendent on or before the first Monday of June in each year and perform all other duties required by law or by order of the board.

§ 6. CLERK AND TREASURER—BONDS OF.] The school treasurer shall on or before the second Tuesday in July following his election, and before entering upon his duties, give a bond to the school district conditioned that he will honestly and faithfully discharge his duties as treasurer; that he will render a true account of all funds and property that shall come into his hands, and pay and deliver the same according to law; Provided, that a bona fide deposit of school funds in the name of the school district in any bank or depository selected by a majority of the school electors of any school district, shall relieve the school treasurer thereof from liability for loss of said deposited funds while on deposit therein. Such bond shall be in such penal sum as may be fixed by the clerk and chairman of the board, but not less than double the sum as nearly as can be ascertained to come into his hands in any one year, shall be signed by two or more sufficient sureties and shall be approved by the clerk and chairman of the board. In case the said chairman and clerk refuse or neglect to approve the bond of the district treasurer and the sureties thereto, such treasurer may present the same to the county superintendent and serve notice thereof upon the said chairman and clerk, and upon due proof of such notice being made to the county superintendent, he shall unless good cause for delay appear, proceed to hear and determine the sufficiency of the bond and sureties thereto, and may approve the same, and such approval shall be in all respects valid. The clerk of the school board shall on or before the second Tuesday in July following his election, and before entering upon his

duties, give a bond to the school district continued [conditioned] that he will honestly and faithfully discharge his duties as clerk, that he will render a true account of all property that shall come into his hands as such clerk and deliver the same according to law. Such bond shall be in penal sum of one hundred (100) dollars and shall be signed by two or more sufficient sureties and shall be approved by the chairman and treasurer. In case of neglect or refusal to approve such bond, it shall be approved in such manner as provided in this section for the approval of the bond of the treasurer.

§ 7. TREASURER—DUTIES OF.] The school treasurer shall keep such accounts and make such reports as are required of him by law. He shall pay no money out of the school funds in his hands except upon the warrant of the school board, signed by the clerk and countersigned by the chairman. He shall pay all warrants properly drawn and signed when presented so long as there is any money in his hands or subject to his order for their payment, and shall draw all money in the hands of the county treasurer belonging to his district at least once every three months in each year.

§ 8. WARRANTS—PAYMENT OF.] Whenever a warrant is presented to the treasurer for payment and there is no money in his hands or subject to his order for the payment of such warrant, he shall endorse on such warrant “presented for payment this day of 18.. and not paid for want of funds,” and sign such endorsement. If he has in his hands or subject to his order money for the part payment of such warrant he shall make such part payment and endorse the sum on the warrant and add “balance not paid for want of funds,” signing the same. He shall keep a correct register of all warrants so presented and endorsed. Every warrant thus presented and endorsed shall draw interest for the amount unpaid at seven (7) per cent per annum until paid; Provided, that whenever there shall come into the hands of the treasurer or subject to his order, money applicable to the payment of any warrant which has been so presented and registered, the treasurer shall notify in writing, by mail, the drawee of such warrant at his last known place of residence to present such warrant for payment, and interest shall cease upon every such warrant ten days after such notice shall have been sent and such money shall be held for the payment of such warrant.

§ 9. WARRANTS—HOW DRAWN.] Every warrant drawn by the clerk of the district board on the district treasurer shall specify the purpose for which the money is paid, the fund on which it is drawn, and the person, firm or corporation to whom paid; Provided, that no warrant shall be issued except for an indebtedness incurred prior to its issue.

§ 10. OFFICIAL OATH AND BONDS—WHERE FILED.] All official bonds of school district officers shall be filed with the county auditor. The oaths and reports of school district officers shall be filed with the county superintendent.

§ 11. SALARY OF CLERK AND TREASURER.] The district clerk and treasurer shall each receive a salary of five dollars (\$5) per annum for every school in the district; Provided, that such salary shall not exceed twenty-five dollars (\$25) per annum; Provided, further, that the county superintendent shall, upon the receipt of the annual report of the clerk and treasurer, if correct, complete, and received on or before August 1st of each year, notify the chairman of said school board that such reports have been received. Thereupon the chairman of the school board shall sign the warrant for their annual salary and no part of said salary shall be paid until said notice.

CHAPTER V.

POWERS AND DUTIES OF THE DISTRICT SCHOOL BOARD.

§ 1. POWERS AND DUTIES OF BOARD.] The district school board shall have the general charge, direction and management of the school or schools of the district, and the care, custody and control of all the property belonging to it, subject to the provisions of this act. They shall organize, maintain, and conveniently locate schools for the education of all children of school age within the district. When pupils reside at an unreasonable distance from their nearest school house in the school district, the school board may make reasonable financial provision for the transportation of such pupils to some other school in the district, or for their tuition in some other district; Provided, such provision shall be only for actual attendance at public school. They shall make all necessary repairs to the school houses, outbuildings and appurtenances and shall furnish fuel and all necessary supplies for the schools. They shall employ the teachers for the school or schools of the district, and may dismiss any teacher at any time for plain violation of contract, gross immorality or flagrant neglect of duty; Provided, that every contract for the employment of a teacher must be in writing. That they shall have power to admit to the schools in the districts pupils from other districts, when it can be done without injuring or overcrowding such schools, and to make regulations for their admission and the payment of their tuition therein. They shall also have power to make proper and needful rules for the assignment and distribution of pupils to and among the schools in the district, whenever it is deemed necessary by the board, and for the best interests of the pupils and district. Any school may be discontinued by the district board, who shall make arrangements for the trans-

fer of pupils to some other school, and for their tuition therein. They shall assist and co-operate with the teacher in the government and discipline of the schools, and may make proper rules and regulations therefor. They may suspend or expel from school any pupil insubordinate or habitually disobedient; Provided, that such suspension shall not be for a shorter period than ten days nor beyond the end of the current term of school. They shall have power to levy upon the property in the district, a tax for school purposes of not exceeding twenty (20) mills on the dollar in any year, which levy shall be made by resolutions of the board at their regular July meeting in specific amounts. The clerk shall immediately thereafter notify in writing the county auditor of the amount of tax so levied. The school board shall have the power to direct the removal of a school house to a more convenient location upon a vote of a majority of the electors of the school district; Provided, that in districts in which there shall be but one school house a two-thirds majority vote shall be necessary to remove such school house from the center of the district to any other point in the district, or from any point in the district to any other point in the district, except such removal shall be to the center of the district, in which case a majority vote shall be sufficient for such removal; Provided, further, that any point within one hundred and sixty rods of the geographical center of the district shall be deemed the center for the purpose of this act. The board shall have power, and on a demand of a majority of the qualified electors of said district, it shall be the duty of the board to provide for such extra branches of study added to the regular course as may be desired by said electors. And the school boards of districts having more than three schools may on or before July first of any year, upon vote of the school electors, establish a boundary of the subdivisions of the people of their respective districts for the purpose of electing a director for each school, as provided in this act. On the fourth Tuesday of June of each year, in every district where there are more than three schools wherein such subdivisions have been established as above, there shall be elected one member of the school board from each subdivision not already represented on the school district board; such member must be a resident school elector, directly interested in the welfare of the school for which he is chosen. His term of office shall be one year, and until his successor is chosen and qualified. The member so elected shall within ten (10) days after such election notify the clerk of the school district board and file his oath of office with the county superintendent; and in case of failure to qualify, the school board shall forthwith appoint a member for said school. Five (5) days notice shall be given by posting notices in three (3) conspicuous places in the vicinity,

one of which shall be on the school house door; but no such meeting shall be illegal for want of such notice in the absence of fraud; and the legality shall be determined, if called in question, by the county superintendent, whose decision shall be final. Such meetings shall have power to determine what branches in addition to those prescribed in Section thirteen (13) Chapter eight (8) of this act, shall be taught in their respective schools and at what time within the school year such school shall be held, and to direct such repairs as they may deem necessary in their school house, fixtures and outbuildings, and may petition the district school board for the removal of the school house to a more convenient location, for the erection of a new one or the sale of an old one and the lands belonging thereto; and upon any other subject connected therewith. And it shall be the duty of the member of the school board of such school to submit all such instructions to the clerk of the district school board within ten (10) days after such instructions have been given by the meeting. And it shall be the duty of the district board to carry into execution all such instructions pertaining to the branches to be taught and the time at which school shall be held; Provided, that it shall be the duty of the district board to furnish, equip and supply all the schools in the district according to the several necessities of said schools, and with as nearly equal school advantages as possible; Provided further, that nothing contained herein shall prevent the district board from exercising a sound discretion as to all matters pertaining to the duties of their office not specifically provided for in this act.

§ 2. DISCONTINUANCE OF SCHOOL.] The patrons of any school, or any school district board may petition the county superintendent for the temporary discontinuance of such school; said petition setting forth reason therefor and the remedy proposed, which shall be signed by a majority of the patrons or the school district board. Whereupon the county superintendent shall order a hearing thereon, giving out notice of time and place of such hearing to the patrons of the school and district board and if after such hearing he shall deem it to the best interests of said school and district, he may order the school therein discontinued and the pupils thereof transferred to some other school nearest the home of said pupils.

§ 3. THE ELECTORS MAY INSTRUCT BOARD.] In every district containing but one (1) school a majority of the qualified electors thereof shall at any regulary called district school meeting have authority to instruct the district school board concerning the management of the school and to levy taxes for the maintenance of the same; Provided, that such taxes shall be levied at the annual school meeting in July of each year, and shall not exceed two (2) per cent of the taxable property in the

district; if any school district fails to hold in any school year, at least six months of school in any school house in said district, providing no legal discontinuance be had, it shall be the duty of the county superintendent to notify the county treasurer of the amount of money due said district from the apportionment fund for the quarter ending September 30th of the succeeding year, which amount shall be returned to the county general school fund, unless said district board made provisions for the instruction of the pupils for the required time in some other school. In case of failure in any district to levy a tax sufficient to support a school for the number of months above named, the board of county commissioners shall levy a tax on the property of the district that will be sufficient for the purpose; Provided, that such tax shall not exceed two (2) per cent of the taxable property in the district.

§ 4. CLERK SHALL NOTIFY AUDITOR] It shall be the duty of the district clerk on or before the 20th day of July in each year to notify the county auditor of the amount of tax voted at the last annual meeting or levied by the district school board and of any and all other tax of which notice has not previously been given. The notice shall be substantially in the following form:

District clerk's office.....School district No.
Co., South Dakota.
189....

To the county auditor of.....County, South Dakota.

Sir:—You are hereby notified that a.....meeting of
district No.....held on the.....day of.....the
 following tax was voted for the coming school year:

For tuition fund.....	Dollars
For general fund.....	Dollars
For sinking fund.....	Dollars
Total.....	Dollars
Signed.....	

District Clerk.

§ 5. ACCOUNTS—HOW KEPT.] All moneys apportioned by the county superintendent to the district or received from the district tax for tuition purposes shall constitute the tuition fund. All moneys received from other sources shall constitute the general fund. The treasurer shall keep one general account wherein he shall set down on the debit side all the money he shall receive as treasurer from all sources whatever, each item of entry showing plainly the source of the particular payment to him, with the date thereof, and he shall set down upon the credit side all the money he shall pay out for all purposes whatever; each item thereof showing to whom and for what purpose each payment was made with the date thereof. The total of the debit side shall always be balanced by the total of the

credit side with the funds on hand added thereto. At the beginning of every school year he shall open such account anew for that year, and the first item shall be an entry on the debit side of the balance on hand, if any, for the preceding year. He shall also keep a separate set of accounts of different classes of receipts and expenditures, showing severally the following:

RECEIPTS.

Amount received into the tuition fund from all sources.
 Amount received into the general fund from all sources.
 Amount received into the sinking fund from all sources.

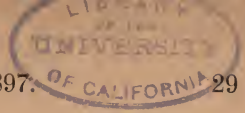
EXPENDITURES.

Amount paid for tuition.
 Amount paid for school houses, sites and furniture.
 Amount paid for incidental expenses.
 Amount paid as interest on bonds.
 Amount paid upon debts and liabilities not included in other items.

The several accounts shall be separately kept, and not required to balance. The accounts for different classes of receipts shall be kept separately from the accounts of the different classes of expenditures; but every entry in each shall fully and clearly designate its source or purpose, with the dates.

§ 6. SCHOOL SITE.] The district school board shall purchase or lease such site for a school house as shall have been designated by voters at a district meeting in the corporate name thereof, and shall move any school house in the district to any site designated by the voters at any regular or special district meeting; and shall build, hire or purchase such school house as the voters of the district in the district meeting shall have agreed upon, out of the funds provided for that purpose, and make sale of any school house or other property of the district, and if necessary, execute a conveyance of the same in the name of the district 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.

§ 7. BOARD MAY TAKE LAND.] It shall be lawful for any board of district officers to take and hold any land not exceeding two (2) acres, situated on a section line or upon a regularly laid out highway, legally chosen as a school house site by a lawful district meeting. If the owner of such land refuses or neglects to grant such site to the district, or cannot be found, the superintendent of that county shall upon application proceed according to law to condemn and acquire title to the same in the name of said district; Provided, that no site shall be thus taken within forty (40) rods of any residence when the owner thereof objects to its being placed there, and not in any orchard, garden or public park. But this section shall not apply to any incorporated town.



§ 8. CONDITIONS.] The title acquired to such school site shall be for such purpose only, and if not used for the purpose of maintaining a public school thereon for two successive years the title shall revert to the original owner upon repayment of the sum paid with the value of improvements made by the district and without interest.

§ 9. REPORTS IN ENGLISH.] All reports and records of district officers, and proceedings of district meetings shall be in the English language, and if any money belonging to any district shall be expended for supporting a school in which the English language shall not be taught exclusively, the county superintendent or any taxpayer of the district may in civil action in the name of the district recover said money from the officer so expending it.

§ 10. CLERK OF DISTRICT MEETINGS.] The district clerk shall be clerk of all district meetings, but if such clerk shall not be present, or being present shall refuse to act at such district meeting, the voters present may appoint a clerk for such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.

§ 11. WEBSTER'S DICTIONARY.] The district school board shall provide for each school in the district one Webster's International dictionary. And they may also provide for each school other high grade library books and books of reference as they may deem for the best interests of the schools; Provided, said expense shall not exceed ten dollars for any school in any one year. And it is especially provided further that no school district board shall buy any apparatus, chart or similar device, unless said board is expressly authorized so to do by a majority of the school electors of such school district at a regular or regularly called special meeting thereof.

§ 12. CLERK SHALL DRAW WARRANTS.] The clerk shall draw and sign all warrants for the payment of money for the purpose legally ordered by the board, and every such warrant shall be countersigned by the chairman of the board. No warrant shall be drawn by the clerk except upon presentation of a bill for the service rendered, duly certified, and the same shall be retained by him as voucher and placed on file in his office.

CHAPTER VI.

TEACHERS AND SCHOOLS.

§ 1. TEACHERS—HOW EMPLOYED.] Teachers shall be employed only upon the exhibition of a teacher's certificate valid in the county where employed, and then only upon a written contract signed by the teacher and at least two (2) members of the district school board which shall specify the date at or about which the school shall begin, the length of time it shall con-

tinue, the wages per month, and the time of payment thereof, and said contract shall be signed in duplicate and one (1) copy filed in the office of the clerk and the other retained by the teacher. The following conditions shall be understood as forming a part of every such contract whether expressed therein or not: (1) The teacher shall not hold school upon any of the following legal holidays: The thirtieth (30th) day of May, the fourth (4th) day of July, the day appointed by the president of the United States for national thanksgiving, and the twenty-fifth (25th) day of December. But such days shall count as part of the term and the teacher shall be paid therefor, but such pay shall not be drawn for any Saturday or Sunday. (2) School shall be adjourned during the session of the county normal institute, when the teachers have been notified by the county superintendent. (3) Teachers shall receive into their schools pupils transferred thereto by order of the district board, or admitted by its authority. (4) Teachers shall send the notices, keep the proper entries in the register which shall show the grade in which each pupil belongs, the pupil's standing as shown by the examination and such other information as will assist the succeeding teacher in the conduct and management of the school, and make the reports required by law, and the county superintendent shall promptly furnish without cost to the teacher the blank forms for such reports, and the district board shall furnish for use the proper register prepared, so that the required facts and statistics can be kept in an orderly manner. (5) Teachers shall classify the work in their schools in accordance with the suggestions, grades and outlines as prescribed in the course of study recommended by a majority of the county superintendents of the state and the superintendent of public instruction, and shall hold examinations and make reports as prescribed therein.

§ 2. TEACHERS' REGISTER.] The board of every school district shall provide one (1) suitable classification school register for each school therein, and keep the same as part of the records of his office except during each term of school, when the teacher shall keep said register and record therein each day the attendance of each pupil and the absence of those enrolled, and all other items necessary for making the report in the next section required.

§ 3. TEACHERS SHALL MAKE REPORT.] Every teacher of a common school under this law shall at the expiration of each term immediately make out full duplicate reports and deliver one copy thereof with the school register to the school clerk, and one to the county superintendent. Such report shall show the names, ages and sex of all pupils admitted during such term, the branches taught, the studies pursued by each pupil, the text books used, the number of days taught, the number of days each pupil was present, the average daily attend-

ance, the date when school began and ended, the salary per month, and information concerning the school and property. In addition to the above the report shall show the grade in which each pupil belongs, his standing as shown by the monthly and term examinations, the daily program of class recitation, and such other information as may be required by the county superintendent. The teacher shall also make monthly reports to parents and to county superintendents when blanks for same are furnished. And until such report shall have been so filed with the clerk, the school board shall not pay more than ninety (90) per cent of the wages of such teacher for his or her services as such, for the time required to be covered by such report.

§ 4. SHALL GIVE NOTICE.] Every teacher on commencing a term of school shall give written notice to the county superintendent of the time and place of beginning such school, and the probable time when it will end.

§ 5. PENALTY FOR DISTURBING A SCHOOL.] Every person, whether pupil or not, who shall willfully molest or disturb a public school when in session, or who shall willfully interfere with or interrupt the proper order or management of a public school by acts of violence, boisterous, conduct or threatening language, so as to prevent the teacher or any pupil from performing his duty, shall upon conviction thereof be punished by a fine not exceeding twenty-five dollars (\$25), or by imprisonment in the county jail not more than ten (10) days, or by both such fine and imprisonment.

§ 6. READING OF MORAL INSTRUCTION.] Moral instruction, intending to impress upon the minds of the pupils the importance of truthfulness, temperance, purity, public spirit, patriotism and respect for honest labor, obedience to parents, and due deference for old age, shall be given by every teacher in the public service of the state.

CHAPTER VII.

COMPULSORY EDUCATION.

§ 1. ATTENDANCE—PERIOD OF—PENALTY.] Every person having under his control a child between the age of eight and fourteen years, shall annually cause such child to attend for at least twelve weeks, at least six weeks of which attendance shall be consecutive in some public day school in the city, town or independent district in which he resides, which time shall commence with the beginning of the first term of the school year or as soon thereafter as due notice shall be served upon the person having such control of his duty under this act. For every neglect of such duty, the person offending shall forfeit to the use of the public schools of his school corporation a sum not less than ten (10) dollars nor more than twenty (20) dollars,

and shall stand committed until such fine and costs of suit are paid. But if the person so neglecting shall show to the board of education, or district school board, as the case may be, that such child has attended for a like period of time a private day school, or that instruction has otherwise been given for a like period of time to such child in the branches commonly taught in a public school, that such child has already acquired the branches of learning taught in the public schools or that his physical or mental condition as declared by a competent physician is such as to render such attendance inexpedient and impracticable, then such penalty shall not be incurred. Such fine shall be paid when collected to the county treasurer, or the treasurer of such city or independent district in which such child and parents reside, to be accounted for by him as other money raised for school purposes.

§ 2. ARREST OF TRUANT CHILDREN.] It shall be the duty of the president of the board of education in every city or other independent district and the chairman of every district school board carefully to inquire concerning all supposed violations of this act and to enter complaint against all persons who shall appear to be guilty of such violation. It shall also be the duty of said officers to arrest children of a school going age who habitually haunt public places and have no lawful occupation, and also truant children who absent themselves from school without leave, and to place them in charge of the teacher having charge of the public schools which said children are by law entitled to attend. And it shall be the duty of said teacher to assign such children to the proper classes and instruct them in such studies as they are fitted to pursue. Any school officer failing or neglecting to perform the duty required of him by this chapter shall be liable to a fine of not less than ten (10) nor more than twenty (20) dollars for every such offense.

§ 3. EMPLOYMENT OF CHILDREN.] No child between eight and fourteen years of age shall be employed in any mine, factory or workshop or mercantile establishment, or, except by his parent or guardian, in any other manner during the hours when the public schools in the city, town, village or district, are in session, unless the person, firm or corporation employing him shall first procure a certificate from the superintendent of the schools of the city, town or village, if one be employed, otherwise from the clerk of the school board or board of education, stating that such child has attended school for the period of twelve weeks during the year, as required by law, or has been excused from attendance as provided in Section one (1) of this article; and it shall be the duty of such superintendent or clerk to furnish such certificates upon application of the parent, guardian or other person having control of such child, entitled to the same. Every owner, superintendent or overseer of any mine,

factory, workshop or mercantile establishment, and any other person who shall employ any child between eight and fourteen years of age contrary to the provisions of this article, shall be deemed guilty of a misdemeanor, and for every such offense shall upon conviction thereof be fined not less than ten dollars (\$10) nor more than twenty dollars (\$20) and costs.

§ 4. FALSE STATEMENT.] Any person having control of a child who with the intent to evade the provisions of this act, shall make a willfully false statement concerning the age of such child, or the time such child has attended school, shall for such an offense forfeit a sum not less than ten (10) nor more than twenty dollars (\$20) for the use of the public school corporation.

§ 5. PROSECUTIONS—HOW AND BY WHOM MADE.] Prosecutions under this act shall be instituted and carried on by the district school board or the chairman of the board of education in independent districts; Provided, that all prosecutions of school officers for their neglect of duty regarding the provisions of this chapter, shall be instituted and carried on by the county superintendent.

§ 6. COURTS HAVING JURISDICTION.] Police and municipal courts, justices of the peace and judges of the county court shall have jurisdiction within their respective counties of the offenses described in this act.

CHAPTER VIII.

MISCELLANEOUS.

§ 1, DEFINITION OF SCHOOL DAYS.] The school year shall begin July one (1) and end June thirty (30). A school month shall consist of twenty (20) days, a school week of five school days, a school day of five and one-half school hours exclusive of intermissions; Provided that the time specified as a school day shall not apply to primary schools, and Saturdays shall not be counted as school days.

§ 2. ILLEGAL CONTRACTS.] No contract binding on the school district shall be made in any case except by the school board or board of education, acting as such, at a regular or regularly called special meeting, excepting contracts made for the employment of teachers.

§ 3. PENALTY FOR FALSE REPORT.] Any clerk or treasurer of a school district who shall willfully sign or transmit a false report to the county superintendent or willfully sign, issue or publish a false statement of facts purporting or appearing to be based upon books, accounts or records, or of the affairs, resources and credit of the school district, shall upon conviction be punished by a fine not exceeding fifty dollars (\$50) or by imprisonment in the county jail not exceeding fifteen

days. And any clerk or treasurer of a school district who shall willfully mutilate or destroy any of the books, accounts or records of his office, or who shall refuse to deliver to his successor in office all the books, accounts, moneys and records of his office upon demand of his successor for the same, shall be deemed guilty of a misdemeanor and it shall be the duty of said successor to begin action immediately upon the official bond of such officer for recovery of such money or other property.

§ 4. MUST QUALIFY.] No officer of a school district shall perform any duties of the office nor receive any of the property, money, books or papers belonging to the office, nor any money from the county treasurer, or warrant thereof, until he has fully qualified as required by law.

§ 5. VACANCY—HOW FILLED.] If any person appointed or elected to a school district office shall for one month after the time fixed by law fail to qualify or give bonds as provided by law, the office shall be deemed vacant and the county superintendent shall, when notified of such vacancy proceed to fill the same by appointment. Whenever a treasurer of a school district, by election or appointment, becomes his own successor he shall give new bonds, and all such officers shall qualify anew upon entering upon a new term. If from sickness or any other cause, such officer shall become incapacitated or unable to attend to the duties of his office, the fact shall be certified to the county superintendent by the clerk of the school district. If the clerk fails to notify the county superintendent of any vacancy that may exist, it shall be the duty of the remaining officer or officers to do so, and a successor shall be appointed to fill such vacancy, and such appointment shall be held official until the next election, when any vacancy shall be filled by an election.

§ 6. RECORDS OPEN TO INSPECTION.] All reports, and all books, records, vouchers, contracts and papers of all kinds relating to the school houses, schools and school business in the district in the office of the clerk or treasurer, shall be at all times open to the inspection of the chairman, who shall advise and aid toward securing correct records and accounts and legal reports, and they shall likewise be open to the inspection of state and county superintendents, and any particular paper or record shall be exhibited at reasonable hours to the examination of any voter or taxpayer.

§ 7. TAX LEVY TO SATISFY JUDGMENT.] Whenever any final judgment shall be obtained against any school corporation the board thereof shall levy a tax upon the taxable property in the corporation for the payment thereof, and such tax shall be collected as other school taxes, but no execution shall issue against any school corporation; such tax or taxes shall not be greater than two (2) per cent in any one year, and any surplus

fund in the treasury of the school corporation may be appropriated to the payment of a judgment. If the school board shall refuse or fail to levy such tax, the judgment creditor may apply to the board of county commissioners, who shall cause such tax to be levied upon the property of the school district. When collected, it shall be paid over by the county treasurer to the judgment creditor, whose receipt therefor shall be delivered the same as money to the treasurer of the school corporation by the county treasurer. Such levy may be repeated until the judgment is paid.

§ 8. JURISDICTION IN SCHOOL SUITS.] Justices of the peace shall have jurisdiction in all cases in which a school corporation is a party interested when the amount that is claimed does not exceed one hundred dollars (\$100) and the party shall have the right to appeal as in other cases.

§ 9. FINES AND PENALTIES.] All fines and penalties not otherwise provided for in this act shall be collected by action in any court of competent jurisdiction.

§ 10. ASSESSOR—DUTY OF.] Every township or county assessor shall, on or before the first day of July in each year, furnish to the clerk of each school corporation, the property of which he assesses, a certificate of the valuation of all real property and all personal property and of the total of these subject to taxation within the corporation for the current year.

§ 11. MAJORITY RULE.] Words giving a joint authority to three or more public officers or other persons are construed as giving such authority to a majority of them unless it be otherwise expressed in the section or law giving the authority, and when a decision or direction is made by the majority of such officers or persons, it is the duty of the one to whom its execution belongs by law, to execute the same in all respects as if he had favored the particular decision or direction, as if it were authorized unanimously.

§ 12. ANNUAL SCHOOL ELECTION.] The school district annual election shall be held upon the third Tuesday of June in each year.

§ 13. BRANCHES TO BE TAUGHT.] Instruction shall be given in the common schools of the state in the following branches in the several grades in which each may be required, viz: Reading, writing, orthography, arithmetic, geography, English grammar, history of the United States, physiology and hygiene, with special instructions as to the nature of alcoholic drinks and narcotics and their effect upon the human system, and civil government.

§ 14. FORM OF OATH.] All school district officers and directors, before entering upon the duties of their respective offices, shall take an oath to support the constitution of the

United States and of the state of South Dakota, and faithfully and impartially to perform the duties of such office.

§ 15. PENALTY FOR DEFACING SCHOOL PROPERTY.] Any person who cuts, defaces or otherwise injures any school house, apparatus or outbuilding thereof, is liable to suspension or expulsion; and on the complaint of the teacher, to the director, or to the clerk of the school board, the parents or guardians of such pupils shall be liable for all damages.

§ 16. READING CIRCLES.] It shall be the duty of the county superintendent to encourage the formation of teachers' reading circles in his county.

§ 17. SCHOOL DISTRICT DEFINED.] Any school district containing two or more schools except those governed by the provisions of Chapter 10 relating to cities, towns and other independent districts, are for the purposes of this act defined to be township districts.

CHAPTER IX.

SCHOOL BONDS.

§ 1. VOTE FOR ISSUE OF BONDS.] Whenever the qualified electors of a school district shall at any regular or special meeting held for that purpose, vote to issue school district bonds for the purpose of building and furnishing a school house and purchasing ground on which to locate the same; or to fund any outstanding indebtedness, the district school board may lawfully issue such bonds in accordance with the provisions of this act; Provided, however, that the question of issuing bonds shall not be submitted to a vote of the district and no meeting shall be called for that purpose until the district school board shall have been petitioned in writing by one-third of the voters resident in said school district.

§ 2. BOND ELECTION.] Before the question of issuing bonds shall be submitted to a vote of the school district, notices shall be posted in at least three (3) public and conspicuous places in said district, stating the time and place of meeting, the amount of bonds proposed to be issued and the time in which they shall be made payable; said notices shall be posted not less than twenty (20) days before the meeting, and the voting shall be done by means of written or printed ballots, and all ballots deposited in favor of issuing the bonds shall have thereon the words, "For issuing bonds," and those opposed thereto shall have thereon the words "Against issuing bonds;" and if a majority of all the votes cast shall be in favor of issuing bonds, the school board, through its proper officers, shall forthwith proceed to issue bonds in accordance with the vote, but if a majority of all the votes cast are against issuing bonds, then no further action can be had, and the question shall not again be

submitted to a vote for one year thereafter, except for a different amount.

§ 3. DENOMINATION OF BONDS.] The denominations of the bonds which may be issued under the provisions of this act shall be fifty dollars (\$50) or some multiple of fifty, not exceeding two hundred dollars (\$200) and shall bear interest at the rate of not exceeding seven per cent per annum, payable semi-annually in accordance with interest coupons, which shall be attached to said bonds; and no greater amount than one thousand dollars (\$1,000) can be issued for any one school house except in towns and villages of more than three hundred inhabitants, and in such districts the amount shall not exceed four per cent of its assessed valuation and may be made payable in not less than three nor more than fifteen years from date, in annual, biennial or triennial succession. In addition to the amount that may be already assessed under existing laws, there shall be levied upon the taxable property of the school district so issuing bonds, and collected as other taxes are collected, a sum sufficient, not exceeding three mills on the dollar of assessed valuation of said districts to pay interest upon said bonded indebtedness, and each year preceding the year in which any annual, biennial or triennial payment of bonds become due, a further tax not exceeding six (6) mills upon the dollar shall be levied to meet said annual, biennial or triennial payments. This section shall apply only to bonded indebtedness incurred under the provisions of this act.

§ 4. REQUIREMENTS AS TO FORM.] Whenever any bonds are issued under the provisions of this act, they shall be lithographed or printed on good bond paper and shall state upon their face the date of their issue, the amount of the bond, to whom and for what purpose issued, also the time and place of making, and the rate of interest to be paid. They shall have printed upon the margin the words "Authorized by the act of the legislative assembly of the state of South Dakota, A. D. 1891," and upon the back of the bonds a certificate signed by the county auditor in substantially the following form: "I certify that the within bond is issued in accordance with law, and is within the debt limits permitted by the constitution of the state of South Dakota, and in accordance with a vote of school district at a regular (or special) meeting on the day of A. D. 18. to issue bonds to the amount of Dollars." They shall be signed by the chairman and clerk of the school board and shall be registered and numbered in a book to be kept by the clerk for that purpose, in which shall be entered the number, date and name of the person to whom issued, and the dates when the same shall become due.

§ 5. SINKING FUND.] In addition to the amount that may already be assessed under existing laws, there shall be levied upon the taxable property of the school districts so issuing bonds, and collected as other taxes are collected, a sum sufficient, not exceeding three mills on the dollar of assessed valuation of said district to pay interest upon such bonded indebtedness, and after five years in like manner a further tax not to exceed six (6) mills on the dollar for a sinking fund, to be used in payment of such bonds when they become due, and for no other purpose except that whenever there may be sufficient funds on hand belonging to such sinking fund, the school board may in their discretion purchase any of its outstanding bonds at their market value and pay for the same out of the sinking fund. This section shall apply only to the bonded indebtedness incurred under prior acts.

§ 6. SALE OF BONDS.] Whenever any bonds shall be issued under the provisions of this act, the school district treasurer shall have authority to negotiate and sell such bonds for not less than par, and the proceeds shall be used exclusively for the purpose of building and furnishing a school house, and in payment for a site for the same and for necessary buildings.

§ 7. BONDS A LIEN.] Bonds issued under the provisions of this act shall be a lien upon the taxable property of the school district issuing them, and when any school board neglects or refuses to levy a tax in accordance with law to meet any outstanding bonds or interest thereon, the county auditor shall have power to levy such tax, and when collected to apply the proceeds to the payment of such coupons and bonds.

§ 8. CANCELLATION OF BONDS.] Whenever the bonds of any school district shall have been reduced by the school board, they shall be cancelled by writing or printing in red ink the words "cancelled and paid" across each bond and coupon, and the date of payment and the amount paid shall be entered in the clerk's register against the proper number of bond and the bonds so cancelled shall be filed in the office of the district treasurer, until all the outstanding bonds are paid, when they shall be destroyed in the presence of the full board.

§ 9. CONTRACT FOR BUILDING SCHOOL HOUSE.] Whenever any school house is built with funds provided in the manner herein authorized, the school board shall advertise at least thirty (30) days in some newspaper printed in the county, or by posting notices for the same length of time in at least three of the most public and conspicuous places, if no newspaper is published in the county, for sealed proposals for building and furnishing such school house in accordance with plans and specifications which shall be furnished by the school board, reserving the right to reject any and all bids, and if any of the proposals shall be reasonable and satisfactory said board shall

award the contract to the lowest responsible bidder, and shall require of such contractor a bond in double the amount of the contract, conditioned that he will properly account for all money and property of the school district that may come into his hands, and that he will perform the conditions of his contract in a faithful manner and in accordance with its provisions, and in case all the proposals shall be rejected, said board shall advertise anew in the same manner as before and until a reasonable bid shall be submitted; Provided, however, that no member of the district school board, clerk or treasurer, shall be interested directly or indirectly in any contract for building or furnishing any school house provided for in this act.

§ 10. APPLICATION OF THIS ACT.] The provisions of this act shall be applicable to and authorize the issue of bonds by such school districts as have already built school houses and issued orders or warrants therefor, and any school district may vote to bond the indebtedness incurred by reason of building and furnishing school houses, or to refund any bonded indebtedness.

CHAPTER X.

CITIES, TOWNS AND OTHER INDEPENDENT DISTRICTS.

§ 1. LAW WHERE IN FORCE.] All cities now organized or hereafter to be organized under the general act to provide for the incorporation of cities, shall be governed by the provisions of this act; Provided, that any city, town or village now organized under a special act, either for civil government or educational purposes, may at any time adopt the provisions of this act by a majority vote of the electors; Provided further, that any town or village having a population of one hundred inhabitants or over within a radius of one mile of the center may adopt the provisions of this chapter. In such cases the county superintendent shall, upon petition of a majority of the legal voters within the proposed district, call the first election therefor by posting notices in not less than three of the most public places in the district or districts in which the said town or village is situated. Said notice shall contain a full description of the boundaries of the proposed district, and also the time and place of holding the election. If a majority of the voters in the district or districts in which the said town or village is situated shall vote for the incorporation of said town or village as a corporation for school purposes, then it shall be considered as authorized, and the county superintendent shall, without delay, publish notices for an election of officers for said corporation.

§ 2. COMMITTEE OF ARBITRATION.] Whenever a new corporation is authorized as provided in Section one (1) of this chap-

ter, the county superintendent, the president of the board of education of the district thus organized, and the chairman of the school districts affected by the organization of the new district, shall constitute a committee of arbitration for the purpose of adjusting all property interested between the new corporation and the district or districts affected by its formation. The title to all real property granted to the new corporation by the committee of arbitration shall be made over to the said corporation or corporations in which it was previously vested upon order of the said committee. And all personal property granted to the said new corporation by the committee shall be delivered to the proper officers by those having it in charge upon demand accompanied by the order of the committee. It shall be the duty of the county superintendent to file with the county auditor a correct plat showing the adjustment of district boundaries in consequence of the formation and organization of a district as above provided.

§ 3. A FREE SYSTEM OF SCHOOLS.] Each corporation organized under this chapter, shall establish and maintain a system of free common schools, which shall be kept open not less than six nor more than ten months in any one year and shall be free to all children of legal school age residing within such corporation.

§ 4. ADJACENT TERRITORY—HOW ATTACHED.] Territory outside of the limits of any organized city, town or village, but adjacent thereto, may be attached to such city, town or village for school purposes under the following conditions:

First. Application for such change must be made by a majority of the electors of such adjacent territory by written petition.

Second. Upon receipt of such petition, the county superintendent shall call a committee to decide upon granting or refusing the petition, said committee consisting of himself, the president of the board of education, and the chairman of the district school board of the district in which the petitioners reside.

Third. The committee shall consider the interests of the two corporations concerned, the convenience of the petitioners and the permanent school interest, and if they deem it proper, shall grant the petition and issue an order authorizing the attaching of said territory to the city, town or village to which it [is] adjacent, and specify in such order to what ward or wards such territory shall belong for all purposes; Provided, that when territory has been attached prior hereto the board of education shall at any regular meeting determine to what ward of [or] wards such territory shall belong for all school purposes.

Fourth. The committee shall also have power to adjust all property interests involved in the change which concern the

two corporations interested. Before the issuance of an order authorizing the change they shall make an equitable adjustment of any question of indebtedness involved.

Fifth. A record of the decisions of the committee shall be transmitted to the clerk of the school board and the board of education interested and a copy forwarded to the office of the county auditor by the superintendent upon ratification of the action of the committee by the district school board and the board of education.

Sixth. Such territory shall from the date of the order authorizing its attachment, be considered a part of the corporation of said city, town or village; Provided, that such order shall not be issued until after the actions and decisions of the committee are ratified by the board of education and the district school board. The taxable property of such adjacent territory shall be subject to taxation and bear its proportion of all expenses incurred in the erection of school buildings and maintaining the schools of such corporation; Provided, that territory more than two miles from the limit of such city, town or independent district, shall not be considered adjacent territory to which the provisions of this section may apply, unless the electors of such territory shall unanimously petition to be thus attached and considered as adjacent territory; Provided, further, that where an independent school district of any incorporated city, or town is situated so near the center of a civil township as to leave a fraction of said civil township impracticable or inconvenient for school purposes after attaching adjacent territory to said independent school district to the two-mile limit as provided by law, then in that case the committee provided for in this may upon the petition of a majority of the electors of such civil township attach the surrounding territory and make the independent district to conform to the civil township line, for school purposes only.

§ 5. SHALL BE A CORPORATION.] Every district organized under the provisions of this chapter shall be a body corporate, and shall possess the usual powers of corporations for public school purposes, and may sue and be sued, and be capable of contracting and being contracted with, and of taking and holding any land for a school site, not exceeding two acres, chosen by the board of education at a regular meeting of said board, and in case the owner or owners of said land, or any part thereof, shall refuse or neglect to grant such site to the district, then said district shall have power to take such land for said site in the manner provided by law for the taking of private property for public use. And shall have power to hold and convey such personal or real property as it may at any time possess. All actions brought by or against such corporation shall be in the name of the board of education of the city,

town or village (as the case may be) of the county of the State of South Dakota.

§ 6. CONVEYANCES OF PROPERTY.] All conveyances of property in cities and incorporated towns mentioned in the preceding section, shall be signed by the mayor of said civil corporation and attested by the clerk, and shall have the seal of the corporation affixed thereto, and be acknowledged by the mayor in the same manner as other conveyances of real estate.

§ 7. A BOARD OF EDUCATION.] When any city or town is divided into wards, at each annual city election there shall be elected a board of education consisting of two members from each ward who shall be elected by the qualified voters thereof; one of whom shall be elected annually and shall hold his office for the term of two years and until his successor is elected and qualified; Provided, that at the first election under this act, two members shall be elected from each ward, one of whom shall hold office until the next annual election, and the other until the second annual election; Provided, that in all corporations not organized as cities and in all cities and towns not divided into wards, there shall be elected as many members of the board of education as there are members of the township board or board of trustees to be elected at the same time and places and for like terms; there shall also be elected at the first election held under the provisions of this act in such cities and towns, one member of such board of education who shall be voted for by the qualified electors at large in such city or town and shall hold his office for two years or until his successor is elected and qualified. In all cases where there is no organization for civil government, there shall be three members of the board, one of whom shall be elected annually; Provided, further, that no member of the city council shall be a member of the board of education.

§ 8. POWER TO FILL VACANCY.] The board of education shall have power to fill any vacancy which may occur in their body; Provided, that any vacancy occurring not more than thirty [days] previous to the annual election shall be filled at the first annual election thereafter.

§ 9. SHALL MAINTAIN AND CONTROL SCHOOLS.] The board of education shall have power to organize and maintain a system of graded schools, to establish a high school whenever, in their opinion, the interests of the school corporation demand the same, and to exercise sole control over the schools and school property of the corporation.

§ 10. ORGANIZATION—HOW MADE.] The board of education at its regular meeting in April of each year shall organize by the election of a president and vice president, each of whom shall serve for a term of one year, and they shall also elect a clerk not a member of the board who shall receive such

compensation for his services as the board may allow; Provided, that in districts newly organized under this act the board shall within twenty days after their election, proceed to organize and elect officers as aforesaid who shall serve until the time of the regular meeting in April following.

§ 11. DUTIES OF PRESIDENT AND CLERK.] It shall be the duty of the president to appoint all committees and to countersign all warrants drawn upon the treasury for school moneys. It shall be the duty of the clerk to be present at all meetings of the board, keep an accurate journal of its proceedings, take charge of its books and documents, sign all warrants for school money and perform such other duties as the board may require. Before entering upon the discharge of his duties the clerk of the board of education shall give a bond in a sum to be fixed by the board, not less than five hundred dollars, with good and sufficient sureties to be approved by the board.

§ 12. TAX LEVY.] The board of education shall, on or before the fifteenth day of August of each year, levy a tax for the support of the schools of the corporation for the fiscal year next ensuing, not exceeding in any one year thirty mills on the dollar on all personal and real property within the district which is taxable according to the laws of the state, and which levy the clerk of the board of education shall certify to the county clerk, who is hereby authorized and required to place the same on the tax roll of said county to be collected by the treasurer of the county as other taxes of the county and paid over by him to the treasurer of the board of education, of whom he shall take a receipt in duplicate, one of which he shall file in his office and the other he shall transmit to the clerk of the board of education.

§ 13. TREASURER—HOW CHOSEN—BOND OF—DUTIES.] At the annual municipal election there shall be elected members of the board of education provided for herein and a treasurer of the board of education. The treasurer shall be elected each year, to hold for one year, or until his successor is elected and qualified. Any vacancy in the office of treasurer shall be filled by the board of education by appointment; such appointee shall not be a member of said board. The treasurer shall execute a bond in such sum as that body may require with sufficient sureties to be approved by the board, conditioned for the faithful discharge of his duties as treasurer of such board. He shall prepare and submit in writing a monthly report of the state of the finances of the corporation, and shall when required produce at any meeting of the board all books and papers pertaining to his office. He shall pay money only upon a warrant signed by the president, or in his absence the vice president, and countersigned by the clerk.

§ 14. TAXABLE PROPERTY.] The taxable property of the whole corporation, including the territory attached for school purposes, shall be subject to taxation.

§ 15. REGULAR MEETINGS.] The regular meetings of the board of education shall be upon the last Friday of each month, but special meetings may be held from time to time as circumstances may demand.

§ 16. REPORT OF CLERK.] The clerk of the board of education at the close of each school year shall make an annual report of the progress, prosperity and condition, financial as well as educational, of all the schools of the corporation, a copy of which shall be sent to the county superintendent. Said report or such portion of it as the board of education shall consider advantageous to the public shall be printed in a public newspaper or in pamphlet form.

§ 17. CONTRACTS.] No expenditures involving an amount greater than one 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 improvement shall be made except upon sealed proposals and to the lowest responsible bidder.

§ 18. MAY READ BIBLE.] No sectarian doctrine shall be taught or inculcated in any of the schools of the corporation; but the Bible without sectarian comment may be read therein.

§ 19. BONDS—HOW ISSUED.] Whenever it shall become necessary in order to raise sufficient funds for the purchase of a school site or sites, to erect suitable building or buildings thereon, or to fund a bonded indebtedness, it shall be lawful for the board of education of every corporation coming under the provisions of this act to borrow money, for which they are hereby authorized and empowered to issue bonds bearing a rate of interest not exceeding seven per cent per annum, payable annually or semi-annually, at such place as may be mentioned upon the face of said bond, which bonds shall be payable in not more than twenty years from their date; and the board of education is hereby authorized and empowered to sell such bonds at not less than par; Provided, that no bonds shall be issued until the question shall be submitted to the people and a majority of the qualified electors who shall vote on the question at an election called for that purpose shall have declared by their votes in favor of issuing such bonds.

§ 20. BOND ELECTION.] It shall be the duty of the mayor of such city or town upon request of the board of education, to call an election to be conducted in all respects as are the elections for city or town officers, in the same corporations (except that the returns shall be made to the board of education), for the purpose of taking the sense of such corporation upon the

question of issuing such bonds, naming in the proclamation of such election the amount of bonds asked for and the purpose for which they are to be issued; Provided, that where the corporation is not organized for civil government, the board of education may call and conduct the election provided for in this section.

§ 21. SHALL SIGN BONDS.] The bonds, the issuing of which is provided for in the foregoing section, shall be signed by the president, attested by the clerk, and countersigned by the treasurer of the board of education, and said bonds shall specify the rate of interest and the time when the principal and interest shall be paid, and each bond so issued shall be for a sum not less than fifty (50) dollars, but no corporation shall issue bonds in pursuance of this act in any sum greater than three per cent of its assessed valuation.

§ 22. BOND INTEREST.] The board of education at the time of its annual levy of taxes for the support of schools as herein provided, shall also levy a sufficient amount to pay the interest as the same accrues on all bonds issued under the provisions of this chapter, and also to create a sinking fund for the redemption of said bonds which it shall levy and collect in addition to the rate per cent authorized by the provisions aforesaid for school purposes, and said amount of funds when paid into the treasury shall be and remain a specific fund for said purpose only and shall not be appropriated in any other way except as hereinafter provided.

§ 23. SINKING FUND.] All money raised for the purpose of creating a sinking fund for the final redemption of all bonds issued under the provisions of this chapter shall be invested annually by the board of education in bonds of the state of South Dakota 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.

§ 24. PAYMENT OF INTEREST.] Whenever the interest coupons of the bonds hereinbefore authorized shall become due they shall be promptly paid by the treasurer, upon presentation, 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.

§ 25. PAYMENT PLEDGED.] The school fund and property of such civil corporation and territory attached for [school] purposes is hereby pledged to the payment of the principal and interest of the bonds mentioned in this chapter as the same may become due.

§ 26. BOND AND WARRANT REGISTER.] 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 the provisions

of this chapter, and all warrants issued by the board, which registration shall show the number, date and amount of said bonds and warrants and to whom made payable.

§ 27. OFFICIAL OATH AND BOND.] Each member of the board of education and officer provided for in this chapter shall take and subscribe an oath or affirmation to support the constitution of the United States, the state of South Dakota, and faithfully to 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, but the clerk shall immediately notify the county auditor and county superintendent of the filing of such oath and bond.

§ 28. EXAMINATION OF TEACHERS.] The county superintendent, together with the principal or superintendent of schools of all independent districts employing such officer and in such independent districts as do not employ such an officer, the county superintendent alone, shall examine all teachers employed to teach in the schools of any city, town or other independent district, the same as other teachers of the county are examined except as hereinafter provided. In no case shall any teacher be employed to teach in such schools who does not hold a certificate issued as above provided, or a state certificate or a state diploma, and any contract made contrary to the above is hereby declared void. The above section shall be construed as giving the superintendent of schools of any city or town advisory power in the examination of teachers for his school, and he may add such questions as he may deem wise to use in the examination in order to test the qualifications of teachers for any particular grade or special work. The board of education in cities of the first class 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 a general supervision of the schools of the corporation, 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 the board may allow. The board shall also appoint two competent persons, who with the superintendent as chairman 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 state certificate or state diploma 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 the holder is competent to teach in such departments of the public schools as may be stated in the certificate and is a person of good moral character; Provided, no teacher who holds a certificate issued under this section is excused from the county institute; Provided further, that the city

superintendent shall have power to revoke the certificates, issued by the examining committee of which he is chairman, of those persons who do not attend the county institute.

§ 29. BALLOT BOXES TO BE PROVIDED.] For the purpose of the election provided in this act, there shall be provided at each polling place a ballot box separate and distinct from the ballot box used for the city election, in which shall be deposited all ballots cast by the voters at such school election. The polling places shall be so arranged as to permit all persons entitled to vote at such school election free access to the same for the purpose of voting.

Sec. 30. ERROR IN TAX LIST.] Whenever an error occurs in any school corporation or district tax list, the board of county commissioners may correct and refund such improper collection of school taxes the same as for other county taxes.

§ 31. REPEAL.] All acts and parts of acts relating to education, passed prior to January 1, 1897, (except special acts relating to schools in cities, towns and villages, and also to independent districts created by special acts) are hereby repealed.

Approved March 10, 1897.

CHAPTER 58.

[S. B. 95.]

PROVIDING FOR APPOINTMENT AND DEFINING POWERS AND DUTIES OF REGENTS OF EDUCATION.

AN ACT to Provide for the Appointment of a Board of Regents, to Fix the Number of Regents, and Their Term of Office, and to Define Their Duties and Powers in the Control of the Educational Institutions Sustained Either Wholly or in Part by the State of South Dakota.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. APPOINTMENT BY THE GOVERNOR AND SENATE.] As soon as practicable after the passage of this act and before the first day of March, one thousand eight hundred and ninety-seven (1897), the governor, by and with the consent of the senate, shall appoint five persons of probity and wisdom from among the best and the best known citizens, residents of different portions of the state, none of whom shall reside in the counties in which any of the state educational institutions are located, who shall constitute a board to be designated the regents of education; Provided, that in all appointments to the regency of education the persons selected shall be of the different political parties existing at the time such appointments are made,

§ 2. TERMS OF OFFICE.] One of the persons so appointed shall hold office until January first, eighteen hundred and ninety-nine (1899), and two (2) until January first, nineteen hundred and one (1901), and two (2) until January first, nineteen hundred and three (1903), as the governor shall indicate in his nomination, and all full appointments at and after the expiration of any of these terms shall be for six years, it being the intention of this act that all expirations of these terms shall occur on the first day of January of each odd or legislative year, or as soon thereafter as their successors are chosen and qualified; Provided, that all full appointments thereafter must be made before the first day of February of the regular biennial legislative year.

§ 3. VACANCIES—HOW FILLED.] In case a regent of education shall die, resign, remove from the state or for any other reason vacate his office, or become permanently disqualified from performing its duties, the governor of the state shall fill the vacancy by suitable and prompt appointment, and such appointee shall be clothed with full authority as a regent, but his term of service shall cease and expire with the next legislative session unless sooner confirmed by the senate. But the governor shall not have power to fill any vacancies caused by the refusal of the senate to confirm, nor vacancies caused by his own neglect to nominate to the senate in time for confirmation.

§ 4. QUALIFICATION AND ORGANIZATION.] Immediately upon the appointment and confirmation of the first five (5) persons above named in section one (1) of this act the governor shall summon them to assemble forthwith at the capital of the state, whereupon each shall take an oath before a proper officer to support the constitution of the United States and of this state and to perform his duties as a regent of education to the best of his ability.

As soon as they are thus properly qualified they shall organize by electing one of their number president and by the election of a secretary. Thus qualified and organized they shall have authority to make such rules as are necessary for their own government as a board and they shall immediately assume the exclusive control and management of all the educational institutions which are maintained either wholly or in part by the state, and at once, thereupon the terms of office and all authority of all boards or persons, of whatsoever name, heretofore charged with this duty, shall cease and expire.

All persons subsequently appointed as regents shall each subscribe to a like oath of office before taking their seats, and all oaths of office of the regents of education shall be duly filed with the secretary of state.

§ 5. APPOINTMENT OF COMMITTEES.] To facilitate their work, the regents of education shall have power to appoint of their own members such committees as seem desirable, but they shall appoint a standing committee of regents for each institution under their control, whose chairman may be charged by them, and under their rules, with certain executive duties in connection with the institution for which he was appointed, and which may need attention during the interim of board meetings. They are also empowered to employ a competent stenographer and bookkeeper.

§ 6. MEETINGS, QUORUM, ETC.] The regents of education shall hold two (2) regular meetings each year, one to be known as the annual meeting, and one as the semi-annual meeting, at such stated times as shall best subserve the interests of the institutions under their control. Extra meetings may also be held in case of weighty emergency on the call of the president or by joint request of a majority of the members, due and reasonable notice always being given. Three regents shall constitute a quorum for doing business, but two may adjourn from day to day.

§ 7. ABSENCES.] The failure of any regent to attend two successive regular meetings as herein provided, may be construed by the governor as a resignation and he may proceed to fill the vacancy unless such absences were on account of temporary disabling sickness or other equally valid reason accepted by the regents at their next meeting.

§ 8. GENERAL POWERS AND DUTIES.] The regents of education, qualified and organized as prescribed in Section four (4) of this act, shall become, and they and their successors in office shall continue to be a legal corporation, or body corporate, with power to sue and be sued, to hold and manage fully, for the purposes for which these educational institutions were established, any property belonging to said institutions, collectively or severally, or of which they shall in any manner become possessed; and all previous boards and persons having had custody of said property, or control of said institutions, shall, at once, turn over the same together with all papers, records, contracts or other archives belonging to said institutions to the said regents of education.

§ 9. AUTHORITY TO MAKE CONTRACTS AND TO EXPEND MONEYS.] The regents of education as a corporation shall have power to make contracts for service, for the erection of buildings and for the purchase of all lands, materials and supplies needed; and in the carrying out of such contracts they shall have power to expend moneys, to exact and collect penalties and to purchase or sell property within the limitations of state and national law; Provided, that all contracts for the erection or repairs of buildings, or for the purchase of fuel or

other ordinary supplies exceeding in value two hundred dollars, shall be by means of publicly advertised competing bids and by public letting; and provided further, that no regent shall be directly or indirectly pecuniarily interested in any such contract.

And said regents of education as a board may bring suit in the proper court having jurisdiction in the name of the regents of education, to enforce any contract made by them as such board, and may also bring suit in all matters relating to such property, or to the care, custody, control, management or improvement thereof. And it is hereby made the duty of the attorney general to prosecute any such suit upon the request of said board. Any moneys collected upon any judgment obtained under the provisions of this act shall be paid into the state treasury for the benefit of the educational institutions and credited to the proper fund or funds.

Any regent is authorized to administer oaths and examine witnesses whenever necessary in the performance of the duties of the board.

This act is intended to confer, and does confer, upon the regents of education all powers usually exercised by such boards, and which are necessary to the proper legal management of the educational institutions placed under their control, and the property belonging to the same.

§ 10. EMPLOYMENT OF AGENTS.] The regents of education in their capacity as a board and for the purpose of exercising proper control over those institutions of learning which are placed in their care shall have full power to employ or dismiss all members of the faculties of instruction of said institutions, all assistants, foremen, secretaries, laborers or other agents necessary to the proper management of the institutions, to determine their number, their qualifications, define their duties, fix the period or term of their employment, and the rate and manner of their compensation; Provided, that no person shall be employed or dismissed by reason of any sectarian or political opinions held.

§ 11. DEPARTMENTS, COURSE OF STUDY AND RULES OF GOVERNMENT.] The regents of education shall have full power, to authorize for the institutions under their control such departments and courses of study as they may think best, to determine what text books shall be used, what requirements for the admission and graduation of students, shall be maintained, what rules shall be enacted and enforced for the government of students, and said regents shall have power to make all other rules and regulations for the wise and successful current management of the schools under their control. And, further, they are hereby empowered to delegate provisionally any of the authority given in this section to the presidents, deans,

principals or faculties of instruction of said schools, as in the judgment of said regents may be proper or as may be in accordance with the usual custom in such cases.

§ 12. TUITION FEES, ETC.] The regents of education shall fix all rates of tuition and of other fees to be paid by students, but such rates must be the same in all the different institutions. They may receive free of tuition two students appointed by each state senator, and one by each representative of the state legislature in any one of the institutions under their control; Provided, that the period for which such appointment was made shall expire with the term of office of the said senator or representative, and, provided, that such appointees shall be residents of the district or county whose senator or representative makes the appointment; and provided, further, that such appointees shall comply with all the rules and requirements of the institution which they desire to enter. No student, however, shall receive any other gratuity whatever.

§ 13. NEEDLESS DUPLICATION OF DEPARTMENTS FORBIDDEN.] The regents of education are hereby expressly forbidden to continue or to create chairs, departments, laboratories, libraries, or other equipment in multiplication except where the obvious needs of the special work of the schools make such multiplication necessary. In all things the regents are to administer the schools in such a manner as to enable each one of them to do in the best manner its own specific work, but all with a view to the strictest economy, and so as to unify and harmonize the entire work of all the schools under their control.

§ 14. CONFERRING DEGREES, ETC.] The regents of education are authorized to confer all scholastic honors and degrees usually granted by such boards; but all degrees, diplomas and certificates of graduation shall be issued and conferred in their name and by their express authority. In conferring degrees the regents shall conform as nearly as may be to the best and most reputable current practice in such matters. Students shall be graduated from any one of these institutions by the regents of education upon recommendation of the appropriate faculty of that institution. A certificate of graduation from a full course in any one of the normal schools or from the state university, provided the graduate of the university has taken a course in pedagogy as given in that institution, shall be a license valid for five years to teach in any of the public schools of this state.

§ 15. THE AGRICULTURAL EXPERIMENT STATION.] The United States agricultural experiment station for South Dakota being by national law a department of, and under the direction of the agricultural college, shall be under the exclusive control of the regents of education, just as other departments and institutions are under their control.

§ 16. FARMERS' INSTITUTES, ETC.] The regents of education are authorized to encourage and provide for farmers' institutes to be conducted by members of the agricultural college faculty, or by any one else designated by said regents; and the said regents are likewise authorized to encourage and as far as possible provide for any other form of university extension work which is feasible and of value to the people.

§ 17. ELECTION OF OFFICERS AND THEIR TERMS.] All officers of the board shall be elected for one year, and the election, except in case of vacancies, shall be held at the annual meeting.

§ 18. COMPENSATION OF REGENTS AND THEIR OFFICERS.] The regents of education shall receive no compensation for their services, but each shall be paid five dollars per day for every day's service to cover his actual expenses, and this per diem shall be paid, upon their itemized and properly certified vouchers, from the state treasury upon the warrant of the auditor of state; Provided, that any regent serving from the Black Hills region shall receive twenty-five dollars extra for attendance upon any meeting east of the Missouri river, but not exceeding fifty dollars for any one fiscal year, and provided that the entire sum paid for any one year to said regents of education shall not exceed one thousand dollars.

§ 19. APPROPRIATIONS PROVIDED FOR REGENTS OF EDUCATION.] In the general appropriation for state purposes the sum of twenty-six hundred dollars, or so much thereof as may be needed, shall be provided each year for the per diem of the regents of education, for the salary of their secretary and stenographer, and for such blanks, books, stationery and postage as may be needed.

§ 20. TREASURER, CUSTODY AND COLLECTION OF FUNDS.] The state treasurer shall be the treasurer of the regents of education and he shall perform all the duties of such office, subject to such regulations as they may adopt, not inconsistent with his other official duties, and he and his sureties shall be liable on his official bond for the faithful discharge of such duties. Said treasurer shall have authority to receive and receipt for all moneys arising from any source for the use of any of the educational institutions under the control of the said regents, and he shall keep such separate accounts of the several funds as they shall prescribe. All moneys received from rents of dormitories, tuition or other fees authorized by the regents of education, or from articles, products or materials sold by their authority, shall be collected by some person designated by said regents for each institution to make such collections, under proper bonds, and said person shall transmit to the state treasurer at the close of each calendar month all moneys thus received by him during that month; and no other person shall be

permitted to collect or hold any money belonging to said institutions. Moneys received from the national government, under any of the various grants, shall be payable to the state treasurer, as treasurer of the regents of education, and shall be receipted for by him. All moneys received as interest on the national land grant funds or from leases of the land granted to these institutions under the control of the regents of education, shall be paid to the state treasurer, and shall be credited by him to the proper educational institutions. At once on receiving moneys from any source the state treasurer shall notify the secretary of the regents of education of the amount, the source from which received, and the fund to which credited.

§ 21. APPROPRIATION OF FUNDS BELONGING TO THE INSTITUTIONS UNDER CONTROL OF THE REGENTS OF EDUCATION.] There is annually and perpetually appropriated to the regents of education for the exclusive and legal use of the educational institutions under their control all moneys received from their endowment land grant as interest or rent, all local collections from fees of any kind, or from rents or sales authorized, all United States money grants of any kind, all moneys derived from any source to be used by the regents of education for the proper and legal maintenance of the institutions under their control.

§ 22. METHODS OF EXPENDITURE.] No expenditures shall be made except by express authority of the regents of education first obtained, and no indebtedness shall ever be permitted or incurred except against funds already available for such purpose, and no expenditure from any fund shall, under any circumstances, be made except for the legal purpose for which said fund exists and for the institution to which it belongs. The method in detail of making expenditures, purchases, etc., except so far as they are specified by Section 10 of this act, shall be left to the discretion of the regents of education.

§ 23. THE DUTY OF THE AUDITOR OF STATE.] Whenever a properly audited and authenticated voucher of the regents of education is presented to the auditor of state, it shall be his duty to transmit promptly to the office of secretary of the regents of education his warrant for a corresponding sum on the state treasurer, unless said voucher shall overdraw the fund from which it is made payable.

§ 24. REPORTS, ETC.] The regents of education shall on or before the fifteenth day of December previous to each biennial session of the legislature prepare and present to the governor of the state for his use and for the use of the legislature a full detailed report of all their doings for the preceding two years, with a statement of the work and the condition financially and educationally of all the institutions under their con-

trol, with such recommendations as they may desire to make, and with detailed estimates for legislative aid, if in their judgment any is needed. They shall also by themselves or their authorized representative, attend upon the session of the legislature whenever required so to do by a committee of either house. They shall also prepare, or cause to be prepared and transmitted at proper times, all reports required of them by the United States laws.

§ 25. REPEAL OF PREVIOUS ACTS.] Chapter six of the session laws of eighteen hundred and ninety, approved February twenty-sixth, entitled an act for the appointment of a board of regents, being in contravention of this act, is hereby repealed; also the act approved March seventh, eighteen hundred and ninety-one, relating to farmers' institutions [institutes,] is hereby repealed; also the act approved March seventh, eighteen hundred and ninety one, concerning acceptance of grants of money from the United States, and which makes the treasurer of the board having control of the agricultural college the custodian of such United States grants, is hereby repealed. All previous legislative acts, which are wholly or partially in contravention to this act, are hereby repealed.

§ 26. EMERGENCY DECLARED.] Whereas, there is no law in force providing for a board of regents, under the constitution as amended, therefore an emergency exists, and this act shall be in force from and after its passage and approval.

Approved March 5, 1897.

CHAPTER 59.

[S. B. 209.]

ESTABLISHING UNIFORMITY OF SCHOOL TEXT BOOKS.

AN ACT to Establish Uniformity of School Text Books and to Regulate the Supply Thereof.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. WHO CONSTITUTE BOARD.] The county superintendents of schools, the president of the board of education of all cities or towns, the county auditor, the county state's attorney, the board of county commissioners, their successors in office and one person from each commissioner's district who shall be selected by the members of the school boards of such commissioner's district present at a meeting to be called by the county superintendent, shall constitute the county board of education of each county in this state for the purpose of selecting and adopting all the text books needed for use in the public schools of the county. The county superintendent of schools shall in

all cases, be chairman of the county board of education, and the county auditor, secretary and a majority of said board shall constitute a quorum for the transaction of business.

§ 2. TIME OF MEETING—ADOPTION AND PRICE OF BOOKS.] The county board of education shall meet at the office of the county superintendent of schools of each county in the state on the second Tuesday of June, 1897, and every five years thereafter and select and adopt a complete series of school text books to be used in all the schools of the county; Provided, that nothing in this act shall be construed to prevent any county board of education from selecting a series of text books from two or more publishers; Provided further, that the boards of education in cities and towns may adopt additional books by the same or other authors for higher classes in their schools. The county board of education shall, immediately upon the taking effect of this act, advertise for twenty days in a newspaper published in each county, that at a time and place named in said notice, said board will receive sealed bids for furnishing school books to the pupils of all public schools in the county as provided in this act, for a term of five years, provided that no book shall be accepted on contract by the board of education in excess of the following prices, to-wit: Graded speller, 15 cents; first reader, 10 cents; second reader, 20 cents; third reader, 30 cents; fourth reader 40 cents; highest reader, 90 cents; elementary geography, 50 cents; advanced geography, 75 cents; primary arithmetic 25 cents; intermediate arithmetic, 35 cents; complete arithmetic, 50 cents; physiology and hygiene, 50 cents; history of the United States, 80 cents. Other necessary books shall be purchased and contracted for at proportionate prices with this list.

§ 3. DUTY OF BOARD AND SUPERINTENDENT.] Before selecting and adopting school text books in accordance with the provisions of this act, it shall be the duty of the said county board of education to take into consideration the books used in the county, and all books submitted by publishers and most carefully consider the price, the type, the material, the binding and other items that go to make up a desirable text book, and no text book shall be adopted whose price is above the contract or wholesale price at which said books were furnished to any other state, county or school corporation in the United States during the year previous to such adoption. The county superintendents shall annually at the close of the year make a report to the county board of education as to the operation of the school book contract.

§ 4. SUPERINTENDENT TO NOTIFY MEMBERS OF BOARD.] The county superintendent shall notify each member of the county board of education in writing of the time and place of meeting, at least ten days before the date of said meeting, and

he shall prepare and furnish such information as shall assist the board in acting for the best interest of the people.

§ 5. CONTRACT WITH PUBLISHERS.] The board of county commissioners shall contract with the publishers of such books as have been adopted by the county board of education, designating the price at which such books shall be furnished to them or their authorized agents, and they shall designate a depository for each school corporation in the county where books shall be sold to the pupils at not more than ten per cent above cost, and they may pay for the books and transportation of the same, so contracted for, out of the general fund, on warrants signed by the county auditor and countersigned by the chairman of the board of county commissioners; Provided, that the same depository may be designated for one or more school corporations.

§ 6. FORM OF CONTRACT.] The following shall constitute a part of every contract with publishers as provided in this act, whether contained in such contract or not: Whenever the state of South Dakota shall have published a sufficient number of any text books used in the public schools of the state, to supply the schools of any county in the state, upon notice being given by the governor to the county auditor of any county this contract shall be void as far as it relates to such book and the county auditor shall immediately notify the publisher holding such contract. The county commissioners of such county shall forthwith supply all the schools of said county with the books printed by the state. The auditor of said county shall on or before the 10th of each calendar month send moneys for all state's books sold, to the state treasurer, together with such report as the governor of the state may direct.

§ 7. BOND FROM DEPOSITORY.] The board of county commissioners may require a good and sufficient bond from each depository designated by them as their agent, and such agent shall be required to file a statement with the county auditor on or before the 10th day of each calendar month showing the number and kinds of books sold by him, and the number and kinds of books on hand in such depository on the last day of the preceding month, and all moneys due the county by such depository shall be paid into the county treasury at the time of filing such statement. The county auditor shall supply each depository with proper blanks for making such report.

§ 8. PRINTED LISTS AND PRICE OF BOOKS.] The county board of education shall furnish a printed list of books adopted, designating the retail price of each, and supply one or more copies of each school corporation and to each depository designated. The secretary or clerk of each school corporation shall post said price list in each school room under his supervision.

§ 9. PETITION FOR FREE BOOKS.] Upon a written petition of the majority of the electors of any school corporation, asking that the school books be furnished free to the pupils, it shall be the duty of said board to arrange and furnish the free use of books to the pupils of such corporation under such rules and regulations as said school board may determine.

§ 10. BOOK-CASE, AND SECRETARY'S REPORT.] Said school board must procure a safe book-case in which said books shall be kept, whenever it shall have been decided to supply its school books direct to the pupils and a careful invoice must be reported at the close of each term by the secretary. The books shall remain the property of the school corporation and can only be used on order of the board.

§ 11. CHANGE PROVIDED FOR.] Books once adopted or contracted for under the provisions of this act shall not be changed for a period of five years, except as heretofore provided and on request of at least two-thirds of the school boards of the county.

§ 12. EMOLUMENTS PROHIBITED.] No school teacher, county or city superintendent or member of any county board of education within the state of South Dakota shall be allowed to receive any emolument, cash or otherwise from any publisher or publishers of school books in payment for a vote or promise to vote or use their influence for any book or books to be used in the schools under their charge. Neither shall any agent or other person be allowed to give or offer any emoluments as heretofore described nor any promise of work nor other inducement to any teacher, county or city superintendent or member of any county board of education or other board of education for any vote or promise to vote or to use their influence for any book or books to be used in the schools under their charge; Provided, that nothing in this section shall be construed to prevent any school official from receiving a reasonable number of sample copies for investigation, with a view to obtaining information as to the book or series of books for which such official shall cast his vote; Provided further, that nothing in this section shall be construed to prevent any teacher from obtaining employment from any publishing house, in schools not under their direct charge. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

§ 13. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 14. EMERGENCY.] Whereas, no law is in force enabling school boards to contract for textbooks, therefore an emergency exists and this act shall be in force from and after its passage and approval.

. Approved March 9, 1897.

CONSTITUTIONAL PROVISIONS.

SEC. 1. ART. VIII. The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the legislature to establish and maintain a general and uniform system of public schools, wherein tuition shall be without charge, and equally open to all, and to adopt all suitable means to secure to the people the advantages and opportunities of education.

SEC. 15. ART. VIII. The legislature shall make such provisions by general taxation, and by authorizing the school corporation to levy such additional taxes, as with the income from the permanent school fund shall secure a thorough and efficient system of common schools throughout the state.

SEC. 16. ART. VIII. No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the state, or any county or municipality within the state, nor shall the state or any county or municipality within the state accept any grant, conveyance, gifts or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the state.

SEC. 17. ART. VIII. No teacher, state, county, township or district school officer shall be interested in the sale, proceeds or profit of any book, apparatus or furniture used or to be used in any school in this state, under such penalties as shall be provided by law.

SEC. 9. ART. VII. Any woman having the qualifications enumerated in Section 1 of this article, as to age, residence and citizenship, and including those now qualified by the laws of the territory, may vote at any election held solely for school purposes, and may hold any office in this state except as otherwise provided in this constitution.

LAWS OF 1899.

Relating to Education.

CHAPTER 56.

[H. B. 207.]

RELATING TO SCHOOL BONDS.

AN ACT Requiring School District Officers to Make Returns of Bond Elections to County Auditors.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. DISTRICT AND ELECTION RECORDS TO BE FILED WITH COUNTY AUDITOR.] That when any school district in this State shall have voted to issue its negotiable bonds for the purposes now provided by law, and before the county auditor shall certify to the bonds as required by Section 4 of Sub-Chapter 9, Chapter 57, Laws of 1897, the said district shall file with said auditor certified copies of the records of said school district ordering said election and the record and poll book of said election, and unless said records show a strict compliance with law, the said certificate shall not be executed.

§ 2. EMERGENCY.] Whereas, there is now no law requiring returns as aforesaid, an emergency exists and this Act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1899.

CHAPTER 57.

[S. B. 204.]

PROVIDING FOR THE SIGNING OF CERTAIN BONDS AND FIXING THE AMOUNT OF SAME.

AN ACT to Amend Section 21, of Chapter 10, of Chapter 57, of the Session Laws of 1897, Entitled An Act to Establish a Uniform System of Education for the State of South Dakota, and to Repeal Certain Legislation Relating thereto.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. AMENDMENT.] That Section 21, of Chapter 10, of Chapter 57, of the Session Laws of 1897, be and the same is hereby amended so as to read as follows:

§ 21. SIGNATURES NECESSARY—LIMITATIONS.] The bonds, the issuing of which is provided for in the foregoing Section, shall be signed by the President, attested by the Clerk and countersigned by the Treasurer of the Board of Education, and said bonds shall specify the rate of interest, and the time when the principal and interest shall be paid, and each bond so issued shall be for a sum not less than fifty (50) dollars, but no corporation shall issue bonds in pursuance of this Act in any sum greater than four per cent of its assessed valuation.

Approved March 4, 1899.

CHAPTER 76.

[S. B. 263.]

ESTABLISHING SCHOOL AT ABERDEEN.

AN ACT to Establish, Locate and Endow an Industrial School and Institute of Technology, at Aberdeen, South Dakota, and to Donate Certain Lands for the Same.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. ESTABLISHMENT AND LOCATION—PROVISO.] There shall be and hereby is established and located at Aberdeen, in the County of Brown, and State of South Dakota, an Industrial School and Institute of Technology of and for the State of South Dakota, the purpose of which shall be the instruction and education of persons of both sexes in the industrial and mechanical trades, arts and sciences and in Technology and all kindred branches of learning,

Provided, That a tract of land of not less than twenty acres in area, within or adjacent to the city limits of the City of Aberdeen, in the County of Brown and State of South Dakota, be donated and secured to the State of South Dakota, in fee simple, as a site for said school, within six months from and after the taking effect of this Act; and the Governor of this State is hereby empowered, and it is hereby made his duty, to see that a good and sufficient deed be made to this State for the same.

§ 2. SUPERVISION.] The said school shall be under the exclusive supervision and control of the State Board of Regents of Education.

§ 3. APPORTIONMENT OF LANDS.] There is hereby apportioned and set apart for the establishment, maintenance, support, use and benefit of said school, forty thousand acres of land, granted to the State of South Dakota by the United States of America, by Act of Congress of the United States of America, approved February twenty-second, A. D. 1889, entitled "An Act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments, and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states," for such other educational and charitable purposes as the legislature of said state (being the State of South Dakota) may determine; and it is hereby determined and enacted that said school be so located and established at said City of Aberdeen and that out of said lands there be donated, apportioned and set apart for the exclusive establishment, support, use and benefit of said school, forty thousand acres of said lands, or out of any lands granted and donated to the State of [South] Dakota by the United States of America, and not otherwise appropriated.

§ 4. SELECTION OF LANDS.] It is hereby made the duty of the Governor, the State Auditor and the Commissioner of School and Public Lands to make selection of the forty thousand acres of land so donated and set apart in Section three of this Act, within one year from and after the passage and approval of this Act; which lands when so selected shall be set apart for the establishment, maintenance, support, use and benefit of said school.

§ 5. RENTALS AND PROCEEDS OF SALE OF LANDS.] The proceeds of all rentals derived from the lands so donated and set apart under this Act, and the proceeds of all sales of the same shall be held for the use and benefit of said school as hereinbefore provided.

§ 6. REPEAL.] All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

NOTE—By the Secretary of State.

The foregoing Act having been presented to the Governor of this State for his approval and not having been returned by him to the house of the Legislature in which it originated, or to the Secretary of State with his objection within the time prescribed by the Constitution, has become a law without his approval.

WILLIAM H. RODDLE,
Secretary of State.

CHAPTER 77.

[H. B. 169.]

RELATING TO READING CIRCLES.

AN ACT to Amend Section Sixteen (16), Chapter Eight (8), of Chapter Fifty-Seven (57), of the Session Laws of 1897, Relating to reading Circles.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. AMENDMENT.] That Section sixteen (16) of Chapter eight (8) of Chapter fifty-seven (57) of the Session Laws of 1897, be amended to read as follows:

DUTY OF COUNTY SUPERINTENDENT.] It shall be the duty of the county superintendent to encourage the formation of teacher's reading circles in his county. He shall report on or before December fifteenth of each year to the secretary of the State teachers' reading circle the enrollment of all persons in his county known to him to be pursuing the work of said circle; plans by which the work thereof is being carried on and all matters of general interest thereto. He shall, under the direction of the superintendent of public instruction, arrange for an annual examination in the State teachers' reading circle course in his county, and it shall be his duty to preside at the same or to appoint some competent person to do so; to collect all papers submitted and to forward the same promptly to the secretary of the board of managers. He shall co-operate as fully as possible with the managers of the State teachers' reading circle in advancing the work of that organization.

Approved February 25, 1899.

CHAPTER 78.

[S. B. 174.]

RELATING TO INDEPENDENT SCHOOL DISTRICTS.

An Act to Amend Section 4 of Chapter X of Chapter 57 of the Session Laws of 1897 Relating to Attaching of Adjacent Territory to Independent School Districts.

Be it Enacted by the Legislature of the State of South Dakota.

§ 1. AMENDMENT.] That Section 4 of Chapter X of Chapter 57 of the Session Laws of 1897, be and the same is hereby amended to read as follows: Section 4. Territory outside of the limits of any organized city, town or village but adjacent thereto, may be attached thereto, and territory within the limits of any city, town, village or independent district organized for school purposes, and adjacent to any school district may be attached to said school district whether said indepen-

dent district has been organized by special Act or otherwise, under the following conditions:

APPLICATION BY PETITION.] First. Application for such change must be made by a majority of the electors of such adjacent territory by written petition.

DUTY OF COUNTY SUPERINTENDENT.] Second. Upon receipt of such petition, the county superintendent shall call a committee to decide upon granting or refusing the petition, said committee consisting of himself, the president of the board of education of said organized city, town, village or independent district and the chairman of the district board.

COMMITTEE TO DECIDE.] Third. The committee shall consider the interests of the two corporations concerned, the convenience of the petitioners and the permanent school interest, and if they deem it proper shall grant the petition and issue an order authorizing the attaching of said territory to the city, town, village, independent district or school district to which it is adjacent, and if to a city, town or village such order shall specify to what ward or wards such territory shall belong for all school purposes.

Provided, That when territory has been attached prior hereto the board of education shall at any regular meeting determine to what ward or wards such territory shall belong for all school purposes.

FURTHER POWER OF COMMITTEE.] Fourth. The committee shall also have power to adjust all property interests involved in the change which concern the two corporations interested. Before the issuance of an order authorizing the change they shall make an equitable adjustment of any question of indebtedness involved.

DECISIONS TO BE RATIFIED.] Fifth. A record of the decisions of the committee shall be transmitted to the clerks of the school board and board of education interested and a copy forwarded to the county auditor by the superintendent upon ratification of the action of the committee by the district school board and the board of education.

DATE OF ORDER TO GOVERN.] Sixth. Such territory shall from the date of the order authorizing such change be considered a part of the corporation of said city, town, village, independent district, or of the said school district.

ORDER TO ISSUE—WHEN.] Provided, That such order shall not be issued until after the actions and decisions of the committee are ratified by the board of education and the district school board.

The taxable property of such adjacent territory shall be subject to taxation and bear its proportion of all expenses incurred in the erection of school buildings and maintaining the schools of such corporation, and for the purpose of such taxa-

tion the property so attached shall be assessed by the assessor of the city, town, village or independent district or school district to which such territory is attached.

ADJACENT TERRITORY DEFINED.] Provided, That territory more than two miles from the limits of such city, town or village, shall not be considered adjacent territory to which the provisions of this section may apply, unless the electors of such territory shall unanimously petition to be thus attached and considered as adjacent territory.

HOW ATTACHED IN CERTAIN CASES.] Provided further, that when an independent school district of any incorporated city or town is situated so near the centre of a civil or congressional township as to leave a fraction of said civil or congressional township impracticable or inconvenient for school purposes after attaching adjacent territory to said independent school district to the two mile limit as provided by law, then in that case the committee provided for in this Act may upon a petition of a majority of the electors of such civil or congressional township attach the surrounding territory and make the independent district to conform to the civil or congressional township line for school purposes only, and in such case such committee may by a majority vote thereof, upon the petition of two-thirds of the electors of such surrounding territory and of two-thirds of the electors of such city, or town, issue its order attaching such surrounding territory to such city or town as aforesaid, and all the foregoing provisions shall apply to such actions of said committee except that such order shall go into effect at the expiration of thirty days from the date thereof, and it shall not be necessary that the actions and decisions of such committee be ratified by the district school board or board of education before the issuance or going into effect of such order.

§ 2. REPEAL.] All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 6, 1899.

CHAPTER 79.

[H. B. 2.]

PROVIDING FOR FREE EDUCATION IN CERTAIN CASES.

AN ACT Providing that Honorably Discharged Soldiers and Sailors and Their Orphan Children may Attend State Educational Institutions Free.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. FREE EDUCATION FOR WHOM.] That all persons and the orphans of such persons residing in this state, who served

sixty days or more, in the army or navy of the United States during our late war against Spain, and who have been honorably discharged from such service, shall be admitted to attend any State educational institutions of this State during good behavior, and shall be required to pay no tuition for such privilege; Provided, they shall be subject to the rules and requirements governing such schools as they may desire to attend.

§ 2. EMERGENCY.] Whereas, many such persons have already been honorably discharged and are now attending such institutions, an emergency is declared to exist, wherefore this Act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1899.

CHAPTER 54.

[H. B. 100.]

EMPOWERING SCHOOL DISTRICTS TO ISSUE COUPONS ON BONDS COMING DUE.

AN ACT to Empower School Districts Having Outstanding Indebtedness in Excess of Constitutional Limit to Issue Coupons on Bonds Coming Due.

Be it Enacted by the Legislature of the State of South Dakota:

§ 1. EXTENSION COUPONS—HOW ISSUED.] When any school district in this state, which shall have heretofore legally issued, executed and delivered its negotiable bonds for the purposes then provided by law, and which at the time of issue thereof was not in excess of the debt limit allowed said district or township by law, but which said district for any reason has outstanding in said bonds and other indebtedness an amount in excess of the present constitutional and statutory limit, so as to preclude a valid issue of bonds funding all outstanding indebtedness, then, and in that event, the school board of said district, upon being authorized so to do by a majority vote of all electors at any regular election or special election called for that purpose, is hereby empowered to make a contract for the issue of extension coupons with the holder or holders of said outstanding bonds, at or prior to the time of the same becoming due, which said contract shall be entered upon the clerk's record of said district, and in pursuance of said contract the said school board shall execute and deliver the extension coupons of said district extending the time of payment of said school bonds heretofore issued for a period not less than three nor more than ten years, at a rate of interest to be agreed upon between said school district board and the holder or holders of said bonds, not to exceed the rate in the original bonds, payable semi-annually at such date and place as may be stated in said coupons.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall be in force from and after its passage and approval.

Approved February 24, 1899.



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