

pay teachers out of any money other than that raised or apportioned for the payment of teachers.

Approved March 3, 1869.

CHAPTER IV.

An Act to amend Section thirty-nine of Title one of Chapter thirty-six of the General Statutes, relating to Education. March 4, 1869.

SECTION 1. Amendment to Section thirty-nine (39), Title one (1), of Chapter thirty-six (36) of the General Statutes. Every incorporated town or city having a common or special school system by their several charters, and shall by some proper officer make a report of the enumeration of scholars, shall be entitled to an apportionment of school funds—no classification of scholars with reference to color, social position or nationality by any school trustees is herein authorized without consent of parent or guardian—when town or city may be deprived of their proportion of school funds—duty of Superintendent of Public Instruction when satisfied of the commission of such offense—duty of County Auditor.

2. *Repeal of inconsistent acts.*
3. *When act to take effect.*

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section thirty-nine (39) of title one (1) of chapter thirty-six (36) of the general statutes be amended so as to read as follows :

Sec. 39. Each of the incorporated towns and cities in this state having by their several charters a common or special school system, which shall by some proper officer thereof make to the school superintendent or auditor of their proper county a report of the enumeration of scholars and other matters by this title made necessary to be reported, the same as is required of school districts, shall be entitled to an apportionment of public school funds, to

Every town or city to enumerate the scholars in their district—when may be deprived of school fund—duty of officers.

be apportioned and drawn substantially as provided herein or as provided by their special acts of incorporation. *Provided, however,* That nothing herein or in any act amendatory hereof shall be so construed as to authorize any school trustees, board of education or other school officer or authorities in such incorporated town or city to classify the scholars therein with reference to color, social position or nationality, or to set apart the children so classified into separate schools without their consent and the consent of the parents or guardians of such children. And no town or city which shall offend in this respect or in which any child of suitable age shall be refused admission to any school in the proper locality or ward on account of color, social position or nationality, in violation of section thirty-three (33) of this chapter, shall be entitled to any portion of the school funds of this state apportioned among the several counties pursuant to section forty-four of the title and chapter of the general statutes aforesaid. And it shall be the duty of the state superintendent of public instruction in making such apportionment of school funds pursuant to said section forty-four, in all cases when satisfied of the commission of such offense, by complaint of the aggrieved party or otherwise, to withhold from the county wherein the offense was committed an amount of such school funds proportionate to the school population of the town or city committing such offense; and it shall be the duty of the auditor of such county to withhold all said state school funds from the city or town in which such offense was committed.

SEC. 2. All acts and parts of act inconsistent with the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from after its passage.

Approved March 4, 1869.

Repeal of inconsistent acts.

When act to take effect.