

## CHAPTER 94.

[H. B. No. 335—Dibley]

## COMPENSATION OF DRAIN COMMISSIONERS.

AN ACT to Amend Section 1845, Chapter 23 of the Political Code of the State of North Dakota, Revised Codes of North Dakota of 1905, Relating to Drains.

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

§ 1. AMENDMENT.] Section 1845, revised codes of North Dakota of 1905, is amended to read as follows:

§ 1845. COMPENSATION OF COMMISSIONERS AND PUBLISHERS.] Drain commissioners shall receive for their services such amount not less than three nor exceeding four dollars per day for the time spent by them in the performance of the duties of their office, such per diem to be fixed by the board of county commissioners. Publishers of newspapers shall receive for publishing legal notices and furnishing evidence of such publication the fees prescribed by law for legal advertisements.

§ 2. EMERGENCY.] Whereas, the present law restricts the compensation of commissioners, therefore this act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1907.

## EDUCATION

## CHAPTER 95.

[S. B. No. 163—Talcott]

## AMENDING LAWS RELATING TO EDUCATION.

AN ACT to Amend Sections 747, 778, 799, 819, 836, 847, 879, 892, 912 of the Revised Codes of 1905, Relating to Education.

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

§ 1. AMENDMENT.] Section 747 of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 747. QUALIFICATIONS OF SUPERINTENDENT OF PUBLIC INSTRUCTION. TERMS OF OFFICE.] There shall be elected by the qualified electors of the state at the time of choosing members of the legislative assembly, a superintendent of public instruction, who

shall have attained the age of twenty-five years and who shall have the qualifications of an elector for that office, and be the holder of a state certificate of the highest grade, issued in this state, or a graduate of some reputable university, college or normal school. He shall hold his office at the seat of government for the term of two years commencing on the first Monday in January following his election and until his successor is elected and qualified.

§ 2. AMENDMENT.] Section 778 of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 778. QUALIFICATIONS OF COUNTY SUPERINTENDENT.] 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 does not hold a state certificate of the first class or a life professional certificate, and who has not had at least two years' successful experience in teaching, one year of which shall have been in this state. 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.

§ 3. AMENDMENT.] Section 799 of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 799. WHO QUALIFIED TO VOTE OR HOLD OFFICE.] At any election of school officers in any school corporation in this state all persons who are qualified electors under the general laws of the state and all women twenty-one years of age having the necessary qualifications as to citizenship and residence required of male voters by law, shall be qualified voters and shall be eligible to the office of county superintendent of schools, school director or member of the board of education or school treasurer, or may be judge or clerk of such election; provided, however, that the county superintendent must possess the educational qualifications named in section 778 of the revised codes of 1905.

§ 4. AMENDMENT.] Section 819 of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 819. GENERAL POWERS.] The district school board shall have the general charge, direction and management of the schools of the district, and the care, custody and control of all the property belonging to it, subject to the provisions of this chapter; provided, that in the employment of teachers, no relative of any member of the district board shall be hired without the unanimous consent of the board.

§ 5. AMENDMENT.] Section 831 of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 831. 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 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 829. 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 twelve 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 832.

§ 6. AMENDMENT.] Section 847 of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 847. NOT ENTITLED TO TUITION FUND, WHEN. 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 the 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 has been duly approved and filed, as provided for by section 817; provided, also, that the county superintendent is empowered to withhold the payment of state and county tuition from any district whose clerk and treasurer have failed to make the reports provided for in section 835. New districts organized after the annual enumeration has been taken shall proceed immediately to take the enumeration as provided by law, and after the receipt of such enumeration by the superintendent of public instruction through the county superintendent, the newly organized district shall receive its proportionate share of the funds to be apportioned; provided, further, that the county superintendent shall have the right to withhold the apportionment of the county and state tuition fund from any school district other than the new district herein provided for, which has not maintained school therein for a period of not less than six school months in each school of said district in the school year preceding such apportionment or has not otherwise provided school facilities for the pupils

of that district; provided, further, that it shall be mandatory upon the county superintendent to withhold the apportionment of state and county tuition funds from any district which has not maintained school for a period of at least four months in each school in said district or otherwise provided school facilities for the pupils of that district for the school year preceding such apportionment.

§ 7. AMENDMENT.] Section 879 of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 879. GIVE NOTICE OF OPENING AND CLOSING SCHOOL.] Each teacher on commencing a term of school shall give written notice to the county superintendent of the time and place of beginning such school and the time when it will probably close, and prior to receiving salary for the first month each teacher must exhibit his certificate to the clerk of the district school board. If such school is to be suspended for one week or more in such term the teacher shall notify the county superintendent of such suspension.

§ 8. AMENDMENT.] Section 892 of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 892. 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 sections 890 and 891, and the appropriation specified by section 893 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 and the county superintendent shall file a certified statement with the county auditor, specifying the time and place of such teachers' training school and the total number of schools and separate departments in graded and high 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 or separate department in high and graded schools in the county, as per specified statement filed with the county auditor.

§ 9. AMENDMENT.] Section 912 of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 912. BONDS, DENOMINATION OF. INTEREST. LIMIT OF ISSUE.] The denominations of the bonds which may be issued under the provisions of this article shall be fifty dollars or some multiple of fifty, not exceeding five hundred dollars, and shall bear interest at a rate not exceeding five per cent per annum, payable semi-annually on the first day of January and July in each year, in accordance with interest coupons which shall be attached to such bonds; provided, that the amount of bonds, including all other indebtedness shall not exceed five per cent of the assessed valuation of the school district and may be made payable in not less than ten or more than twenty years from their date.

§ 10. EMERGENCY.] Whereas, there is an emergency in this, that certain schools are to be erected under the provisions of this law immediately, therefore this act shall take effect immediately after its passage and approval.

Approved March 19, 1907.

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## CHAPTER 96.

[H. B. No. 112—Casey]

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### SCHOOL HOUSES AND SITES.

AN ACT to Amend Section 829 of the Revised Codes of North Dakota for 1905, Relating to Education.

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

§ 1. AMENDMENT.] Section 829 of the revised codes of 1905 is amended to read as follows:

§ 829. SCHOOL HOUSES AND SITES, HOW DETERMINED. PLANS FOR SCHOOL HOUSES, HOW PREPARED. BOARD OF INSPECTORS, HOW CONSTITUTED.] 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 of a district, the board shall call a meeting of the voters in 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. Said election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices of the time, place and purpose of such meeting shall be posted in three public places in the district by the 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 the 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; provided, that it shall require a vote of two-thirds of the voters present and voting at such meeting to order the removal of the school house and such school house so removed cannot again be removed within three years from the date of such meeting; provided, further, that whenever a school house is to be purchased, erected or constructed in a common school district, the school board shall consult with the county superintendent of schools and the county superintendent of health with regard to plans providing for the proper construction, lighting, heating and ventilation; provided, further, that it shall be the duty of the state superintendent of public instruction to furnish plans for school houses of one and two rooms as will be in accord with the best ideas pertaining to heating, lighting, ventilating and other sanitary requirements.

2. The county superintendent of health, the chairman of the board of county commissioners and the county superintendent of schools of each county are hereby constituted a board for the purpose of inspecting school houses and outbuildings with reference to their sanitary condition, and whenever the county superintendent shall report to said board of inspection that a school house or outbuilding is in an unsanitary or unsafe condition said board shall inspect the same and recommend to the district school board that such changes or repairs be made as are necessary to make such building or buildings sanitary, safe and fit for school purposes.

Approved March 14, 1907.

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## CHAPTER 97.

[H. B. No. 75—Walker]

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### SCHOOL CENSUS AND ANNUAL SCHOOL REPORT.

AN ACT to Amend Section 835 of the Revised Codes of 1905, Providing for the Enumeration of Children of School Age.

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

§ 1. AMENDMENT.] Section 835 of the revised codes of 1905 is amended to read as follows:

§ 835. SCHOOL CENSUS. ANNUAL REPORT.] The school board shall cause the clerk to make an enumeration between the first and twentieth day of June of each school year, of all unmarried persons of school age, being over six and under twenty, having their legal residence in the district, exclusive of any unmarried person of school age who is supported wholly at the expense of the state at any institution for the blind, institution for deaf and dumb, institution for feeble minded, the reform school or any model school in connection with any state normal school, 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 postoffice address 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 persons 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; provided, that in districts where the number of persons of school age attending school for a period of sixty days during the school year is less than fifty per cent of the total enumeration, it shall be the duty of the county superintendent to withhold from such district its apportionment of state and county tuition funds until such time as a satisfactory explanation of the failure to send pupils to school is made by the school board of said district to the county superintendent and superintendent of public instruction. A copy of the enumeration of such deaf and dumb persons shall be furnished the superintendent of the school for the deaf; a copy of the enumeration of such blind persons shall be furnished to the superintendent of the school for the blind; and the enumeration of such feeble minded persons shall be furnished 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.

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

Approved March 13, 1907.

## CHAPTER 98.

[S. B. No. 162—Talcott]

## COMPULSORY EDUCATION.

AN ACT to Amend Section 894 of the Revised Codes of 1905, Relating to Education.

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

§ 1. AMENDMENT.] Section 894 is amended and re-enacted to read as follows:

§ 894. 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; 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 three 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; provided, that in districts where children reside beyond the three-mile limit and school facilities are not otherwise provided, the district school

board shall provide transportation for such children to and from school. 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 no parent, guardian or person having control over such child shall be prosecuted without being first notified by the county superintendent of schools or the president of the school board in the district in which said child resides, and being given ten days within which to comply with the law; provided, further, 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.

Approved March 14, 1907.

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## CHAPTER 99.

[S. B. No. 129—Cashel]

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### AID TO HIGH SCHOOLS.

AN ACT to Amend and Re-enact Sections 1034, 1035 and 1036 of the Revised Codes of 1905, Relating to Education.

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

§ 1. Sections 1034, 1035 and 1036 of the revised codes of 1905 are amended to read as follows:

§ 1034. SCHOOLS VISITED ONCE EACH YEAR. WHAT SCHOOLS TO RECEIVE STATE AID. APPROPRIATION.] The high school board shall cause each school receiving aid under this article to be visited, at least once each year, by a committee of one or more members, or by some person designated by the high school board, who shall carefully inspect the instruction and discipline of the preparatory classes and make a written report on the same immediately; provided, that 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 the board. The said board shall receive applications from such schools for aid as hereinafter provided, which applications shall be received and acted upon in order of their reception. The said board shall apportion to each of said schools, which shall have fully complied with the provisions of this article, and whose application shall have been approved by the board, the following sums, to wit: Eight hundred dollars each year to each school maintaining a four years' high school course and doing four years' high school work. The sum of five hundred dollars each year to each school having a three years' high school course and doing three years' high school work. The sum of three hundred dollars each year to each school having a two years' high school course and doing two years' high school work; provided, that the monies so appropriated to any high school shall be used to increase the efficiency of the high school work; provided, that not more than forty per cent of the money appropriated must be used in any one year for libraries, laboratories and other apparatus and equipment; provided, further, that the total amount of apportionment and expenses under this article shall not exceed forty-five thousand dollars in one year. The sum of forty-five thousand dollars is hereby appropriated annually for the purposes of this article, to be paid out of any monies in the state treasury, not otherwise appropriated, 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; provided, however, that in case the amount appropriated and available under this article for the payment of aid to such schools shall in any year be insufficient to apportion each of such schools as are entitled thereto the full amount intended to be apportioned to the high schools of the various classes, then, in such case such amount as is apportioned and available shall be apportioned pro rata among the schools entitled thereto.

§ 1035. NO COMPENSATION. EXPENSES.] The members of the board shall serve without compensation, but the actual and necessary expenses of the board, any clerical officer of the board, or any examiner shall be paid in the same manner as those of state officers; provided, that the total expense, including the apportionment to the schools aforesaid shall not exceed forty-five thousand dollars in any one year.

§ 1036. DISCRETIONARY POWERS. ASSISTANT EXAMINER.] 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 five schools complying with the prescribed conditions shall have a right to aid from this appropriation before aid may

be granted to a sixth 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 study 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 per day; provided, that no such compensation shall be paid to any person receiving a salary from the state or from any state institution.

Approved March 4, 1907.

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## CHAPTER 100.

[S. B. No. 333—Senate Committee on Education]

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### OBJECTS OF EDUCATIONAL INSTITUTIONS.

AN ACT to Amend Sections 1050, 1051, 1082, 1092 and 1231 of the Revised Codes of 1905, Relating to Education.

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

§ 1. AMENDMENT.] Sections 1050, 1051, 1082, 1092 and 1231 of the revised codes of 1905 are amended and re-enacted to read as follows:

§ 1050. OBJECT AND DEPARTMENTS OF THE UNIVERSITY.] The object of the university shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with scientific, industrial and professional pursuits, in the instruction and training of persons in the theory and art of teaching, and also instruction in the fundamental laws of this state and of the United States in regard to the rights and duties of citizens, and to this end it shall consist of the following branches or departments:

1. The college or department of arts.
2. The college or department of letters.
3. The teachers' college.
4. The school of mines, the object of which shall be to furnish facilities for the education of such persons as may desire to receive instructions in chemistry, metallurgy, mineralogy, geology, mining, milling and engineering.
5. The military department or school, the object of which shall be to instruct and train students in the manual of arms and such military maneuvers and tactics as are taught in military colleges.

6. Such professional or other colleges or departments as now are or may from time to time be added thereto, or connected therewith, and the board of trustees is hereby authorized to establish such professional and other colleges or departments as in its judgment may be deemed necessary and proper, but no money shall be expended by the board in establishing and organizing any of the additional colleges or departments provided for in this section, until an appropriation therefor shall have first been made.

§ 1051. COURSES OF INSTRUCTION.] The college or department of arts shall embrace courses of instruction in mathematical, physical and natural sciences, with their application to industrial arts such as agriculture, mechanics, engineering, mining and metallurgy, manufactures, architecture and commerce; and such branches included in the college of letters as shall be necessary properly to fit the pupils in the scientific and practical courses for their chosen pursuits and in military tactics. In the teachers' college the proper instruction and learning in the theory and art of teaching and all the various branches and subjects needful to qualify for teaching in the common and high schools; provided, that all instruction in the teachers' college shall be above the grade of secondary schools, and as soon as the income of the university will allow, in such order as the wants of the public shall seem to require, the courses of science and their application to the practical arts shall be expanded into distinct colleges of the university, each with its own faculty and appropriate title. The college of letters shall be co-existent with the college of arts and shall embrace a liberal course of instruction in languages, literature and philosophy, together with such courses or parts of courses in the college of arts as the trustees shall prescribe.

§ 1082. OBJECTS OF NORMAL SCHOOLS.] The objects of such normal schools shall be to prepare teachers in the science of education and the art of teaching in public schools. The board of trustees, with the assistance of the respective faculties, shall adopt the full course of study prescribed for that purpose, which shall embrace the academic and professional studies usually taught in normal schools; provided, that such academic and professional studies shall not extend more than two years beyond the course of study prescribed in a high school of the first class. Such schools shall in all things be free from sectarian control.

§ 1092. OBJECT OF ACADEMY OF SCIENCE.] The North Dakota academy of science heretofore established at Wahpeton is hereby continued as such. The object of such academy shall be to furnish instruction in the pure and applied sciences, mathematics, languages, political science, and history as is usually given in schools of technology below the junior year, the chief object being the training of skilled workmen in the most practical phases of applied science. A general science course may also be offered, consisting of three years' work above the high school course. Upon com-

pletion of either of the above courses the board of trustees may grant appropriate certificates of the work accomplished.

§ 1231. OBJECT OF SCHOOL OF FORESTRY.] A state school of forestry, to be known as the North Dakota school of forestry, is located at Bottineau, in the county of Bottineau, state of North Dakota, by virtue of the vote taken thereon according to law. The object of the school of forestry shall be to furnish the instruction and training contemplated in an agricultural high school, emphasizing those subjects that have a direct bearing on forestry and horticulture.

Approved March 19, 1907.

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## CHAPTER 101.

[H. B. No. 129—Brodie]

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### PAYING TEACHERS IN UNORGANIZED COUNTIES.

AN ACT Making an Appropriation to Pay School Teachers for Teaching Under Contract in School Districts in Unorganized Territory in this State, Which School Districts Were not Lawfully Organized, and Providing the Manner of Submitting their Respective Claims.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand dollars or so much thereof as may be necessary for the purpose of paying certain school teachers for services rendered under contract as teachers in school districts heretofore organized in unorganized territory and which were subsequently declared illegal.

§ 2. WHAT TEACHERS PAID.] In cases where a school district has been organized in good faith and the officers thereof have entered into contracts with certain persons to teach school in said districts and such persons in pursuance of such contracts did teach said schools and were not paid therefor, and which said school districts subsequently were declared by the courts of this state illegally organized, such teachers shall be allowed out of the money hereby appropriated the amounts due such teachers under their respective contracts for the time actually spent in teaching such schools, and in addition to the said sum due them they shall be allowed the sum of ten dollars for expenses in submitting proofs of their claims.

§ 3. PROOF SUBMITTED, HOW.] All persons making claims under the provisions of this act shall submit proofs of their said claims, under oath in the form of affidavit, to the state board of

auditors, and such claims before presentation to the said board shall be submitted for approval to the chairman or some member of the board of directors of the district in which such services were rendered.

§ 4. EMERGENCY.] An emergency exists in this that there is now no law authorizing the payment of salaries to school teachers who have rendered services under contracts as teachers in districts of this state heretofore organized, and which were subsequently declared unlawfully organized, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 5, 1907.

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## CHAPTER 102.

[H. B. No. 64—Casey]

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### SCHOOL LAWS COMPILED.

AN ACT Providing for the Revision and Compilation of the School Laws of the State of North Dakota.

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

§ 1. GOVERNOR AND ATTORNEY GENERAL COMPILE. MAKE REPORT.] Acting under the supervision of the governor, the attorney general shall revise, compile, arrange, simplify and classify the school laws of this state which may be in force on the first day of July, 1907. The laws so compiled shall be comprehensively and accurately indexed, prefaced with a general table of contents and shall have brief and comprehensive annotations. The said attorney general and governor shall report to the next session of the legislative assembly any contradictions, inconsistencies and omissions found in the existing laws and shall draft and report to that session of the said legislative assembly such school laws as, in their judgment, would be of use and benefit to the state, for the information, assistance and action of said legislative assembly.

§ 2. COMPILATION TO BE ACTED UPON BY THE LEGISLATIVE ASSEMBLY.] When the revision, compilation and report is made to the legislature, a bill embodying such revision, compilation and report shall be introduced into the legislature, and upon its passage and approval by the governor the laws contained in such revision and compilation shall thereafter constitute the school laws for the state of North Dakota, and upon the issuance of a proclamation by the governor, said school laws shall take effect and thereafter be in force and be received as evidence of the school laws of this state in all courts thereof.

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

Approved March 12, 1907.

## CHAPTER 103.

[H. B. No. 301—Duncan]

## DEPOSITORIES OF SCHOOL FUNDS.

AN ACT to Amend Sections 926, 928 and 935 of the Revised Codes of North Dakota, 1905, Relating to Depositories of School Funds.

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

§ 1. AMENDMENTS.] Sections 926, 928 and 935 of the revised codes of North Dakota, 1905, are amended to read as follows:

§ 926. 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 two hundred 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.

§ 928. MAXIMUM RATE OF INTEREST ON CALL DEPOSITS.] To further secure the safety of the city or school district funds deposited under the provisions of this article 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 four per cent per annum on deposits, subject to check, shall not be designated as a depository under the provisions of this article; provided, this act shall not apply to school districts in incorporated cities or villages.

§ 935. 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 five hundred dollars.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no law covering the provisions of this act, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1907.

## CHAPTER 104.

[H. B. No. 99—Pugh.]

## TEACHERS' CERTIFICATES.

AN ACT to Amend Section 872 of the Political Code of the Revised Codes of 1905 of the Codes of North Dakota, Relating to Examinations and Certificates for Teachers in Public Schools.

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

§ 1. AMENDMENT.] Section 872 of the political code of the revised codes of 1905 of the codes of North Dakota, be and the same hereby is amended so that the same shall be and read as follows:

§ 872. 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 fees 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, and shall revoke the same for willful violation of any teacher's contract entered into by the holder of any such certificate and any school board or board of school trustees in this state.

Approved March 12, 1907.

## CHAPTER 105.

[H. B. No. 198—Chapman]

## SALARY COUNTY SUPERINTENDENT.

AN ACT to Amend Section 777 of the Revised Codes of 1905, Relating to Education.

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

§ 1. AMENDMENT.] Section 777 of the revised codes of 1905 is enacted to read as follows:

§ 777. 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, that 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, the same number of schools shall be counted for such district or districts in computing the salary of the county superintendent as existed before said consolidation or other provision until such time as the number of separate departments in the general school or schools provided for the pupils of vacated schools shall equal the number of original schools vacated. In each county which shall be organized for school purposes after the adoption of this code the county superintendent shall be paid a salary at the rate of one hundred dollars a year until the first Monday in January next following his election, after which his salary shall be as provided for in this section. 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; provided, further, that in counties having a population of thirty thousand or more the county superintendent shall be allowed one deputy for each one hundred schools or major fraction thereof, under the supervision of said superintendent. Such deputies shall each receive the salary specified in the preceding paragraph of this section.

Approved March 12, 1907.

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CHAPTER 106.

[S. B. No. 144—Talcott]

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ATTACHING ADJACENT TERRITORY FOR EDUCATIONAL  
PURPOSES.

AN ACT to Amend Section 949 of the Revised Codes of 1905, Relating to Education.

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

§ 1. AMENDMENT.] Section 949 of the revised codes of 1905 is amended to read as follows:

§ 949. 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 nothing in this act shall prevent any such adjacent territory being annexed because of such adjacent territory being in an adjoining county, and 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 864.

Approved March 14, 1907.

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## CHAPTER 107.

[S. B. No. 86—Purcell]

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### MILL TAX FOR EDUCATIONAL INSTITUTIONS.

AN ACT to Amend Sections 838, 839, 840, 841 and 842, Chapter 9, of the Political Code of the State of North Dakota, Revised Codes of 1905, Relating to Education.

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

§ 1. AMENDMENT.] Section 838 be and the same is hereby amended to read as follows:

§ 838. MAINTENANCE OF STATE EDUCATIONAL INSTITUTIONS.] For the purpose of providing for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the school for the deaf at Devils Lake, the school of forestry at Bottineau, the North Dakota academy of science at Wahpeton and the industrial school at Ellendale, as a part of the public school system of this state, there is hereby levied upon all taxable property in the state, real and personal, an annual tax of one mill on each dollar of the assessed valuation of such property in each and every year hereafter.

§ 2. AMENDMENT.] Section 839 be and the same is hereby amended to read as follows:

§ 839. COUNTY AUDITOR SHALL CALCULATE AMOUNT OF LEVY.] The county auditor of each county shall at the time of making the annual tax list in his county, calculate the amount of the levy hereinbefore provided for upon each and every item of property assessed in his county as it appears upon the last assessment roll and extend the same upon such tax list in a column to be provided

for that purpose and such tax shall thereupon be calculated and paid over to the state treasurer the same as other state taxes.

§ 3. AMENDMENT.] Section 840 be and the same hereby is amended to read as follows:

§ 840. TAXES, HOW APPORTIONED.] Such taxes so levied shall be apportioned by the state treasurer to the several institutions herein mentioned as follows: Thirty-three one-hundredths of a mill to the state university and school of mines at Grand Forks; twenty one-hundredths of a mill to the agricultural college at Fargo; fifteen one-hundredths of a mill to the state normal school at Valley City; thirteen one-hundredths of a mill to the state normal school at Mayville; six one-hundredths of a mill to the school for the deaf at Devils Lake; two one-hundredths of a mill to the school of forestry at Bottineau; four one-hundredths of a mill to the North Dakota academy of science at Wahpeton; seven one-hundredths of a mill to the industrial school at Ellendale; provided, that all moneys hereafter collected from any tax heretofore levied, shall be apportioned as herein provided.

§ 4. AMENDMENT.] Section 841 is hereby amended to read as follows:

§ 841. MONEYS, HOW APPROPRIATED.] The moneys arising from the taxes hereinbefore levied are hereby appropriated for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the school for the deaf at Devils Lake, the school of forestry at Bottineau, the North Dakota academy of science at Wahpeton, and the industrial school at Ellendale, the same to be paid monthly to the board of trustees of the several institutions herein mentioned and in proportion as herein provided, upon vouchers of said board signed by their respective presidents, and to be expended by the several boards, in their discretion, in the maintenance of said institutions hereinbefore mentioned.

§ 5. AMENDMENT.] Section 842 is hereby amended to read as follows:

§ 842. FUNDS, WHEN PAID OVER.] All moneys received as interest, and all moneys received for rents, for penalties, for permits, and all moneys received from any other source from the respective lands of the different educational institutions hereinafter mentioned, including the North Dakota blind asylum (except moneys received as principal from the sale of lands belonging to the state university and school of mines, lands belonging to the school for the deaf, lands belonging to the two normal schools, lands belonging to the North Dakota academy of science, lands belonging to the industrial school), shall be paid over to the respective treasurers of the educational institutions above mentioned, by the state auditor on the first day of January, April, July and October in each year. The funds herein referred to shall be subject to the order of the

respective boards of trustees of each institution hereinbefore mentioned and shall be used for the maintenance of such institutions respectively.

§ 6. REPEAL.] All acts and parts of acts in conflict with this act are hereby expressly repealed.

Received by the governor February 28, 1907, at 5 p. m.

Filed in the office of the secretary of state, March 6, 1907, at 10:15 a. m.

Became a law without executive approval.

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## CHAPTER 108.

[S. B. No. 247—Johnson of McLean]

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### EMINENT DOMAIN.

AN ACT to Amend Section 7598 of the Revised Codes of 1905, Relating to the Law of Eminent Domain.

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

§ 1. AMENDMENT.] Section 7598 of the revised codes of North Dakota of 1905 is hereby amended to read as follows:

§ 7598. WHEN JUDGMENT PAID.] The plaintiff must, within thirty days after the final judgment, pay the sum of money assessed, except where school or public land upon which no contract is outstanding is taken for public use under this chapter, the plaintiff shall pay for such land upon the same terms as set out in section 171 of this code.

§ 2. EMERGENCY.] It is hereby declared that an emergency exists, and that this act shall therefore be in full force and effect from and after its passage and approval.

Approved March 15, 1907.