

AN ACT

DEFINING THE FIRST AND THIRD JUDICIAL DISTRICTS OF THE TERRITORY OF UTAH.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the Counties of Millard, Sanpete, Sevier, Juab, Wasatch, Utah, Emery, Uintah, Weber, Box Elder, Cache, Rich and Morgan shall hereafter constitute the First Judicial District; and the Counties of Salt Lake, Tooele, Summit and Davis shall constitute the Third Judicial District of this Territory.

All actions at law, suits in equity, and indictments for crime and other legal proceedings which may be pending in the Third Judicial District Court between the inhabitants, or by or against the inhabitants of any or either of said counties of Weber, Box Elder, Cache, Rich and Morgan shall be continued, transferred to, and prosecuted to judgment and execution in the said First Judicial District Court, which shall have jurisdiction of the subject matter thereof, and all papers and records relating to the same shall be transferred to such court in the manner hereinafter provided.

SEC. 2. The clerk of the Third Judicial District Court is hereby required to make a transcript from his record of the proceedings of said court relating to all cases pending therein, mentioned in section 1 of this act, and transmit the same to the clerk of the First Judicial District Court aforesaid at Ogden City, Weber County, together with all papers filed in said cases on or before the first day of April, A.D. 1880.

SEC. 3. As soon as the Governor shall appoint the place and time for holding courts in that part of the First Judicial District contained in the said counties of Weber, Box Elder, Cache, Rich and Morgan, a clerk's office shall be established at the place so designated, and the records of the Third Judicial District, purchased by the County Court of Weber County, and now in the clerk's office at Ogden City, shall become part of the records of the First Judicial District, and be kept at the clerk's office first named in this section.

SEC. 4. All cases, both civil and criminal, in which the cause of action shall arise in either of the counties of Utah, Juab, Millard, Sanpete, Sevier, Wasatch, Emery or Uintah, shall be heard, tried and determined in the said First Judicial District Court at the city of Provo, or at such other place or places, within the territorial limits of said last-named counties, as shall be fixed by the Governor. And all cases, both civil and criminal, in which the cause of action shall arise in either of the counties of Weber, Box Elder, Cache, Rich or Morgan shall be heard, tried and determined in the said First Judicial District Court at Ogden. *Provided*, That in all cases a change of the place of trial may be allowed, as may be prescribed by law.

Approved Feb. 20, 1880.

UTAH TERRITORY,
Secretary's Office, S.S.

I, Arthur L. Thomas, Secretary of the Territory of Utah, do hereby certify that the above act, entitled "An Act Defining the First and Third Judicial Districts of the Territory of Utah," is a true and correct copy as appears by the records on file in my office.

Attest: My hand and seal at Salt Lake City, this 21st day of Feb., A. D., 1880.

[SEAL.] ARTHUR L. THOMAS,
Sec'y of Utah Territory.

AN ACT

PROVIDING FOR THE ESTABLISHMENT AND SUPPORT OF DISTRICT SCHOOLS, AND FOR OTHER PURPOSES.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the County Courts shall divide their respective counties in to school districts where not already so divided, number the same, prescribe limits, change the boundaries thereof, and may consolidate two or more school districts into one, should the public good so require; *Provided*, That where school districts have built school houses by a tax on the whole district, said district shall not be divided until equitable provision has been made for school houses in the new district to be organized. Settlers on or near county lines of two or more counties, may be formed into school

districts, by the mutual agreement of the County Courts of such counties. Every school district may in the name of its trustees purchase, hold, sell and convey property for the use and benefit of such districts; *Provided*, that no school property shall be sold except by authority of a two-thirds majority vote of the resident tax-payers of the district, present at a regular or special school meeting called for that purpose.

SEC. 2. At a school meeting to be held in each school district on the first Monday in June, in the year eighteen hundred and eighty, there shall be elected by the registered voters of the district three school trustees for each school district, one for the term of one year; one for the term of two years, and one for the term of three years. And annually thereafter, at the school meeting provided for in section three of this act, there shall be one school trustee elected by said registered voters in each school district, whose term of office shall be for three years, and until his successor is elected and qualified. Said trustees shall qualify by taking and subscribing an oath of office, and give bonds to the county in which they reside, in such sums and with such sureties as the Probate Judge of the County or a Justice of the Peace for the precinct may approve, conditioned for the faithful performance of the duties of their office. Said oath of office and bonds shall be filed with the clerk of the County Court.

SEC. 3. The trustees shall provide suitable school houses and keep the same in repair, employ teachers, and furnish fuel, maps, charts, and other suitable articles for school purposes, and may at their option collect tuition fees. They shall prescribe the manner in which schools shall be conducted, and the branches to be taught, and rates of tuition therefor, and establish outhouses, playgrounds, and other appurtenances. The trustees shall keep a record of their official actions, and of proceedings in district school meetings, signed by the chairman and secretary; keep a correct account of all moneys received by them and how expended; such accounts to be reported each year to the voters of the district, at an annual school meeting to be held on the first Monday in June, at which meeting the amount of compensation to be allowed to said trustees or either of them, may be decided by a majority vote. Trustees may unite and jointly control two or more contiguous districts in the same county or in adjoining counties, and establish union schools to be supported out of the funds belonging to their respective districts. They may make arrangements with the trustees of any adjoining district for the attendance of such children in the schools of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school.

SEC. 4. Whenever it shall be necessary to raise funds to purchase, build, repair or furnish school houses or for other school purposes, an estimate of the approximate cost thereof shall be made by the trustees, and the rate per cent. may be fixed at any sum not exceeding two per cent. per annum, as shall be decided by a two-thirds majority vote of the property taxpayers resident in the district, present at a meeting called for that purpose, to be assessed and collected as a special tax upon the taxable property in the district. *Provided*, the property of non-residents shall not be liable to tax for the payment of teachers. In case of a challenge of the right of any person to vote on said tax the oath of such person as to qualification, his tax receipt for the past year, or a copy of the tax list showing that said person owns taxable property in the district shall be received as evidence of such right to vote.

SEC. 5. For the calling of a meeting for voting on the rate per cent. of tax to be assessed and for the election of trustees notice shall be given at least ten days before the time appointed for taking such vote, by advertising at least three times, in some newspaper published in the county having general circulation therein or by posting up notices in three public places in the district; said advertisement or notice shall state distinctly the time, place and object of said meeting; said notice shall be given by at least five permanent residents of the district; but if the district be organized, then said notice shall be given by the trustees. At all such meetings the voting shall be by ballot.

SEC. 6. The trustees shall have power to appoint a clerk, an assessor and collector, and a treasurer and

prescribe their qualifications. They shall also appoint an auditor each year, whose duties shall be to examine the financial accounts of the trustees for the current year, and report thereon at the annual school meeting.

SEC. 7. The assessor shall, within such time as the trustees may direct, make an assessment at a fair cash valuation of all the taxable property in his district, and report the same to the trustees. The trustees shall give notice of the time and place when they will meet to hear and determine complaints, if any, in regard to the assessed valuation of any property, and may equalize and correct the same; and they shall have power to remit or abate the taxes of any indigent person to an amount not exceeding five dollars on any such assessment. They shall fix the time within which the tax shall be paid, which in no case shall be less than thirty days, and approve the assessment roll and hand it to the collector, to collect the tax.

SEC. 8. The collector shall forthwith notify the taxpayers of the district, of the amount of their tax and when the same is payable, and shall proceed to collect the same within the time specified by the trustees and pay the money collected to the district treasurer, if there be one, otherwise to the trustees. And all taxes remaining unpaid for 90 days after they become due, shall become delinquent, and a list thereof shall be handed to the county collector of the county in which such district is located, which collector shall proceed and collect the said tax in the manner as provided for the collecting of territorial, county and school taxes, in "An Act to provide revenue for the Territory of Utah and the several counties thereof, approved February 22, 1878." The delinquent taxes thus collected shall be paid into the county treasury and placed to the credit of such school district and be drawn therefrom upon the order of the trustees of such district.

SEC. 9. The school year shall commence on the first of July, and be divided into four terms. The trustees shall visit, officially, each school in their respective districts, at least once during each term; and, on or before the second Monday in June, in each year, take a census of the children between the ages of six and eighteen years residing in their districts; and within ten days thereafter, shall make a report to the County Superintendent hereinafter provided for, stating the condition of the school or schools under their supervision, and particularly the items contained in the following form, together with such other statistics or information as the Territorial Superintendent may require:

School Trustees' Annual Report of
School District No. —, in the
County of —, U. T., ending
—18—

Trustees.	
No. of District.	
No. of Schools.	
Grade of Schools.	
Branches Taught.	
No. of Male Teachers.	
No. of Female Teachers.	
No. of Male Children in District between the ages of six and eighteen years.	
No. of Female Children in District between the ages of six and eighteen years.	
No. of Male Scholars Enrolled.	
No. of Female Scholars Enrolled.	
Average Daily Attendance.	
Amount Paid to Teachers.	
To Males.	
To Females.	
No. of days School have been Taught during the Year.	
No. of School Libraries.	
No. of Volumes in each.	
Present condition of School Buildings, etc.	
Amount of Building Funds raised.	
Amount of Apportionment of Territorial School Taxes.	
Local Taxes Collected in District for School Purposes.	
Value of School Property.	

Trustees failing to so report shall be liable to prosecution on their bonds for neglect of duty; said suit to be prosecuted by the County Superintendent, and any amount so recovered shall revert to the benefit of the district schools in said district.

SEC. 10. All schools organized under the direction of the Trustees in the respective school districts of this Territory, shall be known, in law, by the name and title of District Schools, and shall be entitled to a just and equitable apportionment of any public school fund arising from the general government or by legislative enactment of the Territory.

SEC. 11. The County Court of

each County shall appoint, in their respective Counties, where not already done, a Board of Examination, to consist of the County Superintendent and two other competent persons, who shall judge of the qualifications of school teachers applying for schools, and all applicants of a good moral character, considered competent, shall receive a suitable certificate, signed by the board, without which, no person shall be eligible to employment, as teachers, by the trustees, and such districts employing other than eligible teachers, shall forfeit their apportionment of any public school fund. A normal certificate of graduation from the University of Deseret shall entitle the holder to eligibility as a teacher in any of the district schools of the Territory; *Provided*: That such certificate shall be endorsed by the Board as to the moral character of the holder.

SEC. 12. Teachers of schools shall furnish their respective trustees with a report of their schools at the close of each term, in the following form, together with such other information as the Territorial Superintendent may require:

School Teachers' Term Report of
School No. —, District No. —,
County of —, U. T., ending
—18— *Teacher*

Number of Pupils.	
Ages from	to
No. of Males.	
No. of Females.	
Average Daily Attendance.	
Alphabet.	
Spelling.	
Reading.	
Writing.	
Geography.	
Grammar.	
Arithmetic.	
Book-keeping.	
History.	
Music.	
Drawing.	
School Books used.	
Remarks.	

BRANCHES TAUGHT.

SEC. 13. A majority of the trustees shall have power to transact business, and in case of a vacancy in any school district by death, resignation, or otherwise, the remaining trustees shall immediately appoint a suitable person to fill such vacancy until the next election for trustees.

SEC. 14. At the general election for the year one thousand eight hundred and eighty-one, and biennially thereafter, a Territorial Superintendent of District Schools shall be elected, whose term of office shall be for two years, and until his successor shall be elected and qualified; and before entering upon the duties of his office, he shall qualify by taking and subscribing an oath and giving a bond with approved securities to the people of the Territory of Utah, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, said oath, bond and sureties to be approved by and filed with the Auditor of Public Accounts. At the same general election, and biennially thereafter, there shall also be elected for each county in the Territory, a Superintendent of District Schools, whose term of office shall be for two years, and until his successor shall be elected and qualified; and before entering upon the duties of his office he shall qualify by taking and subscribing an oath of office, and giving a bond with approved sureties, in such sum as shall be prescribed by the Probate Judge of the county, which oath and bond shall be filed with the Clerk of the County Court.

SEC. 15. The Territorial Superintendent shall keep a record of the condition of district schools throughout the Territory, shall furnish each County Superintendent with a record headed according to form for trustees' reports, and also blank forms of said reports, together with blank forms of school teachers' reports, as contemplated in this act; and he shall cause to be printed such a number of the forms described in this act, including forms for financial reports as shall be necessary for distribution to the trustees and teachers throughout the Territory, and distribute the same.

SEC. 16. The Territorial and County Superintendents and the President of the Faculty of the University of Deseret, or a majority of them, shall, at a convention called by the Territorial Superintendent of District Schools for that purpose, decide what text books shall be adopted in the district schools, and their use

shall be mandatory in all the district schools of the Territory; *Provided*, that no text book so adopted shall be changed within a period of five years from its adoption, except for sufficient cause, to be decided at a special convention, and any teacher changing the text books, shall forfeit his eligibility as a teacher. The County Superintendents with the trustees in their respective districts, shall regulate the school terms, allowing such holidays and vacations as may be advisable.

SEC. 17. The County Superintendent shall take the general supervision of the schools in his county, and visit them at least twice in each year, examine the trustee's records, audit their accounts, and see that the trustees are diligent in the discharge of their duties. He shall keep a correct account with the county treasurer and with the trustees of school districts, of all funds received and disbursed for school purposes in the county; shall audit all school accounts against the County Treasurer, and draw his warrant in favor of the several school districts for the payment thereof. He shall transmit to the Territorial Superintendent of District Schools, on or before the first Monday in August, annually, a full and complete finance statement of all funds received in his county, including amount of taxes collected by the trustees in each district, voluntary contributions, and amounts arising from the General Government, or by legislative enactment of the Territory of Utah, or from any other source whatever, and amounts disbursed for buildings, furniture, and all school appurtenances, the actual tuition fees, together with a statistical statement in the following form, together with such other information as the Territorial Superintendent may require:

County Superintendent's Annual
Report for — Co., ending first
Monday in November, —, 18—
County Supt.

Names of Districts.
No. of Districts in County.
No. of Districts reported.
No. of Schools.
No. of Male Teachers.
No. of Female Teachers.
No. of Boys in County between the ages of Six and Eighteen years.
No. of Girls in County between the ages of Six and Eighteen years.
Total between Six and Eighteen years.
No. of Male Scholars Enrolled.
No. of Female Scholars Enrolled.
Total Enrolled.
Percentage of Names Enrolled.
Average Daily Attendance.
Percentage of School Population Actually attending school.
Amount paid to Male Teachers.
Amount paid to Female Teachers.
Total paid to Teachers.
No. of days School have been Taught during the year.
Present condition of School Buildings.
Amount of Building Funds raised.
Amount of Taxes appropriated to the use of Schools.
Real value of School property.

SEC. 18. The County Superintendents of district schools are hereby authorized and required to proceed against all delinquent district pound keepers, or other parties, who have failed or shall fail to pay the school funds due, or which may hereafter become due, arising from the sales of estrays or from other sources, and shall pay all amounts thus collected into the county treasury, quarterly. The school funds mentioned in this section shall be drawn from the county treasuries, annually, on the order of the County Superintendents to be distributed by them among the various school districts in their respective counties according to the school population, and expended by the trustees for school purposes.

SEC. 19. The moneys accruing for the benefit of district schools, under the provisions of section one of "An act to provide revenue for the Territory of Utah" and the several counties thereof, approved February 22, 1878, shall be disbursed on orders drawn by the Territorial Superintendent of District Schools in favor of the Territorial sub-treasurer of each county, according to the school population thereof, and shall be paid to the trustees by the County Treasurer, on the orders of the County Superintendents; and said moneys shall be used by the trustees in paying school teachers during the year following the one in which it was assessed and collected. No pupil shall derive any benefit from said moneys who is under the age of six