

deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, and by imprisonment in the county jail not less than thirty nor more than ninety days. Every such druggist shall keep a book wherein shall be recorded daily, all sales of intoxicating liquors made by him or his employes, showing the name and residence of the purchaser, the kind and quantity of liquor sold, the purpose for which it was sold, and the date of sale.

Such record and affidavit shall be open for the inspection of the public at all reasonable times during business hours, and any person so desiring may take memoranda or copies thereof.

Approved March 6, 1905.

EDUCATION.

CHAPTER 99.

[H. B. No. 251—Glasgow.]

ATTACHING OUTSIDE TERRITORY TO CITY SCHOOLS.

AN ACT to Amend Section 786 of the Revised Codes of 1899, Relating to Education.

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

§ 1. AMENDMENT.] That section 786 of the revised codes of 1899 be amended to read as follows:

§ 786. ADJACENT TERRITORY, HOW ATTACHED FOR SCHOOL PURPOSES.] When any city, town or village has been organized for school purposes and provided with a board of education under any general law, or a special act, or under the provisions of this article, territory, outside the limits thereof but adjacent thereto, may be attached to such city, town or village for school purposes by the board of education thereof, upon application in writing signed by a majority of the voters of such adjacent territory; provided, that no territory shall be annexed which is at a greater distance than three miles from the central school in such special district, except upon petition signed by two-thirds of the school voters residing in the territory which is at a greater distance than three miles from the central school in such special district; and, upon such application being made, if such board shall deem it proper and to the best interests of the school of such corporation and of the territory to be attached, an order shall be issued by such board attaching such adjacent territory to such corporation for school purposes, and the same shall be entered upon the records of the board. Such territory shall from the date of such order be and compose a part of such corporation for school purposes only;

such adjacent territory shall be attached for voting purposes to such corporation, or, if the election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers and upon such school questions; provided, that the county commissioners shall detach any part of such adjacent territory which is at a greater distance than three miles from the central school in such special district and attach to any adjacent school or special district or districts upon petition to do so, signed by three-fourths of the legal voters of such adjacent territory, and all assets and liabilities shall be equalized according to section 731.

Approved March 9, 1905.

CHAPTER 100.

[S. B. No. 46—Talcott.]

EDUCATION.

AN ACT to Amend Sections 370, 652, 653, 657, 695, 757, 759 and 761 of the Revised Codes of 1899.

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

§ 1. AMENDMENT.] That section 370 of the revised codes of 1899 be amended to read as follows:

§ 370. DEPUTIES MAY BE APPOINTED BY CERTAIN OFFICERS. The state auditor, treasurer, superintendent of public instruction and secretary of state, the county treasurer, county auditor, sheriff, register of deeds, surveyor, clerk of the district court, county superintendent of schools and district and city assessors may each appoint a deputy for whose acts as such he shall be responsible; and each officer required to give a bond may require a bond from any deputy appointed by him, which bond shall be in the penal sum of not greater than half the penal sum of his own bond, and such bond may be retained by the officer for his own protection. Such appointment shall be in writing and shall be revocable in writing at the pleasure of the principal and all such appointments and revocations shall be filed as and where required for the bond and oath of the principal.

§ 2. AMENDMENT.] That section 652 of the revised codes of 1899, as amended by chapter 88, laws of 1903, be amended to read as follows:

§ 652. SALARY. DEPUTY. TRAVELING EXPENSES.] The salary of the county superintendent of schools shall be as follows: In each county having one school and not over five, one hundred and fifty dollars; six schools and not over ten, three hundred dollars; eleven schools and not over fifteen, four hundred dollars; sixteen schools and not over twenty, five hundred dollars; twenty-one schools and not

over twenty-five, six hundred dollars; twenty-six schools and not over thirty, seven hundred dollars; thirty-one schools and not over thirty-five, eight hundred dollars; thirty-six schools and not over forty, nine hundred dollars; forty-one schools and not over fifty, one thousand dollars, and for each additional school, ten dollars additional; provided, that in computing the salary of such superintendent no school shall be included unless the same shall have been taught at least four months during the preceding school year; provided, further, such salary shall not exceed one thousand five hundred dollars in any county where the number of schools does not exceed one hundred thirty, and in counties where the number of schools exceeds one hundred thirty, the county superintendent shall be allowed in computing such salary, five dollars additional for each school above one hundred thirty; provided, always, that such salary shall in no case exceed two thousand dollars. In addition thereto he shall receive ten cents a mile for the distance actually and necessarily traveled by him in the discharge of his duties. He shall, at the end of every three months, make and furnish to the county commissioners an itemized statement, subscribed and sworn to, of the distance so traveled in the discharge of his duties, which shall be audited and ordered paid by the board of county commissioners. The amount of his salary and the appropriation for deputy shall be determined each year by the actual number of schools or separate departments in graded and high schools, over which said superintendent had official supervision during the preceding year, and the same shall be paid out of the county general fund monthly, upon the warrant of the county auditor; provided, that whenever the number of schools in a county is diminished by reason of the consolidation of schools or other provision for the instruction of pupils in any district or districts, in computing the salary of the county superintendent as existed before said consolidation or other provision, until such time as the number of separate departments in the general school or schools provided for the pupils of vacated schools shall equal the number of original schools vacated. In each county which shall be organized for school purposes after the adoption of this code, the county superintendent shall be paid a salary at the rate of one hundred dollars a year until the first Monday in January, next following his election, after which his salary shall be as provided for in this section. In counties having fifty or more schools, the county superintendent may appoint a deputy for whose acts as such he shall be responsible, which deputy shall be entitled to a salary equal to fifty per cent of the county superintendent's salary.

§ 3. AMENDMENT. That section 653 of the revised codes of 1899 be amended to read as follows:

§ 653. QUALIFICATIONS OF COUNTY SUPERINTENDENT OF SCHOOLS.]

1. No person shall be deemed qualified for the office of county superintendent, in any county where the salary is one thousand dollars or more per year, who is not a graduate of some reputable normal

school or higher institution of learning or who does not hold a state normal or a state professional certificate, and who has not had at least three years' successful experience in teaching in this state.

2. No person shall be deemed qualified for the office of county superintendent in counties where the salary is less than one thousand dollars per year, unless he holds a certificate of the highest county grade or its equivalent; provided, however, that no part of this section shall be construed to affect any person now holding the office of county superintendent.

§ 4. AMENDMENT.] That section 657 of the revised codes of 1899 be amended to read as follows:

§ 657. NOT APPLICABLE IN EVERY COUNTY.] None of the provisions of sections 654 and 655 shall be applicable to counties in which the salary of county superintendent of schools is less than one thousand dollars per annum.

§ 5. AMENDMENT.] That section 695 of the revised codes of 1899 be amended to read as follows:

§ 695. TEACHERS, HOW EMPLOYED, HOW GRADED.] It shall employ the teachers of the school district and may dismiss a teacher at any time for plain violation of contract, gross immorality or flagrant neglect of duty. No person shall be permitted to teach in any public school who is not the holder of a teacher's certificate or a permit to teach, valid in the county or district in which such school is situated, and 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 certificate and no teacher holding a certificate of a lower grade shall receive a salary equal to or in excess of that paid to a teacher holding a certificate of a higher grade in the same district; provided, further, that no teacher holding a second grade certificate shall receive less than forty-five dollars per month on and after the passage and taking effect of this act. And nothing in this section shall be construed to mean that teachers holding the same grade of certificate must necessarily receive the same wages.

§ 6. AMENDMENT.] That section 757 of the revised codes of 1899 be amended to read as follows:

§ 757. INSTITUTE FUNDS, HOW PAID OUT.] It shall be the duty of the county superintendent of schools in all cases to consult with the state 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 state 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 state 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 section 755 and 756, 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 state superintendent of public instruction; provided, further, that where a teachers' training school of not less than three weeks' duration is held within or for any county, the conductor of such training school shall file a certified statement with the county auditor specifying the time and place of such teachers' training school and also certifying the total number of schools in said county in which school has been taught at least four months during the preceding school year. The county auditor 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 for each school in the county, as per specified statement filed with the county auditor.

§ 7. AMENDMENT.] That section 759 of the revised codes of 1899 be amended to read as follows:

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

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

2. That such child is actually necessary to the support of the family.

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

4. That such child is in such a physical or mental condition (as declared by the county physician, if required by the board), as to render such attendance inexpedient or impracticable. If no school is taught the requisite length of time within two and one-half miles of the residence of such child by the nearest route, such attendance shall not be enforced, except in cases of consolidated schools where transportation may be arranged for by the school board. In districts having consolidated schools where transportation is arranged for by the school board, or in other districts providing transportation, attendance shall be required of pupils residing within four miles of such school or schools, but this provision shall not apply to deaf or feeble minded children in this state. The common schools provided for in this chapter, shall be at all times equally free, open and accessible to all children over six and under twenty years of age, residents of the school districts where they are held or entitled to attend school, under any special provisions of this chapter, subject to the regulations herein made, and to such regulations as the several school boards and boards of education may prescribe, equitably and justly and not in conflict with the provisions of law.

Provided, that this section shall not be construed to apply to parents, guardians or other persons having control of any child or children between the ages of eight and fourteen who desire to send such child or children for a period not exceeding four months in any year to any parochial school for the purpose of preparing such child or children for certain religious duties.

§ 8. AMENDMENT.] That section 761 of the revised codes of 1899, as amended by laws of 1903, be amended to read as follows:

§ 761. PROSECUTION FOR NEGLECTING THIS DUTY.] It shall be the duty of the clerk or secretary of the board of education of any city, town or village, or the clerk of the school board of any district to inquire into all cases of neglect of the duty prescribed in this article and to ascertain from the person neglecting to perform such duty the reason therefor, if any, and to notify the county superintendent of schools of such neglect; and said county superintendent, upon proper presentation of facts, shall lay the matter before the state's attorney whose duty it will be to proceed forthwith to secure the prosecution for any offense occurring under this article; provided, further, that the board of education in any city of over five thousand inhabitants may employ a truant officer who shall perform the duties implied in this section.

Approved March 13, 1905.

CHAPTER 101.

[S. B. No. 56—Garnett.]

PROPOSED CONSTITUTIONAL AMENDMENT.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

§ 1. That the following proposed amendment to section 162 of the constitution of the state of North Dakota be referred to the legislative assembly, to be chosen at the next general election in said state, to be by said last mentioned legislative assembly submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

§ 2. That section 162 of the constitution of the state of North Dakota be amended so as to read as follows:

§ 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations, or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the state, bonds of the United States, bonds of the state of North Dakota, bonds of other states, provided, such states have never repudiated any of their indebtedness, or on first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal of school lands.

Passed by the ninth legislative assembly and filed in the office of the secretary of state February 25, 1905.

CHAPTER 102.

[H. B. No. 152—Briden.]

MEETINGS OF SCHOOL BOARDS.

AN ACT to Amend and Re-enact Section 681 of the Revised Codes of 1899, Relating to Education.

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

§ 1. AMENDMENT.] That section 681 of the revised codes of 1899 be amended to read as follows:

§ 681. MEETINGS OF BOARD. FEES.] The board shall, on the second Tuesday in January, April, July and October of each year, hold regular meetings for the transaction of business at such hour and

place as may be fixed by the board. A special meeting may be held upon the call of the president or the other two members. Written notice of the time and place of any special meeting shall be given to each member of the board at least forty-eight hours before the time of such meeting. Each member of the board shall be paid the sum of eight dollars per annum, less two dollars for each regular meeting he fails to attend; provided, that in any common school district which contains a graded school of three or more departments the board shall hold regular meetings for the transaction of business on the second Tuesday of each month at such time and place as may be fixed by the board, and in such districts, the members of the board shall receive a compensation of one dollar for each meeting attended; provided, further, that in counties having the district system, the president and clerk, and in counties having the township system, the members and clerks or such officers as such president and board may appoint to represent them shall receive ten cents a mile for the distance necessarily traveled in attending general meetings of the presidents, members and clerks of school boards convened by the county superintendent, and also a salary of two dollars, but the total sum of such salary and mileage shall not exceed five dollars for each representative in attending any one meeting.

Approved March 1, 1905.

CHAPTER 103.

[S. B. No. 213—LaMoure.]

SCHOOL CENSUS.

AN ACT to Amend Section 707 of the Revised Codes of 1899.

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

§ 1. AMENDMENT.] That section 707 of the revised codes of 1899 be amended to read as follows:

§ 707. SCHOOL CENSUS. ANNUAL SCHOOL REPORT.] The school board shall cause the clerk to make an enumeration at the close of each school year of all unmarried persons of school age, being over six and under twenty, having their legal residence in the district, who have attended school for a period of not less than sixty days, exclusive of any unmarried person of school age who has attended any model school, school for defective children, manual training school, school of forestry, normal school, school of science, agricultural college or university, supported directly or in any part by the state, giving the names and ages of such persons and the names of parents and guardians having the care and custody of each; also the names, ages and post office addresses of parents and guardians of each deaf and dumb, blind and feeble minded person between the ages of five and twenty-five years, residing in the district, including all such per-

sons as may be too deaf or feeble minded to acquire an education in the common schools. The 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 tenth day of July. A copy of the enumeration of such deaf and dumb person shall be furnished the superintendent of the school for the deaf; a copy of the enumeration of such blind person shall be furnished to the superintendent of the school for the blind, and the enumeration of such feeble minded persons shall be furnished to the superintendent of the institution for the feeble minded by the county superintendent immediately upon receipt of the same. 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 1 and ending June 30, 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.

Approved March 13, 1905.

CHAPTER 104.

[S. B. No. 221—Senate Committee on Education.]

SCHOOL ELECTIONS.

AN ACT to Amend Sections 670 and 674 of the Revised Codes of the State of North Dakota, 1899, Relating to the Election of School Officers and Notices of Annual Election.

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

§ 1. AMENDMENT.] That section 670 of the revised codes, 1899, be amended so as to read as follows:

§ 670. OFFICERS TO BE ELECTED.] On the first Tuesday in June of each year there shall be elected one school director for the term of three years and on the first Tuesday in July [June] of each even numbered year a school treasurer for the term of two years. Such officers shall hold their respective offices from the second Tuesday in June [July] following their election for the number of years respectively for which they were elected, and until their successors are elected and qualified. At the first election for the organization of a new school district there shall be elected at large for such school district three directors, one to serve until the first annual election, one to serve until the second annual election and one to serve until the third

annual election thereafter, and a school treasurer to serve until the annual election in the next even numbered year and until the successor is elected and qualified.

§ 2. AMENDMENT.] That section 674 of the revised codes, 1899, be amended so as to read as follows:

§ 674. NOTICE OF ANNUAL ELECTION.] At least fifteen days before the first Tuesday in July [June] of each year the district school board of each school district shall designate one polling place, as convenient as possible to the voters of such district, at which such annual election shall be held, and shall cause notice of such election to be posted in at least three of the most public and conspicuous places within the district. Such notices shall be signed by the clerk, or in his absence by the president of the district school board, and shall state the time and place of holding such election and the officers to be elected and their term of office, and shall be substantially in the following form:

Notice is hereby given that on Tuesday, the.....day of June, an election will be held at.....(here insert polling place) for the purpose of electing.....(here insert officers to be elected and term each is to serve) for school district No. or for (here insert name of school district). The polls will be opened at 2 o'clock p. m. and closed at 5 o'clock p. m. of that day.

By order of the school board.

Signed.....

Clerk.

Approved March 7, 1905.

CHAPTER 105.

[H. B. No. 252—McCrea.]

SCHOOL FUNDS.

AN ACT Providing for Proposals for Loaning City and School Funds and Defining the Duties of the Various Officers of the City or School Districts With Reference Thereto.

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

§ 1. SCHOOL FUNDS REQUIRED TO BE DEPOSITED.] All funds of each and every city or school district of this state shall be deposited by the treasurer of the city, county or school district, as soon as received by him, in the name of the city or school district of which he is an officer, in such bank or banks as shall have been designated as city or school district depositories in accordance with this act, as hereinafter provided.

§ 2. DEPOSITORY TO BE DESIGNATED.] The city council or school

board of each and every city or school district of this state, at its first regular meeting after this act shall take effect and at its first regular meeting in July of each odd numbered year thereafter, shall designate one or more national or state banks in its city or district or county as city or school district depositories, in which all the funds of such city or school district shall be deposited.

§ 3. CITY AUDITOR OR SCHOOL CLERK TO ADVERTISE FOR PROPOSALS.] The city auditor or school clerk of each city or school district shall advertise in one or more newspapers of the city, county or village, for at least two weeks immediately prior to such meeting for sealed proposals for the deposit of funds of such city or school district, which advertisements shall state the date up to which such proposals will be received, which date shall be the day of the meeting of the city council or school board, at which such proposals are to be opened. Such proposals shall state in writing, what rate of interest will be paid on average daily balances during the month, interest to be paid monthly on condition that such funds, with accrued interest, shall be held subject to draft at all times on demand. Such proposals shall be enclosed in sealed envelopes, addressed to the city auditor or school clerk and marked "proposals for deposit of city or school funds," and shall be by the city auditor or school clerk filed in his office.

§ 4. HOW PROPOSALS ACTED ON. BONDS REQUIRED.] Such proposals shall be presented to the city council or school board at such meetings, and then, but not until then, shall be opened by the city auditor or school clerk in the presence of the council or school board, and the council or school board shall thereupon proceed to accept the proposal of the bank or banks offering the highest rate of interest, not inconsistent therewith, subject to the filing of a satisfactory bond as hereinafter provided, the amount of which bond shall then and there be fixed by the city council or school board. Before any bank shall be designated as such depository, it shall submit to the city council or school board for its approval a bond payable to the city or school district, conditioned for the safe keeping and repayment of any and all funds deposited in such banks, which bond shall be signed by not less than five freeholders of the county or state as sureties; such bond to be in the sum required by the city council or school board, but in no case less than double the probable amount of funds to be deposited in such bank. If at any time the amount of funds on deposit in any of such depositories shall exceed one-half of the amount named in such bond, it shall be the duty of the city council or school board at its next regular meeting thereafter to require from such depository an additional bond in a sum not less than twice the amount of such excess. Such bond shall be approved by the city council or school board and the approval thereof indorsed thereon by the mayor or president of the school board, and by him deposited with the city auditor or the school district clerk; and any bank whose bond shall have been so approved shall thereupon be designated by the city coun-

cil or school board as a city or school district depository and shall continue as such until such time as the city council or school board shall advertise for bids as aforesaid. If the city council or school board fails or refuses to approve such bond, the same may be presented to the judge of the district court, upon three days' notice to the city auditor or school district clerk, who shall proceed to hear and determine the sufficiency of such bond, and may approve such bond and the said bank shall be declared a city or school district depository as aforesaid. The sureties on such bond shall be required to justify as required by law in arrest and bail proceedings; provided, however, that in lieu of such personal bond, the city council or school board may require such banks or bank to file a surety company bond for a sum equal to the amount of funds such bank may receive according to the provisions of this act. If at any time the amount of funds on deposit in such depositories shall exceed the amount named in such surety company's bond, it shall be the duty of the city council or school board at its next regular meeting thereafter to require from such depositories an additional surety bond in the sum of not less than the amount of such excess. Such surety company's bond shall be approved as provided by law.

§ 5. IN CASE BIDS ARE EQUAL, HOW DECIDED.] When two or more banks in the same city or village, proposing to be city or school district depositories, offer the same rate of interest, it shall be the duty of the city council or school board to select, impartially, as many of such banks as depositories as offer ample security for such deposits. In estimating the value of the security, offered by any proposed depository, the capital, surplus and general credit of the bank shall be taken into consideration, as well as the bonds proposed to be given.

§ 6. TWO OR MORE BANKS MAY BE DESIGNATED.] In case two or more banks be designated as depositories, the city or school district treasurer shall, as far as practicable, keep in each of the several depositories equal balances at all times; provided, that in cities or villages where two or more banks are designated as depositories, the amount deposited in any bank shall not exceed the capital of such bank; provided, further, that in cities or villages where the city or school board deposits exceed the capital of the banks in said city or village, then the city council or school board shall deposit the funds of the city or school district in the banks of the city or village upon their giving a bond according to law.

§ 7. WHEN TIME DEPOSITS MAY BE MADE.] Whenever there shall be accumulated in the sinking fund, or any other revenue, city or school district fund, established by law, in any of the cities or school districts of this state, an amount of money exceeding three thousand dollars, and for which there is no immediate use, the city council or school board of such city or school district is authorized and empowered to direct a time deposit of such funds for a period of one year or six months, as they may deem expedient, either in one or more of the city or school district depositories, created by law, or such

state or national bank as the city council or school board may designate.

§ 8. HOW DEPOSITORIES FOR TIME DEPOSITS SELECTED.] The depositories for such time deposits of the city or school district funds may be designated at any regular meeting of the city council or school board of such city or school district upon the advertisement and proposals as provided by law for designating the depositories of the general city or school district funds, and the bank or banks designated as the depository or depositories of such time deposits of such city or school district funds shall be required to furnish a bond in the same amount, manner and form as prescribed by law for the several city and school district depositories.

§ 9. MAXIMUM RATE OF INTEREST CONSIDERED ON CALL DEPOSITS.] To further secure the safety of the city or school district funds deposited under the provisions of this act, the city council or school board shall satisfy itself of the responsibility of the several banks proposing to act as depositories, and any bank offering more than two per cent per annum on deposits, subject to check, shall not be designated as a depository under the provisions of this act.

§ 10. IN WHOSE NAME DEPOSITED.] All funds of the city or school district shall be deposited in the name of the city or school district by the city treasurer or treasurer of the school district, as soon as received by him, in such bank or banks as shall have been designated as city or school district depositories.

§ 11. PENALTY FOR VIOLATION.] If any city or school district treasurer shall deposit any of the funds of his city or school district or loan the same in any manner except according to the provisions of this article, he shall be liable to a penalty of five hundred dollars for each deposit or loan so made.

§ 12. BANKS TO FURNISH MONTHLY STATEMENTS.] Each depository shall furnish to the city auditor or clerk of the school district on the first day of each month an itemized statement of the account of the city or school district with such depository, duly verified by the affidavit of the cashier of such bank, which statement shall be filed and carefully preserved in the office of the city auditor or school clerk. All sums of interest accruing on the funds deposited as aforesaid shall be credited to such deposit account on the first day of each month for the preceding month, and a statement of such interest shall be rendered by such depository to the city auditor or school clerk on the first day of each month and the auditor or clerk shall charge the treasurer with the amount thereof and credit the sum to the general funds of the city or school district.

§ 13. HOW CHECKS SHALL BE SIGNED.] All checks drawn upon the city or school district depositories shall be signed by the city or school district treasurer in the name of the city or school district, by himself as treasurer.

§ 14. WHEN BIDS NOT REQUIRED.] It is the duty of the officers mentioned in this article to comply with the provisions hereof; pro-

vided, that in cities or villages where only one bank is located, the city council or school board shall designate such bank or other bank within this state as depository without advertising for bids, if such bank agrees to pay interest at the rate of at least two per cent per annum and furnishes a bond as hereinbefore provided for the safe keeping and repayment of any funds deposited in such bank. In cities or villages or counties where there is no bank or where no bank offers to comply with the requirements of this act, the city council or school board must designate some bank or banks outside of such city or village and within this state as such depositories, but [such] bank or banks must furnish a bond in the same manner as other depositories.

§ 15. TREASURER NOT LIABLE FOR FUNDS DEPOSITED, BY REASON OF BANK FAILURE.] When the funds of any city or school district are deposited by the city or school district treasurer as provided herein, such treasurer and his sureties shall be exempt from all liability thereon by reason of the loss of any funds from the failure, bankruptcy or any other act of such bank to the extent only of such funds in the hands of such bank or banks at the time of such failure or bankruptcy.

§ 16. EXCEPTIONS TO LAW.] It shall not be incumbent upon the city council or school board to designate depositories as herein provided for until the amount in such city or school treasury equals or exceeds the sum of one thousand dollars.

§ 17. VIOLATION CONSTITUTES MISDEMEANOR.] Any officer violating any of the provisions of this article shall be deemed guilty of a misdemeanor.

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

Approved March 16, 1905.

CHAPTER 106.

[H. B. No. 34—McCrea.]

SUBJECTS TAUGHT IN PUBLIC SCHOOLS.

AN ACT to Amend Sections 648 and 750 of the Revised Codes of 1899,
Relating to Education.

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

§ 1. AMENDMENT.] That section 648 of the revised codes of 1899 be amended to read as follows:

§ 648. PHYSIOLOGY, HYGIENE AND THE NATURE AND EFFECT OF ALCOHOLIC DRINKS TO BE TAUGHT IN PUBLIC SCHOOLS. ON FAILURE TO COMPLY COUNTY SUPERINTENDENT SHALL REVOKE TEACHER'S CERTIFICATE.] He shall see to it that the pupils are instructed in the

several branches of study required by law to be taught in the schools, as far as they are qualified to pursue them. If any teacher neglects or refuses to give instruction as required by law in physiology and hygiene and the nature and effect of alcoholic drinks and other narcotics, the county superintendent shall promptly revoke such teacher's certificate and cause him to be discharged. If the teacher so neglecting or refusing to give instruction in said branches holds a state certificate the county superintendent shall immediately certify such refusal or neglect to the state superintendent of public instruction.

§ 2. AMENDMENT.] That section 750 of the revised codes of 1899 be amended to read as follows:

§ 750. OTHER SUBJECTS TO BE TAUGHT.] Each teacher in the common schools shall teach pupils as they are sufficiently advanced to pursue the same, the following branches: Orthography, reading, spelling, writing, arithmetic, language lessons, English grammar, geography, United States history, civil government, physiology and hygiene, giving special instruction concerning the nature of alcoholic drinks and other narcotics and their effect upon the human system. Physiology and hygiene, including the nature of alcoholic drinks and other narcotics and their effect upon the human system, shall be taught as thoroughly as any branch is taught. All pupils in the above mentioned schools below the high school and above the third year of school work, computing from the beginning of the lowest primary year, shall receive instruction in this subject every year from text books adapted to grade in the hands of pupils, for not less than four lessons per week for ten weeks of each school year. In all schools above mentioned, all pupils in the lowest three primary school years shall each year be instructed orally in this subject for not less than three lessons per week for ten weeks of each school year by teachers using text books adapted to grade for such instruction as a guide or standard. Each teacher in the schools in special districts and in cities organized for school purposes under special law shall conform to and be governed by the provisions of this section.

Approved March 13, 1905.

CHAPTER 107.

[S. B. No. 125—Talcott.]

TEACHERS' CERTIFICATES.

AN ACT to Amend Sections 737, 738, 739, 741, 742 and 744 of the Revised Codes of North Dakota of 1899, Relating to Education.

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

§ 1. AMENDMENT.] That section 737 of the revised codes of 1899 be amended to read as follows:

§ 737. LIFE PROFESSIONAL CERTIFICATE, WHO ENTITLED.] He may issue a state certificate, to be valid for life, unless it lapse or be revoked, to be known as a life professional certificate. Such certificate shall be issued only to persons of good moral character who pass a thorough examination in all the branches included in the course of study prescribed for the common and high schools of the state, including pedagogics and such other branches as the superintendent of public instruction may direct, and to persons who have received degrees in liberal arts, granted by any college or university of recognized standing. Such certificate shall in no case be granted unless the applicant has had an experience as a teacher of at least five years; provided, that any person who is a graduate of the normal college of the university of North Dakota or of the state normal schools of North Dakota, and has had three years' successful experience after graduation, may be granted such certificate without further examination; provided, further, that if the holder of a professional certificate shall at any time cease to teach or be engaged in other educational work for a period of five years, such certificate shall lapse and the lapse, with date and cause shall be made a matter of record in the office of the state superintendent of public instruction. Such certificate, however, may be reinstated under such rules as may be prescribed by the superintendent of public instruction.

§ 2. AMENDMENT.] That section 738 of the revised codes of 1899 be amended to read as follows:

§ 738. STATE CERTIFICATES. FIRST AND SECOND CLASS. SPECIAL. WHO ENTITLED.] 1. He may issue a state certificate, to be valid for a term of five years, unless sooner revoked, to be known as a state certificate of the first class. Such certificate shall be issued only to persons of good moral character who have completed the prescribed curriculum of study in the normal college of the state university or in one of the normal schools of the state or in a normal school elsewhere, having a reputation for thoroughness or to those persons who have degrees in liberal arts, granted by any college or university of recognized standing, but the superintendent of public instruction may examine any such applicant in his discretion. Such certificate shall not be granted unless the applicant shall have taught school successfully for at least eighteen months after graduation.

2. He may issue a state certificate, to be valid for a term of three years, unless sooner revoked, to be known as a state certificate of the second class. Such certificate shall be issued only to persons of good moral character who have completed the prescribed curriculum of study in any reputable normal school or who have received degrees in liberal arts from a college or university of good standing in this state and have made at least one year's study in pedagogics, such as shall be prescribed by the superintendent of public instruction, but the superintendent of public instruction may examine any such applicant in his discretion.

3. Any person who is a graduate of the normal college of the uni-

versity of North Dakota or of one of the normal schools of North Dakota, and who has had nine months' successful experience as a teacher after graduation may be granted the state certificate of the first class; provided, that a diploma from the normal department of the university of North Dakota or of either of the normal schools of this state shall be the equivalent of a state certificate of the second class, if the party holding such diploma have the required age specified in section 742.

4. He may issue special certificates authorizing the holders thereof to teach music, drawing, kindergarten, primary subjects or manual and industrial training, which certificates shall be valid throughout the state, each for a term of three years, under such regulations as the superintendent of public instruction may prescribe; provided that graduates from the state manual training school shall be entitled to certificates authorizing them to teach manual and industrial training without further examination.

§ 3. AMENDMENT.] That section 739 of the revised codes of 1899 be amended to read as follows:

§ 739. FEE FOR CERTIFICATE. CERTIFICATE, HOW REVOKED.] The superintendent of public instruction shall require a fee of five dollars from each applicant for a life professional certificate; a fee of three dollars for a state certificate of the first or second class, and a fee of two dollars from each applicant for a special certificate, which fee shall be used by him to aid in the establishment and maintenance of teachers' reading circles and in the professionalizing of teaching in the state in such other ways as he may deem advisable. He shall revoke at any time any certificate issued in this state for any cause which would have been sufficient ground for refusing to issue the same had the cause existed or been known at the time it was issued.

§ 4. AMENDMENT.] That section 741 of the revised codes of 1899 be amended to read as follows:

§ 741. GRADE OF CERTIFICATES, HOW ESTABLISHED. RE-EXAMINATION, WHEN ALLOWED.] County certificates shall be of three regular grades: First grade for a term of three years; second grade for a term of two years, and third grade for a term of one year, according to the ratio of correct answers for each applicant, and other evidence of qualification; provided, that after January 1, 1908, county certificates shall be of two regular grades: First grade for a term of three years; second grade for a term of two years. No certificate shall be granted unless the applicant shall be found proficient in and qualified to teach the common branches of a common English education, reading, writing, orthography, language lessons and English grammar, geography, United States history, civil government, physiology and hygiene and can pass a satisfactory examination in physical culture and theory and practice of teaching. In addition to the above, an applicant for a first grade certificate shall pass a satisfactory examination in physical geography, elementary physics, psy-

chology, elementary algebra and geometry. The percentage required to pass any branch shall be prescribed by the superintendent of public instruction. The county superintendent may grant permission to teach until the results of the next regular examination are received from the superintendent of public instruction, to any person applying at any other time than at a regular examination, who can show satisfactory reasons for failing to attend such examination and satisfactory evidence of qualification, subject to such rules and regulations as may be prescribed by the superintendent of public instruction. Subsequent permits may be granted by the county superintendent with consent and approval of the superintendent of public instruction. The written answers of applicants for county certificates, after being duly examined by the superintendent of public instruction, shall be kept by him for a period of six months after such examination, and any candidate, thinking an injustice has been done him, may, by paying a fee of two dollars into the institute fund of the county and notifying both the county superintendent and the superintendent of public instruction of the same, have his papers reviewed by the superintendent of public instruction, in person, and, if such answers warrant it, he shall instruct the county superintendent to issue such applicant a county certificate of the proper grade and the county superintendent shall carry out such instructions.

§ 5. AMENDMENT.] That section 742 of the revised codes of 1899 be amended to read as follows:

§ 742. QUALIFICATIONS OF TEACHERS. CONTRACTS, WHEN VOID.] No certificate or permit to teach shall be issued to any person under eighteen years of age, and no first grade certificate to any person who is under twenty years of age, and who has not taught successfully twelve school months, and no person shall be allowed to teach more than fifteen school months on third grade certificates. First and second grade certificates may be renewed without examination, under such requirements as shall be imposed by the superintendent of public instruction. The certificate issued by a county superintendent shall be valid only in the county where issued; provided, that a county superintendent shall indorse for the full period for which they are valid when presented to him for indorsement first and second grade certificates. A fee of one dollar shall be paid into the institute fund of the county for each renewal or indorsement. 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, or organized as independent districts, under the general school laws, who is not the holder of a lawful certificate of qualification or a permit to teach, and no teacher's certificate, issued by the superintendent of public instruction, nor a teacher's diploma granted by any institution of learning in this state shall entitle a person to teach in such public schools of any county, unless such certificate or diploma shall have been recorded in the office of the county superintendent and it shall be the duty of the county superintendent to record

such certificate or diploma; provided, further, that no certificate or permit to teach in the schools of the state shall be granted to any person who is not a citizen of the United States, unless such person has resided in the United States for one year, at least, prior to the time of such application for such certificate or permit. Any contract made in violation of this section shall be void.

§ 6. AMENDMENT.] That section 744 of the revised codes of 1899 be amended to read as follows:

§ 744. CERTIFICATES, WHEN REVOCABLE.] The county superintendent is authorized and required to revoke and annul, at any time, a certificate granted by him or his predecessor for any cause which would have authorized or required him to refuse to grant it, if known at the time it was granted, and for incompetency, immorality, intemperance, cruelty, crime against the laws of the state, breach of contract, refusal to perform his duty or general neglect of the work of the school. The revocation of the certificate shall terminate the employment of such teacher in the school where he may be at the time employed. Such teacher must be paid up to the time of receiving notice of such revocation. The county superintendent shall immediately notify the clerk of the school district where such teacher is employed and he may notify the teacher, through the clerk, of such revocation, and he shall also notify the state superintendent of public instruction and each county superintendent in the state, and shall enter his action in such case in the books of record in his office.

Approved March 13, 1905.

CHAPTER '108.

[S. B. No. 145—Hanna.]

TEACHING HUMANE TREATMENT OF ANIMALS.

AN ACT Providing That a System of Humane Treatment of Animals
Shall be Taught in the Public Schools of North Dakota.

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

§ 1. HUMANE TREATMENT TO BE TAUGHT IN PUBLIC SCHOOLS.] That there shall be taught in the public schools of North Dakota, in addition to the other branches of study now prescribed, a system of study of the humane treatment of animals; such instruction shall be oral and to consist of not less than two lessons of ten minutes each per week. The principal or teacher of every school shall certify in each of his or her reports that such instruction has been given in the school under his or her control.

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

Approved March 6, 1905.