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GENERAL STATUTES OF
MINNESOTA

SUPPLEMENT 1917

CONTAINING THE AMENDMENTS TO THE GENERAL STATUTES
AND OTHER LAWS OF A GENERAL AND PERMANENT
NATURE, ENACTED BY THE LEGISLATURE
IN 1915, 1916, AND 1917

WITH NOTES OF ALL APPLICABLE DECISIONS

COMPILED BY

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1918

2640. Intoxication of driver—Penalty.—Whoever operates a motor vehicle while in an intoxicated condition shall be guilty of a misdemeanor.

Provided that any person convicted under this section shall forfeit any license which he may have to operate a motor vehicle under the laws of this state and shall also be disqualified to operate any motor vehicle for a period of three months after the date of such conviction, and provided further that any violation of this provision shall be a misdemeanor. (Amended '17 c. 320 § 1)

2641. Tampering with or damaging vehicle, etc.—No person shall tamper with or drive or operate or use a motor-vehicle without the permission of the owner, and no person shall, without authority of the person in charge, climb upon or into any automobile, whether while the same is in motion or at rest, or hurl stones or any other missiles at the same, or occupants thereof, or shall, while such motor vehicle is at rest and unattended, sound the horn or other signalling device, or attempt to manipulate any of the levers, starting crank, brakes or machinery thereof, or set such vehicle in motion, or otherwise damage or interfere with the same, nor shall any person place upon any street, avenue or highway of this state any glass, tacks, nails or other articles tending to injure automobile tires. (Amended '15 c. 33 § 5)

2642. Disposition of fees—Appropriation—Expenses.—At the end of each month the Secretary of State shall pay into the state treasury, to the account of the general revenue fund of the state, all moneys received by him under this act, and file with the state auditor a verified statement of the amount and sources thereof. On or before the tenth of each month, the Secretary of State shall file a statement and certify to the State Auditor the items and amounts of all expenses necessarily incurred by him or board of examiners in the carrying out of this act, and such items and amounts, being duly audited, shall be paid by the state. The State Treasurer shall keep a separate account of all moneys received from motor vehicle licenses, and on the last day of each fiscal year shall transfer any balance in such account from the Revenue Fund to the Road and Bridge Fund. (Amended '15 c. 33 § 6)

2643. Suit for damages—Evidence, etc.—

The owner of an automobile is not liable for injuries to third persons from the negligence of his chauffeur, committed when wrongfully operating the automobile outside the scope of his employment, and contrary to the directions of the employer not to use the machine in his own personal affairs (130-412, 153+753). Master and Servant, [§302\(1, 6\)](#).

CHAPTER 14

EDUCATION

DISTRICT SCHOOLS

2676. Appeal from order—

Cited (131-79, 154+669).

Section 675, providing for pleadings on appeals from orders of the board allowing or disallowing claims against the county, has no application to appeals under this section (135-439, 161+152). Schools and School Districts, [§39](#).

An appeal from an order denying a new trial in proceedings for a consolidation of school districts, under § 2688, held to have been taken in time; the order of the district court directing a dismissal of the appeal not being a final order (122-383, 142+723). Schools and School Districts, [§39](#).

The county superintendent of schools held not personally liable for costs in defending an appeal in consolidation proceedings (142+928). Costs, [§96](#).

Scope of review on appeal to district court from order of county board changing boundaries of school district (see 135-439, 161+152; note under § 2677, post).

2677. Change of boundaries of district—Enlarging boundaries in certain cases—Proceedings—Apportionment of debts—

In general—Under this section the county board may enlarge a school district having wholly within its limits an incorporated village of the character specified in the statute, by including lands wholly without such village, but contiguous to the district (130-25, 153+253). Schools and School Districts, [§36](#).

The action of a county board in changing the boundaries of school districts held not arbitrary, fraudulent, oppressive, and against the best interests of the territory affected, so as to work manifest injustice (134-82, 158+729). Schools and School Districts, [§39](#).

The interests of the rural districts from which lands are detached should, not be considered independently from the interests of the urban district, so that the change should not be made, if not conducive to the interests of the inhabitants of any one of the districts (134-82, 158+729). Schools and School Districts, [§42\(2\)](#).

What territory "affected" by change—Land within the petitioning district is "territory affected" by the change (134-82, 158+729). Schools and School Districts, [§32](#).

Appeal—What may be reviewed—On appeal to the district court from an order of the board of commissioners changing the boundaries of a school district, in proceedings under this section, the only question for review is whether the order was fraudulent, arbitrary, unjust, or an unreasonable disregard of the best interests of the territory affected, and where the evidence on that issue is in doubt the order should not be disturbed; the question of the propriety and necessity of the proposed change cannot be considered, as it is not a judicial question. The evidence in this case held insufficient to justify vacating the order of the county board (135-439, 161+152). Constitutional Law, [§70\(1\)](#); Schools and School Districts, [§39](#).

An instruction by the court, on appeal to the district court in proceedings to change the boundaries of school districts, as to what territory was "affected" by the change, though inconsistent with other instructions, held not ground for reversal, in view of failure to object (134-82, 158+729). Schools and School Districts, [§42\(2\)](#).

There was no prejudicial error, if error at all, in not including in the consideration of what territory was affected land within districts that had not appealed from the order of the board (134-82, 158+729). Schools and School Districts, [§39](#).

[2677—]1. **Certain proceedings for annexation of unorganized territory validated**—Wherever a petition shall have been heretofore presented to a board of county commissioners, purporting to have been signed by a majority of the freeholders or legal voters, residing within a school district, however organized, in said county, and qualified to vote at school meetings in said district, praying for the annexation of certain unorganized territory to said school district, and said board of county commissioners, after consideration of said matter shall have made an order granting said petition and annexing said unorganized territory to said school district, said territory shall in all things be deemed legally annexed to said school district, and all proceedings had for the annexation of said territory are hereby validated and confirmed;

Provided, that this Act shall not apply to any territory where an action may now be pending in any court involving the legality of any such annexation proceedings. ('15 c. 197 § 1)

[2677—]2. **Certain proceedings for annexation of unorganized territory validated**—Whenever a petition shall have heretofore been presented to a board of county commissioners for the annexation of certain unorganized territory to a school district, and said board of county commissioners, after consideration of said matter, shall have made an order denying said petition, and upon appeal to the district court, said court has ordered judgment granting the petition for such annexation, thereby reversing the action of the said county board, and certain proceedings have been taken by the school board and tax levies made subsequent to the making of said order and prior to the entry of the judgment of the court therein, said territory shall in all things be deemed legally annexed to said school district as and of the date of the making of said court order, and all proceedings had for the annexing of said territory and all acts of the school board of said district affecting said territory and all school levies affecting said annexed territory, are hereby legalized, validated and confirmed; provided that this act shall not apply to any school taxes levied against such annexed territory where in such tax proceedings an answer has been interposed in regard thereto and is now pending in any court. ('17 c. 173 § 1)

[2677—]3. **Same—Pending actions**—This act shall not affect or apply to any action or proceedings now pending in any court of this state. ('17 c. 173 § 2)

2686--2694. [Repealed.]

See § [2694—]12.

2687—The petition must state the location of the districts, by naming the county and state wherein they are situated (130-54, 153+112). Schools and School Districts, ☞38.

In connection with the presumption of naturalization from the act of voting, the evidence held to show that a resident of the state, born in Germany and who had voted many years in this country, was a citizen (123-119, 143+120). Citizens, ☞10.

The petition is jurisdictional, and must be signed by the required number of legal voters (122-383, 142+723). Schools and School Districts, ☞37(3).

Defects in petition, as affecting character of consolidated district as de facto public corporation (see 132-59; 155+1040). Schools and School Districts, ☞28.

The last day for posting notices of election in consolidation proceedings under this section was Monday, February 10th. Held, that notices tacked up on Sunday, the 9th, which remained up on Monday, the 10th, were valid; it being presumed that the notices remained posted on Monday (127-84, 148+891). Appeal and Error, ☞232(1); Schools and School Districts, ☞38.

Those who oppose a consolidation are not estopped to question a violation of the statute by participating in the election (122-383, 142+723). Schools and School Districts, ☞39.

2688—Failure to appeal under this section precludes persons participating in the proceedings from resorting to collateral attack such as by injunction, on the validity of the consolidation proceedings (132-59, 155+1040). Quo Warranto, ☞5.

An appeal from an order denying a new trial held to have been seasonably taken; the order of the district court directing a dismissal of the appeal from an order of consolidation not being a final order (122-383, 142+723). Schools and School Districts, ☞39.

2691—Contracts of a consolidated district are not invalidated by a subsequent judgment dissolving the district on account of defects in the proceeding for consolidation, since the consolidated district was a de facto corporation (122-383, 142+723). Schools and School Districts, ☞39.

[2694—]1. **Consolidation of districts—Duties of county superintendent and superintendent of education—Approval of plat, etc.**—Two or more school districts of any kind may consolidate either by the formation of a new district or by the annexation of one or more districts or unorganized territory to an existing district in which is maintained a state graded, semi-graded, or high school as hereinafter provided.

A district so formed by consolidation or annexation shall be known as a consolidated school district. Before any steps are taken to organize a consolidated school district, the superintendent of the county in which the major portion of territory is situated, from which it is proposed to form a consolidated school district, shall cause a plat to be made showing the size and boundaries of the new district, the location of school houses in the several districts, the location of other adjoining school districts and of school houses therein, and the assessed valuation of property in the proposed district, together with such information as may be of essential value, and submit the same to the superintendent of education, who shall approve, modify, or reject the plan so proposed, and certify his conclusions to the county superintendent of schools. ('15 c. 238 § 1)

[2694—]2. **Same—State aid**—To receive state aid as a consolidated school of Class A or Class B, as defined in this act, the consolidated districts must contain not less than twelve sections; provided, however, that when any consolidated school district shall have attained a valuation of \$200,000 and not exceeding \$1,000,000, and contains within its borders an incorporated village which consolidated district contains but ten sections such consolidated district shall have all the rights and privileges of a consolidated school district. Any existing school district having the area and meeting the requirements specified in this act, shall have the rights and privileges of a consolidated school district. ('15 c. 238 § 2)

[2694—]3. **Same—Petition—Notice of election**—After approval by the superintendent of education of the plan for the formation of a consolidated school district, and upon presentation to the county superintendent of a petition signed and acknowledged by at least twenty-five (25) per cent of the resident freeholders of each school district or area affected, qualified to vote at school meetings, who have been such freeholders for at least thirty (30) days immediately preceding the signing and acknowledging of the petition, asking for the formation of a consolidated school district in accordance with the plans approved by the superintendent of education, the county superintendent shall,

within ten days, cause ten days posted notice to be given in each district affected and one week's published notice, if there be a newspaper published in such district, of an election or special meeting to be held within the proposed district, at a time and place specified in such notice, to vote upon the question of consolidation. ('15 c. 238 § 3, amended '17 c. 470 § 1)

[2694—]4. **Same—Meeting of electors—Consolidation, how submitted—Duty of county superintendent if approved—Appeal—Indebtedness**—At such meeting the electors shall elect from their number a chairman and clerk, who shall be the officers of the meeting. The chairman shall appoint two tellers, and the meeting and election shall be conducted as are annual meetings in common and independent districts. The vote at such election or meeting shall be by ballot, which shall read "For Consolidation," or "Against Consolidation." The officers at such meeting or election shall, within ten days thereafter, certify the result of the vote to the superintendent of the county in which such district mainly lies. If a majority of the votes cast be for consolidation, the county superintendent within ten days thereafter shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the auditor of each county in which any part of any district affected lies, and to the clerk of each district affected, and also to the superintendent of education. If the order be for the formation of a new district, it shall specify the number of such district. The county superintendent shall also cause ten days' posted notice, and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect officers of the newly formed consolidated school district; provided, that the board of a consolidated school district shall from and after the formation of the consolidated district have all the powers, privileges and duties, now conferred by law upon boards of independent districts.

After the formation of any consolidated school district, appeal may be taken as now provided by law in connection with the formation of other school districts. Nothing in this act shall be construed to transfer the liability of existing bonded indebtedness from the district or territory against which it was originally incurred. ('15 c. 238 § 4, amended '17 c. 410 § 1)

[2694—]5. **Same—Consolidation of one or more districts with existing district in certain cases**—In like manner, one or more school districts may be consolidated with an existing district in which is maintained a state high or graded, or semi-graded school in a district containing an incorporated village, in which case the school board of the district maintaining a state high or graded, or semi-graded school in a district containing an incorporated village, shall continue to be the board governing the consolidated school district, until the next annual school election, when successors to the members whose terms then expire shall be elected by the legally qualified voters of the consolidated school district; provided, however, that in case of consolidation with a school district in which there is maintained a state high or graded, or semi-graded school in a district containing an incorporated village, consolidation shall be effected by vote of the rural school districts only, in the manner provided under this act, and by the approval of such consolidation of the rural school district or districts with the one in which there is maintained a state high or graded, or semi-graded school in a district containing an incorporated village, by the school board thereof. Provided that the provisions in this section shall be applicable to a district that has an area not exceeding one (1) mile square in which there is contained a voting school population of one hundred (100) voters or more. ('15 c. 238 § 5, amended '17 c. 410 § 2)

[2694—]6. **Same—Consolidation of unorganized district, etc.**—In like manner any portion of an unorganized school district or district governed by a county board of education may be consolidated with an existing district in which is maintained a state high, graded or semi-graded school, by a vote of the county board of education in the county in which is located such unorganized territory and by the approval of such consolidation of the unorganized territory by the school board of the district in which is maintained a state graded, semi-graded or high school. ('15 c. 238 § 6)

[2694—]7. **Same—Duties of officers of consolidating districts**—The officers of the several districts forming a consolidated school district shall within ten days from receipt of copy of the order of the county superintendent certifying the formation of the new district, or immediately after election and qualification of members of the school board in the consolidated school district, turn over to the proper officers of the newly elected school board, or to the proper officers of the school board in the district maintaining the state high or graded, or semi-graded school, all records, funds, credits, buildings, property and other effects of their several districts. ('15 c. 238 § 7)

[2694—]8. **Same—Powers and duties of board of consolidated district—Duty of superintendent of education**—For the purpose of promoting a better condition in rural schools, and to encourage industrial training, including the elements of agriculture, manual training and home economics, the board in a consolidated school district is authorized to establish schools of two or more departments, provide for the transportation of pupils, or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by such means; locate and acquire sites of not less than two acres, and erect necessary and suitable buildings thereon, including a suitable dwelling for teachers, when money therefor has been voted by the district. They shall submit to the superintendent of education a plat of the school grounds, indicating the site of the proposed buildings, plans and specifications for the school building and its equipment, and the equipment of the premises. ('15 c. 238 § 8)

[2694—]9. **Same—State aid—Classification of districts**—(1) For receiving state aid schools in consolidated districts shall be classified as A and B. Schools of Class A shall be in session at least eight months in the year and be well organized. They shall have suitable school houses with the necessary rooms and equipment. Those belonging in Class A shall have at least four departments and those belonging in Class B, at least two departments. The board in a consolidated school district maintaining a school of either class shall arrange for the attendance of all pupils living two miles or more from the school, through suitable provision for transportation or for the boarding and rooming of such pupils as may be more economically and conveniently provided for by such means.

(2) Besides maintaining schools in consolidated districts conforming to the requirements of those coming under classes A and B, the school board may maintain other schools of not more than two departments, and receive state aid for these as provided for semi-graded and rural schools. ('15 c. 238 § 9)

[2694—]10. **Same—Principal and teachers—Qualifications**—The principal of a consolidated school shall be qualified to teach the elements of agriculture, as determined by such tests as are required by the superintendent of education. A school of this class shall have suitable rooms and equipment for industrial and other work, a library, and necessary apparatus and equipment for efficient work, and a course of study embracing such branches as may be prescribed by the superintendent of education.

(2) The principal and other teachers, including special teachers, shall have such qualifications as may be fixed by the superintendent of education. ('15 c. 238 § 10)

[2694—]11. **Same—State aid, in what amounts**—Schools under Class A in consolidated districts shall receive annually aid of five hundred dollars (\$500); those under Class B shall receive annually aid of two hundred and fifty dollars (\$250).

In addition to such annual aid, schools shall receive annually the amount reasonably expended for the transportation of pupils, not to exceed two thousand dollars (\$2,000).

In addition to other annual aid consolidated schools of either of the above classes shall receive an amount to aid in the construction of buildings, equal to twenty-five (25) per cent of the cost of such buildings, but no school shall receive more than a total of two thousand dollars (\$2,000) for aid in construc-

tion of buildings. The annual aid and the aid for buildings shall be paid in the same manner as now provided by law for the payment of other state aid to public schools.

Whenever any school in a consolidated district attains the rank of a state high or graded school it shall possess the rights and privileges of such school. ('15 c. 238 § 11)

[2694—]12. **Same—Laws repealed**—Sections 1289, 1290, 1291, 1292, 1293 Revised Laws 1905, and chapter 326 Session Laws of 1905 and chapter 304 Session Laws of 1907. Chapter 207 Session Laws of 1911, and chapters 279 and 428 Session Laws 1913 [2686–2694] and other acts and parts of acts inconsistent herewith are hereby repealed. ('15 c. 238 § 12)

See 1915 c. 48.

2696. Division of funds on change of district—

129–300, 152+541.

This section vests in a new district a legal right to a proportionate share of the funds in the treasury of the old district, and the action of the county commissioners in making a division may be reviewed on certiorari (126–209, 148+53). Certiorari, Ⓢ24.

This section applies to all money in the treasury at the time of the organization of the new district, including a building fund raised by the sale of bonds for the construction of a new schoolhouse in the old district. The division of the fund is the act of the legislature, and not that of the officers charged with the duty of making it, and there is no unlawful division of the fund for the purpose for which it was raised. The legislature has the power to direct the distribution, and the courts will not interfere with the exercise of the discretion vested in the county board (126–209, 148+53). Schools and School Districts, Ⓢ41(1).

[2696—]1. **Powers of certain consolidated districts—Eminent domain, etc.**—The school board of any consolidated school district which does not contain within its limits an incorporated city or village may purchase or acquire by condemnation proceedings, as provided by law for acquiring school house sites, in the name and on behalf of such school district, a suitable tract of land within the limits of said district to be used for the purpose of erecting buildings thereon for use for dwelling purposes by teachers or other employees of said district, and may erect such buildings on said tract or on any other real estate owned by such district.

The school board of any such district may also sell, lease or otherwise dispose of such property so built or acquired when deemed advisable and for the best interests of the districts. ('15 c. 358 § 1)

[2696—]2. **Including parts of districts in consolidated district**—Consolidation of school districts of any kind may be effected as provided by existing law except that parts of one or more districts may be included in the vote on consolidation and become a part of a consolidated district as hereinafter provided. ('17 c. 387 § 1)

Section 6 repeals inconsistent acts, etc.

[2696—]3. **Same—Duty of county superintendent—Special plat—Duty of superintendent of education—Approval of plan, etc.—Petition**—Before any steps are taken to include a part of a school district in a proposed consolidated district the superintendent of the county in which the major portion of the territory is situated from which it is proposed to form such consolidation shall, in addition to the general plat provided for, cause a special plat to be made of the portion of any district proposed to be included in said consolidation. This special plat shall show the location of the entire original district with respect to the proposed consolidated district, the valuation and area of the original district, the valuation [and] area of that part of the district to be included in the consolidation together with such other information as may be of essential value. The county superintendent of schools shall submit these plats to the superintendent of education who, after taking into account a proper division of the property and of any floating debt of the original district and considering the educational interests of the community to be affected, shall approve, modify or reject the plan so proposed and shall certify his conclusions to the county superintendent of schools. When a plan for consolidation as above referred to has been approved by the superintendent of education, each part of one or more districts thus included shall, for purposes of consolidation, be regarded as an entire district and

be subject to the laws and procedure for consolidation of entire districts, provided a petition signed and acknowledged by at least one-third of the resident free-holders from each such part of a district is presented to the county superintendent of schools asking for the formation of said consolidation and provided further that said petition for including a part of a district is approved by the board of the school district affected. ('17 c. 387 § 2)

[2696—]4. **Same—Consolidated district to become independent district**—When consolidation is effected by a vote of two or more districts or parts of districts the new district shall thereby become an independent district with the powers, duties and privileges now conferred by law upon independent districts. The county superintendent of schools shall cause a ten days' notice and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect officers of the newly formed consolidated district. The new board shall be elected in the same manner as now provided when a common district changes to an independent district. ('17 c. 387 § 3)

[2696—]5. **Same—Existing bonds, etc.**—When a school district not located in an incorporated city or village shall become a part of a consolidated district and is bonded for the erection of a school building, the proceeds from the sale of said building and site, if sold, shall be applied on the payment of said bonds. The voters of a consolidated district may, after its formation by majority vote, take over and assume liability for and payment of the bonded debt of each district or part of a district entering into the consolidation except the bonded debt of any district containing in whole or in part an incorporated city or village. The clerk of the consolidated district shall, in case such bond assumption vote carries, give proper notice thereof to the auditor of each county in which any part of such consolidated district is situated. ('17 c. 387 § 4)

[2696—]6. **Same—Application of laws**—The consolidation of school districts, including parts of districts as referred to in this act is that provided for in Chapter 238, Laws of 1915 [2694—1 to 2694—12]. ('17 c. 387 § 5)

[2696—]7. **Consolidating districts in villages and cities of fourth class**—When an incorporated village or a city of the fourth class contains two or more school districts of any kind situated wholly or in part within the corporate limits of such village or city, when only one of such districts maintains a state high school, such districts may be consolidated and form one district in the manner hereinafter provided. ('17 c. 453 § 1)

[2696—]8. **Same—Petition—Duty of state superintendent of education—Submission to voters**—Whenever a petition signed by at least one hundred legal voters residing within the proposed consolidated district shall be presented to the state superintendent of education requesting that the said districts be united to form one district, and requesting the said state superintendent to call an election within the proposed consolidated district to vote upon the consolidating of such districts, the state superintendent of education shall make proper inquiry as to advisability of such proposed consolidation and if he shall deem it for the best interests of education therein, he shall order an election to determine the question of such proposed consolidation to be held within the proposed consolidated district. Notice of such election shall be given by posted and published notice as required by law for the consolidation of school districts. Such election shall be conducted in the same manner as are annual school elections in independent districts. The vote shall be by ballots which shall read "For Consolidation" or "Against Consolidation." ('17 c. 453 § 2)

[2696—]9. **Same—Certifying return—Duty of state superintendent**—The officers of such election shall certify and make return of the result of the election to the county auditor of each county in which any part of any of said districts lies. If a majority of the legal votes cast at such election shall be in favor of consolidation, such districts shall be consolidated, and

the state superintendent of education shall make an order setting forth such fact and shall file the same with the auditor of each county in which the districts so united are located. ('17 c. 453 § 3)

[2696—]10. **Same—Existing indebtedness**—Nothing in this act shall be construed to transfer the liability of existing indebtedness from the district or territory against which it was originally incurred. ('17 c. 453 § 4)

[2696—]11. **Same—State aid**—A consolidation formed under this act shall not entitle the district to any of the state aid for consolidated schools unless the district and its schools conform in all respects to the provisions for consolidated schools under chapter 238, General Laws of 1915 [2694—1 to 2694—12]. ('17 c. 453 § 5)

[2696—]12. **Payment of bonded and other indebtedness of districts included in consolidated districts**—Whenever any school district has heretofore been included in a consolidated school district, the bonded and floating indebtedness of such old school district existing at the time of the going into effect of such consolidation shall be paid in the manner following:

A. Each year the county auditor shall extend a tax against the territory chargeable with the payment of any outstanding bond for an amount sufficient to pay the interest or instalment of principal due upon such bond in the year following. Such tax when so collected shall be turned over by the county treasurer to the treasurer of the consolidated school district, who shall keep the same in a separate fund and use the money so received for the payment of such interest or instalment of principal. In case, either because all of said taxes so levied are not paid or for any other reason, the amount so raised by such tax levy shall not be sufficient to pay such interest or instalment of principal, then the amount so remaining unpaid for such year shall be included in the levy to be made the following year.

B. The county auditor shall also levy a sufficient tax against the territory which was included in the old school district at the time of the consolidation to pay the outstanding liability of such old district, excepting bonded indebtedness, as such outstanding liability may be represented by school district orders duly issued prior to such consolidation. The money collected from such tax levy shall be by the county treasurer paid over to the treasurer of the consolidated school district, who shall keep the same in a separate fund and therefrom pay such outstanding school district orders with interest thereon. In case the money so collected shall not be sufficient to pay all of such outstanding orders with interest thereon, then the county auditor shall the following year levy a tax sufficient to pay such residuum so unpaid, and so continue from year to year until full payment has been made.

C. In case any such old school district included in a consolidated school district has outstanding obligations not represented by bonds or school district orders, the claims against such old school district may be presented to the board of the consolidated district, and if found correct may be allowed by said board and school district orders issued therefor against the territory included in such old school district to be so designated, and money to pay the same shall be provided by tax levy, and the county auditor, county treasurer and consolidated district treasurer shall take the same procedure and perform the same duties and acts as in paragraph B hereof provided.

D. The school board of a consolidated district in which was included any school district having a bonded indebtedness may refund such bonded indebtedness by a three-fourths vote of the members of such school board and issue refunding bonds therefor which shall be chargeable against the territory that was chargeable with the payment of the bonds so proposed to be refunded. Such refunding bonds shall not run for a period shorter than five years nor longer than twenty years. The first refunding bond shall be due six years from the date of its issuance and shall be for not less than one-tenth of the bond issue in question nor more than one-fifth thereof, and each subsequent bond shall be for a like amount and shall be

payable one year from the due date of the bond to be paid the preceding year. The county auditor shall extend a tax against all the territory chargeable in the first instance with the payment of the old bonds sufficient to pay the interest on such refunding bonds and any instalment of principal that may be due in the following year. Such tax for the first year shall be fifty per cent in excess of the amount to be due the succeeding year, and thereafter each yearly levy shall be in such amount in excess, not exceeding fifty per cent, of the amount to be due the succeeding year, as the auditor may deem necessary. The county treasurer, upon the collection of such tax, shall apply the proceeds thereof to the payment of such interest or instalment of principal, and shall file with the county auditor receipts therefor, together with the cancelled bonds so taken up. The state board of investment may invest the funds under its control in refunding bonds so issued under the provisions of this paragraph.

E. Whenever any person has a claim against a school district which has been included in a consolidated district, which claim is not represented by a bond or school district order and which claim the consolidated district school board will not allow and issue a school district order therefor as provided in paragraph C hereof, such person may institute action in the proper court against the territory included in such old school district at the time of the consolidation by serving a summons and complaint upon the consolidated district school board, which board shall defend such action in behalf of the territory affected. In case judgment is secured by any such person on any such claim, then upon filing a certified copy of such judgment with the county auditor, such county auditor shall proceed by tax levy substantially as provided in paragraph B hereof and the money so received from such tax levy shall be paid by the county treasurer in payment of such judgment. ('17 c. 432 § 1)

[2696—]13. **Same—Care and distribution of moneys by county or district treasurers**—Such moneys so received by the county treasurer and by the treasurer of the consolidated district shall be considered as county and school district moneys so received by them respectively, and such treasurers and their bondsmen shall be liable for the proper care and distribution thereof to the same extent as they are liable for other county and school district funds that may be received by them. ('17 c. 432 § 2)

2704. **Setting off land to adjoining district—Appeal**—When any freeholder shall present to the board of any county a petition, verified by him, stating that he owns land in such county adjoining any district therein, or separated therefrom by not more than one-quarter section, and that such intervening land is vacant and unoccupied, or that its owner is unknown, and that he desires his said land, together with such intervening land, set off to such adjoining district, and his reasons for asking such change, the board, upon notice and hearing as in other cases; and upon proof of all the allegations of the petition, may make its order granting the same, and like notice of such change shall be given as in other cases;

Provided, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this section, or by any order of the county board, made on the rehearing before it of any such petition, may appeal to the district court from such order, such appeal to be governed by the provisions of Section 2676, General Statutes, 1913. [Amended '15 c. 113 § 1]

Upon an appeal under this section, as amended by 1915 c. 113, the petition to the board need not be drawn with the formality of a pleading; and, if sufficient to put before the board facts upon which it can base an investigation and determination as to the propriety of the detachment, it is sufficient. A petition was sufficient to justify the board in hearing it, and making the order of detachment, though the complaint in the petition was, in substance, that the taxes were exorbitant and confiscatory (131-79, 154+669). Schools and School Districts, ~~37~~(3).

Upon an appeal under this section, as amended by 1915 c. 113, the act of the county board being legislative, the court will limit its inquiry to the question whether the act of the board was arbitrary, or fraudulent, or oppressive, and such as to work manifest injustice, and will not review the legislative judgment and discretion committed to the board (131-79, 154+669). Schools and School Districts, ~~39~~.

2711. Special school meetings—

Infant child of naturalized father was qualified to sign a request for a special meeting (121-376, 141+801). Citizens, 69, 10.

Schoolhouse site may be changed at special meeting called under this section. Admission that the moderator "duly declared said proposition carried" held to show that measure was legally carried at meeting (121-376, 141+801). Schools and School Districts, 69.

[2714—]1. **Proceedings of boards of independent districts to be published—**The school board of each independent school district in this state shall cause to be published once, in some newspaper published in the city or village constituting or in which such school district is located, or if there be no newspaper so published therein, then in a newspaper published at the county seat of the county in which such school district is located, the official proceedings of such board, and such publication shall be made as soon as may be, and not later than thirty days after the meeting at which such proceedings were had. Such publication shall be let annually by contract to the lowest bidder, at the first regular meeting of said board after the annual election in such district, provided that not more than fifty cents per folio shall be paid for such publication. ('15 c. 360 § 1)

2715. Powers of annual meeting—

Schoolhouse site may be changed at special meeting called under § 2711 (121-376, 141+801). Schools and School Districts, 69.

[2715—]1. **Candidates for offices—Application—Duty of clerk of district court—**Any person desiring to be a candidate for a school district office at the annual meeting of such district shall file with the clerk of such district an application to be placed on the ballot for such office or any five (5) voters of such district may file such application for and on behalf of any qualified voter in the district that they desire shall be such candidate. Such applications shall be filed not more than thirty (30) nor less than twelve (12) days before the annual school district meeting. The clerk of the district in his notice of the annual meeting shall state the names of the candidates for whom applications have been filed, failure to so do, however, shall not affect the validity of the election thereafter held. The clerk shall prepare at the expense of the district, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for such office and with a blank space after such names and such ballots shall be substantially prepared as are ballots for general election but without the necessity of having the ballots marked or signed as official ballots. ('17 c. 384 § 1)

Section 3 repeals inconsistent acts, etc.

[2715—]2. **Same—Districts employing only one teacher—**Provided, however, that nothing in this act shall apply to, or affect school districts employing but one teacher. ('17 c. 384 § 2)

[2738—]1. **Boards of education in cities of first class not under home rule charters—**The board of education in every city in the State of Minnesota now or hereafter having over fifty thousand inhabitants and not governed under a charter adopted pursuant to section 36, article 4 of the State Constitution, shall consist of nine school directors from the first Monday in January, A. D. 1919, to the first Monday in January, A. D. 1921, and shall consist of ten school directors from the first Monday in January, A. D. 1921, to the first Monday in January, A. D. 1923, and from and after the first Monday in January, A. D. 1923, said board of education shall consist of nine school directors, which school directors shall be one school director at large from the city and one school director from each senatorial district within such city and shall be elected as herein provided. The present members composing such board of education shall continue in office until the expiration of their terms of office, respectively. ('17 c. 446 § 1)

[2738—]2. **Same—Elections—**At the general election in such city in the year 1918 and at the general election in such city occurring every six years thereafter each odd numbered senatorial district and each fractional odd numbered senatorial district within such city shall elect one such school director for the term of six years, and at the election in such city for the year

1920 and at the general election in such city occurring every six years thereafter each even numbered senatorial district and each fractional even numbered senatorial district within such city shall elect one such school director for the term of six years, and at the general election in such city for the year 1922 and at the general election in such city occurring every six years thereafter one such school director at large shall be elected by all the senatorial districts and fractional senatorial districts included in such city for the term of six years. ('17 c. 446 § 2)

[2738—]3. **Same—Vacancies**—Whenever any vacancy shall occur in the office of any such school director three years or more before the expiration of his term of office, such vacancy shall be filled by the election at the next general election held in such city of a school director for the unexpired term by the electors of the senatorial district or districts in respect to which such vacancy shall occur. Any such vacancy for the period prior to such election of a school director and his qualification for such office, and any vacancy occurring in the office of any school director less than three years before the expiration of his term, may be filled by appointment by the board of education of a school director from the senatorial district or districts in respect to which such vacancy shall occur. ('17 c. 446 § 3)

[2740—]1. **Elections in independent districts having four or more villages—Precincts—Duty of school board**—In all independent school districts in this state, having within their boundaries four or more organized villages, the school board shall at least thirty days before the next annual school meeting to be held in such districts after the passage of this act, by resolution in writing, divide the district into precincts for the purpose of electing members of the school board, voting on the issue of bonds, and on all other matters specifically submitted for vote by ballot; and may thereafter change the boundaries of such precincts, consolidate two or more, or establish new ones, as the convenience of the voters shall require. Such resolutions shall describe the precincts, giving the boundaries thereof, fix a polling place at some school building in each precinct most convenient and accessible to the majority of voters therein, and shall be filed in the office of the district school clerk, and a copy thereof forthwith filed in the office of the county auditor of the county wherein the district is located. ('15 c. 111 § 1)

Section 7 repeals inconsistent acts, etc.

[2740—]2. **Same—Time for holding regular elections, notice, etc.**—The regular elections held in said precincts shall be on the Saturday next preceding the annual school meeting of such district. The polls shall be opened and closed at the hours fixed by the previous annual meeting, except that at the first election held after the passage of this act the hours of opening and closing the polls shall be fixed by the school board. Notice of such elections shall be given in each precinct in the same way and for the same length of time as provided by law for annual school meetings, stating the time and place, and the matters to be voted on; and no proposition, except the election of officers, shall be voted on by ballot unless specified in the notice. ('15 c. 111 § 2)

[2740—]3. **Same—Moderator and clerk—Duty of clerk—Ballots—Poll lists—Certifying results**—At least twenty days before the next annual school meeting of such district, said school board shall, by resolution filed with the clerk of the board, appoint from the resident electors a moderator or judge of election and two clerks from each precinct. The clerk of said school board shall immediately notify in writing each person so appointed, of his appointment, and such person if present at the hour set for opening the polls, shall qualify, open the polls and conduct such elections the same as elections are conducted at annual school meetings. If any of such appointed officers are absent or fail to act at the hour set for opening the polls, the electors present may choose any elector then present to fill the vacancy, who shall qualify and act. Each voter shall after marking his ballot, fold the same so as not to disclose any markings thereon, hand the same to the moderator, who shall deposit it in the ballot box. The election officers shall keep a poll list in which they shall write the name of each elector

voting, numbering the same in consecutive order. At the time fixed the polls shall be closed, and the officers of election in each precinct shall forthwith count the votes and certify the results of the vote to the clerk of the district, place the certificate, poll list, ballots and all other records of such election, in an envelope, securely seal, and mail or deliver the same forthwith to the clerk of the district. ('15 c. 111 § 3)

[2740—]4. **Same—Canvass of votes, etc.**—The school board shall canvass said votes and declare the results thereof at the next annual school meeting. The result shall then stand, and the board shall take such action in regard to said election and all matters voted upon thereat, as if the election had been held at such annual meeting. ('15 c. 111 § 4)

[2740—]5. **Same—Special elections**—Special elections may be called and held in such districts the same as heretofore provided by law, except that in all matters to be voted upon by ballot, such elections shall be held in such precincts instead of at a school meeting. Notice of such special elections shall be given in the same way and for the same time as is now provided by law for special elections in independent school districts. The election officers appointed for the regular election shall preside at such subsequent special elections, and vacancies by reason of absence or failure of any such officer to act, may be filled in like manner as at regular elections. Such special elections shall be conducted and the records thereof certified to the school board the same as for regular elections. The school board shall canvass the vote and declare the result thereof within three days after the receipt of such returns from all the various precincts. ('15 c. 111 § 5)

[2740—]6. **Same—General laws to apply**—Except as herein specifically provided, the general laws relating to the holding of school meetings, special school meetings, and special elections in independent school districts, shall be applied, construed and used by said school boards and by said officers of elections in carrying out the provisions of this act. ('15 c. 111 § 6)

2745. Quorum—

Under this section notice given by applicant for employment as teacher to member of school board of a meeting a few minutes before the meeting called by the secretary was insufficient. The notice to a school board of a board meeting must be a personal notice and given or authorized by proper authority, and sufficient to give member reasonable opportunity to attend meeting (162+1081). Schools and School Districts, ☞57.

2746. **Powers and duties of school board**—1. When authorized by the voters at a regular meeting or a special meeting called for that purpose, may acquire necessary sites for schoolhouses, or enlargements or additions to existing schoolhouse sites, by lease, purchase or condemnation under the right of eminent domain; erect, lease or purchase necessary school houses or additions thereto; and sell or exchange such school houses or sites and execute deeds of conveyance thereof. In any village or city such site, when practicable, shall contain at least one block, and, if outside of any city or village, two acres; and when any schoolhouse site shall contain less than such amount, the board shall, if practicable, acquire other land adjacent to or near such site to make, with such site, such amount. (Amended '15 c. 25 § 1 subd. 1)

Necessity of condemnation not subject to judicial review (121-376, 141+801). Eminent Domain, ☞68.

District may condemn site without first making attempt to purchase (121-376, 141+801). Eminent Domain, ☞170.

Schoolhouse site may be changed at special meeting called under § 2711 (121-376, 141+801). Schools and School Districts, ☞69.

Purchase by directors of district held ratified by action of voters at next annual meeting (122-59, 141+1105). Schools and School Districts, ☞82.

G. S. 1894 § 3653 subd. 1, cited—124-271, 144+960.

2747. **Further powers and duties of school board**—* * * (3) Authorize the use of any school house in the district for divine worship, Sunday schools, public meetings, elections and such other similar purposes as, in their judgment, will not interfere with its use for school purposes; but before permitting such use, the board may require the bond of some responsible party, in the penal sum of one hundred dollars, conditioned for the proper use of such school house, the payment of all rent, and the repair of all damage occa-

sioned by such use, and they may charge and collect for the use of the district from the persons using such school house such reasonable compensation as they may fix. (Par. 3 amended '17 c. 417 § 1)

[2747—]1. **Further powers and duties of school board quasi school activities, etc.—School auxiliary fund**—In addition to the powers now or hereafter conferred by law upon the school board of any school district in this state, such school board may and upon vote of the district shall take charge of and control all school and quasi school activities of the teachers and children of the public schools in that district held in the school buildings or school grounds or under the supervision or direction of the school board and to that end adopt rules and regulations for the conduct of athletic, oratorical, musical, dramatic and other contests and entertainments in which the schools of such district or any class or pupils therein may participate. All moneys received on account of such entertainments and contests shall be turned over to the school district treasurer who shall keep the same in a separate fund to be known as the "school auxiliary fund," to be disbursed for expenses connected with such entertainments or contests, or otherwise by the school board upon properly allowed itemized claims. Any donations to the school district for specific objects and purposes and other than for the primary purposes of the district, shall be placed in the fund hereinbefore referred to and in like manner disbursed; the request of the donor or donors thereof being complied with in regard to the purpose of such disbursements, if the school board shall consider that the interest of the district will be promoted thereby. ('17 c. 112 § 1)

[2747—]2. **Same—Consent for entertainments**—No such school or quasi school entertainment or contest in any district in which the school board shall act under the provisions of this chapter shall be participated in by the teachers or pupils in the public schools of such district, nor shall the school name or any allied name be used in connection therewith, except by consent and direction of the school board. ('17 c. 112 § 2)

2748. To acquire sites for agricultural schools—

State lands are not subject to appropriation, unless expressly or by necessary implication authorized by statute. Under this section a school district may acquire an interest in state school lands for experimentation and instruction in agriculture (124-271, 144+960). Eminent Domain, \Leftrightarrow 46.

2754. Same—Not applicable to cities under home rule charters—
128-82, 150+389.

[2755—]1. **Additional powers of boards in independent districts in cities of first class under home rule charters**—The school board of any independent school district, in any city of the first class, operating under article 4 of section 36 of the State Constitution of Minnesota, is hereby authorized to establish and supervise for children and adult persons, in school buildings and on the school grounds under the custody and management of any such school board, or in such buildings or upon such grounds as may be placed under the custody and management of any such school board, vacation schools, reading rooms, library stations, debating clubs, gymnasias, play grounds and similar activities, including social centers. ('17 c. 166 § 1)

[2755—]2. **Same—Tax levy**—The school board of any such independent school district is hereby authorized to levy a tax upon all the taxable property within such independent school district, not exceeding three tenths (.3) of a mill for the establishment and maintenance of such vacation schools, reading rooms, library stations, debating clubs, gymnasias, play grounds and similar activities or any of the same, including social centers. ('17 c. 166 § 2)

2756. Special duties of boards in common school districts—

School districts, pupils from which attend special schools maintained in other districts for training in agriculture and domestic science under §§ 2820, 2823, may levy a tax to pay the tuition of such pupils (122-254, 142+325, 47 L. R. A. [N. S.] 200). Schools and School Districts, \Leftrightarrow 100.

[2757—]1. **Evening schools in common or consolidated districts or for unorganized territory**—The school board of any common or consolidated school district or the school board of for unorganized territory may establish

and maintain public evening schools as a branch of the public schools, and such evening schools when so maintained shall be available to all persons over sixteen years of age who, from any cause, are unable to attend the public school of such district; and the branches taught at such evening schools and the general conduct thereof shall be subject to the direction and control of the state superintendent of education. ('17 c. 356 § 1)

[2757—]2. **Same—Duties of state superintendent**—The state superintendent of education is hereby authorized and directed to make such investigations as may be necessary to advance the purposes of this act and to carry out the provisions thereof, and to that end he may appoint such additional assistants as may be necessary. ('17 c. 356 § 2)

[2757—]3. **Same—Salaries**—One-half the salary of all teachers who teach in evening schools in common, independent, or consolidated school districts shall be paid by the state, as appropriations are made by the legislature for that purpose which payment shall be made upon verified statements of account presented by the respective school districts and approved by the local superintendent of schools in all districts maintaining a state high school, or by the county superintendent of schools in the case of districts which do not maintain such state high schools. ('17 c. 356 § 3)

2759. Duties of clerk—

It is the duty of a clerk of a school district to draw orders upon the treasurer for the payment of teachers' wages as they become due, without requiring that a bill therefor be first presented and allowed by the school board (126-367, 148+306). Schools and School Districts, ~~144~~(5).

2760. Duties of treasurer—

As to issue of duplicate, where order or warrant is lost or destroyed, see §§ [1846—]4 to [1846—]7.

[2774—]1. **Payment of bills in cities of first class not under home rule charters—Power of board of education**—The board of education in every city of this state having over fifty thousand inhabitants and not governed under a charter adopted pursuant to Section 36, Article 4, of the state constitution, notwithstanding any provision of law to the contrary, may hereafter provide by resolution for the payment of all current bills incurred by the board for goods, wares and merchandise purchased for school purposes, the purchase whereof has been duly authorized by the board, without awaiting a formal vote of the board directing the payment thereof. ('15 c. 149 § 1)

[2774—]2. **Same—Re-payment in case of error**—Should any bills so paid prove to be erroneous or excessive upon examination made within ninety (90) days after payment, the payee thereof shall repay to the board of education on demand of the board or of the city attorney all such excess, or be subject to an action at law for double the amount thereof. ('15 c. 149 § 2)

[2774—]3. **Same—Protection against fraud, etc.**—Such resolution may contain such further provisions as the board of education shall deem necessary to protect the board against fraud, irregularity and mistake in the matter of such purchases. ('15 c. 149 § 3)

[2774—]4. **Certain orders issued by certain independent school districts legalized**—All outstanding orders heretofore issued within one year prior to the passage of this act by any independent school district, being wholly within any county of this state not exceeding in area 800 square miles, for the purpose of paying and defraying the expenses incurred in connection with the erection and construction of a high school building, and all expenses incurred, and all orders issued within said time, in connection with the installing and placing therein of heating, ventilating, and plumbing plants, and equipping, and furnishing such building with apparatus and school furniture, and in constructing and furnishing necessary sewerage in connection with said building, are hereby legalized and validated and made the legal and valid indebtedness of the school district so incurring such indebtedness or issuing such orders. ('15 c. 130 § 1)

[2774—]5. **Same—Pending actions**—This act shall not affect any action or proceeding now pending in any court of this state involving the legality of any such order, warrant or item of expense. ('15 c. 130 § 2)

[2774—]6. **Certain orders issued by certain common districts legalized**—All outstanding orders heretofore issued within one year prior to the passage of this act by any common school district supporting a graded school and a full 4 years' high school course and being wholly within any county of this state issued for the purpose of paying the expense incurred in connection with the erection, construction and equipment of a school building therein, which cost at least \$21,000, are hereby legalized and validated.

Provided that the amount of such orders do not exceed the sum of thirty-five hundred dollars, and provided further that when added to the total indebtedness of said district, bonded or otherwise, such indebtedness shall not exceed the limit for which such school district is authorized by law to issue its bonds. ('15 c. 269 § 1)

[2774—]7. **Same—Pending action**—This act shall not affect any action or proceeding now pending in any court of this state involving the legality of any such order. ('15 c. 269 § 2)

CONDUCT OF SCHOOLS

2795. **General control of schools**—

Cited (162+688).

2796. **Length of school**—

Cited (122-254, 142+325, 47 L. R. A. [N. S.] 200).

2800. **Graded schools**—

Cited (162+688).

[2807—]1. **Patriotic exercises**—That in all of the common, graded and high schools of this state it shall be the duty of the superintendent or teachers in charge of such schools to teach and require the teaching therein, on at least one day out of each week, of subjects and exercises tending and calculated to encourage and inculcate a spirit of patriotism in the pupils and students. Such exercises shall consist of the singing of patriotic songs readings from American history and from the biographies of American statesmen and patriots and such other patriotic exercises as the superintendent or teachers of such schools may determine.

The time to be spent thereon on each of said days shall not exceed one-half hour. ('17 c. 108 § 1)

[2807—]2. **Display of United States flag**—There shall be displayed at every public school in Minnesota, when in session, an appropriate United States flag. Such display shall be upon the school grounds or outside the school building, upon a proper staff, on every legal holiday, occurring while the school is in session and at such other times as the respective boards of such school districts may direct and within the principal room of such school building at all other times while the same is in session. ('17 c. 313 § 1)

[2807—]3. **Same—Duty of board**—It shall be the duty of every school board and board of education to provide such flag for each of the school buildings of their respective districts, together with a suitable staff for the display thereof outside of such school building and proper arrangement for the display thereof within such building and a suitable receptacle for the safe-keeping of such flag when not in use, as by this act directed, at all times. ('17 c. 313 § 2)

**DEPARTMENTS OF AGRICULTURE, MANUAL TRAINING AND
DOMESTIC ECONOMY IN HIGH, GRADED AND
CONSOLIDATED RURAL SCHOOLS**

2818-2828. [Repealed.]

See § [2828—]17.

2820—130-19, 153+113.

This section is not violative of Const. art. 8 §§ 1, 3 art. 9, § 1, and art. 1 §§ 7, 13 (122-254, 142+325, 47 L. R. A. [N. S.] 200). Constitutional Law, ¶278(1).

The fund to pay the tuition of pupils attending such special school may be raised by taxation (122-254, 142+325, 47 L. R. A. [N. S.] 200). Schools and School Districts, ¶100.

An action may be maintained to recover such tuition (122-254, 142+325, 47 L. R. A. [N. S.] 200). Schools and School Districts, ¶159.

2823—This section, in imposing taxes on districts sending pupils to other districts establishing special schools, is not violative of Const. art. 1 §§ 7, 13, art. 8 §§ 1, 3, or art. 9, § 1 (122-254, 142+325, 47 L. R. A. [N. S.] 200). Constitutional Law, ¶278(1).

[2828—]1. "Industrial subjects" and "central school" defined—"Industrial Subjects" as that term is used in this act, shall include courses in agriculture, home training (including cooking and sewing), manual training, and commercial training.

The term "central school" as used in this act, shall mean the school or schools of a district in which industrial courses are given. ('15 c. 239 § 1)

By § 18, this act takes effect August 1, 1915.

[2828—]2. Schools designated to maintain industrial courses—Any high school, graded school, or consolidated rural school which has satisfactorily met the requirements in regard to rooms and equipment, and has shown itself fitted by location and otherwise to give training in any one or more of the industrial subjects, may be designated by the state board of education to maintain such industrial courses, and to receive state aid therefor.

Any school now operating and receiving state aid under the provisions of Chapter 247, General Laws of 1909, and the acts amendatory thereof [2818-2828], shall continue to be aided under the provisions of this act for its industrial departments, provided such school maintains the standards made for receiving aid on such account.

Any such school which has secured a tract of land for experimental and demonstration purposes may continue to own and operate such tract in connection with the industrial school courses. ('15 c. 239 § 2)

[2828—]3. Qualifications of instructors—Each such school shall employ trained instructors for the several courses, having such qualifications as may be fixed by the state board of education. ('15 c. 239 § 3)

[2828—]4. School garden and experimental tract—A school maintaining a course in agriculture may procure a tract of land suitable for school garden and for purposes of demonstration, located within the school district, or if outside of the school district not to exceed three miles from the central building.

The board may require a school having a course in agriculture to procure a tract of land for the purposes stated. ('15 c. 239 § 4)

[2828—]5. Instruction to be practical—Short course—The instruction in agriculture, as well as in the other industrial courses, shall be of a practical character and shall include such questions and the study of such subjects or courses as have a direct relation to the business of farming, home making, and the other subjects included under the head of industrial studies.

When necessary to accommodate a reasonable number of boys and girls to attend only in the winter months, special classes shall be formed for them. ('15 c. 239 § 5)

[2828—]6. Association of districts—For the purpose of providing training and instruction in agriculture and such other industrial subjects as can properly be taught to pupils in rural schools, and to extend the influence and supervision of the central school to rural schools, one or more school dis-

districts may become associated with a high, graded, or consolidated rural school in which industrial courses are maintained.

Such association may be effected with a central school even though such central school has not been designated to receive annual state aid on account of maintaining industrial courses. ('15 c. 239 § 6)

[2828—]7. **Association, how effected**—Association shall be effected, upon action taken at any annual or special meeting of the rural school district seeking such association, under such rules as the state board of education may establish.

The association shall be considered as effected only after the approval by the school board of the central district and by the state board of education. ('15 c. 239 § 7)

[2828—]8. **Duties of Superintendent or Principal of Central School**—The superintendent or principal of the central school shall exercise the same authority and supervision over the associated rural schools as over the central school. He shall prepare for the associated rural schools suitable courses of study in agriculture and in such other industrial courses as may properly be taught in the associated rural schools. ('15 c. 239 § 8)

[2828—]9. **Admitting pupils to central school**—Any pupil from an associated rural school shall be admitted to any grade or department in the central school upon the same conditions as pupils resident in the district of the central school. ('15 c. 239 § 9)

[2828—]10. **Termination of association**—The relationship between any associated school district and the central school shall be permanent except as it may be terminated, at the end of any school year, by a two-thirds vote of the school board of the central district or by a majority vote of the voters of the associated district, if such vote be taken at a special election called and held for that purpose prior to March 15th next preceding the close of the current school year and written notice of the action of each district be given to the other within ten days. ('15 c. 239 § 10, amended '17 c. 354 § 1)

[2828—]11. **Associated school board**—The members of the various school boards of the associated rural districts and the members of the school board of the central district shall constitute a board to be known as "The Associated School Board of _____ of _____." ('15 c. 239 § 11)

[2828—]12. **Duties of associated school board**—The duties of the associated board shall be:

(a) To hold such meetings at the central school at such times as the associated board may determine.

(b) To act on questions affecting the relation of the associated rural schools and the central school.

(c) To submit to a vote of the various associated rural districts the questions of levying a tax in the associated rural districts to assist in the erection of an agricultural and industrial building in connection with the central school, and the levy and collection of a tax for this purpose.

The associated school board may also submit to the several associated rural districts the question of levying a tax in such district to assist the central districts in the maintenance of the industrial courses, such tax in no case to exceed two (2) mills in any year.

Before any tax, either for building or for maintenance, shall be levied, it must be voted for and approved by each of the rural districts so associating with a central school.

(d) To procure for demonstration and experimental work in agriculture, when necessary, a tract of land in one or more of the associated rural districts. ('15 c. 239 § 12)

[2828—]13. **Officers of associated school board**—The officers of the district of the central school shall be the officers of the associated school board. ('15 c. 239 § 13)

[2828—]14. **State aid to industrial departments**—High, graded, and consolidated rural schools maintaining courses in agriculture, home training (including cooking and sewing), manual training, and commercial training, shall receive one thousand dollars (\$1,000) for the agricultural course, and six hundred dollars (\$600) for each course in home training (including cooking and sewing), manual training and commercial training.

Aid to each of these departments shall not exceed the sums paid as salaries in the respective departments. ('15 c. 239 § 14)

See § [2948—]17.

[2828—]15. **State aid to schools on account of association**—Rural school districts associated with a central school shall receive annually fifty dollars (\$50) on account of such association.

The central school with which a rural school or rural school district is associated for the purposes herein stated shall maintain departments in agriculture and such other industrial subjects as the state board of education may require, and shall receive annually two hundred dollars (\$200) for each such associated rural school or school district. ('15 c. 239 § 15)

[2828—]16. **Authority, where vested**—In case the state board of education referred to in this act shall not be provided by law, the authority herein granted to such board shall vest in the state high school board and the state superintendent of education in accordance with the provisions of existing law. ('15 c. 239 § 16)

[2828—]17. **Laws repealed**—Chapter 247, General Laws 1909, Chapter 82, General Laws 1911, Chapter 309, General Laws of 1913, and Chapter 91, General Laws 1911 [2818–2828], as amended by chapter 96, General Laws 1913 [2939, 2940] are hereby repealed. ('15 c. 239 § 17)

[SCHOOLS FOR DEAF, BLIND, DEFECTIVE SPEECH AND MENTALLY SUBNORMAL CHILDREN]

[2828—]18. **Schools for deaf children in special, independent and common districts—Application to state superintendent—Annual report—Conduct of schools—State aid, etc.**—Upon application of any special, independent or common school district, complying with the provisions of this act, made to the state superintendent of education, he may grant permission to such district to establish and maintain within its limits one or more schools for the instruction of deaf children who are residents of the state.

Any school district which shall maintain one or more such schools, shall through its clerk or secretary report to the state superintendent of education annually, or oftener if he so direct, such facts relative to such school or schools as he may require.

The courses and methods of instruction must comply with such requirements as may be outlined by the state superintendent of education. All schools for deaf children established under this act shall be conducted by the combined system which includes the oral, the aural, the manual and every method known to this profession; and the courses and methods of instruction shall be substantially equal or equivalent in efficiency to the course and methods of instruction established and employed in the State School of the Deaf at Faribault, Minnesota. The state superintendent of education may designate any member of his staff as an inspector to visit and note the progress of the schools provided for in this act.

Permission to establish such special classes may be granted to districts which have an actual attendance of not less than five deaf children, between the ages of four and ten years who may come under the provisions of this act. Blind children, defective speech children and mentally subnormal children are not to be admitted to the same class with deaf children but must each have separate classes and separate teachers.

There shall be paid out of the current school fund in the state treasury an-

nually in the month of July, to the treasurer of the school district board, or of the board of education, in the school district maintaining such school or schools under the charge of one or more teachers, whose appointment and qualifications shall be approved by the state superintendent of education, the sum of one hundred (\$100.00) dollars for each deaf child instructed in such school or schools having an annual session of at least nine months during the year preceding the first day of July.

It shall be the duty of the treasurer of the school district or of the board of education receiving the aid provided for in this section, to render annually to the state superintendent of education an itemized statement of all expenditures of said school or schools. Any surplus at the end of the year shall be reserved as a special fund for the education of the deaf children of that district and can be used for no other purpose. ('15 c. 194 § 1)

[2828—]19. **Schools for blind children—State aid**—Section one (1) of this act [2828—18] shall, so far as applicable, provide for and apply to schools for the blind, except that there shall be paid out of the current school fund in the state treasury annually in the month of July to the treasurer of the school district maintaining a school or schools for the blind under the charge of one or more teachers whose appointment and qualifications shall be approved by the state superintendent of education, the sum of one hundred (\$100.00) dollars for each blind pupil instructed in such school or schools having an annual session of at least nine months during the year next preceding the first day of July. ('15 c. 194 § 2)

[2828—]20. **Schools for defective speech children—State aid**—Section one (1) of this act [2828—18] shall, so far as applicable, provide for and apply to schools for defective speech children, except that these schools shall be under the control of the state superintendent of education and that there shall be paid out of the current school fund in the state treasury annually in the month of July to the treasurer of the school district maintaining a school or schools for defective speech children under the charge of one or more teachers whose appointment and qualifications shall be approved by the state superintendent of education, the sum of one hundred (\$100.00) dollars for each defective speech child instructed in such school or schools having an annual session of at least nine months during the year next preceding the first day of July; and a share of such sum proportionate to the term of instruction of any such pupil who shall be so instructed less than nine months during such school year. ('15 c. 194 § 3)

[2828—]21. **Schools for mental subnormal children—State aid**—Section one (1) of this act [2828—18] shall, so far as applicable, provide for and apply to schools for mental subnormal children, except that these schools shall be under the control of the state superintendent of education and that there shall be paid out of the current school fund in the state treasury annually in the month of July to the treasurer of the school district maintaining a school or schools for mental subnormal children under the charge of one or more teachers whose appointment and qualifications shall be approved by the state superintendent of education, the sum of one hundred (\$100.00) dollars for each mental subnormal child instructed in such school or schools having an annual session of at least nine months during the year next preceding the first day of July. ('15 c. 194 § 4)

[2828—]22. **Limitation of attendance**—Permission to establish such special classes as may come under the provisions of Sections 2, 3 and 4 of this act [2828—19 to 2828—21], may be granted to districts which have an actual attendance of not less than five children, between the ages of four and sixteen years. ('15 c. 194 § 5)

TEACHERS—EXAMINATIONS AND CERTIFICATES

2856. Same—Causes for revocation or suspension—

Liability of school officers for malicious discharge of teacher (130-440, 153+862). Schools and School Districts, [§142](#).

[TEACHERS' INSURANCE AND RETIREMENT FUND]

[2864—]1. "Teacher" and "member of the fund association" defined—

The word teacher as used in this act shall include any teacher, supervisor, principal, superintendent, or certified librarian employed in any educational or administrative capacity in the public schools of Minnesota, or in any educational, correctional, or charitable institution supported wholly or in part by this state, excepting those employed in the University of Minnesota. The term "member of the Fund Association," wherever used in this act, shall mean and include every teacher, (as herein defined), who shall contribute to the Teachers' Insurance and Retirement Fund by the payment of the dues hereinafter provided by this act. ('15 c. 199 § 1)

[2864—]2. Teachers' insurance and retirement fund—How derived—Assessments, etc.—For the purpose of better compensating the teachers in the public schools and making the occupation of "teacher" in this state more attractive to qualified persons, there is hereby established for the state a fund to be known as the "Teachers' Insurance and Retirement Fund," for the benefit of teachers who have served not less than twenty (20) years except as hereinafter provided. Said fund shall be secured from the following sources:

1st. From assessments on the members of the fund association according to the following schedule:

For the first 5 years of teaching service, \$5.00 per year;

For the second 5 years, \$10.00 per year;

For the next 10 years, \$20.00 per year;

For the next 5 years, \$30.00 per year;

provided that when the regular annual salary as teacher of any member of the fund association shall have reached \$1,500 or more said member shall be assessed upon a percentage basis as follows: One and one-half (1 1-2) per centum per annum, but not more than twenty (20) dollars per year for the first ten years of service as a teacher; and two (2) per centum per annum, but not more than forty (40) dollars per year, for each successive year of service as teacher; provided that in no case shall the annual assessments based on a percentage rate be less for any year than the flat rate assessments for a single year of the corresponding period, said assessment period to cover not more than twenty-five (25) years in all, after which all assessments shall cease.

2nd. From all money and property received as donations, gifts, legacies, devises, bequests or otherwise, for the benefit of said Teachers' Insurance and Retirement Fund.

3d. From all interest arising from investments of the money belonging to said fund.

4th. From a tax of one-twentieth (1-20) of one mill which is hereby levied annually on all the taxable property located in that part of the state subject to the provisions of this act, after the valuation of said property has been equalized by the state; said tax to be collected by the same officials and at the same time and in the same manner as other taxes in said state, all moneys received from the tax hereby levied to be paid into and become a part of the said Teachers' Insurance and Retirement Fund.

The assessments upon the members of the fund association hereinbefore referred to shall be paid in as many equal monthly payments as there are

months in the school year for which the teachers' salaries are paid, and such assessments shall be deducted by the several boards of education or managing bodies from the salaries of teachers as hereinafter provided.

Credit on period of service may be allowed to applicants for membership for periods of employment prior to the taking effect of this law; but in such case the applicant must pay arrearages at the above rates for the period of service for which credit is so allowed under rules to be adopted by the board of trustees, hereinafter referred to, and the rules adopted by said board shall be uniform in their operation as to all persons affected. In case any teacher has retired for any cause before he or she has paid in fees a sum equal to the full amount of fees required for the annuity applied for and to which such teacher is entitled by period of service, there shall be deducted from the first year's annuity to such teacher such sum as will make the total amount paid by said teacher equal to the full amount of said fees. ('15 c. 199 § 2)

[2864—]3. Duties of boards of education—Deductions from salaries—Statements and moneys to be forwarded to county treasurer—Statements to county superintendent—Penalties—Duties of Superintendents—Report—Duties of county and state treasurers—It is hereby made the duty of each board of education or managing body required by law to draw the warrants or orders for payment of salaries of teachers to deduct and withhold from each month's salary due to such teacher the amount which such teacher is required to pay into said insurance and retirement fund as herein specified, and at the time of such deduction a statement showing the amount of such deductions shall be furnished to such teacher.

Such board of education or other managing body shall, between the first and fifteenth of January and between the first and fifteenth of July of each year, forward to the treasurer of the county in which such school district is situated a statement, verified by the secretary or clerk thereof, showing the amount of money so retained from each teacher in accordance with the provisions of this act, and with said statement shall transmit the entire amount so retained to the treasurer of said county; and in case any school district is situated in more than one county such report and remittance shall be sent to the senior county. Said board of education or other managing body shall also, on or before the fifteenth day of July of each year, transmit to the county superintendent a statement showing the name of each teacher, the number of months of school taught during the year for which the statement is made, the number of months which constitute a school year in said district or institution, and the total amount withheld from the salary of each teacher for the school year preceding, showing also the number of years each of said teachers has taught in the public schools of that district. If no teacher in such public school or other educational institution comes under the provisions of this act, said report shall state such fact and shall be verified by the oath of the clerk or secretary. The failure of any member of a school board, board of education or other body having the management of any educational institution to perform any of the duties herein required of them shall be a misdemeanor.

Each county superintendent shall each year, on or before the first day of September, report under oath to the board of trustees of the State Teachers' Insurance and Retirement Fund, giving an itemized summary of the statements received by him from the school boards and other educational managing bodies, showing the total amount withheld from the salaries of teachers in said county for the benefit of said insurance and retirement fund. Between the fifteenth and thirtieth day of January and between the fifteenth and thirtieth day of July of each year, the county treasurer of each county shall transmit to the state treasurer all moneys received from the boards of education or other managing bodies of school districts or other educational institutions, in accordance with the provisions of this act, and shall certify under oath to the correctness of the amount so received and transmitted. The state treasurer

shall credit all moneys received under the provisions of this act to the State Teachers' Insurance and Retirement Fund.

Provided, however, that the state treasurer, the several county treasurers and the treasurers of the various school districts shall be officially liable for the receipt, handling and disbursement of all moneys coming into their hands belonging to the said State Teachers' Insurance and Retirement Fund, and the securities on the official bonds of each of said treasurers shall be liable for such money the same as for all other moneys belonging to the school funds of this state. ('15 c. 199 § 3)

[2864—]4. **Board of trustees of fund, how constituted—Terms—Vacancies—Powers and duties—Applications for annuities or benefits—Investments—Office**—The management of the fund shall be vested in a board of five (5) trustees, which shall be known as the "Board of Trustees of the Teachers' Insurance and Retirement Fund." Said board shall be composed of the following persons: The state superintendent of education, the state auditor, the attorney general and two (2) members of the fund association, who shall be elected by the members of the fund association at the time and place of the annual meeting of the Minnesota Educational Association and shall serve for the term of two years, beginning on the first Monday of January next succeeding their election, except in the case of the first elective members, who shall assume office immediately after their election and serve one for one year and one for two years from the first Monday of January next succeeding their election and until their successors are elected. Vacancies in the elective membership of the board shall be filled by appointment by said board of trustees, the appointee to serve until the next meeting of the fund association, when the members of said fund association shall elect a trustee or trustees to serve for the unexpired term or terms. No person shall be appointed by the board of trustees or elected by the members of the fund association as a member of the board of trustees who is not a member of the fund association at the time of the appointment or election.

In the interval between the passage of this act and the time when the first elective members of the board of trustees shall assume office, as hereinbefore provided, the superintendent of education, the state auditor and the attorney general shall constitute a temporary board of trustees of the Teachers' Insurance and Retirement Fund and shall be empowered to perform the duties of said board.

Said board of trustees shall have power to frame by-laws for its own government, not inconsistent with the laws of the state, and to modify them at pleasure; to elect one of its own members as president of the board and to provide and enforce all rules and regulations necessary to carry into effect the provisions of this act; to elect a secretary, who shall serve during the pleasure of the board, and to fix the salary and prescribe the duties of the office of secretary; to authorize the issuance of warrants by the state auditor on the state treasurer for the payment out of said fund of all annuities or benefits payable under the provisions of this act, of the salary of the secretary, and other necessary expenses.

All applications for annuities or benefits under this act must be made to said board. In passing upon said applications said board may summon witnesses and, in the case of applications founded on disability, may require any applicant to submit to a medical examination at his or her own expense, and, in the case of all applicants, may conduct any reasonable investigation to determine the justice of any claim submitted. It may sue or be sued in the name of the board of trustees of the Teachers' Insurance and Retirement Fund, and, in all actions brought by or against it, said board shall be represented by the attorney general. Said board shall constitute a part of the state government, but in any action brought against it by any person claiming to be a beneficiary of said Teachers' Insurance and Retirement Fund it shall not claim immunity from suit.

It shall be the duty of said board to invest as much of the funds in its hands as shall not be needed for current purposes. Such investments shall be made

in the same class of securities as those in which the school funds of the state are required to be invested, and all securities taken upon such investments shall be deposited with the state treasurer; but in case of necessity such securities may be sold in order to raise money for current purposes. No such sale shall be made except by the unanimous vote of said board, such vote to be entered upon the records of its proceedings. All interest obtained from such investments shall be placed in the general fund, to be used for current purposes. A suitable office in the capitol, with suitable furniture and necessary office supplies, shall be provided by the proper state officer for the use of said board of trustees. ('15 c. 199 § 4)

[2864—]5. Meetings—Compensation—The board of trustees shall meet annually at the office of the secretary, in the State Capitol, on the second Saturday in September at an hour to be fixed by the board. Special meetings may be held at any time on the call of the president of said board or by any three members thereof. The state auditor, state superintendent of education and attorney general shall serve as members of said board without additional compensation, but the elective members of said board shall be entitled to compensation at the rate of five dollars per day and necessary expenses, while attending all meetings of said board, to be paid out of the insurance and retirement fund. ('15 c. 199 § 5)

[2864—]6. Fiscal year—Annual report—The fiscal year of the insurance and retirement fund shall begin on the first day of August and shall end on the 31st day of July. The board of trustees shall present annually to the fund association at its annual meeting hereinafter provided for, a report of the condition of said funds for the last preceding year, which shall include the receipts and expenditures on account of the fund, together with a list of the beneficiaries thereof and of the securities in which said fund is invested. A copy of said report shall be sent to the Governor, a copy shall be retained by the state superintendent of education, and a copy sent to each county superintendent, city superintendent, graded school principal, and the superintendent or president of each state educational institution. This report shall be published in the biennial report of the state superintendent of education. ('15 c. 199 § 6)

[2864—]7. State treasurer to be treasurer of fund—The treasurer of the state shall be ex-officio treasurer of the Teachers' Insurance and Retirement Fund, and his general bond to the state shall cover any liabilities for his acts as treasurer of said fund. He shall receive all moneys payable to said fund and pay out the same only on warrants issued by the state auditor upon vouchers signed by the president and secretary of the board of trustees. Said treasurer shall give receipts for all moneys received by him for said fund, shall keep full and correct account of the financial transactions connected therewith, and shall make an annual report to the board of trustees at its annual meeting of the receipts and disbursements and other financial transactions connected with said fund. ('15 c. 199 § 7)

[2864—]8. Who may become member of fund association—Application—Duties of board—Conditions of membership—Any person employed as teacher; when this act takes effect, in any public school in this state or in any other educational institution included in Section One of this act [2864—1] shall be permitted to become a member of the fund association and to receive the benefits of this act, if application be made, in writing to the board of trustees of the Teachers' Insurance and Retirement Fund on or before September 1st, 1917. At the time of making application to the board of trustees as herein provided, such teachers shall notify the local school board or managing body of the institution in which he or she is employed, in writing, of his or her election to come within the provisions of this act and shall authorize said board or managing body as a part of said notice to deduct or withhold on every pay day from his or her salary the amount which he or she would pay into the fund, as specified in Section Two [2864—2].

Any person who shall accept employment in this state as a teacher, as hereinabove defined, after September 1, 1915, and who shall not have been

employed in this state at the time this act takes effect shall by virtue of the acceptance of such employment become subject to all terms, provisions, and conditions of this act, and shall become a member of the fund association. ('15 c. 199 § 8).

[2864—]9. **Retirement of teachers—Schedule of annuities—Teachers incapacitated—Benefits, etc.**—Any member of the fund association who shall have rendered twenty (20) years or more of service as a teacher in the public schools, one year of which may have been a leave of absence for study, and at least fifteen years of which, including the last five immediately preceding the term of retirement, have been spent in the public schools of this state and who ceases to be employed as a teacher for any reason shall be retired at his or her own request by the board of trustees and receive an annuity in accordance with the following schedule:

For 20 years of service.....	\$350.00
For 21 " "	380.00
For 22 " "	410.00
For 23 " "	440.00
For 24 " "	470.00
For 25 " "	500.00

In computing the time of service of a teacher, the length of the legal school year in the district or institution where such service was rendered shall constitute a year, provided such year shall not be less than seven months. In a calendar year credit shall be allowed for only one year of service. If a teacher teaches for only a fractional part of any year, credit shall be given for such fractional part of a year as the term of service rendered shall bear to the legal school year of such district or institution, but in no case shall the legal year be less than seven months.

Such annuities shall be paid quarterly.

Any teacher who shall become mentally or physically incapacitated after having served as teacher for fifteen (15) years, ten (10) of which shall have been in this state shall be entitled to receive an annual benefit from the insurance and retirement fund, equal to as many twentieths of the full annuity for twenty (20) years as the term of total service rendered by such teacher bears to twenty (20) years.

Any person retiring under the provisions of this section may return to the work of teaching in said public schools, but during said term of teaching the annuity or benefit paid to such person shall cease. Said annuity shall again be paid to such person upon his or her further retirement. ('15 c. 199 § 9)

[2864—]10. **Termination of membership—Refundment of payments—Death of member**—In the event that any member of the fund association ceases to be a teacher in the state and thereby terminates membership in the fund association before drawing an annuity, such member shall, if application be made in writing to the board of trustees within six months after his or her resignation, be entitled to the return out of the fund without interest of such sum as shall equal one-half of all moneys paid into the fund by such teacher; provided further, that, in the event such teacher subsequently returns to teaching in Minnesota and thereby becomes a member of said association, such teacher shall be required to refund to said insurance and retirement fund the amount so drawn with interest thereon at the rate of five per cent per annum, such sum to be refunded within one year from his or her return. In case of the death of any member of this fund association before an annuity shall have been drawn from said fund, the board of trustees shall refund to his or her estate, heirs, or assigns an amount equal to one-half that actually paid into the fund by said member. ('15 c. 199 § 10)

[2864—]11. **Annuity not subject to legal process, etc.**—The annuity so created shall not be subject to assignment or seizure on legal process against any beneficiary. ('15 c. 199 § 11)

[2864—]12. **Reduction of annuities, when**—The board of trustees may ratably reduce the annuities provided in this act whenever, in the judgment

of the board, the condition of the fund shall require such reduction. ('15 c. 199 § 12)

[2864—]13. **Annuities, when to be granted and paid**—Annuities may be granted by the board of trustees at any time after the passage of this act, such annuities beginning at the date on which the grant is made, but no payments shall be made before September 1st, 1916. ('15 c. 199 § 13)

[2864—]14. **Teachers to elect two members of board**—At the time and place of the meeting of the Minnesota Educational Association in 1915, those teachers who have qualified as members of the fund association by complying with the provisions of Section 8 [2864—8], of this act shall meet at the call of the state superintendent of education for the purpose of electing from said members of the fund association two members of the board of trustees of the Teachers' Insurance and Retirement Fund, as hereinbefore provided, and annually thereafter at the time and place of the annual meeting of the Minnesota Educational Association the board of trustees shall call a meeting of the members of the fund association for the purpose of electing one or more members, as may be required, of said board of trustees, and hearing the annual report of said board, and of transacting any other business that may properly come before said meeting. ('15 c. 199 § 14)

[2864—]15. **Not applicable to cities of first class**—This act shall not apply to any city of the first class in this state. ('15 c. 199 § 15)

HIGH SCHOOL BOARD

2889. Duties—Private schools—

Under this section state high school board and state superintendent have discretionary powers in fixing requirements of principal in a graded school having a high school department, in connection with the distribution of special state aid. Resolution of high school board prescribing requirements of principal in graded school having high school department, to entitle district to special state aid, only affected school's right to aid, and did not disqualify the teacher. Where relator held a first grade certificate entitling him to teach in any of public schools of state, and his election as principal of schools in a district was legal, he was entitled to have his contract signed and to receive the compensation. Graduate from advanced course of a state normal school holding diploma indorsed by president of school, and by state superintendent, after two years' actual successful teaching is entitled to teach in any public school in the state (162+688). Schools and School Districts, ~~62~~127.

PENALTIES

2900. Excluding or expelling pupils—

To support a judgment imposing a penalty under this section upon a member of the board of education of a city for having voted to exclude a pupil from a public school, the findings must show that the vote related to such pupil and that no sufficient cause existed for the exclusion. That defendant, as a member of the board of education, voted for a resolution requiring pupils of a school who had been exposed to smallpox to be vaccinated or be excluded from school for two weeks, was no basis for holding him liable under this section, where the findings failed to show that plaintiff was either named in the resolution or came within its terms (132-375, 157+501). Schools and School Districts, ~~62~~62.

[2910—]1. **Contracts with members of boards of certain common districts authorized**—Members of any school board in any common school district in this state employing not more than three (3) teachers are hereby authorized and permitted to contract with, do work for, and furnish supplies to such districts when authority therefor is given by the full school board. Provided, that the bills for such claims shall not exceed twenty-five (\$25.00) dollars per annum and that they must be allowed at a board meeting by the unanimous vote of the entire school board. All such bills shall be duly itemized and a full and complete itemized report shall be made at the annual school meeting. ('17 c. 306 § 1)

SCHOOL TAXES

2918. **Same—In districts having 50,000 inhabitants not in cities of first class under home rule charters**—In all districts having 50,000 inhabitants or

more, there may be levied annually, independently of and in addition to other sums for school purposes authorized by law, the following additional amounts:

First: An amount equal to six mills on each dollar of the taxable property of the district for the purchase of school sites and the erection, repair, furnishing and fitting of school buildings, payment of teachers' salaries, and the general maintenance of the schools.

Second: An amount equal to three-fourths of one mill on each dollar of the taxable property of the district, to be used only for the purposes of the repair, upkeep and maintenance of public school buildings and the equipment thereof:

Third: An amount equal to four-tenths of one mill on each dollar of the taxable property of the district for the support and maintenance of evening and summer schools for elementary and high school grades:

Fourth: An amount equal to one-tenth of one mill on each dollar of the taxable property of the district for additional salaries for janitors, engineers and firemen. An amount equal to one-half of one mill on each dollar of the taxable property of the district for the years 1917, 1918 and 1919, for the purpose of paying and discharging existing indebtedness arising from the maintenance and operation of the schools of such district.

Fifth. An amount not exceeding one mill on each dollar of the taxable property of the district, to be used only for the purpose of paying that portion of the salary over \$1,000 of any or all of the grade teachers of the district, and paying that portion of the salary over \$1,500 of any or all high school teachers of the district. The term "grade teachers" and "high school teachers," as last above used, shall not include any superintendent, assistant superintendent, principal, supervisor, or director, employed in any grade school or high school of the district. Provided that the total levy in any such district, for the maintenance of the school, shall not exceed twelve and three-fourths ($12\frac{3}{4}$) mills on each dollar of the taxable property of the district, not including the state and county school tax. Provided, however, that the provisions of this act shall not apply to school districts within the limits of a city of the first class operating under a home-rule charter, which fixes the amounts which may be expended for school purposes. (Amended '07 c. 308; '13 c. 270; '15 c. 265; '17 c. 372 § 1)

2919, 2920. [Repealed.]

See note under § [2920—]1.

[2920—]1. **Same—In districts having 20,000 and not more than 50,000 inhabitants**—That each public school district in the State of Minnesota which now has or hereafter may have 20,000, and not more than 50,000, inhabitants, is hereby authorized and empowered to annually levy for the general fund of such district a school tax not exceeding thirteen mills on the dollar of the valuation of all taxable property in such school district, according to the last preceding official assessment thereof. ('15 c. 27 § 1)

Section 3 repeals 1911 c. 24 [2919, 2920].

[2920—]2. **Same—To what districts applicable**—The provisions of this act shall apply to every public school district within the above mentioned class, whether existing under general or special law, and for the purposes of this act the population of each public school district in this state shall be ascertained and determined according to the last census taken under and pursuant to the laws and authority of the State of Minnesota. ('15 c. 27 § 2)

2921. **Tax in certain special districts having not less than 10,000 nor more than 20,000 inhabitants**—Special school districts now or hereafter having not less than ten thousand inhabitants nor more than twenty thousand inhabitants, are hereby empowered to annually levy for general school purposes a general school tax not exceeding fifteen mills on the dollar of the valuation of all taxable property in such school districts, according to the preceding official assessment thereof. This act shall not apply to school districts, the boundaries of which extend into two or more counties. ('13 c. 115, amended '15 c. 201 § 1)

[2921—]1. **Same—Bond issue**—The electors of such special school districts are hereby empowered to issue bonds for permanent improvements in any sum not exceeding twelve per cent of their last official assessed valuation. ('13 c. 115, amended '15 c. 201 § 2)

[2921—]2. **Same—Acts repealed**—Any part of Chapter 156 of the Special Laws of 1878, or any part of Chapter 510 of the Special Laws of 1889, and all acts and parts of acts conflicting with or inconsistent with this act, are hereby repealed. ('15 c. 201 § 3)

STATE AID

2927–2948. [Superseded.]

See §§ [2948—]1 to [2948—]16.

For express repeal of sections 2939, 2940, see § [2928—]17.

[2948—]1. **State funds for aid to public schools**—For the purpose of aid to public schools there shall be established the following state funds:

(a) The Endowment Fund, which shall consist of the income on the permanent school fund.

(b) The Annual Fund, which shall consist of the sums appropriated by the legislature for special aid to public schools or departments in the schools.

(c) The Current School Fund, which shall consist of the amount derived from the state one mill tax. ('15 c. 296 § 1)

Section 17 repeals all acts and parts of acts inconsistent with the provisions of this act. By § 18, this act takes effect August 1, 1915.

[2948—]2. **Board of education to distribute funds**—The state board of education shall distribute the annual funds and any other sums appropriated by the state to schools and libraries in such manner and upon conditions as will enable them to perform efficiently the services required by law, and to further the educational interests of the state. To this end the state board shall have power to fix the requirements for receiving and sharing in the state aid provided that rural schools which now have, or which may hereafter obtain a library of 200 volumes, or more, heretofore or hereafter purchased in accordance with the rules prescribed by said state board, shall not be required to add thereto except when, and as often, only, as the local board or the voters of the district may desire within the limits now fixed. ('15 c. 296 § 2, amended '17 c. 267 § 1)

[2948—]3. **Endowment fund, how distributed**—The endowment fund shall be distributed semi-annually to school districts whose schools have been in session at least six months, in proportion to the number of scholars of school age who have attended school at least forty (40) days during the preceding year.

The annual funds shall be distributed as follows: ('15 c. 296 § 3)

[2948—]4. **Annual funds, how distributed**—Rural schools in session at least eight months, shall receive one hundred and fifty dollars (\$150) for each teacher holding a first class certificate. Rural schools in session at least seven months annually shall receive one hundred dollars (\$100) for each teacher holding a second class certificate. ('15 c. 296 § 4)

[2948—]5. **Amount to graded schools**—A graded school in session at least nine months in the year shall receive six hundred dollars (\$600) and an additional one hundred dollars (\$100) for each grade teacher employed in excess of four, counting the principal as a teacher.

A graded school may receive an additional two hundred and fifty dollars (\$250) for each high school teacher.

The total aid to a graded school on this basis shall not exceed thirteen hundred dollars (\$1,300).

No graded school in the same district with an aided high school shall receive annual aid. This provision shall not apply to districts of ten or more townships. ('15 c. 296 § 5)

[2948—]6. **Amount to high schools**—A high school in session at least nine months in the year shall receive annually eighteen hundred dollars (\$1,800). ('15 c. 296 § 6)

[2948—]7. **Additional amounts to schools maintaining courses in industrial subjects**—High, graded or consolidated schools, maintaining courses in agriculture, home training (including cooking and sewing), manual training, or commercial training, shall receive one thousand dollars (\$1,000) for the agricultural course, and six hundred dollars (\$600) for each course in home training (including cooking and sewing), manual training, and commercial training.

Aid to each of these departments shall not exceed the sums paid as salaries in the respective departments. ('15 c. 296 § 7)

See §§ [2828—]1, [2828—]14.

[2948—]8. **Additional amounts to high schools maintaining training department for rural teachers**—High schools maintaining a department for training rural teachers shall receive annually twelve hundred dollars (\$1,200). A school employing more than one teacher in such department may receive not to exceed two thousand dollars (\$2,000). A school employing more than two teachers in such department and in enrolling not less than fifty students, may receive not to exceed twenty-eight hundred dollars (\$2,800.00). ('15 c. 296 § 8)

[2948—]9. **Amounts to consolidated schools**—Consolidated schools of class A shall receive annually five hundred dollars (\$500).

Consolidated schools of class B shall receive annually two hundred and fifty dollars (\$250).

In addition to this annual aid consolidated schools shall be reimbursed for the amount reasonably expended for transportation of pupils, not to exceed two thousand dollars (\$2,000).

Districts providing school buildings for consolidated school purposes may be reimbursed up to one-fourth of the cost of such buildings, but not to exceed two thousand dollars (\$2,000). ('15 c. 296 § 9)

[2948—]10. **Aid for libraries**—Each school shall receive in addition to other aid, library aid amounting to ten dollars (\$10) for each teacher employed, with a maximum of twenty-five dollars (\$25) to a building, provided the district appropriates a like amount for the same purpose. ('15 c. 296 § 10)

[2948—]11. **Other amounts allowed**—Districts whose local tax levy for maintenance of schools exceeds twenty mills (20) in any year may receive in addition to other aid, one-third of the amount raised in excess of that received from the twenty (20) mill levy with a maximum of twenty-five hundred dollars (\$2,500) to each high school, eighteen hundred dollars (\$1,800) to each graded school, and to rural schools, two hundred dollars (\$200) for each teacher. ('15 c. 296 § 11)

[2948—]12. **Amounts to rural schools associated with central schools**—Rural school districts associated with a central school shall receive annually fifty dollars (\$50) on account of such association.

The central school with which a rural school or rural school district is associated for the purposes herein stated shall maintain departments in agriculture and such other industrial subjects as the state board of education may require, and shall receive annually two hundred dollars (\$200) for each such associated rural school or school district. ('15 c. 296 § 12)

[2948—]13. **Distribution of current school fund**—The current school fund shall be distributed to school districts as follows:

The state auditor shall set aside from the current school fund an amount not to exceed one hundred and fifty thousand dollars (\$150,000) each year for the following purposes:

(a) To assist any school district which does not maintain a state high or state graded school in maintaining its public schools, when a levy of fifteen (15) mills in such district does not raise five hundred dollars (\$500) for each school in session seven (7) months during the year.

The state board of education may expend not to exceed two hundred dollars (\$200) for each such school.

(b) To make up for any deficit which may arise in payment of the annual funds to schools, or to special departments in certain schools.

(c) To pay the tuition of non-resident pupils enrolled in the industrial departments of state high, graded, or consolidated rural schools which have been designated by the state board to maintain courses and instruction in agriculture, home training, (including cooking and sewing), manual training, and commercial training, and whose residence district does not provide courses and instruction of like kind. ('15 c. 296 § 13)

[2948—]14. **Non-resident high school students—Tuition, etc.**—A high school student whose residence district provides high school courses of instruction shall not be entitled to free admission to the high school of any other district except by permission of the school board of such other district, or in accordance with the rules of the state board of education.

The rate of tuition shall be fixed by the state board of education, but not to exceed two dollars and fifty cents (\$2.50) per month for each non-resident pupil, nor more than nine (9) months in any school year.

No non-resident pupil shall be entitled to have any tuition made a charge against the state whose residence district furnishes courses and instruction in the industrial studies. Nor shall pupils from any associated district be counted for payment of tuition in the central school of the same district.

No tuition shall be charged any pupil, resident of this state, who is enrolled in the high school department of any state high or graded school, except in the industrial departments above specified.

The state board of education shall make proper rules relating to enrollment, attendance, rates of tuition, payment of the endowment and current funds, on account of such non-resident pupils. ('15 c. 296 § 14)

[2948—]15. **Distribution of balance of current fund**—The balance of the current school fund shall be distributed on the same basis and at the same time as the endowment fund. ('15 c. 296 § 15)

[2948—]16. **Authority, where vested**—In case the state board of education referred to in this act shall not be provided by law, the authority herein granted to such board will vest in the state high school board and the state superintendent of education in accordance with the provisions of existing law. ('15 c. 296 § 16)

[FEDERAL AID]

[2948—]17. **Provisions of federal act for promotion of vocational education, etc., accepted**—The provisions of the act of congress of the United States entitled an act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures, and approved February 23, 1917, be and the same are hereby accepted, and the benefits of all funds appropriated under the provisions of such act are hereby accepted as provided in such act. ('17 c. 491 § 1)

Section 7 repeals inconsistent acts, etc.

[2948—]18. **Powers and duties of high school board**—The high school board is hereby designated the state board as provided in such act, and is charged with the duty and responsibility of co-operating with the federal board for vocational education in the administration of such act and is given all power necessary to such co-operation. The high school board is authorized to make such expenditures as it may deem necessary to carry out the provisions hereof from moneys available for the purposes of this act. In case a state board of education is created, such board shall have the powers and perform the duties with which the high school board is charged by the terms of this act. ('17 c. 491 § 2)

[2948—]19. **Duties of state treasurer**—The state treasurer is appointed custodian of all funds for vocational education, as provided in such act, and is charged with the duty and responsibility of receiving and providing for the proper custody and proper disbursement of moneys paid to the state from the appropriations made under the provisions of such act. ('17 c. 491 § 3)

[2948—]20. **What districts entitled to federal moneys—Teachers training schools**—Any school district maintaining a vocational school or department shall be entitled to Federal moneys under such act for the salaries of teachers of agricultural, industrial or home economics subjects by meeting the requirements fixed by the high school board and approved by the federal board for vocational education. Teacher training schools and departments shall be entitled to federal moneys for the preparation of teachers of agricultural, industrial or home economics subjects by meeting the requirements fixed by the high school board and approved by the federal board for vocational education for the preparation of such teachers. ('17 c. 491 § 4)

[2948—]21. **Disbursements, how made**—All disbursements of federal and state moneys for the benefit of such teachers training schools or departments shall be made on the requisition of the high school board by the state treasurer or to the legally constituted authorities having custody of the moneys of such training schools or departments. All disbursements of federal and state moneys for the benefit of such vocational schools and departments shall be made on the requisition of the high school board by the state treasurer to the treasurer legally qualified to receive and disburse the funds for the school districts establishing and maintaining such schools and departments as herein provided. ('17 c. 491 § 5)

[2948—]22. **Annual reports**—The state treasurer as custodian for vocational education shall make to the legislature at each bi-ennial session a report of the receipts and disbursements of moneys received by him under the provisions of such act and the high school board shall make to the legislature at each bi-ennial session a report of its administration of such act and the expenditure of money allotted to the state under the provisions of such act. ('17 c. 491 § 6)

TRAINING OF TEACHERS

2967. Normal schools—

1917 c. 55 authorizes conveyance of certain real estate, being part of the normal school property at St. Cloud.

COMPULSORY EDUCATION

2987. **Truant schools**—Such boards may maintain ungraded schools for the instruction of children of the following classes between eight and sixteen 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 delinquent and the board may compel their attendance at such truant school, or any department of the public schools, as the board may determine, and may cause them to be brought before the juvenile court of the county for appropriate discipline. (Amended '17 c. 239 § 1)

1917 c. 239 § 2 repeals § 2988.

2988. [Repealed.]

See note under § 2987.

ACTIONS AND JUDGMENTS

2996. Actions against districts—

An action will lie against a district to recover tuition of pupils sent to another district for training in agriculture and domestic science, under §§ 2820, 2823 (122-254, 142+325, 47 L. R. A. [N. S.] 200). Schools and School Districts, \S 159.

2997. Judgment paid by treasurer—

This section affords authority for payment of a judgment against a school district for tuition of pupils sent to another district for special training in agriculture and domestic science under §§ 2820, 2823 (122-254, 142+325, 47 L. R. A. [N. S.] 200). Schools and School Districts, Ⓒ159.

STATE UNIVERSITY**3010. Board of Regents—**

The University of Minnesota is a governmental function, and property for its use may be taken under the power of eminent domain (125-194, 145+967). Eminent Domain, Ⓒ40.

[3033—]1. **Coöperative agricultural extension work between agricultural colleges in several states—**Whereas, the Congress of the United States has passed an Act approved by the President, May 8, 1914, entitled, "An Act to provide for coöperative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the Act of Congress, approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture," and,

Whereas, it is provided in Section 3 of the Act aforesaid that the grants of money authorized by this Act shall be paid annually "to each state which shall by action of its legislature assent to the provisions of this Act," therefore be it

Resolved by the House of Representatives, the Senate concurring, of the legislature of the State of Minnesota that assent be and is hereby given to the provisions and requirements of said Act, and that the University of Minnesota be and it is hereby authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension work which shall be carried on in connection with the College of Agriculture of the University of Minnesota in accordance with the terms and conditions expressed in the Act of Congress aforesaid. ('15 c. 378)

3057, 3058. [Superseded.]

See §§ [3058—]1, [3058—]2.

[3058—]1. **Free education to soldiers of Spanish-American war and certain other soldiers—**That any person who, being at the time a resident of the state of Minnesota, enlisted in the army, navy or marine corps of the United States during the late war between the United States and the Kingdom of Spain, or who has been a resident of the state of Minnesota for the past 15 years and is a veteran of the late civil war, and who was honorably discharged therefrom, or who answered the call of the President of the United States for troops for Mexican border service, made on June 18th, 1916, and who served in Minnesota organizations in the federal service under the provisions of said call for a period of not less than ninety (90) days, and who has been or may hereafter be honorably discharged therefrom, shall upon complying with all other requirements for admission, be entitled to pursue any course or courses in the university of Minnesota, without expense for tuition, provided, however, that the tuition hereby granted shall not exceed in value the sum of \$250.00 to any one person. ('99 c. 345, § 1, amended '01 c. 25; '17 c. 279 § 1)

Section 3 repeals inconsistent acts, etc.

See §§ 3057, 3058.

[3058—]2. **Same—Duty of regents—**It is hereby made the duty of the board of regents of the university of Minnesota to accept in any college, school or department thereof any student who comes within the definition of section one of this act, without any charge to said student for tuition to the amount specified in this act, and to refund to any student who may come under the provisions of this act any money which he has paid in as tuition since his discharge in excess of \$250.00. ('99 c. 345 § 2, amended '17 c. 279 § 2)

3059. Transportation between university campus and farm—

The University of Minnesota is a governmental function, and 1913 c. 257, authorizing the construction of a railway for the use of the university, is constitutional (125-194, 145+967). Eminent Domain, Ⓒ40.

[3059—]1. **Certain conveyances and leases confirmed—**That any and all conveyances of real estate or leases of real estate heretofore made by the Uni-

versity of Minnesota, a corporation, organized by authority of the Legislature of the State of Minnesota, and which said conveyances and leases, or either of them, have been duly approved by the Board of Regents of said University of Minnesota, be and the same are hereby approved, ratified and confirmed, and such conveyances or leases, or either or any of them, are hereby legalized and validated. ('15 c. 54)

MANAGEMENT OF STATE UNIVERSITY AND NORMAL SCHOOLS

3060, 3061—

See §§ [3066—]1 to [3066—]7.

3063-3066—

See §§ [3066—]1 to [3066—]7.

[3066—]1. **Comptroller for University—Bond—Compensation—**The board of regents of the state university is hereby authorized to appoint some suitable person to the office of "comptroller" for the university, which office is hereby created.

Such person shall hold office at the pleasure of the board of regents. Before entering upon the performance of his duties he shall give bond to the state in the sum of twenty thousand (\$20,000) dollars, conditioned for the faithful performance of his official duties. If a surety bond is given the cost thereof may be paid by the university from its appropriation for maintenance. The comptroller shall receive such compensation as shall be fixed by the board of regents, to be paid from the appropriations for maintenance of the university. ('17 c. 486 § 1)

Section 7 repeals inconsistent acts, etc.

[3066—]2. **Same—Duties—**The comptroller shall have charge, under the general direction and supervision of the board of regents, of all the business affairs of the university, including accounting, purchasing of materials and supplies, the business relations of the university with the board of control, the administration of the financial budget of the university and the care of the buildings and grounds of the university. ('17 c. 486 § 2)

[3066—]3. **Same—Chief accountant, purchasing agent, superintendent of buildings, etc.—Compensation—**The comptroller, subject to the approval of the board of regents, may employ a chief accountant, purchasing agent and superintendent of buildings and grounds and such other employes as may be necessary to the proper administration of the duties hereinbefore devolving upon him. Such employes shall receive such compensation, to be paid from the appropriations for the maintenance of the university, as shall be fixed by the board of regents. ('17 c. 486 § 3)

[3066—]4. **Same—Budget—**It shall be the duty of the comptroller on or before the first day of August in each year to formulate under the direction of the board of regents, a "budget" for the ensuing fiscal year. Such budget shall contain a detailed estimate of the funds which will be available for expenditure by the university for the next ensuing year and apportionment of such funds for expenditure to the various colleges, departments and divisions of the university. A copy of such budget, approved by the board of regents, shall be filed with the comptroller and a copy thereof to the state auditor. The comptroller shall not make or authorize any disbursement except as provided for in such budget, without the written consent and direction of the board of regents. ('17 c. 486 § 4)

[3066—]5. **Same—Payment of salaries, etc.—Duties of deans—**The payment of salaries and supplies shall be in conformity with the budget as approved by the board of regents and the method of procedure shall be in conformity with the system approved by the state auditor, state treasurer, attorney general and public examiner. The dean or other acting head of the college or department shall certify the list of departmental instructors and employes as provided for in the budget. It shall not be necessary that such list be signed or receipted by the persons named therein and to whom payments are to be made. ('17 c. 486 § 5)

[3066—]6. **Same—Duties of purchasing agent**—The purchasing agent hereinbefore provided for, shall have charge, under the general direction and supervision of the comptroller, of the purchase of all materials and supplies for the university and the several colleges and departments thereof, the purchase of which is not by law entrusted to any other board or officer. ('17 c. 486 § 6)

[3066—]7. **Same—Purchasing by state board of control**—Nothing in this act shall in any way repeal, modify or affect chapter 174, General Laws of Minnesota for 1917 [4033—1], being a bill for an act to provide for the purchasing by the state board of control of stationery, furniture, supplies and equipment for all the governmental departments of the state, not now under the financial and exclusive management of said board, and repealing all acts and parts of acts inconsistent herewith, approved April 10th, 1917. ('17 c. 486 § 8)

CHAPTER 15

RELIEF OF THE POOR

GENERAL PROVISIONS

3067. Support of poor—Liability of relatives—

A physician and a hospital may recover compensation for the reasonable value of medical services rendered to a dependent relative of defendant, where the services were immediately and imperatively necessary, though defendant had no knowledge of the rendition of the services at the time they were rendered (130-198, 153+307, L. R. A. 1915E, 844). Paupers, ⚡37(1).

Evidence held to sustain a finding that defendant's son, to whom plaintiff rendered medical and surgical services, was not a pauper or a poor person unable to earn a livelihood (132-370, 157+508). Paupers, ⚡37(2).

The general statutory system of providing for the poor does not curtail the power of the legislature to provide for the care of dependent children (§ 7197), or prevent enforcement of that provision (123-382, 143+984, 49 L. R. A. [N. S.] 597). Infants, ⚡12.

One relative of a pauper who furnishes support not as voluntary matter, may recover of the others by way of contribution (126-87, 147+824, Ann. Cas. 1915D, 241). Contribution, ⚡6.

3068. Failure to support—Recovery under town system—

126-87, 147+824, Ann. Cas. 1915D, 241; note under § 3067.

3069. Liability of county, town, etc.—

129-534, 152+1102; 126-87, 147+824, Ann. Cas. 1915D, 241; note under § 3067.

3071. Settlement—

This section does not change the rule that a woman who marries while she is a pauper changes her legal settlement and takes that of her husband (129-395, 152+767). Paupers, ⚡21(2).

What constitutes place of settlement of a poor person (126-512, 148+469). Paupers, ⚡16(1).

The question of the residence of a pauper held for the jury (127-527, 149+1070).

3072. Removal of poor person—Settlement—

A municipality, furnishing relief to a poor person having a settlement in another municipality, may recover therefor from the latter, where the latter, before the relief was afforded, disclaimed responsibility, though the pauper was not removed to the place of her settlement (131-41, 154+660). Paupers, ⚡39(5).

COUNTY SYSTEM

3075. County board, superintendents of poor—Poorhouse—

County commissioners, having the power to acquire land for a poor farm, had the right to ascertain and agree upon the boundary line and for the erection and maintenance of a partition fence (126-206, 148+115). Counties, ⚡113(1).

G. S. 1894 § 1956, cited—126-206, 148+115.