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# ARIZONA SCHOOL LAW.

1879.



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## EDUCATIONAL BOARD.

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# UNIVERSITY OF ARIZONA.

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SECTION 1. There shall be established within the Territory of Arizona a university, for the purpose of educating youth in the various branches of literature, science and arts, and which shall be known as "The University of Arizona."

SEC. 2. The said university shall be under the management, direction, government and control of a board of regents, to consist of the following persons: The governor of the Territory for the time being, who shall be the president of such board; the judges of the supreme court of the Territory, and three resident property holders of the Territory, to be elected by the legislature in joint session, and who shall hold their appointment for four years; *provided*, that such persons shall discharge the several duties imposed upon them by virtue of this chapter without any fee or charge against the Territory, except such sums for actual disbursements and traveling expenses as the legislature shall hereafter provide.

SEC. 3. The said regents and their successors shall form, hereafter be, and they are hereby established and declared to be, a body politic and corporate, with perpetual succession in deed and in law, by the name, style, and title of "The Board of Regents of the University of Arizona," by which name and title they and their successors in office shall be capable at law and in equity of suing and being sued, holding property, real, personal and mixed, for the purposes mentioned in this chapter, and no other; of buying and selling, and otherwise lawfully disposing of, property for the purposes herein expressed; and shall have power to make and use a common seal and to alter the same at their pleasure. Four of such regents shall constitute a quorum to transact all business except the location of a site for such university, as hereinafter provided, which location shall receive the concurrence of at least five members of said board.

SEC. 4. For the erection and support of said university there shall be and hereby is appropriated the proceeds from the sale of all lands that have been or may hereafter be granted by the United States to the Territory for university purposes, or of moneys granted by the same for the like purpose, and the proceeds of all lands, money or other property given by individuals, or appropriated by the Territory for the like purpose, which shall be and remain a perpetual fund, the interest or income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific object of the original gift, grant, or appropriation; and no such money, property or proceeds shall, under any pretence be applied, used or loaned for any other uses or purposes whatsoever.

SEC. 5. Said university, when established, shall consist of: First. A department of literature, science, and the arts. Second. A department of natural history, including a history of the Territory. Third. Such other departments may be added as the regents shall deem necessary and the state of the university fund shall allow. And the said university shall be open to all persons resident of this Territory without charge of tuition,

under the regulations prescribed by the regents, and to all other persons under such regulations and restrictions as the board may prescribe; *provided*, that no person shall be refused admittance for his conscientious views in matters of religion, if he shall demean himself in a proper manner and conform to such rules as may be established.

SEC. 6. At any time after the expiration of one year after the first day of September next, the said board of regents may proceed to select a suitable site and locate said university, which site shall not contain less than one hundred and sixty acres of land, which may be received by them as a donation for that purpose, or they may purchase the same or any part thereof from individuals or from the government of the United States, and such site shall be selected and such location made on or before the first day of January, one thousand eight hundred and sixty-six.

SEC. 7. After such site shall have been selected and such location made, the said board, if the funds of such university will allow, may proceed to the erection of such university buildings upon such plan as they shall adopt, the expenses of which shall not exceed the amount of moneys applicable to that purpose; or they may rent suitable buildings at or near such site, and establish therein and employ suitable professors and teachers therefor, including a professor in mineralogy, the study of such literature and sciences as they shall deem proper.

SEC. 8. The money arising or accruing under the provisions of this chapter, and applicable to the university, shall, until such site shall be selected, and proceedings commenced as provided in the preceding section, be deposited with the Territorial treasurer, to the credit of the said board of regents, which money shall be kept by said treasurer separate from all other moneys, and shall not be paid out or used by said treasurer in any manner, except by authority of said board of regents.

SEC. 9. The said board of regents, after the location of the site of the university, may appoint one of their number treasurer to said board, who shall give security in such amount and manner as said board shall determine, and no moneys shall be drawn from the Territorial treasurer except by the treasurer of said board of regents, and only under such rules, orders and regulations as the said board shall establish for that purpose.

SEC. 10. The said board of regents shall have power to make all needful rules and by-laws for the government of their own body, not inconsistent with the provisions of this chapter.

Sections 11, 12 and 13 repealed by act of 1873.

#### *Libraries.*

SEC. 14. There shall be and hereby is established a Territorial library, to be located at the capital of the Territory, and the members of both houses of the legislature, and the executive and judicial officers of the Territory shall, at all times, have free access thereto, under such regulations as shall be made by the secretary of the Territory, who is hereby made the Territorial librarian.

SEC. 15. All books, maps, plates, charts, engravings and paintings donated by the United States, by the several States and Territories, and by individuals and corporations to this Territory, shall be deemed public property, and belong to and be deposited in the Territorial library, and all appropriations made by this Territory for that purpose shall be expended

by the librarian in the purchase of such books, maps, charts, engravings and paintings, as by such appropriations directed, and deposit the same in such library.

SEC. 16. One-fourth part of all the moneys appropriated by the Territory or directed to be used for library purposes, shall be applied to the purchase of such law books as the judge of the supreme court shall direct, until otherwise ordered by the legislature, which law books, when so purchased, shall form a part of the Territorial library, for the use of the executive, legislative and judicial officers of the Territory.

SEC. 17. The Territorial librarian shall cause all books and property belonging to the Territorial library to be properly stamped or marked, and shall, one month prior to, of each regular annual meeting of the legislature, make out and deliver to the governor, a full catalogue of all such books and property in his possession. A copy of such catalogue shall be sent by the governor to the speaker of the house of representatives on the meeting of the house, and published annually with the book edition of the journals of the legislature. The Territorial librarian is hereby authorized to pay reasonable freight, express and mail charges, upon books or other documents sent to the Territorial library by the general or State governments, or by private parties, taking proper vouchers therefor, and upon the presentation of said vouchers to the Territorial auditor he shall, at the end of each quarter in the year, issue a warrant upon the Territorial treasurer in favor of the Territorial librarian for the amount due at the time.\*

\* As amended by act of 1868.

#### *Historical Department.*

SEC. 18. There shall be established and connected with the Territorial library an historical department, the object of which shall be to collect, preserve and publish the natural and political history of the Territory. For this purpose the librarian shall procure, as far as possible, all writings, histories, letters, lectures, essays, maps, charts and books relating to said Territory and its history, and carefully preserve the same. In like manner he shall procure specimens of geology, mineralogy and botany, found or produced within the Territory, and cause the same to be carefully labeled, with the date of procuring the same, and the locations where found or produced. He shall cause the same to be carefully packed in boxes and cases suitable for examination, and retain the same within the library.

SEC. 19. The said librarian shall also procure full copies of all newspapers, heretofore or hereafter published in the Territory, and cause the same to be bound in suitable volumes, and deposit and keep the same in the library. In like manner he shall procure at least one copy of all pamphlets, magazines and books published in the Territory for the use of the library.

SEC. 20. Whenever there shall have accumulated in said historical department sufficient manuscript papers relating to the history of the Territory to make a volume of at least two hundred pages, the said librarian, if in his opinion and that of the governor the same is of sufficient importance, shall cause the same to be published at the expense of the Territory, applying the proceeds of the sales of such book to pay the expenses of publication, so far as the same may be necessary for that purpose.

SEC. 21. An assistant librarian may be appointed by the librarian for the historical department, whose duties shall be prescribed by the librarian,

and his compensation fixed by law ; *provided*, that, after a university shall be established, and an historical department therein shall be in operation, the historical department of the library may be transferred to the historical department of the university, and, upon such transfer being made, the duties and compensation of such assistant librarian shall cease.

## AN ACT

### To establish Public Schools in the Territory of Arizona.

(Approved Feb. 14, 1879 )

SECTION 1. A tax of fifteen cents upon each one hundred dollars value of taxable property is hereby levied and directed to be collected and paid into the Territorial treasury as a special fund for school purposes, to be disbursed as hereinafter provided ; said tax to be levied and collected at the same time and in the same manner as other Territorial revenues.

SEC. 2. The Board of Supervisors of each county shall annually, at the time of levying other taxes, levy a county school tax of not less than fifty or more than eighty cents on each one hundred dollars valuation of taxable property, which tax shall be added to the county tax and collected in the same manner, and paid into the County Treasury as a special fund, to be drawn as hereinafter provided.

SEC. 3. A Superintendent of Public Instruction shall be appointed by the Governor, by and with the consent of the Legislative Council, and shall enter upon the duties of his office on or before the twentieth day after his appointment, and shall hold his office for the term of two years or until his successor is elected and qualified ; and shall execute a bond in the penal sum of two thousand dollars, with two good and sufficient securities, to be approved by the Secretary of the Territory, conditioned upon the faithful discharge of his official duties ; *provided*, that at the general election, to be held in the year of our Lord one thousand eight hundred and eighty, and every two years thereafter, a Territorial Superintendent of Public Instruction shall be elected by the qualified electors of the Territory, who shall hold his office for the term of two years from the second Tuesday of January next after his election, and until his successor is duly elected and qualified.

SEC. 4. The Superintendent of Public Instruction, the Governor and the Territorial Treasurer shall constitute a Territorial Board of Education, of which the Governor shall be president, and the Superintendent of Public Instruction Secretary.

SEC. 5. It shall be the duty of the Board of Education to hold at least one session annually, for the purpose of devising plans for the improvement and management of the public school funds and for the better organization of the public schools of the Territory ; and it shall be the duty of the President of the Board to call such other meetings at such times as he may deem advisable and necessary. A full record of the proceedings of the board shall be kept by the Secretary, and shall be embodied in the annual report of the Governor.

SEC. 6. The Board is authorized and empowered to issue Territorial diplomas to such professional teachers as may be found upon examination, or by diplomas from other States or Territories requiring similar qualifica-

tions, to possess the requisite scholarship and culture, and who may also exhibit satisfactory evidence of an unexceptionable moral character, and of eminent professional experience and ability. All such diplomas shall be countersigned by the Territorial Superintendent of Public Instruction, and shall supersede the necessity of any and all other examinations of persons holding the same, by county examiners; and such diploma shall be valid in any city, town, county or district in the Territory during the lifetime of the holder, unless revoked by the Territorial Board of Education.

SEC. 7. The diplomas issued by the Territorial Board of Education shall be of two grades. The first grade shall be evidence of the fitness of the holder thereof to teach in the high schools of the Territory; and the second grade shall be evidence of the fitness of the holder thereof to teach in any of the schools of the Territory of a lower grade than the high school.

SEC. 8. The Territorial Board of Education may at any time revoke a Territorial diploma upon satisfactory evidence that the holder thereof has become unworthy of the same; *provided*, that before revoking any such diploma the holder thereof shall have at least thirty days' notice to appear before the Territorial Board of Education and refute any charges brought against him.

SEC. 9. The Superintendent of Public Instruction shall keep his office at some place where there is a post office, and shall receive a salary of one thousand dollars per annum, which shall be paid quarterly out of the Territorial Treasury; out of this he shall pay his own traveling and other contingent expenses.

SEC. 10. It shall be the duty of the Superintendent of Public Instruction, subject to the supervision of the Territorial Board of Education, to apportion to the several counties, on the second Monday of January, June and September of each year, the amount of money to the credit of the school fund to which each county shall be entitled under the provisions of this Act, according to the number of persons between the ages of six, and twenty-one years, as shown by the census lists of the several counties, the first day of January of each year.

SEC. 11. It shall be the duty of the Superintendent of Public Instruction to make an annual report on or before the fifteenth day of January of each year to the Territorial Board of Education, who shall cause the same to be published, and shall transmit a copy thereof to the Legislature. Said report shall contain a full statement of the condition and amount of all funds and property appropriated for the purpose of education, the number and grade of schools in each county, the number of children in each county between the ages of six and twenty-one years, the number of such attending public schools; also, the number of children between the ages of eight and fourteen years, the average number of children that have attended the public schools during the three months previous to January first of each year, the number attending private schools, the number that can read and write, the amount of school money appropriated to each county, the amount of school money raised by county taxation, district taxation or otherwise, a statement of plans for the management and improvement of public schools and such other information relative to the educational interests of the Territory as he may deem important.

SEC. 12. The Superintendent of Public Instruction shall prescribe suitable forms and regulations for making all reports for conducting all neces-

sary proceedings under this Act, and shall cause the same, with such instructions as he may deem necessary and proper for the organization and government of schools, to be transmitted to the local officers, who shall be governed in accordance therewith. He shall prepare a convenient form of school register for the purpose of securing more accurate returns from teachers of public schools, and shall furnish each County Superintendent with a number sufficient to supply at least one copy thereof to each district or school of such county. He shall certify the cost of printing said blanks, registers and diplomas (together with the postage or expressage necessary to convey them to the County Superintendents) to the Territorial auditor, who shall draw his warrant on the Territorial Treasurer in favor of the person to whom said amount is due, and the Treasurer shall pay said warrant out of any money in the treasury not otherwise appropriated.

SEC. 13. It shall be the duty of the Superintendent of Public Instruction to visit each county in the Territory once in each year, for the purpose of visiting schools, of consulting County Superintendents, of lecturing and addressing public assemblages on subjects pertaining to public schools.

SEC. 14. The Superintendent of Public Instruction, at the expiration of his term of office, shall deliver over to his successor all property, books, documents, records, reports and other papers that may be in his possession in pursuance of this Act.

SEC. 15. It shall be the duty of the Territorial treasurer to receive and to hold, as a special fund, all public school moneys paid into the Territorial Treasury, and pay them over only on a warrant of the Territorial auditor, issued upon the order of the Territorial Board of Education, and countersigned by the Superintendent of Public Instruction, in favor of the County treasurer, which order, duly indorsed by the County treasurer, shall be valid vouchers in the hands of the Territorial treasurer for the disbursement of said moneys.

SEC. 16. All school moneys due each county in the Territory shall be paid over by the Territorial treasurer to the County treasurer, as follows: On the second Monday of January, June and September, or as soon thereafter as the County treasurer may apply for the same, upon the warrant of Territorial auditor, drawn in conformity with the apportionment of Superintendent of Public Instruction, as provided in Section 11 of this Act.

SEC. 17. It shall be the duty of the Treasurer of each county: First. To receive and to hold, as a special fund, all public school moneys, whether received by him from the Territorial treasurer, or raised by the county for the benefit of public schools, or from any other source, and to keep a separate account thereof, and of their disbursement. Second. On receiving any public school moneys subject to distribution, to notify the County Superintendent of Public Schools of the amount thereof. Third. To pay over, on the warrants of the County superintendents, duly endorsed by the person entitled to receive the same, any or all of said moneys. Fourth. On or before the first day of January, annually, to make a full report to the Superintendent of Public Instruction of the public school moneys received into the County treasury within the year ending December thirty-first, next previous thereto, with a particular statement of the disbursements of said school moneys (and of any amount of said school moneys) which may remain in his hands for distribution at the close of the said year, designating whether of Territorial or County School Fund; and, in case of the failure or neglect of said County treasurer to make such report, he shall forfeit for the benefit of the County School Fund, the sum of one hundred dollars from his official com-

compensation ; and it is hereby made the duty of the Board of Supervisors, on notice from the Superintendent of Public Instruction of such failure or neglect on part of any County Treasurer, to deduct said one hundred dollars from his compensation, and place said amount to the credit of County School Fund.

SEC. 18. The Probate judge of each county in the Territory is hereby made *ex-officio* County Superintendent of Public Schools for his county, and shall be paid quarterly out of the School Fund of said county the sum of two hundred and fifty dollars per annum, to be paid by the County treasurer, quarterly, upon the receipt of the Superintendent.

SEC. 19. It shall be the duty of the County Superintendent of public schools, upon receiving notice from the County treasurer, as provided in this Act, to apportion the public school moneys in the County treasury among the several school districts in his county, in proportion to the number of children that have attended the public school in the said district during the three months previous. In making said distribution, he shall have power, and it shall be his duty to draw his warrant on the County treasurer in favor of and to deliver the same to the person entitled to receive the same ; *provided*, that in case of failure to have a school taught in any school district during the three months immediately preceding any apportionment of public school moneys, the apportionment shall be made in proportion to the attendance when last the school was in session, and the money apportioned to any school district shall be saved to the credit of said district until the end of the school year, when if not used, it shall revert back into the school fund ; and, *provided*, further, that no warrant shall be drawn in favor of any school district until full and correct returns have been made to him by the same as required by law, and a certificate of the Board of Trustees given, showing for what purpose, in accordance with this Act, the money is required ; but no such warrants shall be drawn in favor of any school district, unless there is cash in the treasury at the time to the credit of said school district.

SEC. 20. It shall be the duty of school teachers in each public school taught in this Territory, to keep a correct daily record of the number of children attending such school, and at the expiration of each quarter to certify under oath to the Board of Trustees of the school district in which said school was taught, the average daily attendance at said school during the said previous quarter ; and it shall be the duty of said school trustees to forward a statement, verified by the oath of one or more of said trustees, of the average daily attendance at said school during the previous quarter as furnished by said teacher, to the superintendent of public schools of the county in which said school has been taught.

SEC. 21. The County superintendent shall have power, and it shall be his duty, in accordance with the provisions of this Act, and the instructions of the superintendents of public instruction : First. To visit each school in his county once in each year, exercise a general supervision over the interests of public schools in his county, and give the school trustees, marshals and teachers, such aid and counsel as may be important to the prosperity of the schools. Second. To distribute promptly such blanks, reports, forms, laws, and instructions as shall be received by him from the superintendent of public instruction, for the use of school trustees, marshals, and teachers and other officers entitled to receive them. Third. To keep on file in his office the reports of the school trustees, marshals, and teachers

received by him, and to record all official acts in a book to be provided for that purpose, and at the close of his official term of office to deliver over to his successor such records, and all documents, books and papers, belonging to his office, and to take a receipt for the same, which shall be filed in the office of County treasurer. Fourth. To make a full report in writing, annually, on or before the first day of January, for the year next previous thereto, to the superintendent of public instruction; such report to include an abstract of all the various annual reports of the trustees, marshals and teachers, by law required to be made to the county superintendent for the preceding year; also, the daily average attendance of scholars at the public schools of the county, so returned to him by the school trustees in accordance with Section (20) twenty of this Act, during the three months preceding January first of each year. Fifth. To appoint subject to the approval of the superintendent of public instruction, school trustees and marshals in all school districts in which the qualified voters shall fail to elect said school trustees and marshals, and to fill by appointment all vacancies which may occur by death or otherwise, when the voters of the district fail to comply with the provisions of the law.

SEC. 22. If the County superintendent fails to make a full and correct report to the superintendent of public instruction of all statements required to be made by law, he shall forfeit the sum of ten dollars from his salary, and the board of supervisors are hereby authorized and required to deduct therefrom the sum aforesaid, upon information from the superintendent of public instruction.

SEC. 23. There shall be elected at the general election held for the election of county officers, three school trustees in each school district of the Territory; said school trustees are hereby authorized to administer to each other the oath or affirmation of office, and to forward their certificate of election, with the oath of affirmation endorsed thereon, to the county superintendent of public schools.

SEC. 24. It shall be the duty of the trustees, any two of whom shall constitute a quorum for the transaction of business, to meet as soon as practicable after taking the oath of office, at such place as may be most convenient in the district, and to organize by appointing one of their number clerk of the board, who shall preside at the official meetings of the trustees, and record the proceedings in a book to be provided for that purpose, together with the minutes of the proceedings of the annual school meetings held in the district, by the qualified voters thereof, which shall be public record; and all proceedings, when so recorded, shall be signed by the said clerk. They shall also appoint one of their number as district treasurer. The trustees shall meet at least once a quarter, and as much oftener as they may deem advisable.

SEC. 25. The district board of trustees shall constitute a body corporate, and shall be intrusted with the care and custody of all school property within said district, and they shall have power to convey by deed duly executed and delivered, all the estate or interest of this district in any school-house or site directed to be sold, by the vote of the district, and all conveyance of real estate which may be made to said board shall be made in their corporate name, and to their successors in office; said board of trustees shall have further power, subject to the approval of the board of supervisors, to purchase, receive, hold and convey, real estate or personal property for school purposes, to build, purchase, hire and repair school-houses, and to furnish the same with necessary furniture, and to fix the location of school-houses.

SEC. 26. No trustee shall be pecuniarily interested in any contract made by the board of trustees of which he is a member; and any contract made in violation of this section shall be null and void.

SEC. 27. It shall be the duty of the board of trustees in each district to take, or cause to be taken, by a school marshal to be appointed by them on the first Monday in May, 1880; and every two years thereafter, an enumeration of all the children between the ages of six and twenty-one years of age; also between the ages of eight and fourteen years, within such district, and return a certified copy thereof under oath, to the county superintendent of public schools, before the first day of June of said year. The trustees shall also report the number of schools, specifying the different grades, the number of teachers, male and female; the number of children, male and female, who have attended school; the duration of term of schools, the compensation of teachers, male and female; the number and condition of school-houses and furniture, and the estimated value thereof; the amount expended in erecting school-houses; the amount of money derived from district taxation or subscription, and such other statistics as the superintendent of public instruction may require.

SEC. 28. It shall be the duty of the board of trustees to provide school-houses, either by purchase or rent, as shall be necessary for the accommodation of schools, subject to the approval of the board of supervisors, as hereinafter provided. They may provide books for the indigent children and record books for the district, and pay for the same out of the county school moneys belonging to their district. They may suspend or expel from school within their district, with the advice of the teacher, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein; they may also apportion the school fund among the several schools within their district, in proportion to the average number of pupils attending schools; and they shall, at the close of their official term, deliver over to their successors all books and records in their hands as trustees, and take a receipt for the same, and file it with the county superintendent.

SEC. 29. When the Territorial and county money to which any district is entitled is not sufficient to build, or rent suitable buildings, and to pay for keeping a school open in such district for at least three months in each year, it is hereby made the duty of the trustees of each district to levy a direct tax upon the taxable property in such district, sufficient to raise an amount which, together with the Territorial and county money to which such district is entitled, will keep a school open three months in each year; and the board of trustees of any school district, when in their judgment it is advisable, may call an election, and submit to the qualified voters of the district the question whether a tax shall be levied to keep a school open a longer period than the ordinary funds will allow, or for building an additional school-house or houses, or for all these purposes. Such election shall be called by posting notices in three of the most public places in the district for twenty days; and also, if there be a newspaper in the county, by advertising therein once a week for three weeks. Said notices shall contain the time and place of holding the election, the amount of money proposed to be raised, and the purpose for which it is intended to be used. The board of trustees shall appoint three judges to conduct the election, and it shall be held in all other respects as nearly as practicable in conformity with the general election law. At such election the ballots shall contain the words "tax, yes" or "tax, no," and also the name of one person as assessor, and one as collector; *provided*, however, that the same person may

be elected for both offices. If two-thirds of the votes cast are "tax, yes," the officers of the election shall certify the fact to the board of trustees, and shall also certify to the name of the person or persons having the plurality of votes for assessor and collector, the board of trustees shall issue certificates of election, and the assessor shall forthwith ascertain and enroll, in the manner provided for county assessors, all taxable persons and property in the district, and within thirty days he shall return his roll footed up to the board of trustees. The board of trustees, upon receiving the roll, shall deduct fifteen per cent. therefrom for anticipated delinquencies; and thereby dividing the sum voted, together with estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent. required; and the rate so ascertained shall be and is hereby levied and assessed to, on, or against the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid; and said tax, if not paid within the time limited in the next succeeding section for its payment, shall be recovered by suit in the same manner and with the same costs as delinquent Territory and county taxes.

SEC. 30. As soon as the rate of taxation has been determined, as provided in the preceding section, the board of trustees shall place the tax list in the hands of the collector, who shall give such bond as may be required by the board of trustees, and he shall then proceed to collect the tax; and shall, within sixty days, return the roll to the board of trustees, with the word "paid" marked opposite the name of each person or description of property from whom or which he has received the taxes, and he shall at the same time file with the board of trustees the district treasurer's receipt for all moneys by him collected; and the persons or property on the roll not by the collector marked "paid" shall be deemed delinquent, and the board of trustees shall order said collector to proceed to collect the delinquent taxes in the manner prescribed in the last preceding section; and said roll or any certified copy thereof shall have the same force in evidence as a duplicate or delinquent tax roll of Territory or county taxes.

SEC. 31. All moneys collected from a district tax in any district shall be paid into the treasury of such district. The compensation of the assessor and collector shall be fixed by the board of trustees, and be paid in the same manner as the expenses for supporting schools in the district.

SEC. 32. Whenever at least five heads of families petition the county superintendent for the organization of a new school district, or for a subdivision of, or change in, the boundaries of an established district, that officer shall transmit the petition to the board of county supervisors, with his approval or disapproval endorsed thereon. Upon receiving any such petition the said supervisors shall have the power to establish, alter or modify the district or districts, in accordance with the prayer of the petitioners; provided that no district shall be considered as organized or to be entitled to any *pro rata* of moneys standing to the credit of the district from which it was separated, or of which it is a sub-division, until a public school has been actually commenced in such new school district; and unless such new school district shall commence a school within sixty days after the action of the board of supervisors making such new district, then such action shall become void, and no district shall exist. All school districts organized at the time this Act takes effect, according to law, are re-organized as legal organizations.

SEC. 33. All lots, buildings, or other school property owned by any district, and devoted to public school purposes, shall be and the same are

hereby exempt from taxation, and from sale under execution or other writ or order in the nature of an execution; *provided*, that the board of trustees of any school district in the Territory may mortgage school-houses or lots in their school districts subject to the approval of the board of supervisors of the county, for the purpose of raising funds to build a school-house.

SEC. 34. The superintendent of public instruction shall appoint three competent persons in each county within this Territory, who shall be and constitute a board of examiners; the county superintendent to be one of said board, and *ex-officio* chairman thereof, for the purpose of examining applicants and granting certificates of qualifications to teachers of public schools. They shall meet at such times and places as the interests of the public may require, and be governed by such rules and regulations as the Territorial board of education may, from time to time direct. They shall only grant certificates to such persons as shall pass a satisfactory examination, which certificate shall remain in force for two years, unless for good cause shown. The Territorial board of education shall have power to remove said examiners, except the *ex-officio* chairman thereof, and to fill vacancies in said board.

SEC. 35. The Territorial board of education shall have power, and is hereby made their duty to prescribe, and cause to be adopted, a uniform series of text-books in the principal studies pursued in the public schools, to wit: spelling, reading, grammar, arithmetic, geography, physiology, and such other studies as may be by said board deemed necessary.

SEC. 36. No portion of the public school funds, whether derived from Territorial, county or direct taxation, shall be used or appropriated to any other than school purposes.

SEC. 37. The public school year shall commence on the sixteenth day of December, and end on the fifteenth day of December, each year; five days shall constitute a legal school week, and four weeks a legal school month. No public school shall receive any moneys, benefits or immunities under the provisions of this Act, unless such school shall have been instructed by a teacher or teachers duly examined, approved and employed by legal authority as herein provided.

SEC. 38. No books, tracts or papers of a sectarian or denominational character shall be used or introduced in any school established under the provisions of this Act, nor shall sectarian or denominational doctrine be taught therein, nor shall any school whatever receive any of the public school funds which has not been taught in accordance with the provisions of this Act.

SEC. 39. The superintendent of public instruction and the county superintendent of public schools are hereby authorized to administer oaths or affirmations to teachers and all other oaths or affirmations relating to public schools.

SEC. 40. An Act to establish public schools in the Territory of Arizona, approved December sixteenth, eighteen hundred and sixty-eight, and an Act to establish public schools in the Territory of Arizona, approved February 18th, 1871, and an Act to amend an Act entitled "An Act to establish public schools in the Territory of Arizona," approved February 18th, 1871, approved February 13th, 1873, and an Act to establish public schools in the Territory of Arizona, approved February 12th, 1875, are hereby repealed.

SEC. 41. This Act to take effect and be in force from and after its passage.

# AN ACT

## Relating to Compulsory Education.

(Approved Feb 9, 1875)

(1335) SECTION 1. Every parent, guardian, or other person in the Territory of Arizona having control and charge of a child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school for a period of at least sixteen weeks in each school year, at least eight weeks of which shall be consecutive, unless such child or children are exempted from such attendance by the board of school trustees of the school district in which such parents or guardians reside, upon its being shown to their satisfaction that the bodily or mental condition of such child or children has been such as to prevent his, her or their attendance at school, or application to study, for the period required, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in a primary school, or have already acquired the ordinary branches of learning taught in the public school; *provided*, in case a public school shall not be taught for the period of sixteen weeks, or any part thereof, during the year, within two miles, by the nearest traveled road, of the residence of any person within the school district; or if not sufficient accommodation for all the children are provided for within the school district, he or she shall not be liable to the provisions of this Act.

(1336) SEC. 2. It shall be the duty of the board of school trustees of each school district in this Territory, on or before the first Monday of September in each year, to furnish the teacher of each public school taught in such district with a list of all children residing in the school district, between the ages of eight and fourteen years, said list to be taken from the report of the school census marshal. At the beginning of each school month thereafter it shall be the duty of the teacher in each school in such district to report to the board of school trustees of such district the names of all children attending school during the previous school month; when, if it shall appear, at the expiration of four school months, to the board of school trustees, that any parent, guardian or other person having charge or control of any child or children, shall have failed to comply with the provisions of this Act, the board shall cause demand to be made upon such parent, guardian or other person for the amount of the penalty hereinafter provided; when, if such parent, guardian or other person shall neglect or refuse to pay the same within five days after the making of said demand, the board shall commence proceedings in the name of the school district for the recovery of the fine hereinafter provided, before any justice of the peace in the township in which said school district is located; or if there shall be no justice of the peace therein, then before the nearest justice of the peace in the county.

(1337) SEC. 3. Any parent, guardian or other person having control or charge of any child or children, failing to comply with the provisions of this Act, shall be liable to a fine of not less than fifty dollars, nor more than one hundred dollars for the first offense, nor less than one hundred dollars nor more than two hundred dollars for the second offense, and each subsequent offense, besides the costs of collection.

(1338) SEC. 4. Whenever it shall appear to the satisfaction of the

board of school trustees of any school district in this Territory, that the parents, guardian, or other person having control or charge of any child or children in attendance upon the public schools of said district, in accordance with the provisions of this Act, are unable to procure suitable books, stationery, etc., for such child or children, it shall be the duty of such board to procure or cause to be procured for such child or children, all necessary books, stationery, etc., the same to be paid out of the fund of said school district, in the same way that other claims against the school district are now allowed and paid; *provided*, that all books, stationery, etc., purchased under the provisions of this Act shall be deemed to be the property of the school district, to be under the care and control of the school trustees when not in actual use.

(1339) SEC. 5. All fines collected under the provisions of this Act shall be paid into the county treasury on the account of the Territorial school fund.

(1340) SEC. 6. It shall be the duty of the governor to cause to be published two thousand copies of this law, one thousand of which shall be in the Spanish language, and it shall be his duty to distribute the same to the school trustees of the several counties of the Territory of Arizona, the expense of said publication to be paid out of the Territorial school fund. The board of school trustees shall cause to be distributed annually among the parents, guardians or other persons of their district copies of said law.

(1341) SEC. 7. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after the first day of September, A. D. 1875.

The public school year shall commence on the sixteenth day of December and end on the fifteenth day of December each year; five days shall constitute a legal school week, and four weeks a legal school month. No public school shall receive any moneys, benefits or immunities, under the provisions of this Act, unless such school shall have been instructed by a teacher or teachers duly examined, approved and employed by legal authority as herein provided.