

WRIT OF RESTITUTION.

Territory of Minnesota, county of \_\_\_\_\_, ss.  
 To the Sheriff or any Constable of the county aforesaid:  
 Whereas, \_\_\_\_\_ of \_\_\_\_\_ at a court of en-  
 quiry of a forcible entry and detainer, held at \_\_\_\_\_ in the  
 county aforesaid, on the \_\_\_\_\_ day of \_\_\_\_\_, one thou-  
 sand eight hundred and \_\_\_\_\_, before \_\_\_\_\_, justices of  
 the peace in and for the county aforesaid, by the consideration of  
 the court, recovered judgment against \_\_\_\_\_ of \_\_\_\_\_  
 to have restitution of (here describe the premises as in the complaint).  
 Therefore, in the name of the United States of America, you are here-  
 by commanded, that taking with you the force of the county, if neces-  
 sary, you cause the said \_\_\_\_\_ to be immediately removed  
 from the aforesaid premises, and the said \_\_\_\_\_ to have  
 peaceable restitution of the same; you are also hereby commanded  
 that of the goods and chattels of the said \_\_\_\_\_ within the  
 said county, you cause to be levied, and the same being disposed of  
 according to law, to be paid to the said \_\_\_\_\_, the sum of  
 \_\_\_\_\_ being the costs taxed against the said \_\_\_\_\_  
 for the said \_\_\_\_\_ at the court aforesaid, together with this  
 writ make due return within thirty days from the date hereof, accord-  
 ing to law.

Restitution writ  
of.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ one  
 thousand eight hundred and \_\_\_\_\_

} Justices.

VERDICT IN CASE OF FORCIBLE ENTRY AND DETAINER.

At a court of enquiry held at \_\_\_\_\_, on the \_\_\_\_\_ day  
 of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, before  
 \_\_\_\_\_, justices of the peace in and for the county of \_\_\_\_\_,  
 of \_\_\_\_\_, complaint against \_\_\_\_\_ respondent; the jury  
 find that the facts alleged in the said complaint are true, that the said  
 \_\_\_\_\_ is guilty thereof and the said \_\_\_\_\_ ought  
 to have restitution of the premises therein described without delay,  
 (or in case the jury do not find the allegations of complainant proved  
 then) the jury find that the facts alleged in the said complaint are not  
 proved and that the said \_\_\_\_\_ is not guilty thereof.

Form of verdict  
in forcible entry  
and detainer.

} Foreman.  
} Justices.

APPROVED the first day of November, one thousand eight hundred  
and forty-nine.

CHAP. VII.—An Act to establish and maintain Common Schools.

Nov. 1, 1849.

Be it enacted by the Legislative Assembly of the Territory of Min-  
nesota, That a fund shall be provided in the manner hereinafter spec-  
ified for the education of all the children and youth of the Territory.

A fund provided.

SEC. 2. It shall be the duty of the county commissioners to lay  
 an annual tax of one fourth of one per cent. on the ad valorem amount  
 of the assessment roll made by the county assessors for the same  
 year, and to include the same in their warrants to the collector; and  
 the said collector shall proceed to collect the said tax in the same  
 manner the county revenue is collected, and the said money so col-  
 lected shall be appropriated to the support of the common schools.

Tax to be levied  
annually, duty of  
commissioners,  
collector's duty—  
money to be ap-  
propriated to school  
teachers in propor-  
tion to the number  
of scholars in each  
district.

lected shall be paid over to the county treasurer to be appropriated for the hire of school teachers in the several school districts in said county, in proportion to the number of scholars in each district, and to be drawn in the manner hereinafter prescribed.

Fifteen per cent. of arising from liquor licenses and fines in criminal prosecutions given to support schools and set apart by treasurers.

SEC. 3. For the encouragement and better support of education, there shall also be set apart by the county treasurer, fifteen per cent. of all moneys paid into the county treasury, arising from licenses granted for the sale of spirituous or other liquors, and also fifteen per cent. of all fines collected for criminal offences.

School districts, what shall constitute.

SEC. 4. Every township containing not less than five families, shall be considered a school district: *Provided*, said township may at any time be divided so as to form two or more districts in the manner hereafter described.

School trustees elected annually, duty to examine teachers and schools, employ teachers and do other duties.

SEC. 5. There shall be elected annually, at the general election, three persons in each school district, to be called school trustees, whose duty it shall be to examine school teachers, as regards their qualifications, intellectually and morally, and employ such teacher or teachers as the district may direct, examine schools, and discharge such other duties as may be imposed on them by law.

Commissioners to create, divide, and number districts and file same with clerk of commissioners.

SEC. 6. If any township shall contain more than ten families, the county commissioners are authorized to divide the same into two or more school districts, as, in the opinion of said commissioners, the rights of the inhabitants of said township will thereby be better secured, and they shall define the boundaries of said districts and number them, and file a copy of the same in the office of the clerk of the board of county commissioners.

Voters in districts, what constitutes qualification of.

SEC. 7. Every inhabitant of twenty-one years of age, or upwards, who shall have resided in any school district for three months immediately previous to any district meeting, and who shall have paid any tax, or have had any tax assessed against him or her in the same year in which said meeting may be held, or the year immediately preceding, shall be allowed to vote at such meeting; and no other person shall vote at said meeting.

District, how organized, duty of trustees, etc.

SEC. 8. Whenever any school district shall be desirous of organizing preparatory to instituting a school, the school trustees shall, upon the application of three or more legal voters of said district, issue their warrant, directed to one of the legal voters of the district, directing him to notify said voters of said district to meet at a specified time and place, such time to be not less than three weeks thereafter.

Organization meeting of the district, moderator and clerk appointed, oath, term of service, district a body corporate and extent of power, one half of the voters of district to be present at meetings.

SEC. 9. In pursuance of such notice, said legal voters shall assemble at the time and place specified in said notice, and shall proceed to elect one of their number as moderator, to preside over the meeting, and also one of their number as clerk of the district, who, before he enters upon the discharge of his duties, shall be sworn by the presiding officer or some other person authorized to administer oaths, to a faithful discharge of his duties, and whose term of service shall continue for one year, and until another is elected and qualified in his stead; and when so organized, said district shall be, to all intents and purposes, a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools or school houses in their own district, according to the provisions of this act: *Provided always*, that at least one half of the legal voters of said district are present, a majority of whom shall be necessary to adopt any measure.

Tax assessed to purchase, build, hire, repair, or furnish a school house, six hundred dollars expended in any one year, may sell school house.

SEC. 10. Any school district may vote a tax to purchase or lease a site for the district school house, and to build, hire, or purchase, keep or repair, and furnish such school house with the necessary appendages and necessary supplies, not exceeding the sum of six hun-

dred dollars in any one year, order and direct the sale of any site that may belong to the district, whenever such sale may become necessary.

SEC. 11. It shall be the duty of the clerk of any school district to keep a book wherein he shall record all the proceedings of the district, and keep copies of all reports made to the board of county commissioners relative to the affairs of the district.

SEC. 12. Whenever the apportionment to a district shall be insufficient for the payment of the necessary expenses incurred in conformity to the vote of said district, it shall be the duty of said clerk of the district to call a meeting, by giving at least ten days' previous notice thereof, for the purpose of levying the balance upon the taxable property of the district; and the tax so levied shall be collected by the clerk, who is hereby authorized and empowered to collect the same by distress of property taxed, if not paid within ten days after demand.

SEC. 13. It shall be the duty of said clerk to keep the school house or houses of his district in repair, to provide fuel, and do and perform all other duties assigned him by vote of the district.

SEC. 14. It shall be the duty of the clerk of each and every district to procure a list of all persons in said district, between the ages of four and twenty-one years, and furnish a copy of such list to each teacher within his district, and also furnish a copy of said list to the board of county commissioners at their annual meeting in January in each year, upon the receipt of which it shall be the duty of said commissioners to make an apportionment of the school fund in the county treasury among the several school districts in their county, in proportion to the number of scholars in each district, and certify the amount due each district to the board of trustees of said district, which shall be subject to the drafts of said board of trustees, in favor of any person or persons to whom such money may be due for services as teacher or teachers, in conformity with the provisions of this act.

SEC. 15. So much of any law now in force in this Territory, not consistent with the provisions of this act, is hereby repealed.

APPROVED the first day of November, one thousand eight hundred and forty-nine.

Clerk, duty of.

Tax, insufficiency of, clerk to call a meeting of district, ten days' notice, tax may be levied and collected by clerk and proceedings therein.

Clerk's duty in repairing school house, providing fuel, and other duties that may be assigned him.

Clerk's duty to procure a list of persons between ages of 4 and 21 years, a copy thereof to teacher and commissioner in January of each year furnished, commissioners to make apportionment of school funds to the districts and certify same to trustees, trustees to draw for amount in favor of teachers.

Repealing section.

#### CHAP. VIII.—An Act regulating Grocery Licenses.

October 27, 1849.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota,* That any person wishing to obtain a license to keep a grocery, shall apply therefore to the board of county commissioners of the proper county, and if in the opinion of said commissioners the applicant is a proper person to whom to grant the same, they shall issue their warrant directing the person so applying to pay unto the county treasury the sum of one hundred dollars, or in the discretion of the board a greater sum, not exceeding two hundred dollars, and obtain the treasurer's receipt for the same; and upon the presentation of such receipt the board shall grant to such applicant a license to keep a grocery in said county, for the term of one year, unless sooner revoked by the said commissioners, for a violation of the provisions of this act, said applicant first executing a bond to said board in the penalty of five hundred dollars, with two or more good and sufficient securities, conditioned that he will keep an orderly house, and that he will not permit any unlawful gaming or riotous conduct in or about his house; and in case of a violation of the above conditions by any

License, application to board of commissioners—if granted, to pay unto treasurer \$100 not exceeding \$200—treasurer's receipt therefor—a license to issue for one year unless revoked—applicant to give bond in \$500 with security—in a y he fined not less than 10 nor more than \$50 for use of county—action of debt, etc., etc.