

sufficient tax to pay the annual current interest on such bonds, and to provide a suitable sinking fund for the redemption thereof at maturity.

This act shall apply to cities existing under what is known as a home rule charter framed pursuant to section 36 of article 4 of the constitution, and all acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 22, 1909.

CHAPTER 400—H. F. No. 570.

An Act relating to the education of children, defining the powers and duties of the clerks, school boards and teachers in certain school districts and of county superintendents of schools and county attorneys in the enforcing of attendance at school, also amending sections 1449 and 1450 of the Revised Laws of 1905, relating to the education of truants and their commitment to the state training school.

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

Children between 8 and 16 years to be sent to school unless certain excuses are found valid.—Section 1. Every parent, guardian, or other person who resides in any school district, and who has control of any child or children of or between the ages of eight and sixteen years, and in school districts contained in cities of the first class, between the ages of eight and eighteen, shall send such child or children to a public or private school in each year during the entire time the public schools of such district are in session.

Provided, however, that such child or children may be excused from such attendance upon a written application to the school board by the parent, guardian or person having control of such child or children for the whole or any part of such period by the school board or board of education of the school district in which such parent, guardian or person having control over such child or children resides, upon its being shown to the satisfaction of such board—

(1) That such parent, guardian or other person having control is not able by reason of poverty to clothe such child properly; or

(2) That such child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or

(3) That such child has already completed the studies ordinarily required in the eighth grade; or

(4) That there is no public school within reasonable distance of his residence.

A record of such excuses granted shall be spread upon the minutes of the meeting of the board and a copy of the same, duly signed by two members of the board, shall be given to the applicant.

Duty of clerk and truant officer.—Sec. 2. The clerk of each school district wherein a truant officer is not regularly employed shall, during the month of August in each year, make out in triplicate a complete list of all children of school age residing in his school district, together with the name and postoffice address of the parent, guardian or person in charge of such child or children, if known.

He shall certify to this list, send one copy to the county superintendent of schools on or before the first day of September in each year; one copy shall be retained by the clerk with his records, and one copy, together with a record of excuses granted, if there be any, he shall deliver to the principal teacher of his school during the first month of school in his district and such additional excuses as the board may grant shall be reported to the principal teacher in like manner within five (5) days of the granting thereof.

Such clerk shall receive as full compensation for the services required by him of this act three (3) cents for each pupil enumerated in the list prepared by him up to one hundred (100) names, and for any names in excess of one hundred (100) he shall receive two (2) cents per name.

Such payment shall be made from the general fund of his district in the same manner as other claims are paid.

Teacher to report to county superintendent.—Sec. 3. Every teacher, within five days of the receipt of the clerk's list of children of school age and record of excuses granted by the board, shall report to the county superintendent of schools the names of the children who do not attend school and who have not been excused by the board, and he shall make a similar report each succeeding month of school.

County superintendent to report to county attorney—Penalty for violation.—Sec. 4. The county superintendent of schools shall report all cases of unexcused non-attendance to the county attorney, who shall notify the parent, guardian or person in charge to send such child or children to school, and upon their neglect or refusal for a period of ten (10) days to comply with the notification and to send such child or children to school, the county superintendent shall, upon request of the county attor-

ney, make and file a criminal complaint against such person or persons so neglecting or refusing, in any court in any said county having jurisdiction of the trial of misdemeanors, and upon the making of such complaint a warrant shall be issued and proceedings and trial be had as by law provided in case of misdemeanors; and all prosecutions under this chapter shall be conducted by the county attorney of the county wherein the offense is committed.

Any person who shall fail or refuse to send to or keep in school any child or children of whom he has legal charge or control, and who is required by law to attend school, when notified so to do as hereinbefore provided, and any person who induces or attempts to induce any child unlawfully to absent himself from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed fifty (50) dollars or by imprisonment in the county jail for not more than thirty (30) days.

Any school district clerk, teacher or county superintendent of schools refusing, failing or neglecting to perform any duty imposed upon him by the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine of not to exceed ten (10) dollars or by imprisonment in the county jail not to exceed ten (10) days.

All such fines, when collected, shall be paid into the county treasury for the benefit of the school district in which such offense is committed.

Ungraded schools for certain classes—Commitment to state training school.—Sec. 5. That sections 1449 and 1450 of the Revised Laws of 1905, be and the same are hereby amended to read as follows:

1449. Truant schools.—Such boards may maintain ungraded schools for the instruction of children of the following classes between eight and eighteen years of age:

1. Habitual truants.
2. Those incorrigible, vicious or immoral in conduct.
3. Those who habitually wander about the streets or other public places during school hours, without lawful employment.

All such children shall be deemed disorderly and the board may compel their attendance at such truant school, or any department of the public schools, as the board may determine.

1450. Commitment to state training school.—Whenever the board determines that the foregoing provisions have been found inadequate to secure the attendance at school of any such disorderly child, or that he is beyond proper control in the truant or other school to which he has been assigned, it shall direct the

truant officer to make complaint to a court or magistrate having jurisdiction over misdemeanors in such district or city.

Such court or magistrate shall thereupon issue a warrant for the arrest of such child, and proceed to a hearing on such complaint, and if, upon such hearing, the court or magistrate shall decide that such child is disorderly and beyond the proper control of the schools of the district, and under seventeen years of age, he shall sentence him to the state training school; but, in case of a first conviction, the court, in its discretion, may suspend the sentence.

Sec. 6. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 22, 1909.

CHAPTER 401—H. F. No. 679.

An Act to amend chapter 115 General Laws 1905, relating to the suppression of dangerous, contagious and infectious diseases of domestic animals.

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

Killing of animal affected with tuberculosis—Procedure.—

Section 1. That section 1 of chapter 115, General Laws of 1905, be and the same is hereby amended so as to read as follows:

Section 1. That section thirteen (13) of chapter three hundred fifty-two (352) of the General Laws of the year one thousand nine hundred and three (1903) be and the same is hereby amended so as to read as follows:

Whenever the state live stock sanitary board shall decide upon the killing of an animal affected with the disease tuberculosis or glanders, it shall notify the owner or keeper of such decision, when the judgment of the state live stock sanitary board, such animal may be ordered transported for immediate slaughter by the said board, through its executive officer to any abattoir within the state where the United States bureau of animal industry maintains inspection, and said live stock sanitary board shall pay the expense, said transportation and yardage.

Before being removed from the premises of owner, there shall be appointed three (3) competent disinterested men, one appointed by the state, one by the owner, and a third by the first two, to appraise such animal at its cash value.

Such appraisal shall in no case exceed thirty-five dollars (\$35) for a cow and seventy-five dollars (\$75) for a horse, except