

Every person, whose affidavit so made for the purpose of obtaining intoxicating liquors shall be false in any material matter, shall be deemed guilty of perjury, and is punishable by imprisonment in the penitentiary not less than one and not exceeding two years, or in the county jail not less than six months. Any person who shall subscribe any name or character other than his own name to any affidavit for the purpose of obtaining intoxicating liquors as provided herein, shall be deemed guilty of forgery in the fourth degree, and punished therefor by imprisonment in the penitentiary not exceeding two years and not less than one year. Any person who shall sell or furnish any intoxicating liquors so obtained by him upon affidavit or certificate, to others as a beverage, or shall use the same as a beverage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, and by imprisonment in the county jail not less than thirty nor more than ninety days. Every such druggist shall keep a book wherein shall be recorded, daily, all sales of intoxicating liquors made by him or his employes, showing the name and residence of the purchaser, the kind and quantity of liquor sold, the purpose for which it was sold, and the date of sale. Such record and affidavit shall be open for the inspection of the public at all reasonable times during business hours, and any person so desiring may take memoranda or copies thereof.

§ 3. REPEAL.] That section 7599 of the Revised Codes of North Dakota, 1899, be, and the said section is hereby repealed.

Approved March 19, 1903.

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## EDUCATION.

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### CHAPTER 83.

[H. B. No. 35—Davis.]

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#### AMENDING EDUCATIONAL LAW.

AN ACT to Amend Sections 687, 694, 696, 704, 715, 741 and 774 of the Revised Codes, Relating to Education.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That section 687 of the revised codes be, and the same is hereby amended to read as follows:

§ 687. WARRANTS TO BE ENDORSED WHEN NO FUNDS TO PAY.] When a warrant is presented to the treasurer for payment, and there is no money in his hands, or subject to his order, belonging to the proper fund for the payment of such warrant, he shall endorse on

such warrant, "presented for payment this . . . . . day of . . . . . 190. . . and not paid for want of funds," and shall 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. Each warrant thus presented and endorsed shall draw interest on the amount unpaid at a rate not to exceed eight per cent per annum from the date of such presentation and endorsement until paid; provided, that when 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.

§ 2. AMENDMENT.] That section 694 of the revised codes be, and the same is hereby amended to read as follows:

§ 694. FURNITURE, MAPS, REGISTER, SCHOOL LIBRARY.] It shall furnish to each school all necessary and suitable furniture, maps, charts, and apparatus, including Webster's International dictionary. The school register, and all school blanks used, shall be those furnished by the state department of public instruction. It may appropriate and expend each year not less than ten, nor more than twenty-five dollars for each school, or separate department thereof, of the district for the purpose of a school library, to be selected by the school board and the county superintendent of schools, from any list of books prepared by the superintendent of public instruction, and furnished by him to the county superintendents for that purpose, and it shall not purchase any books not contained in such list, or which have not been approved by the superintendent of public instruction. It shall have the care and custody of the library and may appoint as librarian any suitable person, including one of their number, but whenever practicable, the library shall be kept in the school house, and always so when school is in session. It shall make rules to govern the circulation and care of the books while in the hands of pupils or other persons, subject to such general rules as may be prescribed by the state superintendent of public instruction, and may impose and collect penalties for injuries done to any book by the act, negligence or permission of the person who takes the same or while in his possession, but no book shall be loaned to any person not a resident of the district. It may at any time temporarily exchange any part or all of its library with any other district or person, so far as different books may be obtained, but each district shall recall its books before the close of the school term. It may at any time accept donations of books for the library, but it shall exclude therefrom all books unsuited to the cultivation of good character and good morals

and manners, and no sectarian publication, devoted to the discussion of sectarian differences and creeds shall be admitted to the library. It shall be held accountable for the proper care and preservation of the library, and shall report annually to the county superintendent all library statistics which may be required by the blanks furnished for that purpose by the superintendent of public instruction.

§ 3. AMENDMENT.] That section 696 of the revised codes be, and the same is hereby amended to read as follows :

§ 696. PUPILS FROM OTHER DISTRICTS.] It shall have the power to admit to the schools in the district pupils from other districts, when it can be done without injuring or overcrowding such schools, and shall make regulations for their admission, and the payment of their tuition. It shall have the power to arrange with the board of an adjacent district for sending to such district such pupils as can conveniently be taught therein, for paying their tuition, and for arranging and paying for their transportation to and from the school in such district; and when petitioned by a majority of the voters of a district it shall be the duty of the board of any district to arrange for sending to such district such pupils as can conveniently be taught therein, for paying their tuition, and for arranging and paying for their transportation to and from the school in such district. It shall have the power to admit to the schools in the district pupils residing in unorganized territory adjacent to the district, and shall arrange with the parents or guardians of such pupils for paying tuition; but in no instance shall a board refuse privileges to or collect tuition from pupils residing in such adjacent unorganized territory, if the parents of such pupils are property holders in the district and pay taxes. It shall also have the power to make proper and needful rules for the assignment and distribution of pupils to and among the schools in the district, and their transfer from one school to another.

§ 4. AMENDMENT.] That section 704 of the revised codes be, and the same is hereby amended to read as follows :

§ 704. SCHOOL TERMS. HOW ARRANGED AND WHEN DISCONTINUED. CONSOLIDATION OF COMMON SCHOOLS.] The district board shall determine and fix the length of time the schools in the district shall be taught each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of all ages; provided, that every common school shall be kept in session for not less than six months in each school year; provided, further, that any school may be discontinued when the average attendance of pupils therein for ten consecutive days shall be less than four, and all contracts between school boards and teachers shall contain a provision that no compensation shall be received by such teacher from the date of such discontinuance, or when, with the consent of a majority of the patrons of such school, proper and convenient school facilities can be provided for the pupils therein in some other school; provided further, that a board may call and, if petitioned by one-third of the

voters in the district, shall call an election to determine the question of "conveying pupils at the expense of said district to and from schools already established," or "of consolidating two or more common schools, and of selecting a site and erecting a suitable building, or of making suitable additions to buildings already erected, to accommodate the pupils of schools to be vacated." Said elections shall be conducted, both as to notices and as to manner of canvassing the votes in the same manner as the annual school election. If the majority of the votes cast at such election are in favor of conveying pupils to and from schools already established, or of consolidating two or more schools, and of providing a suitable building for the accommodation of the pupils of vacated schools, then the board shall make all necessary arrangements to carry out the decision of the district. The board shall arrange for the transportation of pupils to and from such schools. It shall establish routes of travel, adopt rules and regulations for such transportation, and shall contract with responsible parties for such transportation.

§ 5. AMENDMENT.] That section 715 of the revised codes be, and the same is hereby amended to read as follows:

§ 715. APPORTIONMENT OF STATE TUITION FUND BY COUNTY SUPERINTENDENT.] Within thirty days and not less than twenty days after receiving the certificate of apportionment from the superintendent of public instruction and the certificate from the county auditor, as provided for in section 722 of this chapter, the county superintendent shall apportion separately to the several school districts, special districts, independent districts, and districts organized under special laws which are entitled to any portion of the state tuition and special funds within the county, in proportion to the number of children residing in each district, over six and under twenty years of age, excluding all married persons, as appears from the last enumeration authorized by law, upon which the superintendent of public instruction made the apportionment to the several counties, and he shall immediately notify each district treasurer of the amount of tuition fund in the county treasury, due each district, and shall certify to the county treasurer and to the county auditor the amount due each school district. The county treasurer shall deliver to the several district treasurers upon the order of the county auditor the amounts apportioned to their respective districts, taking a receipt therefor.

§ 6. AMENDMENT.] That section 741 of the revised codes be, and the same hereby is amended to read as follows:

§ 741. TEACHERS' GRADES, HOW ESTABLISHED. RE-EXAMINATION. WHEN ALLOWED.] County certificates shall be of three regular grades, the first grade for a term of three years, the second grade for a term of two years, and the third grade for one year, according to the ratio of correct answers of each applicant and

other evidence of qualification appearing from the examination. No certificate shall be granted unless the applicant shall be found proficient in and qualified to teach the following branches of a common English education: Reading, writing, orthography, language lessons and English grammar, geography, United States history, arithmetic, civil government, physiology and hygiene, and can pass a satisfactory examination in physical culture and theory and practice of teaching. In addition to the above, applicant for a first grade certificate shall pass a satisfactory examination in physical geography, elements of natural philosophy, elements of psychology, elementary geometry and algebra. The percentage required to pass any branch shall be prescribed by the superintendent of public instruction. In addition to the regular grades of certificates, drawing, vocal music, kindergarten and primary certificates, entitling holders thereof to teach such subjects only, shall be issued when conditions so require, each for a term of three years, under such regulations as the superintendent of public instruction shall prescribe. The county superintendent may grant permission to teach until the results of the next regular examination are received from the superintendent of public instruction, to any person applying at any other time than at a regular examination, who can show satisfactory reasons for failing to attend such examination and satisfactory evidence of qualifications, subject to such rules and regulations as may be prescribed by the superintendent of public instruction. Such permit shall not be granted more than once in any county to the same person. The written answers of all candidates for county certificates, after being duly examined by the superintendent of public instruction, shall be kept by him for the space of six months after such examination, and any candidate, thinking an injustice has been done him may, by paying a fee of two dollars into the institute fund of the county, and notifying both the county superintendent and the superintendent of public instruction of the same, have his papers reviewed by the superintendent of public instruction in person, and if such answers warrant it, he shall instruct the county superintendent to issue such candidate a county certificate of the proper grade, and the county superintendent shall carry out such instructions.

§ 7. AMENDMENT.] That section '774 of the revised codes be, and the same is hereby amended to read as follows:

§ 774. PROPOSALS FOR CONTRACTS.] No contract, except for teachers' or janitors' wages, or school text books, involving the expenditure of school funds or money appropriated for any purpose relating to the educational system of this state or any county, district or school corporation therein, when the amount exceeds one hundred dollars, shall be let until proposals are advertised for, and after such advertisement, only to the lowest responsible bidder. Any violation of this section shall be a misdemeanor.

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

Approved March 10, 1903.

## CHAPTER 84.

[S. B. No. 173—Senate Committee on Education.]

## COMPULSORY ATTENDANCE AT SCHOOLS.

AN ACT to Amend and Re-enact Sections 759 and 761 of the Revised Codes, Relating to Education.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That sections 759 and 761 of the revised codes be, and the same are hereby amended and re-enacted to read as follows:

§ 759. SCHOOL AGE. WHO EXEMPT FROM COMPULSORY ATTENDANCE.] Every parent, guardian or other person who resides in any school district or city who has control of any child or children of or between the ages of eight and fourteen years, shall send such child or children to a public school in each year during the entire time the public schools of such district or city are in session; and every parent, guardian, or other person having control of any deaf or feeble minded child or youth between seven and twenty-one years of age shall be required to send such deaf child to the school for the deaf at the city of Devils Lake, and any feeble minded child to the feeble minded institution at Grafton, for at least eight months in each school year; provided, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or the board of education of the city or village, whenever it shall be shown to their satisfaction, subject to appeal, as provided by law, that one of the following reasons therefor exists:

1. That such child is taught for the same length of time in a parochial or private school approved by such board; that no school shall be approved by such board unless the branches usually taught in the public schools are taught in such schools.
2. That such child is actually necessary to the support of the family.
3. That such child has already acquired the branches of learning taught in the public schools.
4. That such child is in such a physical or mental condition (as declared by the county physician, if required by the board) as to render such attendance inexpedient or impracticable. If no school is taught the requisite length of time within two and one-half miles of the residence of such child by the nearest route, such attendance will not be enforced except in cases of consolidated schools or where transportation may be arranged for by the school board. In districts having consolidated schools where transportation is arranged for by the school board, or in other districts providing transportation, at-

tendance shall be required of pupils residing within four miles of such school or schools, but this provision shall not apply to deaf or feeble minded children in the state. The common schools provided for in this chapter shall be at all times equally free, open and accessible to all children over six and under twenty years of age, residents of the school district where they are held or entitled to attend school under any special provisions of this chapter, subject to the regulations herein made, and to such regulations as the several school boards and boards of education may prescribe equitably and justly and not in conflict with the provisions of law.

§ 761. PROSECUTION FOR NEGLECTING THIS DUTY.] It shall be the duty of the president of the board of education of any city, town or village, or the president of the school board of any district to inquire into all cases of neglect of the duty prescribed in this article and ascertain from the person neglecting to perform such duty the reason therefor, if any, and shall forthwith proceed to secure the prosecution of any offense occurring under this article, and any such president neglecting to secure such prosecution for such offense within fifteen days after written notice has been served by any taxpayer in such city, town, village or district, or by the county superintendent in such county, unless such person so complained of shall be excused by the board of education or school board for one of the reasons hereinbefore stated, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined a sum not less than five nor more than twenty dollars; provided, further, that the board of education in any city of over five thousand inhabitants may employ a truant officer who shall perform the duties implied in this section.

§ 2. REPEAL.] All acts or parts of acts in conflict with the foregoing are hereby repealed.

Approved March 10, 1903.

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## CHAPTER 85.

[S. B. No. 52—Hale.]

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### DISTRICT HIGH AND GRADED SCHOOLS.

AN ACT to Amend and Re-enact Section 706, Revised Codes, 1899, Relating to District High Schools, and Providing for the Establishment of District Graded Schools.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 706, revised codes, 1899, is amended and re-enacted to read as follows:

§ 706. DISTRICT HIGH AND GRADED SCHOOLS. HOW ESTABLISHED AND CONTROLLED.] In any district containing four or more common schools, and having an enumeration of sixty or more persons of

school age residing therein, the board may call, and if petitioned so to do by ten or more voters in the district, shall call a meeting of the voters of such district in the manner prescribed in section 700 to determine the question of the establishment of a district high school. If a majority of the voters at such meeting vote in favor of establishing such high school, the meeting shall further proceed to select a site therefor, and to provide for the erection or purchase of a school building, or for the necessary addition to some school building therefor. Thereupon the board shall erect or purchase a building or make such addition for such high school, as shall be determined at such meeting, and shall establish therein a district high school containing one or more departments, and employ teachers therefor. Such school shall be kept in session for such time each year, not less than three months, as the board may determine. The board shall, subject to the approval of the county superintendent, grade such high school, and prescribe the studies to be pursued therein, and shall have the same management and control thereof as of the common schools in the district. Two or more adjacent school districts may join in the establishment and maintenance of such high school, or of a graded school, or of both, when empowered to do so by a majority of the voters in each district, at a meeting called and held as provided for in this section, in which case the building and furniture occupied and used for such high school or graded school shall belong to the districts so uniting, and all the costs of maintaining such school, or schools, including wages of teachers and all necessary supplies, shall be paid by such districts in proportion to the assessed valuation of the property in each, and the employment of teachers therefor, and the management, control and grading thereof shall be vested in the joint boards of such districts, subject to the approval of the county superintendent of the county in which such districts are located.

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

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no provision of law for joint graded schools, this act shall be in force on and after its passage and approval.

Approved February 24, 1903.

## CHAPTER 86.

[S. B. No. 60—Main.]

## MEETINGS OF SCHOOL OFFICERS AND BOARDS.

AN ACT to Amend and Re-enact Chapter 84 of the Session Laws of 1901,  
Relating to Education.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That section 643 of the revised codes of 1899, as amended in 1901, be amended so as to read as follows:

§ 643. MEETINGS WITH SCHOOL OFFICERS.] He may arrange for meetings with school officers at designated times and places, due notice of which has been given, for the purpose of inspecting the district records and instructing in the manner of keeping the same, and of preparing the reports of district officers. He shall visit the officers of the several school districts as often as may be necessary to secure the correct keeping of the records. He shall, on or before the first day of April of each year, prepare and furnish to the several assessors of the county a correct sectional map of their respective districts, showing the boundaries and names or numbers of all school districts therein; provided, also, that in counties having the district system, he may convene the presidents and clerks of school boards in his county, and in counties having the township system, he may convene the members and clerks of the school boards in his county, or such representatives of the school officers of each district as the president or members of the school boards may appoint, in case he or they cannot attend personally, for the purpose of discussing plans and methods for the improvement and general care of the schools; provided, further, that such general meeting shall not occur more than once in each year.

§ 2. AMENDMENT.] That section 681 of the revised codes of 1899, as amended in 1901, be amended so as to read as follows:

§ 681. MEETING OF BOARD. FEES.] The board shall, on the second Tuesday in January, April, July and October of each year, hold regular meetings for the transaction of business at such hour and place as may be fixed by the board. A special meeting may be held upon the call of the president or the other two members. Written notice of the time and place of any special meeting shall be given to each member of the board at least forty-eight hours before the time of such meeting. Each member of the board shall be paid the sum of eight dollars per annum, less two dollars for each regular meeting which he fails to attend; provided, that in counties having the district system, the president and clerk, and in counties having the township system, the members and clerks, or such officers, as such presi-

dent or board may appoint to represent them, shall receive ten cents a mile for the distance necessarily traveled in attending general meetings of the presidents, members and clerks of school boards convened by the county superintendent of schools, and also a salary of two dollars; but the total sum of such salary and mileage shall not exceed five dollars for each representative in attending any one meeting.

§ 3. AMENDMENT.] That section 682 of the revised codes of 1899, as amended in 1901, be amended so as to read as follows:

§ 682. DUTIES OF THE PRESIDENT.] The president shall preside at all meetings of the board, and shall perform such duties as usually pertain to such office, and in accordance with the customary rules of order. In his absence a president pro tempore shall preside. The president shall perform such other duties as are prescribed in this chapter. It shall also be the duty of the president to attend such general meetings of school officers as may be convened by the county superintendent of schools. When the president cannot attend such meetings personally, he shall appoint some other school officer to represent the district at such general meeting.

§ 4. REPEAL.] All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 9, 1903.

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## CHAPTER 87.

[S. B. No. 50—Cashel.]

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### PUBLICATION OF PROCEEDINGS OF EDUCATIONAL ASSOCIATION.

AN ACT Requiring the Superintendent of Public Instruction to Publish and Distribute the Proceedings of the North Dakota Educational Association.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. DUTIES OF SUPERINTENDENT OF PUBLIC INSTRUCTION.] The state superintendent of public instruction is hereby authorized and required to publish annually, as public matter, two thousand five hundred copies of the proceedings of the North Dakota educational association, the same to be distributed throughout the state by the department of public instruction; provided, that a copy of the proceedings of said association shall be filed by the secretary or other officer of said association with the superintendent of public instruction, on or before the first day of February of each year.

Approved February 24, 1903.

## CHAPTER 88.

[H. B. No. 98—Davis.]

SALARY OF COUNTY SUPERINTENDENT OF SCHOOLS AND  
DEPUTY.

AN ACT to Amend Section 652 of the Revised Codes of 1899, Relating to the Salary and Mileage of County Superintendents of Schools, Providing for a Deputy and Clerical Assistance.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 652, revised codes of 1899, is hereby amended to read as follows:

§ 652. SALARY. DEPUTY. TRAVELING EXPENSES.] The salary of the county superintendent of schools shall be as follows: In each county having one school and not over five, one hundred and fifty dollars; six schools and not over ten, three hundred dollars; eleven schools and not over fifteen, four hundred dollars; sixteen schools and not over twenty, five hundred dollars; twenty-one schools and not over twenty-five, six hundred dollars; twenty-six schools and not over thirty, seven hundred dollars; thirty-one schools and not over thirty-five, eight hundred dollars; thirty-six schools and not over forty, nine hundred dollars; forty-one schools and not over fifty, one thousand dollars, and for each additional school, ten dollars additional; provided, that in computing the salary of such superintendent no school shall be included unless the same shall have been taught at least four months during the preceding school year; provided, further, such salary shall not exceed one thousand five hundred dollars in any county where the number of schools does not exceed one hundred thirty, and in counties where the number of schools exceeds one hundred thirty, the county superintendent shall be allowed, in computing such salary, five dollars additional for each school above one hundred thirty; provided, always, that such salary shall in no case exceed two thousand dollars. In addition thereto he shall receive ten cents a mile for the distance actually and necessarily traveled by him in the discharge of his duties. He shall, at the end of every three months, make and furnish to the county commissioners an itemized statement of the distance so traveled in the discharge of his duties, which shall be audited and ordered paid by the board of county commissioners. The amount of his salary and the appropriation for clerical assistance shall be determined each year by the actual number of schools or separate departments in graded and high schools over which such superintendent had official supervision during the preceding year, and the same shall be paid out of the county general fund monthly, upon the warrant of

the county auditor; provided, that whenever the number of schools in a county is diminished by reason of the consolidation of schools or other provision for the instruction of pupils in any district or districts, the same number of schools shall be counted for such district or districts, in computing the salary of the county superintendent, as existed before said consolidation or other provision, until such time as the number of separate departments in the general school or schools provided for the pupils of vacated schools shall equal the number of original schools vacated. In each county which shall be organized for school purposes after the adoption of this code, the county superintendent shall be paid a salary at the rate of one hundred dollars a year until the first Monday in January, next following his election, after which his salary shall be as provided for in this section. The county superintendent may appoint a deputy who shall perform the duties of county superintendent during his absence from the county, but no additional salary shall be paid such deputy except in counties having sixty or more schools. In counties having sixty schools the board of county commissioners shall appropriate one hundred dollars for clerical assistance in the county superintendent's office and five dollars for each additional school, to be paid monthly; provided, that not more than six hundred dollars shall be appropriated for clerical assistance in any one year.

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

Approved March 4, 1903.

## ELECTIONS.

### CHAPTER 89.

[S. B. 47—Bacon.]

#### QUALIFICATION OF ELECTORS.

AN ACT to Amend Section 479 of the Political Code of the State of North Dakota for the Year 1899, Relating to the Qualifications of Electors.  
*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That section 479 of the political code of the state of North Dakota for the year 1899 be, and the same is hereby amended, so as to read as follows:

§ 479. WHO ENTITLED TO VOTE.] Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state one year, and in the county six months, and in the precinct ninety days next preceding any election, shall be a qualified elector at such election: