

deliver over to such committee so selected, such remains or body within thirty-six (36) hours after the same shall have come into their possession, they shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be imprisoned in the county jail for a period not exceeding ninety (90) days or pay a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, or both in the discretion of the court.

When act to  
take effect.

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

Approved March 7th, 1887.

## CHAPTER 41.

[H. F. No. 18.]

AN ACT TO AMEND CHAPTER THIRTY-SIX (36) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878) PROVIDING FOR PUBLIC SCHOOLS.

94-41  
107 . 91

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

SECTION 1. That section seventy-five (75) of chapter thirty-six (36) of the General Statutes of one thousand eight hundred and seventy-eight (1878) be amended to read as follows:

How apportionment of school funds to be made.

Sec. 75. The state superintendent of public instruction shall make an apportionment of the available current school funds in the state treasury, among the several counties of the state, on the first Monday in March and the first Monday in October of each year, in proportion to the number of scholars between the ages of five (5) and twenty-one (21) years who have been enrolled and have been in attendance forty (40) days in the public schools, that have had at least five (5) months of term, within the year, by a qualified teacher, and have reported in accordance with the following provisions.

Teachers shall keep register.

*Provided, first,* that every teacher in the public schools of this state shall keep in a register furnished him by the clerk of the district, a record of the names in full and the number and daily attendance of scholars enrolled in the school, studying and reciting in the same and properly belonging thereto, checking with a cross (×) the names of all under five (5) or over twenty-one (21) years of age, and of all who are charged tuition; the register shall also be so

kept as to show the names and number of days of attendance of all pupils between the ages of five (5) and eight (8) years, between the ages of eight (8) and fifteen (15) years, and between fifteen (15) and twenty one (21) years.

*Provided, second,* that every teacher in the common districts in the state shall, within ten (10) days after the close of the first term in the school year beginning August first, report to the superintendent of schools for the county, on a blank prepared by the state superintendent of public instruction, and distributed through the county superintendent, and to the clerk of the district by returning the register, the names in full of all scholars enrolled in this school, with the number of days each has attended, checking with a cross (x) the names of all under five (5) and over twenty-one (21) years of age, and of all who are charged tuition; and the names so checked shall not be counted in the total enrollment upon which the current school fund is apportioned, and within ten (10) days after the close of each succeeding term of the year, upon a duplicate of the last preceding report for that district, he shall add the new names not enrolled in the preceding report, and in a separate column report the number of days each pupil has attended for the term of his report; all other questions on the blanks shall be accurately answered.

Teachers shall make report of all enrolled scholars.

*Provided, third,* no clerk of any common district, under the supervision of a county superintendent, shall issue an order to any teacher on which pay for the last month of service can be drawn, until he has evidence that the teacher's report to the county superintendent has been returned, properly filled, and until the teacher has returned to such clerk, as the term report required in this section, the register of the district, kept according to law; nothing herein contained shall prevent any teacher from recovering pay for his services, if it appears that his record has been kept, and the reports thereof made, according to the provisions of this section.

Salary may be withheld unless report be made.

*Provided, fourth,* that in special and independent school districts, such blanks furnished through the county superintendent of schools, and requiring for the entire year the data that are required of common school districts each term, shall be properly filled and returned to him within ten (10) days after the close of the last term in the school year, by the superintendent of such schools, or, if there be no such officer, by the teacher of the highest school in the grade; registers in special and independent districts shall be kept, and reports of enrollments shall be made, as in common school districts, and the name of no scholar entitled to enrollment for apportionment shall be counted more than once in the district in any year.

Provisions pertaining to special and independent schools.

*Provided, fifth,* children attending school any part of the year in another district than that in which their par-

Shall not be enrolled twice.

ents or guardians reside, shall not be counted for apportionment in such other district, if they are enrolled and entitled to apportionment within that year in the district where their parents or guardians reside.

SEC. 2. That section seventy-nine (79) of said chapter be so amended as to read as follows:

County auditor  
to make appor-  
tionment of  
funds in county  
treasury.

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 (5) months within the year by qualified teachers; which apportionment shall be made upon the number of different scholars between the ages of five (5) and twenty-one (21) 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 from the apportionment an amount greater than that appropriated by the district from its special tax and a local one (1) mill tax.

*Provided, second,* 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 district are appropriated to the county school fund.

*Provided, third,* that any district which, for the first year after its organization, shall have made provision for a four (4) months school, by the levy of a sufficient tax, and shall have begun and continued a school for one (1) 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 (5) and twenty-one (21) 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 such 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 (2) years succeeding, in proportion to the number of pupils who have been in actual attendance thirty (30) days, on condition that the school is taught four (4) months each year by a qualified teacher.

*Am Ch 107, 1891*

SEC. 3. That section eighty-four (84) of said chapter be so amended as to read as follows:

41-3  
110 . . . 93

Sec. 84. For the purpose of maintaining public schools a tax of one (1) mill, to be known as the "State School Tax Fund," shall be levied annually upon the taxable property of the state, which shall be collected as other taxes are collected, and shall be added to the general school fund, which together shall be known as the "Current School Fund," to be apportioned as hereinbefore provided.

One mill tax levied annually by state.

The county commissioners shall also levy an annual tax of one (1) mill, to be known as the "Local Mill Tax," on the amount of the assessment made by the assessors of each township for the same year, which tax so levied shall be extended upon the assessment rolls of the year, by the county auditor, in a column for each school district or portion thereof in said county, and this shall be collected in the same manner and by the same persons as other county taxes are collected, except that the school tax shall be collected in gold or silver or United States national currency, and the money so collected shall be paid into the county treasury for the support of the public schools, to be apportioned by the county auditor, who shall distribute to each school district or portion thereof, the amount of tax collected in said district or portion of district in his said county.

County one mill school tax shall be levied annually.

*Provided*, that if in any case, county commissioners shall neglect, refuse or fail to make such levy as herein provided for, the county auditor shall nevertheless extend the same upon the assessment rolls of the year, the same as if such levy had been so made by the said county commissioners. As a further provision for the support of schools, there shall be set apart by the county treasurer of each county, the proceeds of all fines for the breach of any penal law in this state, not otherwise appropriated by law, and all moneys arising from the issuing of liquor-licenses, and from unclaimed moneys arising from the sale of estrays, as provided for by amendment to section twelve (12), chapter (19) of the General Statutes. And the county auditor shall open an account with each district or portion of district in his county, and keep an accurate account of all moneys received by or due to each of said districts; and all such matters as are necessary to show the condition of accounts between each of said districts and the county treasury, and for this purpose he shall examine any and all of the books in the office of the county treasurer.

When commissioners neglect or refuse to levy, county auditor to extend same on assessment rolls.

SEC. 4. This act shall take effect and be in force on and after August first, one thousand eight hundred and eighty-seven (1887), provided that the apportionments of October, one thousand eight hundred and eighty-seven (1887), and

When act to take effect.

March, one thousand eight hundred and eighty-eight (1888), shall be made upon the basis of the enrollment as reported for the preceding school year. Second, that the apportionment of October, one thousand eight hundred and eighty-eight (1888), [and March,] one thousand eight hundred and eighty-nine (1889), shall be made upon the basis of the enrollment of pupils between five (5) and twenty-one years of age, who attended school thirty (30) days during the year preceding, in districts that have at least four (4) months school.

Approved March 5, 1887.

## CHAPTER 42.

[S. F. No. 486.]

AN ACT TO AMEND SECTION EIGHTY-THREE (83) OF CHAPTER SIXTY-SIX (66) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878) RELATING TO LEGAL NOTICES.

86 98-42 89

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

SECTION 1. That section eighty-three (83) of chapter sixty-six (66) of the general statutes of the state of Minnesota of one thousand eight hundred and seventy-eight (1878) be and the same hereby is amended so as to read as follows:

“Section 83. The publication of legal notices, public statements, tax lists, or official proceedings required by law, or by an order of a judge or court, to be published in a newspaper once (1) in each week for a specified number of weeks, shall be made on the day of each week in which such newspaper is published; and all such publications shall be made in the English language, and shall not be made or published in any newspaper unless such newspaper shall have been published weekly and generally circulated in the county where said notice, statement, tax-list or official proceeding are to be published for at least one (1) year next preceding the date of the first publication thereof.

*Provided,* That if no newspaper has been previously published in said county for one year as above required, then the same may be published in any newspaper of general weekly circulation.

Publication of legal notices must be made in weekly papers.