

Provided.

curing, holding and operating of a crematory, shall have perpetual succession. *Provided*, that any corporation so formed which shall cease to carry on the business of a cemetery or crematory, or shall engage in any other business, shall thereby forfeit its charter on the suit of the attorney general.

Improvement fund.

SEC. 2. Every such corporation which shall establish or maintain a cemetery of more than twenty (20) acres in extent within five miles of any city of over fifty thousand (50,000) inhabitants, shall set aside twenty (20) per cent (20%) of all money received from the sale of cemetery lots, as a "permanent care and improvement fund," and the provisions of sections 3110 to 3124, both inclusive, of title 5, chapter 34 of the general statutes of eighteen hundred ninety-four (1894) shall be applicable thereto.

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

Approved March 12, 1897.

S. F. No. 135.

#### CHAPTER 49.

Public schools.

*An act to amend section 79 of chapter 36 of the general statutes of one thousand eight hundred and seventy-eight, as amended in chapter 41 of general laws of 1887 and chapter 107 of general laws of 1891, relating to public schools.*

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

SECTION 1. That section 79 of chapter 36 of the general statutes of 1878, as amended by chapter 41 of laws of 1887 and chapter 107 of laws of 1891, be amended to read as follows:

#### APPORTIONMENT AMONG DISTRICTS.

Apportionment of money among districts.

Sec. 79. The auditor of each county, on the last Wednesday of March and on the last Wednesday of October in each year, shall make apportionments of the money in the county treasury accruing from the current school fund, and from the liquor licenses, estrays and fines, as provided in this act, among the several school districts in the county in which schools have been taught five months within the year by qualified teachers; which apportionment shall be made upon the number of different scholars between the ages of five and

twenty-one years lawfully enrolled in each school and entitled to apportionment as reported to him by the county superintendent of schools; and the county auditor shall transmit to the clerk of each district a copy of the apportionment of said district, and such money shall be used only in payment of teachers' wages, including board.

*Provided*, first, that no district shall receive any share of the apportionment of moneys accruing from liquor licenses, unless all sums paid for such licenses in such districts are appropriated to the county school fund; *provided*, second, that any district which, for the first year after its organization, shall have made provision for a four months' school, by the levy of a sufficient tax, and shall have begun and continued a school for one month, shall be entitled to its share in the first succeeding apportionment in proportion to the actual enrollment of pupils between the ages of five and twenty-one years, which enrollment shall be reported by the clerk, through the county superintendent, to the superintendent of public instruction and to the auditor of the county in which district is situated; and these officers shall include such enrollment of scholars in the next succeeding apportionment. Such district shall also be entitled to a share in each subsequent apportionment for two years succeeding, in proportion to the number of pupils who (m) have been in actual attendance thirty days, on condition that the school is taught four months each year by a qualified teacher; *provided, further*, that no district shall receive from the apportionment in any given year an amount greater than that appropriated by such district from its special tax and local one mill tax levied in that year, unless such district is levying in such year for support of school the maximum rate of taxation allowed by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1897.

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## CHAPTER 50.

S. F. No. 299.

*An act to authorize all cities of the State of Minnesota having no more than fifty thousand and not less than fifteen thousand inhabitants to sprinkle its streets, lanes, alleys, avenues and public grounds and to assess the cost thereof on abutting property.*

Street sprinkling in cities having from 15,000 to 50,000 inhabitants.

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