

EDUCATION.

CHAPTER 81.

[S. B. 78.]

RELATING TO EDUCATION.

AN ACT to Amend Sections 625, 707, 751 and 757 of the Revised Codes as Amended by Chapter 75 of the Laws of 1897, and Sections 703, 704, 755, 868, 869, 870, 871, 872 and 873 of the Revised Codes, Relating to Education.

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

§ 1. AMENDMENT.] That sections 625, 707, 751 and 757 of the Revised Codes, as amended by chapter 75 of the Laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872 and 873 of the Revised Codes, relating to education, be and the same are hereby amended to read as follows:

§ 625. To furnish school supplies, blanks, etc., and to establish circulating libraries.

1. He shall prepare, cause to be printed and furnish to the proper officers or persons all district clerk's record books and warrant books, school treasurers' record books, school registers, reports, statements, notices and returns needed or required to be used in the schools or by the school officers of 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 publication can be purchased and such other information relative to the purchase of district libraries as he may deem requisite.

2. He shall also select and purchase books suitable for district libraries, and cause the same to be circulated as traveling libraries, under such rules and regulations as he may prescribe. And for the purpose of selecting and purchasing such books there is hereby appropriated the sum of seven hundred and fifty dollars (\$750.00) annually, to be paid by warrant of the state auditor on the state treasurer, upon the presentation of itemized bills in due form, duly approved by the superintendent of public instruction.

§ 703. 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 is 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 such children, and if such petition is 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 701. If at such meeting no such site is selected or if it is 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 dollars for such house and furniture therefor. Provided that the provisions of this section shall not apply in instances where schools have been consolidated in accordance with the provisions of section 704.

§ 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 four months in each school year, and in every district in which the number of persons of school age is an average of fifteen or more to the school, each 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 a majority of the voters in the district, shall call an election to determine the question 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 two-thirds of the votes cast at such election are in favor 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 general school. It shall establish routes of travel, adopt rules and regulations for such transportation and shall contract with responsible parties for such transportation.

§ 707. SCHOOL CENSUS. ANNUAL SCHOOL REPORT.] The board shall cause the clerk to make an enumeration each year 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 first day of June of that year, giving the names and ages of such persons and the name of the parents or guardian having the care and custody of each. Such enumeration shall be made upon and in accordance with the blanks furnished therefor by the county superintendent and shall be returned to the county superintendent prior to the 20th day of June. 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 report for the year beginning July first and ending June thirtieth, containing such financial and statistical statements and items as shall be required by the superintendent of public instruction upon and in accordance with the blanks furnished therefor by the county superintendent. Such report shall be carefully examined and certified as correct by the board at its regular meeting in July and transmitted to the county superintendent prior to the first day of August following. A copy of such report shall be filed in the district clerk's office. Provided, that special school districts, independent districts and districts organized for school purposes under special law, shall enumerate their children of school age on the first day of December, or within the next twenty days following, and such enumeration shall be reported to the county superintendent by the clerk.

§ 751. TEACHERS' INSTITUTES AND TEACHERS' TRAINING SCHOOLS, HOW NOTICED. PENALTY FOR FAILURE TO ATTEND.] When a teachers' institute or teachers' training school is appointed to be held in or for any county it shall be the duty of the county superintendent to give written or printed notice thereof to each teacher in the public schools of the county, and as far as possible to all others not then engaged in teaching, who are holders of teachers' certificates, at least ten (10) days before the opening of such institute or teachers' training school of the time and place of holding it. Each teacher receiving such notice, engaged in teaching a term of school which includes wholly or in part the time of holding such institute or teachers' training school, shall close school and attend the same and shall be paid by the school board of the district his regular wages as teacher for the time he attended such institute or teachers' training school, as certified by the county superintendent, but no teacher shall receive pay unless he has attended four (4) consecutive days, nor shall any teacher receive pay for more than five (5) days. The county superintendent may revoke the certificate of any teacher in his county for inexcusable neglect or refusal, after due notice, to

attend a teachers' institute or teachers' training school held for such county. The provisions of this section shall not apply to high school teachers, nor to teachers in cities organized for school purposes under a special law, nor to teachers in cities organized as independent districts under the provisions of this chapter.

§ 755. TEACHERS' COUNTY INSTITUTE FUND.] All money received by the county superintendent from examination fees for the county institute fund, and all money paid into this fund from the county general revenue fund, shall be used by him to aid in the support of teachers' institutes or teachers' training schools, to be held within or for the county and to pay necessary expenses incurred therein. The county superintendent shall present an itemized statement, duly verified, to the county auditor for the amount of all such necessary expenses and the auditor shall issue a warrant therefor as provided by law. The county superintendent shall, at the end of each year, submit a full and accurate statement of the receipts and expenditures of these funds, under oath, to the superintendent of public instruction.

§ 757. INSTITUTE FUNDS, HOW PAID OUT.] It shall be the duty of the county superintendent in all cases to consult with the superintendent of public instruction in reference to the management of such institute or teachers' training school, and he shall carry out the suggestions of such superintendent as to the modes of instruction. No salary shall be paid to any conductor or instructor not previously appointed or employed as herein provided. The money hereby appropriated from the state treasury for the support of teachers' institutes or teachers' training schools shall be paid to the persons to whom it is due by warrant of the state auditor upon the state treasurer, which shall be issued upon the presentation of an account in due form receipted by the person to whom due and approved by the superintendent of public instruction; provided, that no county shall receive more than ten dollars from such appropriation for the payment of conductor's salary for each day its institute is in session; provided, that the state and county institute funds specified by sections 756 and 755 and the appropriation specified by section 758 of one or more counties may be applied to the support of a teachers' training school for such county or counties at the request of the county superintendent for such county or counties, with the consent and under the direction of the superintendent of public instruction. Furthermore, provided, that in any county where a teachers' training school of not less than three weeks duration is held, the conductor of such training school shall file a certified statement with the county auditor specifying time and place of such teachers' training school, and also certifying the total number of schools in said county as reckoned in determining the county superintendent's salary. The county treasurer shall file a copy of said statement with the county treasurer who shall, thereupon, transfer from the county general revenue fund to the county institute fund, the

sum of two dollars (\$2) for each school in the county, as per certified statement filed with the county auditor.

§ 868. STUDENTS CLASSIFIED.] Any public graded school in any city or incorporated village or township, organized into a district, under the township or district system, which shall give instruction according to the terms and provisions of this article and shall admit students of either sex from any part of the state without charge for tuition, shall be entitled to be classified as a state high school and to receive pecuniary aid as hereinafter specified; provided, however, that no such school shall be required to admit non-resident pupils unless they pass an examination in orthography, reading in English, penmanship, arithmetic, grammar, modern geography, and the history of the United States.

§ 869. REQUIREMENTS FOR CLASSIFICATION.] The said board shall require of the schools applying for such pecuniary aid as prerequisite to receiving such aid, compliance with the following conditions, to-wit:

1. That there be regular and orderly courses of study, embracing all the branches prescribed by the said board for the first two years of the high school course.

2. That the said school receiving pecuniary aid under this article shall at all times permit the said board of commissioners, or any of them, to visit and examine the classes pursuing the said preparatory courses.

§ 870. SCHOOLS VISITED ONCE EACH YEAR. WHAT SCHOOLS TO RECEIVE STATE AID. APPROPRIATION.]

1. The said board of commissioners shall cause each school receiving aid under this act to be visited at least once in each year, by a committee of one or more members, who shall carefully inspect the instruction and discipline of the preparatory classes, and make a written report on the same immediately; provided, that the said board may, in its discretion, appoint, in any case, competent persons to visit and inspect any school and to make report thereon; and no money shall be paid in any case until after such report shall have been received and examined by the board, and the work of the school approved by a vote of the board.

2. The said board shall receive applications from such schools for aid as hereinafter provided, which applications shall be received and acted upon in the order of their reception. The said board shall apportion to each of the said schools which shall have fully complied with the provisions of this act, and whose application shall have been approved by the board, the following sums, to-wit: One hundred and seventy-five dollars (\$175.00) each year to each school having four years' high school course and doing four years' high school work; the sum of one hundred and forty dollars (\$140.00) each year to each school having a three years' high school course and doing three years' high school work; the sum of one hundred dollars (\$100.00) each year to each school having a two years'

high school course and doing two years' high school work; provided, that the total amount of apportionments and expenses under this act shall not exceed four thousand dollars (\$4,000.00) in any one year. The sum of four thousand dollars (\$4,000.00) is hereby appropriated annually to be paid out of any moneys in the treasury not otherwise appropriated for the purposes of this act; which amount, or so much thereof as may be necessary, shall be paid upon the itemized vouchers of said board, duly certified and filed with the state auditor.

§ 871. NO COMPENSATION. EXPENSES.] The members of said board shall serve without compensation, but the actual and necessary expenses of the board or any examiner appointed by them, shall be paid in the same manner as those of state officers; provided, that the total expense, including the apportionments to the schools aforesaid, shall not exceed four thousand dollars (\$4,000.00) in any one year.

§ 872. DISCRETIONARY POWERS. ASSISTANT EXAMINER.] 1. The high school board shall have full discretionary power to consider and act upon applications of schools for state aid, and to prescribe conditions upon which said aid shall be granted and it shall be its duty to accept and aid such schools only as will in its opinion, if aided, efficiently perform the service contemplated by law, but in each county two schools complying with the prescribed conditions shall have a right to aid from this appropriation before aid may be granted to a third school in any county. Any school once accepted and continuing to comply with the law and regulations of the board made in pursuance thereof, shall be aided not less than three years. The board shall have power to establish any necessary and suitable rules and regulations relating to examinations, reports, acceptance and classification of schools, courses of studies and other proceedings under this article.

Any assistant examiner appointed by the high school board, as authorized by law, shall be entitled to receive such compensation as the board may allow, not exceeding three dollars (\$3) a day; provided, that no such compensation shall be paid to any person receiving a salary from the state or from any state institution.

§ 873. SHALL KEEP RECORD.] The said board shall keep a record of all the proceedings and shall make on or before the first day of December in each year a report, covering the previous school year, to the superintendent of public instruction, showing in detail all receipts and disbursements, the names and number of schools receiving aid, the number of pupils attending the classes in each, to which report they may add such recommendations as they may deem useful and proper.

Approved March 9, 1899.

CHAPTER 82.

[H. B. 45.]

BOARDS MAY PURCHASE TEXT BOOKS.

AN ACT to Amend Sections 863 and 864 of the Revised Codes, Relating to Education.

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

§ 1. AMENDMENT.] That sections 863 and 864 of the Revised Codes of the State of North Dakota be and the same are hereby amended to read as follows:

§ 863. The board of trustees or board of education of each and every school district in the State of North Dakota is hereby authorized and empowered to select, adopt, and contract for all books and supplies needful for the school or schools under its charge; and the said board of trustees or board of education shall have power to purchase the text books and supplies selected or contracted for, and provide for the loan free of charge [or sale at cost] of such text books and supplies to the pupils in attendance at such school or schools; provided, that no adoption or contract shall be for a period of less than three (3) years nor more than five (5) years; during which time the text books so selected, adopted, and contracted for shall not be changed; provided, further, that before any publisher or publishers shall enter or attempt to enter into any contract for the sale of text books, as hereinbefore provided, they shall file with the superintendent of public instruction of the State of North Dakota a list of their books and the lowest prices at or for which they will sell any or all of such books to any board of trustees or board of education in the State of North Dakota, and they, the said publishers, shall deposit with the superintendent of public instruction a sample copy of each book so listed, which shall represent in style of binding, mechanical execution, general make-up and matter the book or books they offer to sell to the board of trustees at or for the prices so listed and in no case shall prices be raised above said listed prices as filed. It shall be the duty of the superintendent of public instruction to furnish a certified copy of the list of books and prices filed in accordance with the provisions of this section to the district clerk of each common school district in the State of North Dakota.

§ 864. 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 better school privileges, or whenever petitioned so to do by two-thirds of the voters in the district, the board shall provide free text books and supplies for all schools under its charge, in such manner as hereinbefore provided. All books purchased in accordance with the provisions of this act shall be paid

for out of the school fund of the respective districts and it shall be the duty of the school districts and school boards to see that sufficient funds are raised and set aside for the purposes of this act. The clerk of each district shall also keep a record of all books furnished to the schools in the district.

Approved March 8, 1899.

CHAPTER 83.

[Sub. for H. B. 59.]

APPORTIONMENT OF TUITION FUND.

AN ACT to Amend Sections 710, 711, 713, 715, 716, 719 and 722, Revised Codes, Relating to Education, and Providing for the Apportionment of Special Tuition Fund by the County Superintendent of Schools and the Payment Thereof by the County Treasurer to School District Treasurers.

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

§ 1. AMENDMENT.] That sections 710, 711, 713, 715, 716, 719 and 722, Revised Codes, relating to education, be and the same are hereby amended to read as follows:

§ 710. STATE TUITION FUND, HOW RAISED.] The net proceeds arising from all fines and penalties for violation of state laws, from leasing school lands and the interest and income from the state permanent school fund 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.

§ 711. COUNTY TREASURER TO REPORT STATE TUITION FUND QUARTERLY. SUPERINTENDENT OF PUBLIC INSTRUCTION APPORTIONS.] 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, and all moneys arising from leasing school lands within the county, and to forward a detailed statement of moneys so collected, specifying the amount received from each of the above sources, to the state auditor at the same time that he is required to make reports of other moneys to such auditor. 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 superintendent of public instruction the amount of the state tuition fund and the superintendent of public instruction shall immediately apportion such 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 certify to the state auditor, state treasurer and to the county treasurer and county superintendent of each county, the amount apportioned to the respective counties. Immediately upon receipt of such 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 amounts 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 such fund which was apportioned prior to the third Monday of November of such 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 treasury 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.

§ 713. FUNDS CONTROLLED AND PAID OUT BY DISTRICT TREASURER.] All funds shall be kept in the possession or under the control of and paid out by the district treasurer, except as otherwise provided in this chapter, and he shall keep one general account for each district of 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 made therefrom, so as to enable any person readily to ascertain any balance in account of any fund.

§ 715. APPORTIONMENT OF STATE TUITION FUNDS BY COUNTY SUPERINTENDENT.] Within thirty days and in 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 over six and under twenty years of age, excluding all married persons, as appears from the last enumera-

tion 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 money due his school 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.

§ 716. SPECIAL AND INDEPENDENT DISTRICTS AND DISTRICTS ORGANIZED UNDER SPECIAL LAWS ENTITLED TO TUITION FUNDS.] Special and independent school districts and districts organized under special laws shall be entitled to receive their proportion of the state and special tuition funds; 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 chapter.

§ 719. COUNTY TREASURER TO KEEP ACCOUNTS WITH SCHOOL CORPORATIONS.] Each 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 or other authority, and all sums received for the district, and shall credit himself with all payments made to the treasurer of the district, distinguishing between the items paid by apportionment, those from county taxes, and those from other sources. He shall also credit himself with all payments for redemption or indorsement 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.

§ 720. SCHOOL TAXES, HOW AND WHEN 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 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's tax list the district school board or board of education in special or independent districts or districts organized under special laws may correct such errors and refund such taxes improperly collected. All penalties and interest collected on delinquent school taxes shall be applied to the proper fund to which such delinquent taxes belong.

§ 722. TAX, HOW LEVIED, HOW APPORTIONED. APPORTIONMENT OF DELINQUENT TAXES.] 1. The county auditor of each county shall at the time of making the annual assessment and levy of taxes, levy a tax of one dollar on each elector in the county for the support of common schools, and a further tax of two mills on the dollar

on all taxable property in the county, to be collected at the same time and in the same manner as other taxes are collected, which shall be apportioned by the county superintendent of schools among the school districts of the county.

2. It shall be the duty of the county auditor on or before the third Monday in February, May, August and November in each year, to certify to the county superintendent of schools the amount of such county tuition fund, which the county superintendent of schools shall apportion among the several school districts in the same form and manner as provided for the apportionment of the state tuition fund. The county superintendent shall file with the county auditor and the county treasurer a certified statement showing the amount apportioned to each district.

3. It shall also be the duty of the county auditor to certify at the time herein specified the amount of delinquent taxes collected for the special tuition fund prior to those levied for the year 1899, which amounts shall be apportioned by the county superintendent of schools as herein provided; and the county treasurer shall pay such amounts to the district treasurers the same as other special funds are paid.

Approved March 6, 1899.

CHAPTER 84.

[H. B. 143.]

PUPILS FROM OTHER DISTRICTS.

AN ACT to Amend Section 696 of Article 6 of Chapter 9, Entitled Education, of the Revised Codes of North Dakota of 1895.

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

§ 1. AMENDMENT.] That section 696 of article 6 of chapter 9 be amended so as 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 be conveniently taught therein, and for paying their tuition. 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 their tuition; but in no instance shall a board refuse school privileges to nor 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.

Approved March 9, 1899.

CHAPTER 85.

[S. B. 126.]

PHYSICAL EDUCATION.

AN ACT Relating to Physical Education as a Regular Branch of Instruction in the Public Schools of the State and Educational Institutions Receiving Aid from the State.

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

§ 1. PHYSICAL EDUCATION.] That physical education, which shall aim to develop and discipline the body and promote health through systematic exercise, shall be included in the branches of study now required by law to be taught in the common schools, and shall be introduced and taught as a regular branch, to all pupils in all departments of the public schools of the state, and in all educational institutions supported wholly or in part by money from the state.

§ 2. DUTY OF BOARDS OF EDUCATION.] It shall be the duty of all boards of education and boards of educational institutions, receiving money from the state, to make provision for daily instruction in all the schools and institutions under their respective jurisdiction, and to adopt such method or methods as will adapt progressive physical exercise to the development, health and discipline of the pupils in the various grades and classes of schools and institutions receiving aid from the state.

Approved March 8, 1899.

CHAPTER 86.

[H. B. 35.]

EDUCATION OF BLIND CHILDREN.

AN ACT Empowering the Governor to Enter Into Contract for the Care and Education of Blind Children.

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

§ 1. INSTRUCTION OF BLIND CHILDREN.] The governor is hereby authorized to contract with the State of South Dakota, or with

the State of Minnesota, for the care and instruction of blind children of school age, and shall authorize the state auditor to issue warrants upon the state treasury for that purpose.

§ 2. EMERGENCY.] Whereas, there is no provision of law for the care and instruction of the blind, therefore, an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1899.

ELECTION.

CHAPTER 87.

[H. B. 70.]

PUBLICATION OF ELECTION RETURNS.

AN ACT to Amend Section 527 of the Revised Codes of 1895, Relating to the Canvass and Publication of Election Returns and Issuing of Certificates of Election.

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

§ 1. AMENDMENT.] Section 527 of the Revised Codes of 1895 is hereby amended to read as follows:

§ 527. ABSTRACT OF VOTES. CERTIFICATE OF ELECTION. PUBLICATION OF ELECTION RETURNS.] On the fifteenth day after the close of any election, or as soon as the returns are received, the county auditor shall call to his assistance a majority of the county commissioners of the county or the county treasurer, county judge and one county commissioner, and none of the persons so called shall be candidates for office, unless there is not sufficient of such officers who are not candidates, and shall proceed to open such returns and make abstracts of the votes in the manner following: The abstract of votes for member of congress, governor, state auditor, commissioner of insurance, commissioner of agriculture and labor, state treasurer, secretary of state, attorney general, commissioners of railroads, superintendent of public instruction, lieutenant governor shall be on one sheet; the abstract of votes for members of the legislative assembly shall be on one sheet; the abstract of votes for county and precinct officers shall be on one sheet; and it shall be the duty of the county auditor immediately to make out a certificate of election to each of the persons having the highest number of votes for members of the legislative assembly, county and precinct officers respectively and to deliver such certificate to the person entitled thereto on his making application to the county auditor therefor; provided that when a tie shall exist between two or more persons for the senate