

§ 3. WHO MAY MAKE ARREST.] It is hereby made the duty of any sheriff, deputy sheriff, constable, marshal, or police officer within this State, upon the request of any citizen, without a warrant, to arrest any person or persons found violating any of the provisions of Sections 6885, 6886, 6887, or 6888 of the Compiled Laws, and any officer, hereinbefore mentioned, failing to perform such duty is guilty of a misdemeanor.

Approved March 11, 1891.

EDUCATION.

CHAPTER 56.

[S. B. No. 125.]

AMENDING THE GENERAL SCHOOL LAW OF 1890.

AN ACT to Amend Sections 3, 4, 7, 8, 22, 24, 32, 37, 40, 55, 66, 67, 68, 74, 75, 79, 81, 83, 86, 87, 101, 110, 121, 122, 135, 136, 137, 140, 143, 144, 148, 167, 169 and 192, of Chapter 62, Laws of 1890, Entitled "An Act to Provide for a Uniform System of Free Public Schools Throughout the State and to Prescribe Penalties for Violation of the Provisions Thereof."

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

§ 1. AMENDMENT.] That Section 3 of Chapter 62, Laws of 1890, entitled "An Act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof," be amended to read as follows:

Sec. 3. SUPERVISION.] He shall have the general supervision of the public schools of the State, and shall be *ex-officio* member of the Board of University and School Lands and of the Normal School Boards of the State.

§ 2. AMENDMENT.] That Section 4 be amended to read as follows:

Sec. 4. SCHOOL SUPPLIES.] He shall prepare, cause to be printed and furnish to the proper officers or persons all school registers, reports, statements, notices and returns needed or required to be used in the schools or by the school officers in the State. He shall prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for district libraries; such lists shall contain also the lowest price at which each such publication can be purchased and

the terms and other valuable information relative to the purchase of district libraries.

§ 3. AMENDMENT.] That Section 7 be amended to read as follows:

Sec. 7. RULES FOR TEACHERS' INSTITUTES.] He shall prescribe rules and regulations for the holding of teachers' institutes, and after counseling and advising with county superintendents, shall appoint conductors therefor. He shall prescribe the course of instruction for teachers' institutes and the course of reading for the teachers' reading circles in the State.

§ 4. AMENDMENT.] That Section 8 be amended to read as follows:

Sec. 8. COUNSEL WITH COUNTY SUPERINTENDENTS.] He shall counsel with and advise county superintendents upon all matters involving the welfare of schools; he shall, when requested, give them written answers to all questions concerning the school law. He shall decide all appeals from the decision of the county superintendents, and may for such decisions require affidavits, verified statements or sworn testimony as to the facts in issue. He shall prescribe and cause to be enforced rules of practice and regulations pertaining to the hearing and determining of appeals, and necessary for carrying into effect the school laws of the State.

§ 5. AMENDMENT.] That Section 22 be amended to read as follows:

Sec. 22. DUTIES IN RELATION TO TEACHERS' INSTITUTES—DUTIES OF TEACHERS.] He shall carry into effect all instructions of the State Superintendent, given within his authority. He shall distribute to the proper officers, and to teachers all blanks furnished him by the State Superintendent, and needed by such officers and teachers. Acting under the instructions of the State Superintendent, he shall convene the teachers of his county at least one Saturday in each month during which the public schools may be in progress, or if the distance is too great, he may convene the teachers of two or more districts in each of the several portions of his county, in county or district institutes or teachers' circles for normal instruction and the study of methods of teaching, organizing, classifying and governing schools, and for such other professional instruction as may be set forth in the course of reading prescribed by the State Superintendent for the State Teachers' Reading Circle. Each teacher shall attend the full session of such institute or circle contemplated herein, and participate in the duties and exercises thereof, or forfeit one day's wages from each day's absence therefrom, unless such absence is occasioned by sickness of teacher or others to whom his or her attention is due; but when on account of distance or otherwise it would impose a hardship upon any teacher to attend or would cause such teacher to neglect his or her school, the county superintendent may excuse such teacher from such attendance.

§ 6. AMENDMENT.] That Section 24 be amended to read as follows:

Sec. 24. MEETING WITH SCHOOL OFFICERS—TO FURNISH MAPS, ETC.] The county superintendent may arrange for meeting 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 1st day of April in each year, prepare and furnish to the several assessors of the county a correct sectional map of their respective district, showing the boundaries and names or numbers of all school districts therein.

§ 7. AMENDMENT.] That Section 32 be amended to read as follows:

Sec. 32. OFFICE,—BOOKS, STATIONERY, POSTAGE, ETC.] The county superintendent may provide for himself a suitable office for the transaction of official business, when not provided therewith by the county commissioners, and said commissioners shall audit and pay his reasonable accounts for the use and furniture of said office. They shall also furnish him with all necessary books, stationery and postage; *Provided*, That not more than one hundred and twenty-five (125) dollars a year shall be paid by any county for office rent, books, stationery, postage and furniture; *Provided, further*, That when an office room is furnished by the county he shall not be allowed to exceed fifty (50) dollars a year for stationery and postage.

§ 8. AMENDMENT.] That Section 37 be amended to read as follows:

Sec. 37. WHAT TERRITORY MAY BE ORGANIZED INTO DISTRICT SCHOOL CORPORATIONS.] The county commissioners of every county not organized for school purposes under the district school system, at the taking effect of this act, shall organize into a distinct school corporation any territory not, at the taking effect of this act, already organized into a civil township or a school township, upon being petitioned so to do by one-third of the residents of such territory having the care and custody of any child of school age; *Provided*, Such territory shall consist of not less than one congressional township, that it shall have at least \$8,000 of taxable property, and that at least ten children of school age reside therein. The county commissioners of every such county, with the advice and counsel of the county superintendent, may re-arrange the boundaries of any school corporation whose territory is not included within a civil township, when petitioned so to do by a majority of the voters residing within each such school corporation whose boundaries will be affected thereby, subject to the same restrictions and conditions as to extent of territory, value of taxable property and number of resident children of school

age as in the organization of a school corporation from territory not included in a civil township. In the formation of school corporations and the re-arrangement of their boundaries, as provided for in this section, the boundary lines of congressional townships shall be followed as far as possible as school corporation lines.

§ 9. AMENDMENT.] That Section 40 be amended to read as follows:

Sec. 40. ANNEXATION OF SCHOOL CORPORATIONS.] In any county not organized for school purposes under the district system at the taking effect of this act, if a town or village not organized into a special school district be divided by a civil township line, or if such town or village be divided by any county line, the county commissioners of such county or the county commissioners of such adjacent counties acting in joint session, as the case may be, may, when petitioned so to do by a majority of the voters of each part of said town or village, annex one part of said town or village to the adjacent school corporation, which includes the other part of said town or village and the part so annexed shall constitute a part of such adjacent corporation.

§ 10. AMENDMENT.] That Section 55 be amended to read as follows:

Sec. 55. VOTES, HOW CANVASSED.] Such annual election shall be conducted and the vote canvassed as provided by law for general elections, except as otherwise provided in this act. Immediately after the polls are closed, the judges shall proceed to count and canvass the votes cast for each person voted for at such election for any office, and the person receiving the highest number of votes for the office of director or treasurer shall be declared elected. If the election results in a tie for any such office, the district clerk shall immediately notify, in writing, the parties having received such tie vote, and a time shall be agreed upon by the parties, within three days after election, at which the election shall be decided in the manner that may be agreed upon by the parties, in the presence of the judges and clerks of election, and a record of the proceedings shall be made in the records of the district clerk. The return of the number of votes cast for each person for county superintendent of schools shall be signed by such judges and clerks of election, sealed in an envelope and forwarded to the county auditor within five days after such election.

§ 11. AMENDMENT.] That Section 66 be amended to read as follows:

Sec. 66. SCHOOL FUNDS, HOW KEPT.] The school treasurer shall keep such accounts and make such reports as are required of him by law. He shall pay no money out of the school funds in his hands except upon the warrant of the school board, signed by the president and countersigned by the clerk. He shall pay all warrants properly drawn and signed when presented so long as there is any money in his hands or subject to his order, belonging to the proper fund, for their payment.

§ 12. AMENDMENT.] That Section 67 be amended to read as follows:

Sec. 67. ENDORSEMENT OF WARRANTS WHEN NO FUNDS TO PAY.] Whenever 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 indorse on such warrant "Presented for payment this . . . day of . . . , 18. . . , and not paid for want of funds," and shall sign such indorsement. 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 indorse 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 indorsed. Every warrant thus presented and indorsed shall draw interest for the amount unpaid at eight (8) per cent. per annum from the date of such presentation and indorsement until paid; *Provided*, That whenever there shall come into the hands of the treasurer or subject to his order, money applicable to the payment of any warrant which has been so presented and registered, the treasurer shall notify in writing by mail the drawee of such warrant at his last known place of residence to present such warrant for payment, and interest shall cease upon every such warrant ten days after such notice shall have been sent and such money shall be held for the payment of such warrant.

§ 13. AMENDMENT.] That Section 68 be amended to read as follows:

Sec. 68. WARRANTS, WHAT TO SPECIFY.] Every warrant drawn by the clerk of the district board on the district treasurer shall specify the purpose for which the money is paid, the fund on which it is drawn, and the person, firm or corporation to whom paid, and shall have endorsed thereon that such warrant is issued within the constitutional debt limit; *Provided*, That no warrant shall be issued except for an indebtedness incurred prior to its issue.

§ 14. AMENDMENT.] That Section 74 be amended to read as follows:

Sec. 74. FURNITURE, MAPS, ETC.—CIRCULATING LIBRARY.] It shall furnish to each school all necessary and suitable furniture, maps, charts and apparatus, including Webster's International Dictionary. The school registers and all school blanks used shall be those furnished by the State Department of Public Instruction. It shall have power to purchase and keep for the use of the inhabitants of the school district a circulating library of the value of not more than fifty (50) dollars, to be selected by the school board from any list of books approved by the State Superintendent and furnished to the county superintendents for that purpose, and it shall not purchase any books not contained in such list. With the consent of a majority of the voters of the school district at a meeting duly called for that purpose, due notice of

which has been given as provided by law for other meetings of the voters of a school district, the district school board may purchase and select a library of the value of more than fifty (50) dollars but not to exceed five hundred (500) dollars in value. It shall have the care and custody of the library and may appoint as librarian any person suited thereto, including one of their number. It shall make rules to govern the circulation and care of the books while in the hands of the pupil or other person and shall prescribe and collect penalties for the injury done to any book by the act, negligence or permission of the person who draws the same or while in his possession. No book shall be loaned for a longer period than two weeks at any time to any one person and never to any person not a resident of the district. The library shall be open at least once each week for the accommodation of its patrons. It shall, under proper rules, permit teachers to take books from the library to their schools for use in illustrating any subject and for instruction. It may at any time exchange any part or all of its library with any other district or person, so far as different books may be so obtained, for equal values of the books exchanged and 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 publications, devoted to the discussions of sectarian differences and creeds, shall be admitted to the library.

§ 15. AMENDMENT.] That Section 75 be amended to read as follows:

Sec. 75. TEACHERS, HOW EMPLOYED—SALARIES GRADED.] It shall employ the teachers of the schools of the district, and may dismiss any teacher at any time for plain violation of contract, gross immorality or flagrant neglect of duty; *Provided*, That no person shall be employed as teacher or permitted to teach in any public school who is not when so employed or permitted to teach the holder of a teacher's certificate valid in the county or district in which such school is situated; *Provided, further*, That every contract for the employment of a teacher must be in writing, and such contract must be executed before such teacher begins to teach in such school. It shall grade the salaries of teachers for the district in accordance with the grades of certificates; and no teacher holding a certificate of a lower grade shall be paid a salary equal to or in excess of that paid to a teacher of higher grade in the same district.

§ 16. AMENDMENT.] That Section 79 be amended to read as follows:

Sec. 79. DISTRICT TAX LEVY.] It shall have power to levy upon the property in the district a tax for school purposes of not exceeding thirty (30) mills on the dollar in any year, which levy shall be made by resolution of the board prior to the 20th day of July. The clerk shall immediately thereafter notify in writing the county auditor or county clerk of the amount of tax so

levied. It shall not have power to abate or reduce the amount of tax so levied after the county auditor or county clerk has been notified of the amount of levy.

§ 17. AMENDMENT.] That Section 81 be amended to read as follows:

Sec. 81. SCHOOL HOUSES AND SITES, HOW DETERMINED.] Whenever in the judgment of the board it is desirable or necessary to the welfare of the schools in the district, or to provide for the children therein proper school privileges, or whenever petitioned so to do by one-third of the voters in the district, the board shall call a meeting of the voters of the district, at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange or sale of a school house site, or the erection, removal or sale of a school house. The president of the board shall be the chairman and the clerk of the board secretary of such meeting. In case either of these officers be not present, his place shall be filled by some one chosen by the voters present. Three public notices of the time, place and purposes of such meeting shall be posted in three public places in the district by the district clerk at least ten days prior to such meeting. If a majority of the voters present at such meeting shall by vote select a school house site, or shall be in favor of the purchase, exchange or sale of a school house, as the case may be, the board shall locate, purchase, exchange or sell such site, or erect, remove or sell such school house, as the case may be, in accordance with such vote of such majority; *Provided*, That it shall require a vote of three-fourths of the voters present and voting at such meeting to order the removal of a school house, and such school house so removed cannot be removed again within one year of the date of such meeting.

§ 18. AMENDMENT.] That Section 83 be amended to read as follows:

Sec. 83. SCHOOLS TO BE ORGANIZED ON PETITION.] If a petition signed by the persons charged with the support, and having the custody and care of nine or more children of school age, all of whom reside not less than two and one-half miles from the nearest school, be presented to the board asking for the organization of a school for such children, the board shall organize such school and employ a teacher therefor, if a suitable room for such school can be leased or rented at some proper location, not more than two and one-half miles distant from the residence of any one of said children; and if such petition be signed by the persons charged with the support and having the custody and care of twelve or more of such children the board shall organize a school and employ a teacher therefor, and if no suitable room for such school can be leased or rented the board shall call a meeting of the voters of the district for the selection and purchase of a school house site therefor, and the purchase or erection of a school house as provided for in Section 81 of this act. If at such meeting no

such site be selected, or if it be not voted to erect or purchase a school house for such school, the board shall select and purchase a school house site, and erect, purchase or move thereon a school house at a cost of not more than seven hundred (700) dollars for such house and furniture therefor.

§ 19. AMENDMENT.] That Section 86 be amended to read as follows:

Sec. 86. DISTRICT SCHOOLS, HOW ESTABLISHED — CONTROL OF AND STUDIES TO BE PRESCRIBED — TWO OR MORE DISTRICTS MAY JOIN TOGETHER—WHEN.] 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 the district in the manner prescribed in Section 81 of this act 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 voted at such meeting, and shall establish therein a district high school containing one or more departments, and employ a teacher or 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, when empowered so to do 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, shall belong to the districts so uniting, and all the costs of maintaining such school, 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 school is situated.

§ 20. AMENDMENT.] That Section 87 be amended to read as follows:

§ 87. SCHOOL CENSUS—ANNUAL SCHOOL REPORT.] The board shall cause the clerk to make each year an enumeration of all unmarried persons of school age, being over six and under twenty years of age, having their legal residence in the district on the

1st day of December of that year, giving the name and age in years of each such person, and the name of the parent or guardian having the care or custody of such person. Such enumeration shall be made upon and in accordance with the blanks therefor furnished by the county superintendent and shall be returned to the county superintendent before the 20th day of December. A copy of such enumeration shall also be kept in the office of the district clerk. The board shall also cause the district clerk to make out an annual school report for the year beginning January 1 and ending December 31, containing such financial and statistical statements and items as shall be required by the State Superintendent of Public Instruction, upon and in accordance with the blanks furnished therefor by the county superintendent. Such annual report shall be made after January 1, carefully examined and certified as correct by the board at its regular meeting in January, and transmitted to the county superintendent before the 1st day of February following. A copy of such annual report shall be filed in the district clerk's office.

§ 21. AMENDMENT.] That Section 101 be amended to read as follows:

Sec. 101. SCHOOL BOARD TO LEVY TAX.] Every district school board shall have power and it shall be their duty to levy upon all the property subject to taxation in the district a tax for school purposes of all kinds authorized by law, not exceeding, in the aggregate, a rate of thirty (30) mills on the dollar in any one year. Such tax shall be levied by resolution of the board, prior to the 20th day of July in each year, which resolution shall be entered in the record of the proceedings of the board. The clerk shall immediately thereafter notify the county auditor in writing of the amount of tax so levied, and such notice shall be in substantially the following form:

State of North Dakota,	} ss.
County of	
.....School District.....	

To.....
County Auditor of.....County.

SIR: You are hereby notified that the school board of..... school district has levied a tax of..... (....) dollars upon all real and personal property in said school district, for school purposes. You will duly enter and extend such tax upon the county tax list, for collection, upon the taxable property of said school district, for the current year.

Dated at.....this.....day of....., A. D. 189..

District Clerk.

The notice of a tax to pay any judgment against the district shall be in addition to the regular tax and shall be certified to the county auditor under the same general form, suitably changed; *Provided*, That if the boundaries of such district shall embrace a

portion of two counties, then the clerk of such district shall certify to the county auditor of the county in which is located the original district to which such portion of the district, embraced in the other county, is attached, in addition to the tax levy above mentioned, a list and valuation of all property subject to taxation in such portion of such district embraced in the other county, as shown by the assessor making the assessment in such county, township or assessor's district, and the auditor shall enter such property upon the tax duplicate of his county and levy all school taxes upon the same, and the county treasurer of the county shall collect the taxes levied thereon the same as other taxes are collected, and pay the same over to the treasurer of the district entitled thereto.

§ 22. AMENDMENT.] That Section 110 be amended to read as follows:

Sec. 110. OFFICE, WHEN DEEMED VACANT—REMOVAL.] Any office of a school district shall become vacant by resignation of the incumbent thereof; but such resignation shall not take effect until a successor has qualified according to law. Any office of a school district shall be deemed vacant if the person duly elected thereto shall neglect or refuse, for the period of two weeks after the beginning of the term for which he was elected, to accept and qualify for such office and serve therein. Any school officer may be removed from office by a court of competent jurisdiction, as provided by law for removal of elective civil officers.

§ 23. AMENDMENT.] That Section 121 be amended to read as follows:

Sec. 121. TEACHERS GRADES, HOW ESTABLISHED—RE-EXAMINATION OF TEACHERS, WHEN ALLOWED.] Such 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, and physiology and hygiene, and for a first and second grade can pass a satisfactory examination in theory and practice of teaching. In addition to the above, applicants for first grade certificates shall pass a satisfactory examination in civil government, physical geography, elements of natural philosophy, elements of physiology, elementary geometry and algebra. The percentage required to pass any branch shall be prescribed by the State Superintendent. In addition to these regular grades of certificates, the county superintendent may grant a permission to teach, until the next regular examination, to any person applying at any other time than at a regular examination who can show satisfactory reasons for failing to attend

such examination, subject to rules and regulations to be prescribed by the State Superintendent. Such permit shall not be granted more than once to any person. The written answers of all candidates for county certificates, after being duly examined by the county superintendent, shall be kept by him for the space of six months after such examinations, and any candidate, thinking an injustice has been done him or her, by paying a fee of two (2) dollars into the institute fund of the county and notifying both county and State Superintendents of the same, shall have his or her papers re-examined by the State Superintendent; the county superintendent shall, on receipt of such notice from said complaining candidate, transfer said papers to the State Superintendent, who shall re-examine such answers, and, if such answers warrant it, shall instruct the county superintendent to issue to such complaining candidate a county certificate of the proper grade, and the county superintendent shall carry out such instructions.

§ 24. AMENDMENT.] That Section 122 be amended to read as follows:

Sec. 122. QUALIFICATIONS OF TEACHERS — CONTRACTS, WHEN VOID.] No certificate or permission to teach shall be issued to any person under eighteen years of age; and no first grade certificate shall be issued to any person who is under twenty years of age and who has not taught successfully twelve school months; and a third grade certificate shall not be issued more than twice to the same person. The certificates issued by a county superintendent shall be valid only in the county where issued; *Provided*, That a first grade certificate may be renewed once without examination at the discretion of the county superintendent, upon payment of the proper fee for the Institute Fund, as provided in the case of examination; *Provided, further*, That a first grade certificate shall be valid in any other county in the State when endorsed by the county superintendent of such county. No person shall be employed or permitted to teach in any of the public schools of the State, except those in cities organized for school purposes under special laws, who is not the holder of a lawful certificate of qualification or permit to teach. Any contract made in violation of this section shall be void.

§ 25. AMENDMENT.] That Section 135 be amended to read as follows:

Sec. 135. TEACHERS' INSTITUTES—APPORTIONMENT OF FUNDS.] All money received by the county superintendent from examination fees shall constitute an institute fund for the county, and shall be used by him to aid in the support of teachers' institutes to be held within or for the county, and to pay necessary expenses incurred therein. The county superintendent shall, at the end of each year, submit a full and accurate statement of the receipts and expenditures of these funds, verified by his oath, to the State Superintendent; *Provided*, That the several persons designated as herein provided to act as conductors of teachers' institutes,

shall, at the close of each series of institutes, certify to the State Superintendent an itemized statement of all actual and necessary expenses incurred by such conductor in the discharge of his duties as conductor, and the State Superintendent shall apportion such total expense among the several counties in which such conductor was assigned to conduct the institute in proportion to the average attendance at such institute, but by such apportionment no county shall be apportioned a greater amount than the amount of the county institute fund on hand. The county superintendent shall present a bill to the county auditor for the amount of such expense apportioned to his county, and the auditor shall issue a warrant therefor as provided by law. All additional compensation and other incidental expenses of such county institute, except as provided by the State appropriation, shall be paid out of the county institute fund.

§ 26. AMENDMENT.] That Section 136 be amended to read as follows:

Sec. 136. APPROPRIATION FOR TEACHER'S INSTITUTE FUND — DESIGNATION OF CONDUCTORS.] There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of fifty (50) dollars each year to each organized county in the State in which there are ten or more resident teachers, which shall be designated as a State Institute Fund, and which shall be used exclusively in employing persons of learning, ability and experience as conductors of teachers' institutes, and the further sum of ten (10) cents a mile for the distance actually and necessarily traveled by a lecturer for such institute. The State Superintendent, after consultation with the county superintendents as to the special needs and wants of their respective counties, shall appoint the time, place and duration of these institutes, and shall designate the persons to act as conductor of and lecturer at such institute, as in his judgment the needs of the various counties demand.

§ 27. AMENDMENT.] That Section 137 be amended to read as follows:

Sec. 137. INSTITUTE FUNDS, HOW PAID OUT.] It shall be the duty of the county superintendent in all cases to consult with the State Superintendent in reference to the management of such institutes, and, so far as practicable, to carry out the suggestions of the State Superintendent as to the modes of instruction. No salary shall be paid to any conductor of any institute not previously appointed or employed as herein provided. The money hereby appropriated from the State Treasury for the support of teachers' institutes, shall be paid to the persons to whom it is due, by warrant of the State Auditor, upon the State Treasury, which shall be issued upon the presentation of an account in due form receipted by the person to whom due, and approved by the State Superintendent; *Provided*, That no county shall receive more

than five (5) dollars from the appropriation for the payment of conductors' salaries for each day its institute is in session.

§ 28. AMENDMENT.] That Section 140 be amended to read as follows:

Sec. 140. SCHOOL AGE—WHO EXEMPT FROM COMPULSORY ATTENDANCE.] Every parent, guardian or other person having control of any child between eight and fourteen years of age, shall be required to send such child to a public school in the district, city, town or village in which he resides, at least twelve weeks in each school year, six weeks of which shall be consecutive; and every parent, guardian or other person, having control of any deaf child or youth between seven and twenty years of age, shall be required to send such child or youth to the School for the Deaf at the city of Devils Lake, 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, town 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, to-wit:

First. That such child is taught for the same length of time in a private school, approved by such board; but no school shall be approved by such board unless the branches usually taught in the public schools are taught in such school.

Second. That such child has already acquired the branches of learning taught in the public schools.

Third. That such child is in such a physical or mental condition (as declared by a competent physician, if required by the board) as to render such attendance inexpedient or impracticable. If no school be taught the requisite length of time within two and one-half miles of the residence of such child by the nearest road, such attendance shall not be enforced, but this provision shall not apply to deaf children in the State; *Provided, further*, That the common schools provided for in this act 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 districts where they are held, or entitled to attend school under any special provisions of this act, 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.

§ 29. AMENDMENT.] That Section 143 be amended to read as follows:

Sec. 143. CHILD LABOR PROHIBITED DURING SCHOOL HOURS, WHEN.] No child between eight and fourteen years of age shall be employed in any mine, factory or workshop or mercantile establishment, or, except by his parents or guardian, in any other manner, during the hours when the public schools in the city, town, village or district are in session, unless the person, firm or

corporation employing him shall first procure a certificate from the superintendent of the schools of the city, town or village, if one be employed, otherwise from the clerk of the school board or board of education, stating that such child has attended school for the period of twelve weeks during the year, as required by law, or has been excused from attendance as provided in Section 140 of this act; and it shall be the duty of such superintendent or clerk to furnish such certificate upon application of the parent, guardian or other person having control of such child, entitled to the same.

§ 30. AMENDMENT.] That Section 144 be amended to read as follows:

Sec. 144. PENALTY.] Every owner, superintendent or overseer of any mine, factory, workshop, or mercantile establishment, and any other person who shall employ any child between eight and fourteen years of age, contrary to the provisions of this article, shall be deemed guilty of a misdemeanor, and for every such offense shall, upon conviction thereof, be fined not less than twenty (20) nor more than fifty (50) dollars and costs. Every person authorized to sign a certificate, as prescribed in Section 143 of this act, who certifies to any materially false statement therein, shall be fined not less than twenty (20) nor more than fifty (50) dollars and costs.

§ 31. AMENDMENT.] That Section 148 be amended to read as follows:

Sec. 148. SPECULATION IN OFFICE PROHIBITED.] No school officer shall personally engage in the purchase of any school bonds or warrants, nor shall any such officer be personally interested in any contract requiring the expenditure of school funds (except for the purchase of fuel and such supplies as are in daily use, but not including furniture) or the expenditure of funds appropriated by the State, county, school corporation or otherwise for any school purpose connected with his office. Any violation of this section shall be a misdemeanor.

§ 32. AMENDMENT.] That Section 167 be amended and be designated Sections 167 and 168 to read as follows:

Sec. 167. PROPOSALS FOR BUILDING SCHOOL HOUSES.] Whenever any school house is built with funds provided in the manner herein authorized, the school board shall advertise at least thirty days in some newspaper printed in the county, or by posting notices for the same length of time in at least three of the most public and conspicuous places, if no newspaper is published in the county, for sealed proposals for building and furnishing such school house in accordance with plans and specifications, which shall be furnished by the school board, reserving the right to reject any and all bids, and if any of the proposals shall be reasonable and satisfactory, said board shall award the contract to the lowest responsible bidder, and shall require of such contractor a bond in double the amount of the contract, conditioned that he will prop-

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

Sec. 168. PROVISIONS OF THIS ACT APPLICABLE, HOW.] The provisions of this act shall be applicable to and authorize the issue of bonds by such school districts as have already built school houses and issued orders or warrants therefor, and any such school district may vote to bond the indebtedness incurred by reason of building and furnishing a school house, and purchasing a site for the same, and bonds may be issued in the same manner as herein provided for building and furnishing school houses.

§ 33. AMENDMENT.] That Section 169 be amended to read as follows:

Sec. 169. CITIES GOVERNED BY PROVISIONS OF THIS ACT.] All cities and incorporated towns and villages which have heretofore been organized under the general school laws and which are provided with a board of education shall be governed by the provisions of this article. Any city or incorporated town or village, having a population of more than 300 inhabitants, may be constituted a special school district, in the manner hereinafter prescribed, and shall then be governed by the provisions of this article; *Provided,* That any city heretofore organized for school purposes under a special act may adopt the provisions of this article by a majority vote of the voters therein, in the same manner as is provided for the organization of a new corporation under the provisions of this article.

§ 34. AMENDMENT.] That Section 192 be amended to read as follows:

Sec. 192. ELECTION OF BOARDS OF EDUCATION IN SPECIAL SCHOOL DISTRICTS.] On the third Tuesday in June in the year 1890, an election shall be held in each city, town or village organized as a special school district, at which the voters shall elect at large, five members of the board of education for such city, town or village, two of whom shall serve for one year, two for two years, and one for three years, and their respective terms shall be determined in such manner as the board may decide. Such members shall supersede the members of the board then existing, and shall enter upon the duties of their office on or before the second Tuesday in July, 1890. Annually thereafter on the third Tuesday in June, an election shall be held in each special district, at which such members of the board of education shall be elected at large as shall be necessary to fill all vacancies therein caused by expiration of terms of office or otherwise; and each mem-

ber elected shall serve for a term of three years, beginning with the second Tuesday in July following his election and until his successor is elected and qualified, except when elected to serve an unexpired term. The polls shall be opened at 9 o'clock a. m. and kept open until 4 o'clock p. m. of the day of such election.

§ 35. EMERGENCY.] Whereas an emergency exists in that many sections of the law herein amended are ambiguous, and that many words were improperly incorporated in the engrossing of the bill for said law, and that the incorporation of new features herein is in most cases simply a re-enacting of provisions of former laws that are necessary for the completion of the law herein amended, therefore this act shall be in force from and after its passage and approval.

Approved March 7, 1891.

CHAPTER 57.

[H. B. No. 105.]

AMENDING THE SCHOOL LAW OF 1890.

AN ACT to Amend Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws of 1890, An Act to Provide for a Uniform System of Free Public Schools Throughout the State, and to Prescribe Penalties for Violation of the Provisions Thereof.

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

§ 1. AMENDMENT.] That Sections 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 of Chapter 62, Laws of 1890, be amended to read as follows:

Sec. 90. STATE TUITION FUND, HOW RAISED.] The net proceeds arising from all fines and penalties for violation of State laws, from leasing the school lands, the interest and income from the State Permanent School Fund, together with the school poll tax and all school taxes levied by general law, shall be collected and paid into the State Treasury in the same manner as is provided by law for the collection and payment of State taxes, and shall constitute the State Tuition Fund, which shall be apportioned among the several counties of the State in proportion to the number of children of school age in each as shown by the last enumeration authorized by law.

Sec. 91. COUNTY TREASURER TO REPORT RECEIPTS QUARTERLY TO STATE AUDITOR—STATE SUPERINTENDENT TO APPORTION FUNDS.] It shall be the duty of the county treasurer to receive from the proper officers the net proceeds of fines, penalties and forfeitures

for violation of State laws, to collect the school poll tax and all taxes levied for school purposes by general law and all moneys arising from leasing school lands within the county, and to forward a detailed statement of the money so collected, specifying the amount received from each of the above sources, to the State Auditor with the quarterly reports on the first of January, April, July and October. It shall be the duty of the State Auditor on or before the third Monday in February, May, August and November in each year to certify to the State Superintendent of Public Instruction the amount of the State Tuition Fund and the State Superintendent shall immediately apportion said fund among the several counties of the State in proportion to the number of children of school age residing in each as shown by the last enumeration provided for by law and to certify to the State Auditor, to the State Treasurer, and to the county treasurer and county superintendent of each county the amount apportioned to the respective counties. Immediately upon receipt of said apportionment from the State Superintendent as herein provided, the State Auditor shall draw a warrant upon the State Treasurer for the full amount of the State Tuition Fund apportioned to the several counties and shall deliver the same to the State Treasurer, taking his receipt therefor, and shall notify the several county treasurers of the amount due their respective counties, and that such warrant has been issued therefor, and the State Treasurer shall pay on such warrant to the several county treasurers the amount due their respective counties; *Provided, however,* That all moneys arising from interest on the Permanent School Fund and from leasing school lands shall be apportioned under a separate item, and such money shall be taken account of as a separate item by all officers making or certifying such apportionment, or through whose hands any portion of such fund shall pass, and it is further made the duty of the district treasurer to keep such fund separate from all other funds, and if at the close of the school year any part of said fund which was apportioned prior to the third Monday in November of said year, remains in the hands of the district treasurer, he shall return the same to the county treasurer, taking his receipt therefor, and the county treasurer shall return all such funds so returned, or that were not drawn by the district treasurer from the county treasurer, to the State Treasurer, who shall receipt for the same, and the county treasurer shall certify to the State Auditor the amount so returned to the State Treasurer.

Sec. 92. FUNDS DEFINED—FUNDS, HOW USED.] All money received by the school district from the apportionment made by the State Superintendent shall constitute and be designated the State Tuition Fund. All money received from district taxes, from subscription, from sale of property, or from any other source whatever, except from apportionment made by the State Superintendent, shall be designated the Special Fund. In addition to the

State Tuition Fund and the Special Fund, a sinking fund may be established as provided for by this act. The State Tuition Fund shall be used only in the payment of teachers' wages; *Provided*, That if the State Tuition Fund apportioned to any district in any one year is insufficient for the payment of teachers' wages in such district, any money on hand or available belonging to the Special Fund of such district may be applied to meet such deficiency; *Provided, further*, That if the State Tuition Fund apportioned to any one district in any one year is more than sufficient for the payment of teachers' wages in such district, the portion of such fund in excess of the amount so required may be applied to the payment of warrants drawn upon the Special Fund of such district, if such district has school the required number of months during such year as provided by law.

Sec. 93. FUNDS CONTROLLED AND PAID OUT BY DISTRICT TREASURER.] All funds shall be kept in the possession of or under the control of and paid out by the district treasurer, and he shall keep one general account for the whole district, for the entire receipts and expenditures, and separate itemized accounts as herein provided for each class of receipts and expenditures. His books shall at all times show, by entries under proper heads, all receipts of funds and payments therefrom, and enable any person readily to ascertain any balance in any account or any fund.

Sec. 94. WHEN DISTRICTS NOT ENTITLED TO TUITION FUND—ENUMERATION.] No school district shall be entitled to receive any portion of the State Tuition Fund that fails to make a report of the enumeration of children of school age in the manner provided by law, nor until such enumeration has been taken and reported as required by law. The county superintendent of schools shall not authorize the payment of money apportioned to any district unless the bond and oath of such treasurer, duly approved and certified, are on file in the office of the district clerk and a certificate thereof filed in the office of the county superintendent. New districts organized after the annual enumeration has been taken shall proceed immediately to take the enumeration as provided for by law, and after the receipt of such enumeration by the State Superintendent, through the county superintendent, the newly organized districts shall receive their proportionate share of the funds to be apportioned.

Sec. 95. APPORTIONMENT OF FUNDS BY COUNTY SUPERINTENDENTS.] Within thirty days and in not less than twenty days after receiving the certificate of apportionment from the State Superintendent the county superintendent shall apportion separately to the several school districts, special districts, and districts organized under special law, which are entitled to any portion of the State Tuition Fund, within the county in proportion to the number of children residing in each over six and under twenty years of age, excluding all married persons, as appears from the last enumeration authorized by law upon which the State

Superintendent made the apportionment to the several counties, and he shall immediately notify by mail or otherwise, in writing, each district treasurer of the amount of money due his school district, and shall certify to the county treasurer and to the county auditor the amounts 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.

Sec. 96. SPECIAL SCHOOL DISTRICTS ENTITLED TO FUND.] Special school districts shall be entitled to receive their proportion of the State Tuition Fund; *Provided*, That the clerk or secretary of the board of education thereof shall make a report to the county superintendent of the enumeration of children of school age therein at the time and in the manner prescribed in this act for other school districts to report the same.

Sec. 97. TREASURER'S ACCOUNTS—SETTLEMENT WITH BOARD ANNUALLY.] The district treasurer shall open his accounts anew at the beginning of each school year with each fund, and the balance in each fund shall be brought down and become the first entry in opening the account for the new year. At the annual meeting of the school board on the second Tuesday in January in each year, the school board shall make settlement with the district treasurer, and shall carefully examine his books, accounts and vouchers and shall ascertain if the amount of all warrants, bonds and coupons paid and redeemed or paid in part together with the cash in his hands or under his control is equal to the amount of the cash on hand at the beginning of the school year, together with all money received by him from all sources for school purposes during the year. The district treasurer shall deliver to the board at such annual meeting all warrants, bonds and coupons paid and redeemed by him during the school year and held by him as vouchers, taking the receipt of the board therefor, and such vouchers shall thenceforth be filed with the district clerk. He shall at that meeting make his annual report in triplicate, one copy to be preserved in the treasurer's office, one to be filed with the clerk of the school board, and one to be transmitted to the county superintendent of schools, and the board shall cause to be published an itemized statement of the receipts and expenditures of the preceding year. The treasurer's report shall show the following:

RECEIPTS.

The balance at the close of last year.
The amount received into the State Tuition Fund.
The amount received into the Special Fund.
The amount received into the Sinking Fund.

EXPENDITURES.

The amount paid for school houses, sites and furniture.
The amount paid for apparatus and fixtures.

The amount paid for teachers' wages.

The amount paid for services and expenses of school officers.

The amount paid for redemption of bonds.

The amount paid for interest on bonds.

The amount paid for incidental expenses.

The cash on hand at the close of the school year.

Such report shall include such other items as may be required by the district board or the State Superintendent, and shall be upon and in conformity with the blanks furnished him for that purpose.

Sec. 98. WHEN COUNTY TREASURER TO PAY FUNDS OVER TO DISTRICT TREASURER.] The treasurer of each district shall apply to the county auditor for an order, and the county treasurer shall pay over to him on such order all of the school money collected for such district and all school money apportioned to such district by the county superintendent, and the county auditor shall issue such order when notified by the county superintendent in writing that such district treasurer has qualified and filed his oath and bond as provided by law. But one such notice of qualification is required during the term of each district treasurer, and when a new one is appointed for any reason, or the incumbent has become disqualified, the clerk of the school board shall so inform the county superintendent, who shall also inform the county auditor. It shall be the duty of the county treasurer, when payment is made to any school treasurer of any funds herein provided for, to immediately notify the clerk of the school board of the payment of the same.

Sec. 99. TREASURER TO KEEP ACCOUNTS WITH SCHOOL CORPORATIONS.] Every county treasurer shall keep a regular account with each school corporation, in which he shall charge himself with all taxes collected by levy of the district school board and all sums apportioned to the district by the county superintendent of schools or other authority and all sums received for the district, and he shall credit himself with all payments made to the treasurer of the district, distinguishing between the items paid by apportionment, those from local taxes and those from other sources. He shall also credit himself with all payments for redemption or endorsement of warrants in the collection of taxes and shall deliver to the district treasurer a duplicate tax receipt for the amount of each warrant so endorsed or redeemed, together with all warrants so redeemed, at the time of making other regular payments to the district treasurer. To these credits to balance the accounts he shall add all items for legal fees, for collection and other duties.

Sec. 100. SCHOOL TAXES, WHEN TO BE COLLECTED.] It shall be the duty of the county treasurer to collect the taxes for school purposes at the same time and in the same manner that the county and State taxes are collected, and full power is hereby given to him to sell property for school taxes the same as is provided by

law for the collection of other taxes. Whenever an error occurs in any school corporation tax list, the district school board or board of education in special districts may, since all taxes are to be collected by the county treasurer, correct and refund such improper collection of taxes. All penalty and interest collected on delinquent school taxes shall be applied to the proper fund to which such delinquent taxes belong.

Approved March 11, 1891.

CHAPTER 58.

[H. B. No. 145.]

REPEALING SECTION 41 OF SCHOOL LAW OF 1890.

AN ACT Repealing Section 41 of Chapter 62, Session Laws of 1890, Entitled "An Act to Provide for a Uniform System of Free Public Schools Throughout the State, and to Prescribe Penalties for Violation of the Provisions Thereof."

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

§ 1. Section 41 of Chapter 62, Session Laws of 1890, A. D., is hereby repealed.

Approved March 7, 1891.

CHAPTER 59.

[S. B. No. 127.]

AUTHORIZING SPECIAL SCHOOL DISTRICTS TO REFUND BONDED INDEBTEDNESS.

AN ACT Authorizing Special School Districts to Refund Bonded Indebtedness, and to Transfer Certain Funds.

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

§ 1. DUTIES OF BOARD OF EDUCATION.] The board of education of any special school district, organized under the provisions of Article 19 of Chapter 62 of the Laws of 1890, or of any city governed by a special act or organized under Chapter 64 of the Laws of 1890, shall have power and are hereby authorized, when-

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ever two-thirds of the number [members] of said board of education shall deem it necessary and for the best interests of such school district, to issue bonds for the purpose of refunding any outstanding bonds when the same become due; *Provided*, That such issue of bonds shall not exceed in amount the face value of the bonds they are issued to replace, and shall not bear a higher rate of interest than such bonds so to be refunded, and in no case shall the said refunding bonds bear a higher rate of interest than 7 per cent. per annum, nor run for a longer period than twenty years.

§ 2. BONDS MAY BE EXCHANGED.] Bonds issued under the provisions of this act may be exchanged at par value for an equal amount of outstanding bonds, or may be sold at not less than par value and the proceeds applied solely to the payment of the bonds to be refunded, except that any premium that may be received on the sale of such bonds shall be kept as a separate fund and used for the payment of the interest on said bonds.

§ 3. ISSUE OF BONDS, HOW GOVERNED.] In the issuance of the refunding bonds provided for in this act, the board of education shall be governed and limited by the provisions of Sections 202, 203, 204, 205, 206 and 207 of Chapter 62 of the Laws of 1890.

§ 4. TRANSFER OF FUNDS.] Any moneys remaining in the treasury of such school districts, appropriated or held for the purpose of paying such bonds so refunded, may, at the discretion of the board of education, at any time within six months after said refunded bonds have been taken up and cancelled, be transferred to the building or contingent fund of said district.

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

Approved March 6, 1891.

CHAPTER 60.

[H. B. No. 60.]

REQUIRING SCANDINAVIAN LANGUAGES TAUGHT AT UNIVERSITY.

AN ACT Requiring the Scandinavian Languages to be Taught at the State University at Grand Forks.

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

§ 1. SCANDINAVIAN PROFESSORSHIP.] That it shall be the duty of the Trustees of the State University at Grand Forks to cause to be taught at said institution the Scandinavian languages, and shall for that purpose immediately after the taking effect of this

act, employ as one of the teachers of said institution a professor learned in those languages.

Approved March 6, 1891.

CHAPTER 61.

[S. B. No. 20.]

AUTHORIZING INDEPENDENT SCHOOL DISTRICTS TO ISSUE BONDS.

AN ACT to Amend "An Act Providing for the Establishing of Independent School Districts in Cities Heretofore Organized for School Purposes, Under Special Laws, and Provided with Boards of Education."

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

§ 1. AMENDMENT.] That Section 15 of Chapter 64, Laws of 1890, be amended to read as follows:

Sec. 15. BONDS, ISSUE AUTHORIZED.] The board of education of said district are authorized and empowered, and it shall be their duty, whenever the said board shall deem it necessary in order to an efficient organization and establishment of schools in said district, and when the taxes authorized by this act shall not be sufficient, or shall not be deemed by said board burdensome upon the taxpayers of said district, from time to time, to issue bonds of said district in denomination not less than one hundred (100) dollars, payable at a time not to exceed twenty-five years after date and bearing interest at the rate not to exceed 7 per centum per annum, payable semi-annually, and upon their face to show they are issued for school purposes, and cause the same to be sold and negotiated at not less than par value, and the money realized therefrom deposited with the city treasurer to the credit of said board of education; and when any bonds shall be so negotiated it shall be the duty of said board of education of said district to provide by tax for the payment of the principal and interest of said bonds; *Provided, however,* That at no time shall the aggregate amount of bonds issued under the provisions of this act exceed three (3) cents on the dollar of valuation of the taxable property of said district to be determined by the last city assessment.

§ 2. EMERGENCY.] Whereas an emergency exists in that it is necessary to enable boards of education to issue bonds long prior to July 1, 1891, this act shall take effect and be in force from and after its passage and approval.

Approved January 29, 1891.

CHAPTER 62.

[S. B. No. 18.]

FIXING SALARIES OF COUNTY SUPERINTENDENTS OF SCHOOLS.

AN ACT to Amend Section 33 of Chapter 62 of An Act Passed at the First Legislative Assembly of the State of North Dakota, Known as the School Laws.

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

§ 1. That Section 33 [Chapter 62, Laws of 1890] be amended to read as follows:

Sec. 33. SALARY, HOW DETERMINED—DEPUTY—TRAVELING.] That the salary of the county superintendent shall be as follows: In each county having one school and not over five, one hundred (100) dollars; six schools and not over ten, two hundred (200) dollars; eleven schools and not over fifteen, three hundred (300) dollars; sixteen schools and not over twenty, four hundred (400) dollars; twenty-one schools and not over twenty-five, five hundred (500) dollars; twenty-six schools and not over thirty, six hundred (600) dollars; thirty-one schools and not over thirty-five, seven hundred (700) dollars; thirty-six schools and not over forty, eight hundred (800) dollars; forty-one schools and not over fifty, nine hundred (900) dollars; and for each additional ten schools or major fraction thereof, one hundred (100) dollars additional; *Provided*, That it shall not exceed \$1,200 in any county. In addition thereto he shall receive seven (7) 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 by and ordered paid by said board of county commissioners. The amount of his salary shall be determined each year by the actual number of schools or separate departments in graded schools over which the county superintendent had official supervision the preceding year, and shall be paid out of the county general fund monthly, if the county commissioners have regular monthly meetings, otherwise in the amounts due at meeting of the commissioners for the transaction of general business upon the warrant of the county auditor after being audited by the commissioners. In every county which shall be organized for school purposes, after the passage of this act, the county superintendent shall be paid a salary at the rate of one hundred (100) dollars a year until the first Monday in October next following his election, after which his salary shall be fixed as provided for in this section.

The county superintendent may appoint a deputy, who shall perform the duties of the county superintendent in his absence from the county; *Provided*, That no additional salary shall be paid such deputy, except that in counties having eighty or more schools the county commissioners may appropriate not to exceed one hundred (100) dollars for clerical assistance in the office of the county superintendent but he shall be paid seven (7) cents a mile for the distance actually and necessarily traveled in the same manner the county superintendent is paid; *Provided, further*, That the county superintendent shall be responsible for the official acts of such deputy.

Approved March 6, 1891.

CHAPTER 63.

[H. B. No. 164.]

REPEALING SPECIAL SCHOOL LAWS.

AN ACT Providing for Bringing Independent School Districts Under the Provisions of the General School Laws, and for the Repeal of Certain Laws Providing for Independent Districts.

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

§ 1. INDEPENDENT SCHOOL ORGANIZATION UNDER SPECIAL LAWS ABOLISHED.] Any independent district organized for school purposes under a special law, which does not include or is not included in any city, or incorporated town or village organized for municipal purposes, shall become a part of the school district or districts in which it is located by the repeal of the special law organizing or governing such independent district. Any independent district organized for school purposes under a special law, or under any other law than the General School Laws of 1890, which includes or is included in any city or incorporated town or village organized for municipal purposes, shall become a special district by the repeal of the special or other law organizing or governing such independent school district. Any school district or special district so constituted or constituted in part shall be governed by Chapter 62, Laws of 1890, entitled "An Act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof, and acts amendatory thereto;" *Provided*, That nothing in this act shall prevent any such independent district from coming under the operation of such General School Laws in the manner provided therein.

§ 2. OLD SCHOOL OFFICERS HOLD OVER.] The board of education or other governing board of such independent district shall continue to exercise the powers and duties devolving upon them under the provisions of such special or other law governing such independent district, the same as though such law had not been repealed, until the second Tuesday in July following the repeal of such special or other law; *Provided*, That all that portion of the general school laws which provide for an annual school election shall apply to such independent district and shall be in full force and effect for the purpose of electing school officers at such annual school election; and such officers shall be elected in and for the whole school district, including the independent district or portion of such independent district located therein, or in and for the special district, the same as though no law had ever existed providing for the organization of such independent district; *Provided, further*, That in a special district formed and created as herein provided, a full board of education, shall be elected as provided by law for first elections, but, that in school districts so formed and created as herein provided by the addition of such independent district, or portion thereof, there shall be elected only such officers as are required to fill the regular vacancies in the school offices of such school district heretofore organized.

§ 3. DEBTS AND ASSETS DETERMINED BY ARBITRATION.] When the boundaries of such school district or districts shall have been arranged as contemplated in this act, the determination and division of consolidation of all debts, property and assets of the several portions of such district or districts so consolidated, shall be made by arbitration as provided by law.

§ 4. REPEAL OF SPECIAL ACTS.] The special law entitled "An act establishing independent school district No. 1, Traill county, Dakota Territory," approved March 13, 1885, Chapter 41 of the Special and Private Laws of 1881, entitled "An act providing a board of education for the city of Bismarck and for other purposes," approved March 4, 1881, are hereby repealed subject to the provisions contained in this act.

§ 5. EMERGENCY.] An emergency exists in that the general school laws provide for the annual election of school officers prior to the 1st day of July in each year, and that it is necessary for the voters in any independent district organized under special or other law, which may be brought under the operation of the general school laws as herein provided to vote for the election of such officers as shall be elected annually in the school district or districts of which such independent districts shall form a part, therefore that portion of the general school laws which provide for such annual school election shall take effect and be in force in due time for such election and for all notices therefor prior to the 1st day of July following the repeal of such special or other law.

Approved March 7, 1891.

CHAPTER 64.

[S. B. No. 170.]

REPEALING CERTAIN NORMAL SCHOOL ACT.

AN ACT Repealing Chapter 13 of the Special Laws of 1883, Entitled "An Act to Locate and Establish a Territorial Normal School."

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

§ 1. REPEAL.] That Chapter 13 of the Special Laws of 1883, entitled "An Act to locate and establish a Territorial Normal School," be and the same is hereby repealed.

§ 2. EMERGENCY.] Inasmuch as it is necessary to perfect the title to the property involved in this act before transfer can be made, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1891.

CHAPTER 65.

[S. B. No. 123.]

AMENDING LAW OF 1890 PROVIDING FOR LEASE AND SALE OF SCHOOL LANDS.

AN ACT to Amend Sections 2, 5, 6 and 11 of Chapter 146 of the General Laws of the Year 1890, Entitled "An Act to Provide for the Leasing and Sale of the Common School Lands of North Dakota."

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

§ 1. AMENDMENT.] That Section 2 of Chapter 146 of the General Laws of the Year 1890, be amended so as to read as follows, to-wit:

Sec. 2. LIST OF SCHOOL LANDS—HOW MADE.] The superintendent of schools of each county of this State, in which the common school lands have been surveyed and designated, shall immediately upon the passage, approval and taking effect of this act, and in the manner and form prescribed by the Board of University and School Lands, make a complete list of the school lands within his county, with such facts and information concerning the occupancy and cultivation of the several tracts thereof as said Board

of University and School Lands may require, and upon the completion of said list, shall at once transmit a copy thereof to the State Superintendent of Public Instruction; *Provided*, That it shall be the duty of said Board of University and School Lands, at such time each year as they may decide upon, to prepare a list of all the common school lands in the several counties of this State that are intended to be leased, and transmit a certified copy to the county board of appraisal of each of the several counties in said State, or so much thereof as relates to each of said counties, except that if an appraisal of said lands has been made by any county board of appraisal, as provided by law, within two years next preceding the time of such appraisal herein contemplated, such appraisal shall not be made by such county board of appraisal; but the list of lands herein contemplated shall be prepared and equalized by the Board of University and School Lands; *Provided, further*, That the county board of appraisal of each county, or any two of its members, shall, within ten days after the receipt of such certified copy, proceed to appraise the lands described in said list at their cash value, as near as can be determined, describing each tract or subdivision in parcels not greater than 160 acres, more or less, according to the Government survey, and they shall set opposite each described tract or parcel of land their appraised valuation thereof; and when said list is completed, which shall not be later than thirty days after the receipt of said certified copy, the county board of appraisal, or the members of the same who made such appraisement, shall certify to its correctness and make duplicate copies, one of which shall be forwarded immediately to the Board of University and School Lands and the other to be filed in the office of the county auditor for reference; and be it *Further Provided*, That the Board of University and School Lands shall proceed to equalize the lists so returned as to counties, by adding thereto or taking therefrom such an uniform percentage as may, in their judgment, seem proper and fair, in order to arrive at a just and equitable equalization between the several counties, and when advertising the same for lease, they shall set opposite each description the value thereof, as equalized by them, which valuation shall form the basis for leasing the same.

§ 2. AMENDMENT.] That Section 5 of said Chapter 146 be amended so as to read as follows:

Sec. 5. LANDS, HOW LEASED—ANNUAL RENT, HOW PAID.] The leasing shall be at public auction to the highest bidder, at the court house of the county within which the lands to be leased are situated, and between the hours of 10 o'clock a. m. and 5 o'clock p. m. only. Said leasing shall continue from day to day until all tracts or parcels of lands advertised for lease shall have been leased or offered for lease; *Provided*, That the time for leasing the same shall not exceed ten days in any county, but that it may

be adjourned over the Sabbath, or any legal holiday or to such day or days as may be determined upon by the Board of University and School Lands. In counties where a large number of tracts of land are to be leased, the lands situated in certain townships may be designated in the advertisement to be leased on designated days, and in such case said lands shall be leased or offered for lease on such designated days, or for want of time for the leasing or offering for lease of all such designated lands, the leasing of those unoffered may be adjourned until the following day or days, when they must be the first lands offered for lease. Such lands as shall not have been specially subdivided shall be leased or offered for lease in tracts of one-quarter section each, and those so subdivided in the smallest subdivision thereof. The annual rent in all cases of lease shall be payable, in advance; *Provided*, That in offering any tract or parcel of land, no bid shall be entertained until the bidder therefor deposits 50 per cent. of the minimum price, before said bidding is closed, which deposit, should he be the successful bidder, shall be applied as part payment on the land so leased by him, but should he fail to pay the balance required on his said bid, he shall forfeit the money so deposited. Should he not be the successful bidder the money so deposited shall be returned to him.

§ 3. AMENDMENT.] That Section 6 of Chapter 146 be amended so as to read as follows:

§ 6 LEASING, HOW CONDUCTED—MINIMUM VALUE—RECORD OF.] It shall be the duty of the superintendent of schools and the county auditor of the respective counties in which the leasing of such lands are to be made to conduct the leasing of said lands in accordance with the provisions of this act, and such directions as shall be prescribed therefor by the Board of University and School Lands; *Provided*, That said superintendent of schools and county auditor shall in offering said lands for lease, entertain no bid unless it shall be equal to 5 per cent. of the value of cultivated lands, or of $2\frac{1}{2}$ per cent. of the value of uncultivated lands as shown by the published equalized statement, which shall be the minimum price for the lease thereof, and any tract or parcel offered and not disposed of for want of a sufficient bid shall be offered from day to day until the time allowed to receive such bids shall have expired, and all tracts or parcels not leased at that time shall be reported to the Board of University and School Lands; *Provided, further*, That for all lands hereafter leased, the lessee shall pay to the county treasurer of his respective county prior to January 1st in each year the annual rental due on said land for the subsequent season and should he fail to make such payment at the time required, his contract shall be declared forfeited and the land so forfeited shall be advertised and leased the same as other lands mentioned in this act; and, *Provided, further*, That all lands leased prior to the passage of this act may at the discretion of the Board of University and School Lands

be re-advertised and be declared forfeited, should the annual rental for that year be not paid as provided in the contract signed and executed by the lessee and shall be offered and leased the same as if such land had never been leased. After all such land so advertised shall have been leased or offered for lease, said superintendent and auditor shall make in triplicate a verified statement of the tracts of lands so leased, the time for which they were leased, the name of the lessees, whether leased for cultivation or meadow and pasturage, and the amount to be paid annually for such lease. One copy of this statement shall be transmitted to the Board of University and School Lands, one copy shall be delivered to the county treasurer, and the third copy shall be filed in the office of the superintendent of schools of the county.

§ 4. AMENDMENT.] That Section 11 of said Chapter 146 be amended so as to read as follows:

Sec. 11. FEES FOR CONDUCTING, APPRAISING AND LEASING SCHOOL LANDS.] The county auditor, superintendent of schools and the chairman of the board of county commissioners shall each receive for his services in appraising and leasing such school lands, at the rate of three (3) dollars per day and upon the approval of the Board of University and School Lands five (5) cents per mile for every mile actually traveled by him in appraising said lands, the same to be paid out of the interest and income of the Permanent School Fund by the State Treasurer upon the warrant of the State Auditor. The county treasurer shall receive for his services in connection with said leasing of said lands one-half of 1 per cent. upon the amount of rent by him received and paid over to the State Treasurer, to be by him reserved from such rent.

§ 5. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 6. EMERGENCY.] As the necessary steps for leasing said lands as specified in this act should be taken long prior to July 1st; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1891.