

not be used or appropriated for any other purpose ; *Provided*, That if such officers refuse or neglect for the space of thirty (30) days after being requested by the owner of such judgment to set apart and provide sufficient funds so that said judgment shall be paid before the time for the collection of the next tax levy; it shall then and thereupon become the duty of such officers and they shall levy the amount of such judgment and certify the same and the purpose thereof to the county auditor, and such amount shall be extended in the tax duplicate and collected as hereinbefore provided.

SEC. 3. If payment of such judgment is not made within twenty (20) days after the time fixed by law for the county treasurer to pay over to the treasurer of such city, village or borough of the moneys in his hands belonging to such city, village or borough, next, after the rendition of such judgment, execution may be issued on such judgment, but only the property of such city, village or borough shall be liable thereon.

SEC. 4. This act shall apply to any city, village or borough organized or created under any general or special law of this state except where the act under which any city, village or borough is organized and created shall provide some other mode for the collection of judgments.

SEC. 5. This act shall take effect and be in force from and after its passage.

Execution to issue when judgment not promptly paid.

Applicable to organizations under the laws of this state.

When act to take effect.

Approved March 4, 1885.

## CHAPTER 197.

### AN ACT REQUIRING THE EDUCATION OF ALL HEALTHY CHILDREN.

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

SECTION 1. That every parent, guardian, or other person in the state of Minnesota having control of any child or children between the ages of eight (8) and sixteen (16) years shall be required to send such child or children to a public school, or private school, taught by a competent instructor, for a period of at least twelve (12) weeks in each year, at least six (6) weeks of which time shall be consecutive, unless such child or children are excused from such attendance by the board of the school district or the board of education of the city or independent school district in

Compulsory to educate children—between what ages—term required to attend school, annually.

which such parent, guardian or person having control resides, upon its being shown to their satisfaction that such parent or guardian was not able, by reason of poverty, to clothe such child properly or that such child's bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required, or that such child or children are taught at home in such branches of study as are usually taught in the public schools subject to the same examination as other pupils of the district or city in which the child resides, or that he has already acquired the ordinary branches required by law, or that there is no school taught within two (2) miles by the nearest traveled road.

Exemptions.

Penalty for non-compliance with provisions of this act.

SEC. 2. Any parent, guardian or other person failing to comply with the provisions of this act, shall, upon conviction, be deemed guilty of a misdemeanor and fined in a sum not less than ten (10) nor more than twenty-five (25) dollars for the first offense, nor less than twenty-five (25) nor more than fifty (50) dollars for the second and every subsequent offense. Said action shall be prosecuted in the name of the state of Minnesota, before any court of competent jurisdiction, and all fines so collected shall be paid into the county treasury of the proper county for the support of common schools.

Duty of school directors and president of boards of education.

SEC. 3. It shall be the duty of any school director or president of the board of education to inquire into all cases of neglect of the duty prescribed in this act, and ascertain from the persons neglecting the reasons, if any, therefor and shall forthwith proceed to secure the prosecution of any offense occurring under this act, and any director or president neglecting to secure such prosecution for such offense within ten (10) days after a written notice has been served on him by any taxpayer in said district or city, unless the person so complained of shall be excused by the district or city board, or board of education, for reasons hereinbefore stated, shall be deemed guilty of a misdemeanor and liable to a fine of not less than twenty (20) nor more than fifty (50) dollars, which fine shall be prosecuted for and in the name of the state of Minnesota, and such fine when collected shall be paid into the county treasury as in section two (2) of this act.

Malicious prosecution—costs how paid.

SEC. 4. That upon the trial of any offense as charged herein, if upon such trial it shall be determined that such prosecution was malicious, then the costs in such case shall be adjudged against the complainant and collected as fines in other cases.

When act to take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 5, 1885.